

# ARTICLE XI: TREE PRESERVATION, LANDSCAPING, SCREENING, BUFFERING AND FENCES

## SECTION 11.1: Intent and Purpose

### 11.1.1 Intent

The intent of this article is to establish regulations and minimum standards for: (a) the protection of existing valuable vegetation including protected and significant trees; (b) for installation, maintenance and protection of new landscaping on certain sites, (c) for buffering between different types of uses and around refuse and service areas; and (d) for installation of fencing.

### 11.1.2 Purpose

The purpose if this article is:

- A. To preserve the natural beauty and defend the ecological integrity of the City of Gautier;
- B. To conserve energy and to aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;
- C. To provide visual buffering and enhance the beautification of the city;
- D. To safeguard and enhance property values and to protect public and private investment;
- E. To provide a better transition between the various land use zones permitted by the city;
- F. To insure that the local stock of native and naturalized trees and vegetation is replenished;
- G. To protect the public health, safety and general welfare; and
- H. To preserve the existing natural landscape character and prohibit indiscriminate clearing or stripping of the natural vegetation.

## SECTION 11.2: Definitions

**ANNUAL PLANT:** Seasonal flowering plants that must be replaced after blooming.

**ARBOR:** A light open structure, self-supporting lattice framework, or closely planted trees and shrubs twined together.

**BERM:** A man-made or natural mound of earth that is molded into a landform as a landscaped feature. When berms are used for screening, buffering or any other purpose, they shall be constructed in such a manner as to prevent soil erosion and shall be completely covered with landscape material so that bare soil is not visible.

**CALIPER:** A horticultural method of measuring the diameter of nursery stock or trees. For trees less than four (4) inches in diameter, the measurement should be taken at six (6) inches above ground level. For trees greater than four (4) inches in diameter up to and including twelve (12) inches, the caliper measurement must be taken at twelve (12) inches above the ground level. For trees greater than twelve (12) inches in diameter, the trunk is measured at

breast height (diameter at breast height or DBH), which is four and one half (4.5) feet above the ground.

**CANOPY TREE:** Large deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

**COMMON GROUND:** (See Open Space)

**CROWN:** The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

**CROWN SPREAD:** The distance measured across the greatest diameter of the crown.

**DIAMETER AT BREAST HEIGHT (DBH):** the diameter of a tree trunk measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half feet (4½) feet, then the trunk is measured at its most narrow point beneath the split.

**DRIP LINE:** The outer perimeter of the crown or outer extent of limb growth of a tree or plant projected vertically to the ground.

**ENCROACHMENT BARRIER:** The protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

**EVERGREEN TREE:** Trees that have green foliage throughout all seasons of the year. Large evergreen trees mature to a height of at least twenty (20) feet tall.

**FENCE:** A wooden, masonry or metal barrier intended to mark a boundary, screen a view or prevent intrusion. All fences shall be able to withstand normal wear, function as a barrier and keep an attractive appearance, and shall be built in a sound workmanlike manner, with adequate footings and in compliance with the provisions of this Ordinance.

**FOUNDATION PLANTING:** Plant materials placed in close proximity to building base, located in planting beds arranged to complement the building elevations and visually connect the building to the landscape.

**GRASS, TURF:** Low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one growing season) shall qualify to satisfy the requirements of this Ordinance.

**GREEN SPACE:** That area that is reserved for the purpose of establishing lawns or landscape planting.

**GROUND COVER:** Low growing plants which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.

**HEDGE:** Shrubs planted in a continuous line which will block at least eighty (80) percent of a view in a maximum of two (2) growing seasons after installation.

**IRRIGATION SYSTEM:** The water supply system to support the landscaping which may be an underground sprinkler system or outlets for manual watering.

**ISLAND, PLANTING:** An area dedicated for landscaping in the interior parking lot of a development which is curbed. Landscaped islands divide continuous rows of parking spaces.

**LANDSCAPING (LANDSCAPE):** The placement of plants, trees, and landscape materials to enhance the appearance of a building or parking area, to provide scale to architectural

elements, to provide comfort for those persons who use such areas, or to screen from view undesirable sights. All landscaping shall be consistent with sound land conservation principles and be in accordance with the requirement of this article.

**LANDSCAPE ARCHITECT:** A person qualified and licensed as a landscape architect under the laws of the State of Mississippi.

**LANDSCAPED AREA:** The area within the boundaries of a given site which is devoted to and consists of plant and landscape material including but not limited to grass, trees, shrubs, flowers, water forms and/or vines but not including the use of smooth concrete or asphalt.

**LANDSCAPE MATERIAL:** Plant materials such as live trees, shrubs, groundcovers, grass, flowers, and native landscape material. Artificial plants do not qualify as landscape material.

