

Conceptual Amendments to Section 5.20 Landscaping, Screening, and Buffering
regarding Conflicting Land Use Buffers

April 19, 2023

5.20 Landscaping, Screening, and Buffering

5.20.1 Purpose

This section is intended to:

- A. Improve the appearance of off-street Vehicular Use Areas, property abutting Public Rights-of-Way, private streets, and certain shared Driveways within easements, thereby reducing conditions which lead to urban blight.
- B. Require buffering between conflicting land uses and conflicting zoning districts.
- C. Promote the public health, safety and general welfare by reducing noise and air pollution, Glare, soil Erosion, and thermal heating of the environment.
- D. Reduce the negative impacts of stormwater runoff by reducing Impervious Surface area and retaining greater amounts of stormwater on site.
- E. Improve the quality and safety of pedestrian movement within paved areas and along Public Rights-of-Way.
- F. Protect and preserve the appearance, character and value of the surrounding neighborhoods and Parks.
- G. Promote preservation of existing significant vegetation, the use of non-invasive plant species, and the selection of plant species based on Site conditions including soil type, light exposure, presence of utilities, and salt tolerance.

5.20.2 Applicability

The provisions of this chapter shall require landscaping and screening on the Site in the following cases:

- A. Whenever a site plan is required by this chapter; or
- B. Whenever the estimated expense of construction exceeds 50% of the appraised replacement cost of the entire Building or Structure, exclusive of

foundation, prior to its improvement (as determined by the Building Official); or

- C. Whenever a shared Driveway is provided within an easement in accordance with this chapter.

5.20.3 Vehicular Use Area Landscaping, ~~and Screening,~~ and Buffering

Vehicular Use Areas shall have the following landscaping, ~~and screening,~~ and buffering:

- A. Right-of-Way Screening

Vehicular Use Areas that are visible from a Public Right-of-Way shall include the following between the Vehicular Use Area and the Right-of-Way. This section applies to public Alleys only when the public Alley separates a residential use or zone from a Vehicular Use Area.

- 1. Minimum Width

A landscaped buffer strip must be at least ten feet in width. If there is an existing Building or Vehicular Use Area located within the required ten-foot landscape buffer strip, the landscape buffer strip may have an average of ten feet in width over the entire length of the required buffer area, with no specific location along the buffer being less than five feet in width.

- 2. Plantings

One deciduous shade or evergreen tree must be installed in the landscape buffer area for every 30 feet or fraction thereof of Public Right-of-Way Street Frontage of the Vehicular Use Area. Arrangement of trees in clusters or groupings is encouraged, but trees shall not be spaced more than 50 feet apart on center.

- 3. Continuous Screening

A hedge, dense shrub planting, landform berm, wall or combination of those features forming a continuous screen at least 30 inches in height above the Vehicular Use Area grade, is required in the buffer strip area to provide maximum screening of the Vehicular Use Area. Arrangement of shrubs in clusters or groupings is encouraged. If a wall is used, it shall be set back at least four feet from the Lot Line with one 30-inch high shrub provided for every four lineal feet, planted on the street side of the wall.

B. Interior Landscape Islands

Vehicular Use Areas greater than 3,300 square feet shall contain protected landscape islands located entirely within the perimeters of the Vehicular Use Area, for the purpose of breaking up the expanse of pavement. Multiple-level Parking Structures are not required to have interior landscape islands but shall comply with all of the other requirements of this chapter.