**LANDSCAPING SERVICE:** An establishment which provides moving and plant maintenance off-site but which stores light equipment at the landscaping service business location.

**LAWN GRASS:** Lawn grass shall be planted in species normally grown as permanent lawns in Gautier. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

**OPAQUE LANDSCAPING OR BUFFERING:** Placement of trees, shrubs and possibly a wall which is non-transparent and obscures the view from the development onto adjacent property.

**OPEN SPACE:** A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

**OPEN SPACE, COMMON:** A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

**PALMS:** Single-trunk palms that are planted to meet the requirements of this article shall be planted in a ratio of three (3) single-trunk palms to one (1) tree under this article and with the exception of large species, they shall be planted in a cluster. Each palm shall have a minimum of five (5) feet of clear trunk at the time of installation.

**PARK:** Any public or private land which is predominately landscaped open space used principally for active or passive recreational, scenic or leisure activity.

**PARK, PRIVATE:** Land owned or controlled and used by private persons or groups of persons for active and/or passive recreational, scenic or leisure activity.

**PERENNIAL PLANT:** A plant whose root remains alive more than two (2) years.

**PROTECTED TREES:** (See Tree, Protected)

**REFUSE STORAGE:** Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to vehicular use areas.

**SCREENING:** Landscaping, berms, fences, walls, or any combination thereof, used to block or significantly obscure, in a continuous manner, the view from one area to another.

**SHADE TREE:** (See Canopy Tree).

**SHRUB:** Woody or semi-woody perennial plants which are customarily included in landscape designs to provide for lower scale buffering and visual interest.

**SIGNIFICANT TREE:** A healthy tree that is over forty (40) feet in height, excluding pine trees, or has a crown of over thirty (30) feet, or has a trunk diameter of ten (10) inches or greater at four (4) feet from the ground.

**SPECIAL PAVING:** Interlocking pavers, bricks or other suitable materials that are distinct from monolithic surfaces and call attention to entry areas, crosswalks, sidewalks and other pedestrian areas.

**TREE:** Any self-supporting, woody plant of a species with a single main trunk at least four (4) inches in diameter measured at DBH which normally grows to an overall height of at least fifteen (15) feet and normally develops an average mature spread of crown greater than fifteen (15) feet.

**TREE, PROTECTED:** Any Live Oak or Magnolia tree that is twenty-four (24) inches in circumference or ten (10) inches in diameter or greater measured at a DBH.

**TREE, PROTECTED ZONE:** The entire City of Gautier is a tree protected zone.

**TREE BOARD:** The board appointed by the City to serve in an advisory capacity and which makes decisions on appeals of decisions made by administrative officials regarding the preservation of existing trees on private property.

**TREE SIZE:** The following definitions apply to tree sizes:

- A. Large tree: Average height > 50 feet at maturity
- B. Medium tree: Average height 30--50 feet at maturity
- C. Small tree: Average height < 30 feet at maturity

**UNDERSTORY TREE:** Trees with a mature height of ten (10) feet to thirty (30) feet which for the purpose of this ordinance may be an evergreen or a deciduous variety.

**VINES:** Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

**WALL:** An enclosing structure made of brick, stone or other permanent material intended to mark a boundary, screen a view, or prevent intrusion.

## **SECTION 11.3: Applicability**

### **11.3.1 Tree Protection Provisions**

The regulations of this article pertaining to tree protection shall apply to all real property within the City limits now and in the future and more specifically:

- A. Any and all property on which clearing, development or cutting of trees is proposed
- B. Any and all property on which new or redevelopment development is proposed

### **11.3.2 All other Provisions of this Article**

The regulations of this Article pertaining to landscaping, buffering, fencing and related provisions shall apply to

- A. All new structures, sites and/or vehicular use areas within the city.
- B. Expansion of existing structure if the expansion is five (5) percent or more of the total existing building floor area or is 250 square feet or larger or if the remodeling to the existing building will increase the value of the property to one hundred twenty-five (125) percent of the current valuation
- C. All parking spaces added to an existing parking lot or facility shall comply with the landscaping, buffering, maintenance and fencing provisions of this article
- D. If the proposed expansion or reworking of the parking facility is in conjunction with the remodeling or expansion of an existing structure or building on site which exceeds No. 11.4.2 (B) above, or if the expansion of the parking lot exceeds ten (10) percent of the existing number of spaces; the entire parking lot shall be brought into conformance with the landscaping, buffering, maintenance and fencing provisions of this Article.

### **11.3.3 Exemptions**

- A. Individual lots on which detached single family residences are located are exempt from the landscaping requirements.
- B. Permit Procedures for the removal of trees may be waived by the Mayor and City Council in the case of certain emergencies, such as windstorms or other disasters, so that efforts to restore order to the City will not be hampered.

## **SECTION 11.4: Prohibited Acts**

It shall be unlawful for any person to:

- A. Cut or remove any protected tree or its roots without prior approval
- B. Disfigure, mutilate, injure, or destroy any portion of a protected tree
- C. Pave with concrete, asphalt, or other impervious material within five (5) feet of the dripline of a protected tree
- D. Grade, trench, dig, or perform construction work (including storage of equipment or materials) within the drip line of a protected tree
- E. Compromise the any of the area within the dripline of an existing protected tree by adding dirt or compaction of the soil

- F. Paint or put harmful chemicals or other harmful foreign substances on the soil around the tree trunk
- G. Fail to adequately protect trees in accordance with Section 11.5
- H. Build a vehicular access area or parking lot or expand such facilities without submittal and approval of a landscaping plan.

## **SECTION 11.5: Tree Preservation and Protection**

### **11.5.1 Trees to be Preserved and Protected (Significant and Protected)**

Trees of a certain size and statute are considered “significant and/or protected trees” and shall be preserved until such time as approval is obtained from the City of Gautier to alter or remove such trees. Unless otherwise authorized, the entire tree and the area within the dripline of an existing protected tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade.

- A. At least fifteen (15) percent of the existing significant trees on the site, exclusive of the required perimeter landscape area shall be preserved as a part of new development or lot clearing.
- B. All significant trees in the required perimeter landscaping area that will not constitute a safety hazard in the opinion of the ED Director shall be preserved.
- C. Portions of the site that are to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement, except for the protected trees as defined in the Ordinance.

### **11.5.2 Methods of Tree Protection during Development Activity**

- A. Prior to commencement of development activity, all trees designated as protected trees including significant trees which are located in the area of development activity shall be indicated on a location map or the site plan and approved by the Economic Development Director.
- B. During development activity, the area under the drip line of any tree to remain on site shall be protected from activities that may injure the tree. Such activities include, but are not limited to, cut and fill activities, building slab and foundation placements, road bed construction, temporary parking of vehicles and storage of construction materials.
- C. The applicant shall erect protective barriers around protected and significant trees as follows:
  1. Protective barriers shall be installed around each protected tree or group of protected trees that are designated for protection.
  2. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.
  3. Protective barriers shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed.
  4. Protective barriers shall be installed at least one (1) foot from the drip line or one (1) foot from the trunk of the tree for each one (1) inch of tree caliper.

- D. Where compaction might occur due to traffic or materials storage, the tree protection zone must first be mulched with a minimum four (4) inch layer of processed pine bark or wood chips or a six (6) inch layer of pine straw.
- E. Where the ED Director determines that irreparable damage has occurred to a tree within a tree protection zone, the tree shall be removed and replaced and protective fencing installed as provided in *Section 11.5.2*.

**11.5.3 Permit Required for Tree Removal**

In accordance with the procedures in *Article IV, Section 4.8: Tree Removal Permit*, a Tree Removal Permit shall be issued by the ED Director prior to issuance of a building permit, if the site proposed for development contains trees. Preservation of native trees including, but not limited to oaks, magnolia, cedar, elms, and pecan shall take priority in determination of trees to be preserved.

**11.5.4 Replacement of Specimen Trees**

In the event trees have already been removed prior to the issuance of a tree removal permit, the number of trees on the schedule shall be doubled. Table No. 23 shows the normal replacement number of trees required.

| <b>Table No: 23 Schedule for Replacement of Specimen Trees</b> |                                |                      |  |
|--|--------------------------------|----------------------|--|
| <b>Diameter of Tree Removed</b>                                | <b>Minimum Number of Trees</b> | <b>Height (Feet)</b> | <b>Diameter (As Measured After Planting)</b> |
| 61--72"  | 10                             | 12                   | 2"   |
| 49--60"  | 9                              | 12                   | 2"   |
| 43--48"  | 8                              | 12                   | 2"   |
| 37--42"  | 7                              | 12                   | 2"   |
| 31--36"  | 6                              | 10                   | 2"   |
| 25--30"  | 5                              | 10                   | 2"   |
| 19--24"  | 4                              | 10                   | 2"   |
| 13--18"  | 3                              | 7                    | 1"   |
| 7--12"   | 2                              | 7                    | 1"   |
| 4--6"  | 1                              | 7                    | 1"   |

### 11.5.5 Relocation of Trees

Existing trees may be relocated with the permission of the ED Director subject to the following requirements:

- A. Trees to be relocated shall be removed with a root ball sized in proportion to their calipers. Root balls shall be twelve (12) inches in diameter for each one (1) inch of tree caliper. Trees four (4) inches in caliper and smaller are to be measured six (6) inches from the ground. Trees (4) four inches to eight (8) inches caliper are measured twelve (12) inches from the ground, and trees eight (8) inches caliper or larger are measured at breast height.
- B. Trees which are to be relocated in areas which do not require grading are to be placed directly into their new location. Trees to be relocated in areas which will have site work, shall have tree barriers put in place in accordance with *Section 11.5.2*.
- C. Trees to be planted offsite in full leaf shall be covered entirely with a protective cloth covering prior to transporting. Trees to be planed on site do not require a covering.
- D. Trees which are to be relocated in areas to be graded are to be stockpiled. Stockpiled trees shall be well heeled in and protected from excessive wind and sun. The contractor shall provide water to maintain a healthy condition.