The following landscape island requirements shall be met:

1. Within the interior of the Vehicular Use Area, landscape islands shall be provided to meet or exceed the ratios shown in Table 5.20-1:

VEHICULAR USE AREA	LANDSCAPE AREA/VEHICULAR USE AREA RATIO
3,300--49,999 square feet	1:20 square feet
50,000--149,999 square feet	1:15 square feet
150,000 square feet and over	1:10 square feet

2. To meet the requirements of this section, each interior landscape island shall have at least 165 square feet in area, a minimum dimension of eight feet in any direction, and shall include at least one deciduous shade tree. Combining landscape islands to form larger landscaped areas is encouraged.
3. Any landscaped area located outside the perimeter of the Vehicular Use Area will not count toward satisfying this requirement. Landscaped areas within the corners of the Vehicular Use Area may be counted, up to a maximum of 200 square feet for each corner, if at least one deciduous shade tree is located within that area. A minimum of 50% of the perimeter of the landscape corner must abut the Vehicular Use Area to be considered an interior landscape island.
4. A maximum of 15 Parking Spaces are allowed in a parking row without a landscape island break. If landscape islands have been combined to form larger landscaped areas and are used for Bioretention then 20 continuous Parking Spaces will be permitted.
5. The total number of trees required in the interior landscaped island shall be calculated and provided at a rate of one deciduous shade tree for each 250 square feet or fraction of 250 square feet of required interior landscaped island.

6. Additional credit toward required interior trees may be obtained for existing trees that measure a minimum of eight inches in Diameter at Breast Height (DBH) that are preserved within the Vehicular Use Area or within 15 feet of and on the same parcel as the Vehicular Use Area. Each eight inches or fraction of eight inches of DBH of any healthy existing tree that is preserved may be deemed equivalent to one required interior island tree. Up to 50% of the requirements of Subsection 5 may be satisfied by preserving existing trees which meet the standards of this subsection. Additional credit allowed by this subsection is in addition to the credit allowed for existing vegetation used to meet the requirements of Section 5.20.7L.
7. When the total area required in interior landscape islands for all of the Vehicular Use Areas on Site exceeds 750 square feet, at least 50% of the area in the required interior landscape area must be depressed Bioretention areas and utilized for stormwater management. Depressed Bioretention areas can be used to meet the stormwater pretreatment requirements in Section 5.22 . When the total area required in interior landscape islands for all of the Vehicular Use Areas on Site is less than 750 square feet, interior landscape islands in the form of depressed Bioretention areas that are utilized for stormwater management are encouraged.
8. Provision shall be made for snow pile storage locations such that they do not damage required plantings nor diminish required parking capacity.

C. Conflicting Use Buffer

When a Vehicular Use Area is adjacent to a public park or a residential zoning district a conflicting use buffer shall be required as follows:

1. Buffer Width

15 feet minimum, which may be reduced to match the minimum side required setback in R districts, and also may be reduced to 8 feet when existing buildings or vehicular use area would encroach provided that the average buffer width remains 15 feet.

2. Plantings

One tree for every 15 feet of buffer length or fraction thereof shall be required. At least 50% of the trees must be evergreens.

3. Continuous Screen

A hedge, wall or fence, or combination of those, at minimum of four feet high, shall be required to form a continuous, opaque screen.

5.20.4 Conflicting Land Use Buffers

- A. Conflicting land use buffer shall be provided under the following conditions:
1. ~~A Vehicular Use Area adjacent to a public park or land principally used or zoned for residential purposes.~~
 2. ~~A refuse/recycling container adjacent to a public park or land principally used or zoned for residential purposes.~~
 3. The portion of a parcel zoned O, RE, ORL, C, or M abutting a public park or parcel ~~principally used or~~ zoned for residential purposes.
 4. The portion of a parcel zoned R3 or R4 adjacent to a parcel ~~principally used or~~ zoned for residential purposes.
 5. The portion of a parcel zoned TC abutting a Residential Zoning District or the PL district.
- B. The conflicting land use buffer shall consist of the following:
1. Width
A landscaped buffer strip must be at least 15 feet wide. If there is an existing Building or Vehicular Use Area located within the required 15 foot landscape buffer strip, the landscape buffer strip may have an average of 15 feet in width over the entire length of the required buffer area, with no specific location along the buffer strip being less than 8 feet in width.
 2. Plantings
One tree for each 15 feet or fraction thereof of abutting land. At least 50% of the trees within the conflicting land use buffer shall be evergreen. Arrangement of trees in clusters or groupings is encouraged, but in all cases shall be between 15 feet and 30 feet apart on center. Plantings should be placed to screen the views between Buildings that existed at the time of site plan approval, (especially windows and patio views) on the adjacent property.