## SECTION 11.6: Landscaping Requirements

The installation of landscaping of building sites and vehicular use areas is required for any new or redeveloped development site with the exception of individual lots for single family residential uses.

### 11.6.1 General Requirements for All Developments

#### A. Preservation and Credit for Existing Trees.

1. At least fifteen (15) percent of the existing significant trees must be retained. Preservation of existing live natural trees between the principal building and the public street right-of-way may be credited towards the landscaping requirements of this Ordinance in accordance with Table No. 24. To be included in the computation for credit for preserved trees, each preserved tree must be at least twelve (12) inches in caliper; however, any existing tree less than twelve (12) inches in caliper, but meeting the minimum planting size requirements of this Ordinance, may be credited for one (1) required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to insure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.
2. No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle, which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and such replacement plantings shall meet the requirements of this Ordinance.
3. In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one (1) natural tree.

| <b>Table No.24: Credit for Existing Trees</b> |                                 |
|---|---------------------------------|
| <b>Diameter of Existing Tree</b>              | <b>Number of Trees Credited</b> |
| 36" or greater                                | 7                               |
| 30--35"                                       | 6                               |
| 26--29"                                       | 5                               |
| 20--25"                                       | 4                               |
| 13--19"                                       | 3                               |
| 9--12"  | 2                               |
| 4--8"   | 1                               |

**B. Design of Landscaped Areas—Trees**

**1. Minimum Caliper and Height**

- a. Deciduous trees shall have a minimum caliper of one (1) inch and a minimum height of eight (8) feet at the time of planting.
- b. Evergreen trees shall be a minimum of six (6) feet at the time of planting.

**2. Distance from Curbs, paving edge or sidewalk**

The minimum distance from curbs, paving or sidewalks for trees shall be as follows:

- a. Large trees—Eight (8) feet
- b. Medium trees—Five (5) feet
- c. Small trees—Three (3) feet

**3. Distance from Street Corners and fireplugs**

No tree may be planted within thirty-five (35) feet of any street corner or within ten (10) feet of any fireplug.

**4. Distance from Utilities**

No large or medium tree shall be planted under or within twenty (20) lateral feet of any overhead utility electric wire or within ten (10) lateral feet of any underground water, sewer or transmission line or any other type of utility line.

**5. Native Species and Variety of Species**

- a. At least fifty (50) percent of trees shall be of a variety native to the Mississippi Gulf Coast area.
- b. No less than fifty (50) percent of required trees shall be canopy trees.
- c. When more than twenty (20) trees are required on a site to meet these regulations, a variety of species shall be provided. The variety of trees shall be in accordance with Table No. 25.

| <b>Table No.25: Minimum Tree Species Required</b> |                                 |
|---|---------------------------------|
| <b>Required Number of Trees</b>                   | <b>Minimum Species required</b> |
| 20-30   | 4                               |
| 31-60   | 6                               |
| 61-100  | 8                               |
| 101-200   | 10                              |
| More than 200                                     | 15                              |

**C. Design of Landscaped Areas—Shrubs**

1. Upright shrubs shall be a minimum of two (2) feet in height and spreading shrubs shall be a minimum of sixteen (16) inches in height at the time of planting.
2. At least seventy-five (75) percent of required shrubs shall be evergreen unless otherwise noted in specific sections.

**D. Perennial or Annual Flowers**

The planting of perennial or annual flowers is encouraged as accent plantings for all landscaped areas and especially those areas adjacent to the street. Flowers shall be planted in season and dead or out-of-season plants shall be replaced on a regular basis.

**11.6.2 Commercial, Industrial and Mixed Use Development**

**A. Total Landscaped Area Requirement**

All commercial, industrial and mixed-use developments and/or buildings shall have a minimum of twenty (20) percent of the total available area dedicated to landscaping. The total available area shall be calculated by subtracting the land area covered by buildings from the total land area of the site and then multiplying this difference by twenty (20) percent. The landscaped areas shall not be encroachable by vehicles except for approved access ways. The following may contribute toward the required twenty (20) percent:

1. Areas with protected existing trees provided they meet the twenty-five (25) square foot requirement
2. Required front yard landscaping
3. Landscaped perimeters of parking areas
4. Landscaping islands within parking areas
5. Any additional landscaped areas which are a minimum of twenty-five (25) square feet and are not a part of the required front yard landscaping, parking area interior, perimeter landscaped areas or landscaped divider medians may contribute toward the required twenty (20) percent requirement.

**B. Perimeter Landscaping**

1. A landscaped area shall be required along the perimeter of the property line which shall be a minimum of ten (10) feet in width along the front property line and five (5) feet along sides and rear property line. The width of sidewalks shall not count toward the front perimeter landscape requirement.
2. One tree is required for every thirty (30) feet linear feet of the property line perimeter. Species of trees shall be in proportion to the number of trees planted in accordance with Table No. 25.
3. The remainder of the perimeter landscaped area shall be landscaped with lawn grass, ground cover and if desired, areas for planting of perennial or annual plants.

4. Such areas may also contain shrubs required for landscaping around the perimeter of parking areas as described in (c) below.

**C. Shrubs around Parking Areas**

Shrubs shall be placed around the perimeter of parking areas in such a manner as to screen the vehicular area from adjacent properties and/or from public streets. A minimum height of three (3) feet is desired for plantings; however, plantings shall not cause visibility problems for the safe movement of traffic on or adjacent to the site.

**D. Landscaping along the Front or Side of Buildings**

A landscaped area of not less than four (4) feet in width is required along the front of all buildings except for those which are designed as a part of a traditional development where commercial buildings are immediately adjacent to sidewalks and service stations or convenience stores.

Service Stations and Convenience stores shall provide a landscaping area of not less than three (3) feet in width along the sides of the building in addition to required Perimeter Landscaping.

**E. Interior Vehicular Use Areas**

Landscaping is required the interior of parking lots and shall be evenly distributed to create a canopy effect and to divide and break up expanses of paving and long rows of parking spaces according the following standards:

1. All rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways and provide space for landscaping. Each island shall be a minimum of seventy (70) square feet, with the smallest dimension to be no less than seven (7) feet. A terminal island for a single row of parking spaces shall be planted with at least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) canopy/shade trees. Each terminal island shall be one hundred (100) percent landscaped with trees, evergreen shrubs, ground cover or turf grass and if desired annual flowers for accent. Gravel, sand and pavement are not permitted in landscaped terminal islands.
2. If more than twelve (12) consecutive spaces are required in one (1) row; landscaped islands shall be located every twelve (12) spaces. The size of each island shall be a minimum of twenty-five (25) square feet with the minimum smallest dimension of seven (7) feet. A minimum of one (1) tree is required for each island and the remainder shall be landscaped with turf grass or ground cover and shrubs. Annual flowers may be used for accent, if desired. Gravel, sand and pavement are not permitted in landscaped islands.
3. Divider medians that form a continuous landscaped strip are required for parking areas that contain ten (10) or more vehicular parking aisles and shall be installed every fifth (5<sup>th</sup>) row. The minimum width of a divider median shall be eight (8) feet if wheel stops or raised curbs prevent vehicle overhang of the median. Divider medians shall contain a minimum of one (1) canopy tree spaced on center every thirty (30) linear feet combined with shrubs and ground cover.

4. If a sidewalk is required in accordance with *Article VII*. The minimum width of the divider median shall be twelve (12) feet with a four (4) foot sidewalk in addition to the planting area.

**F. Unoccupied Areas to be Landscaped**

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees and/or shrubbery.

**G. Use of Landscaped Areas**

No required landscaped area shall be used for accessory structures, garbage or trash collection, parking, or any other use not specifically allowed by this Ordinance.

**11.6.3 General Requirements for All Types of Residential Development**

**A. Landscaped Entrance**

A landscaped area of not less than fifteen (15) feet shall be required at the entrances of all residential subdivisions which shall be landscaped with a combination of trees, shrubs, grass and groundcovers in conjunction with any existing mature trees which have been preserved.

**B. Perimeter of Development**

One (1) tree shall be planted for every thirty (30) feet of linear feet of green space along the property lines of all residential subdivisions except when a landscaped buffer yard is required.

**11.6.4 Additional Requirements for Multi-Family Developments**

**A. Green Area Between Buildings and Parking Areas**

A landscaped area of no less than ten (10) feet in width shall be required between the building and any and all parking areas except sidewalks providing access to building entrances and exits.

**B. Foundation Plantings**

All buildings shall be fully landscaped with shrubs around the foundation.

**C. Parking Lots**

Parking Lots shall conform to the requirements of *Section 11.6.2 (E)*.

**D. Service Areas**

Service areas shall be screened.

**E. Parks, Common areas and areas between buildings**

Parks, common areas and areas between building shall be landscaped with trees and grass.

## **SECTION 11.7: Transitional Landscaped Buffer Yards**

### **11.7.1 Intent**

This section requires landscaped buffers to be provided and maintained when incompatible land uses are being developed or expanded adjacent to one another. The purpose of the transitional landscaped buffer yard is to mitigate potential nuisances such as noise, glare, signs, unsightly buildings, parking areas or other areas of a site. When required, transitional landscaped buffer yards are in addition to other required landscaping and in addition to the required setbacks for buildings.

### **11.7.2 Expansion of an Existing Structure**

Expansion of existing structures which are included in a category or zoning classification which requires landscaped buffers will require the installation of a buffer yard.

### **11.7.3 Location and Maintenance of Buffer Yards**

Landscaped buffers are placed on the perimeter of the side and/or rear of the developing property. Such areas are considered permanent and may not be removed or developed unless the incompatible land uses change and the City grants permission for removal of the buffered area. If underground utilities need to be located along the property line where a buffer is required, the utility lines shall be located along the edge of the buffer.

### **11.7.4 Responsible Party**

One hundred (100) percent of the applicable buffer requirements shall be the responsibility of the developing land use(s).

### **11.7.5 Determination of Buffer Requirements**

To determine the type of buffer required between two adjacent parcels, the following procedure shall be followed:

- A.** Identify the zoning classification and use of subject property.
- B.** Identify the zoning classification and use of the adjacent property.
- C.** Determine the buffer yard requirements, if any, by referring to Table No. 26.

### **11.7.6 Location and Dimension of Transitional Landscape Buffer Yards**

#### **A. Difference between Required Open Space and Transitional Landscape Buffer Yards**

Certain zoning districts and types of uses require an unoccupied open space along the side, rear and/or perimeter of the property with a width or portion of that open space along the outside perimeter to be a transitional buffer yard planted with trees shrubs and grass as specified in this section. The Open Space requirements are found in the specific zoning district requirements or regulations pertaining to that specific use.

#### **B. Widths of Yard Required**

The widths of transitional landscaped buffer yards required are shown in Table No. 26 below.

**Table No. 26: Width of Transitional Landscape Buffer Yard Required**

| Proposed Use                   | Fence* | Abutting Use or Zoning and Required Buffer Width (feet) |              |                 |                        |                            |            |      |
|--------------------------------|--------|---|--------------|-----------------|------------------------|----------------------------|------------|------|
|                                |        | Single Family, 2-Family or TH Comm.                     | Multi-Family | RV or Fish Camp | Mobile Home Park or SD | Any Use in Zoning District |            |      |
|                                |        |   |              |                 |                        | C-1                        | C-2 or C-3 | Ind. |
| Rear of reverse frontage lots+ | Yes    |   |              |                 |                        |                            |            |      |
| 2-Family                       | NR     | 10  | 10           | 10              | 10                     | 10                         | 10         | 10   |
| Townhouse Community            | OPT    | 10  | 10           | 10              | 10                     | 10                         | 10         | 10   |
| Multifamily                    | 15     | 15  | 15           | 15              | 15                     | 15                         | 15         | 15   |
| RV Park                        | OPT    | 20  | 20           | --              | 20                     | 20                         | 20         | 20   |
| Fish Camp or Commercial Marina | NR     | 15 for Single Family use, all others 20                 |              | 15              | 15                     | 15                         | 15         | 15   |
| Mobile Home Park or SD         | OPT    | 10  | 10           | 10              |                        | 10                         | 10         | 10   |
| C-1 Zoning                     | Opt    | 10  | 10           | 10              | 10                     | --                         | 10         | 10   |
| C-2 Zoning                     | Opt    | 10  | 10           | 10              | 10                     | 10                         | --         | --   |
| C-3 Zoning                     | Opt    | 15  | 15           | 15              | 15                     | --                         | --         | --   |
| Industrial Zoning              | Opt    | 30  | 20           | 20              | 20                     | 20                         | 20         | --   |

+When backing up to main thoroughfare.  
 \*Fence: NR-Not Required, Opt—May be used as an option along with landscaping

**C. Partial Buffering Required**

The following situations require buffering around specific areas of the lot:

1. Ancillary Parking Lots shall be screened with a ten (10) foot wide buffer along any portion of the parking lot that adjoins residential or mixed use property. In some instances a wall may be required by the Technical Review Committee.
2. Back and Side Yard Play areas for Residential Day Care facilities shall be fenced with a six (6) foot wooden fence. Shrubs and trees may be added to help screen noise from adjoining property.
3. Outdoor Eating Areas for coffee shops, restaurants and similar uses when adjacent to residential uses shall be fenced and have a five (5) foot wide landscaped buffer area.

4. Parking Areas for Bed and Breakfast Inns or Boarding Houses shall have a six (6) foot wooden fence or a five (5) foot wide landscaped buffer area.
5. Ground mounted satellite dish antennas shall be screened from the street and from any adjacent residentially zoned property by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.
6. Areas where wrecked cars are stored temporary such as a Wrecker or Towing Service shall required a six (6) foot wooden fence and a five (5) foot buffer area on the outside of the fence.

**D. Uses not specified**

The ED Director shall have the authority to require a landscaped buffer area for uses not listed above if there is a potential of a nuisance which could be mitigated by using a transitional landscaped buffer. The width and type of buffering required shall be determined by looking at the most similar use stipulated Table No. 26.

**11.7.7 Design Standards for Transitional Buffer Yards**

The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the adjoining property. Plants shall be spaced to cover the entire buffer area.

**A Five-Foot Wide Buffers shall consist of:**

1. A double staggered row of evergreen shrubs spaced ten (10) feet on center with overlapping coverage **plus** a six (6) foot fence, **or**
2. A continuous three gallon row hedge spaced three (3) feet on center at least twenty-five (25) inches in height at the time of planting and attaining a minimum of three (3) feet height within one (1) year; **or**
3. Three (3) canopy trees planted an average of thirty (30) feet on center; **plus** two (2) evergreen trees; plus ten (10) shrubs planted per every one hundred (100) feet.

**B. Ten-Foot (10) Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species which will create visual interest and diversity.

1. For every one hundred (100) feet: Six (6) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus; three (3) medium evergreen trees **and**
2. Ten (10) shrubs including seven (7) evergreen shrubs.

**C. Fifteen-Foot (15) Wide Buffers shall consist of** a mixture of a mixture of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Twelve (12) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus five (5) medium evergreen trees **and**
2. Ten (10) shrubs including seven (7) evergreen shrubs.

**D. Twenty-Foot (20) Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Thirteen (13) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus six (6) medium evergreen trees, **plus**
2. Twelve (12) shrubs including ten (10) evergreen shrubs.

**E. Thirty-Foot (30) Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely opaque visual buffer.

1. For every one hundred (100) feet: Twenty-four (24) trees shall be planted consisting of four (4) canopy trees planted an average of twenty (25) feet on center; **plus** ten (10) understory or ornamental trees; plus ten (10) medium evergreen trees, **plus**
2. Thirty (30) shrubs including fifteen (15) evergreen shrubs.
3. A wooden fence with a minimum height of six (6) feet may be required in accordance with the use being developed.

**F. Variations in 20 – 40 foot Buffer Width**

Buffer width shall normally be calculated as perpendicular to the property line; however, design variations may be allowed and shall be calculated based on the average width of the buffer per one hundred (100) feet or portion thereof. In no case shall the width of the buffer be less than one-half (1/2) the required width.

**G. Existing Vegetation to be Utilized**

To very extent possible, existing trees, vegetation and unique site features shall be retained and incorporated into the required buffer area along with the newly planted material which is required.

## **SECTION 11.8: Screening Around Loading Areas, Mechanical Equipment and Dumpsters**

Screening of certain facilities and areas on development sites is intended to provide one-hundred (100) percent opaque thereby completely screening potentially unsightly places.

### **A. Loading and Service Areas**

All loading and service areas not screened by an intervening building shall be screened from view from any public street right-of-way for their entire length, except for industrial uses and necessary access. Screening for loading and service areas shall be accomplished by a closed fence or wall which is at least six (6) feet high and is made of the same or compatible materials, in terms of texture and quality, with the material and color of the principal building; along with additional natural evergreens, shrubs or trees so that no more than two-thirds ( $2/3$ ) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.

### **B. Dumpsters and Refuse Areas**

All refuse areas with receptacles (dumpsters) shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence at least six (6) feet high and by natural plants or trees of equal minimum height, so planted as to provide maximum opacity. No refuse receptacle shall be located in the public right-of-way.

## **SECTION 11.9: Installation, Irrigation, Maintenance and Protection**

### **11.9.1 Installation.**

All landscaping shall be installed in accordance with "Standards of the American Nurseryman Association's" planting practices.

- A.** All landscaped areas shall have an irrigation system or readily available water outlets. All landscaped areas shall have sufficient drainage to allow for normal, healthy growth of the plant species.
- B.** All trees shall be properly guyed or staked and mulched (3-4 inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.

### **11.9.2 Irrigation**

#### **A. Type Required**

All required landscaping shall be irrigated with an automatic irrigation system except required landscaping within the interior of a parking area, common ground or open space areas and sites with less than fifty (50) square feet of landscaping which may provide access to water outlets for manual watering of plants in lieu of a automatic irrigation system.

#### **B. Specifications**

Specifications of fully automated irrigation systems are as follows:

- 1.** Automatic controllers shall be screened from view, locked and not easily assessable to pedestrian traffic.
- 2.** Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.
- 3.** Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch (1/2) from the edge of curbs and walks and six (6) inches from architectural structures.

### **11.9.3 Maintenance**

The owner of the property shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. Dead or severely damaged or diseased plants or plant material shall be replaced within the appropriate planting season of the species.

Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight visibility triangle, provided that the location of the tree itself does not create a traffic hazard.

Irrigation systems shall be maintained in proper working condition as part of a regular maintenance program.

### **11.9.4 Protection**

All required landscape areas shall be protected from vehicular encroachment by the use of wheel stops, curbing, or other suitable methods that are not otherwise prohibited. It shall be unlawful for any person to attach to any tree on any public property any rope, chain, sign, or any other device, except for the purpose of protecting the tree or the public.

## **SECTION 11.10: Reduced Parking Bonus**

If the proposed landscape plan incorporates the retention of significant trees above as required by this Article, the ED Director may approve a reduction of up to ten (10) percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development.

## **SECTION 11.11: Fences, Walls and Hedges**

### **11.11.1 General Requirements for Fences, Walls and Hedges**

- A.** Fences, walls and hedges shall not impede or divert the flow of storm water.
- B.** Walls, fences and hedges shall not block access to any above ground, pad mounted transformer, and shall provide a minimum clear access to the transformer door as required by the utility company.
- C.** Any solid wall or fence except for those around individual residential lots shall avoid a stockade appearance by using columns and/or offsetting sections of the fence or wall. Fences or walls over sixty (60) feet in distance around subdivisions, commercial or industrial uses shall have offset sections every thirty (30) feet to avoid fencing along a continuous line. Alternating sections shall be offset a minimum of six (6) feet with trees or evergreen shrubs planted within the offset area.

### **11.11.2 Residential Districts**

Fences, walls and hedges may be permitted to enclose portions of residential yards in accordance with the following requirements:

- A.** All fences and walls shall be constructed of materials expressly designed for fences.
- B.** Masonry walls, brick, stone, wrought iron or combinations thereof are limited to the perimeter of subdivisions unless approved in conjunction with the overall master plan of the subdivision.
- C.** Barbed wire, razor wire, spiked posts of similar fencing is prohibited.
- D.** Rear yard fencing and/or hedges shall not exceed eight (8) feet in height and shall not extend beyond the front building setback.
- E.** On corner lots, back yard fencing must be positioned in such a way as to not intrude on the required sight visibility triangle.
- F.** Fences and/or hedges not to exceed four (4) feet in height are permitted between side property lines provided they do not extend beyond a point ten (10) feet from the street right-of-way and do not intrude on the required sight visibility triangle.

### **11.11.3 Commercial and Industrial Uses**

Fencing around commercial and industrial uses shall be prohibited except for required screening, buffering requirements.

## 11.12 Clear Visibility Triangle

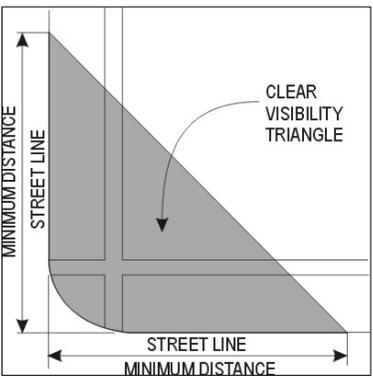
When any public right of way or private driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained that obstructs view at a level between three (3) feet and ten (10) feet above the street grade and within the sight visibility triangles as defined in A and B below. Unobstructed cross-visibility shall be provided within the clear visibility triangle. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the unobstructed cross-visibility area shall be allowed provided they do not create a traffic hazard. Minimum Clear Visibility Triangle Distances are shown in Table No. 27.

### A. Corner Lots

On a lot at the corner of two (2) public streets or a public street and a private street, the sight visibility triangle shall be formed by the intersecting street lines and a straight line joining the street lines at points which are the following minimum distances from the point of intersection.

### B. Driveways and other Access ways

For an access way other than a public or private street, the clear visibility triangle shall be formed by the intersecting lines of the accessway or driveway and the public or private street and a straight line joining those two (2) lines at points which are fifteen (15) feet distant from the point of intersection. This distance shall be on both sides of the subject property.

| Table No. 27: Clear Visibility Triangle Distance Requirements                       |                       |                         |
|---|-----------------------|-------------------------|
|  | Street Classification | Minimum Distance (feet) |
|   | Alley or Driveway     | 15                      |
|   | Local Street          | 30                      |
|   | Collector             | 60                      |
|   | Arterial              | 120                     |