3. Continuous Screening

A hedge, landform berm, wall, Fence or combination of those features forming a continuous screen at least four feet high. For parcels principally used or zoned for residential purposes the requirement for a hedge, landform berm, wall or Fence is only required to screen Vehicular Use Areas and refuse/recycling containers that are adjacent to the conflicting land use buffer.

5.20.5 Private Streets and Shared Driveway Buffers

Private streets and shared Driveways within easements in accordance with Section 5.21.4 shall comply with the following street tree and buffer requirements:

A. Street Trees

One deciduous tree for every 30 feet or fraction thereof shall be provided along each side of a private street. Placement of trees between the edge of the curb and the Sidewalk is encouraged, but trees shall not be spaced more than 12 feet from the edge of the curb. A variety of species, planted in alternating order, is encouraged to ensure a tree Canopy over the street and Sidewalk in the event of species-specific infestation or disease.

B. Conflicting Use Buffer

A buffer between a private street or shared Driveway and any adjacent parcels not served by the private street or shared Driveway shall be provided consisting of the following:

1. A landscaped buffer strip at least eight feet wide.
2. A hedge, wall or solid Fence, or combination of those features, forming a continuous screen at least four feet in height.

5.20.6 Refuse/Recycling Container Screening and Buffering

~~Refuse/recycling containers, carts and dumpsters for solid waste, recycling, or compost not integrally stored within a Building for other than Single-Family and Two-Family Dwelling shall be screened from view or buffered from any adjacent residential use or Public Right-of-Way, excluding Alleys as follows.~~

1. Right-of-Way Screening

~~Containers visible from a public right-of-way shall be Screening-screened shall consist of by a six-foot high opaque wall or Fence. Additional Live landscape material shall be located may be planted provided so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen access to the containers.~~

2. Residential District Buffering

A buffer shall be provided when containers are adjacent to a residential zoning district as provided below:

- a. If a Conflicting Land Use Buffer is already required by Section 5.20.4 and provided, no further buffer is required, and containers shall be screened per above.
- b. If a Conflicting Land Use Buffer is not already required by Section 5.20.4, a buffer with a minimum planting strip of 15 feet wide, with at least one tree for every 30 feet of strip length, and a continuous screen consisting of a six-foot high wall or opaque fence enclosing at least three sides of the container storage areas shall be required.

5.20.7 Material and Design Standards

The Site design and planting scheme, and materials used to comply with this Section 5.20 shall meet the following standards:

- A. Artificial plants or trees shall not be used.
- B. Any plant listed on the City Invasive Species List may not be used to meet the requirement of this chapter.
- C. If more than 20 trees will be used, a mixture of three or more tree species must be used.
- D. If more than 40 shrubs will be used, a mixture of three or more shrub species must be used.
- E. When proposing or using a native or prairie planting, the selection of plant species must be diverse and similar to native plant communities present in the City. (The City's Natural Area Preservation Program maintains a list of plants native to the City.)
- F. Plant material used for hedging or screening shall be evergreen and/or deciduous shrubs which shall be a minimum of 24 inches tall at time of planting and of a size, quantity and spacing to achieve 50% year-round opacity at the time of planting. Diversity and native species are encouraged. Plant material shall meet current ANSI American Standards for Nursery Stock.
- G. Fences and walls required for this chapter shall comply with the requirements of Section 5.26 . Both sides of the Fence or wall must be

decoratively faced when used to meet the screening requirements of this section.

- H. Landscaped areas shall be covered with biodegradable mulch, ornamental grasses, forbs, native prairie plants, native Wetland plants, grass or other perennial herbaceous or shrub planting combinations. Stone or aggregate shall not be accepted to meet this requirement. In areas subject to Erosion, Erosion-reducing blankets, or suitable reinforced mulch, shall be used.
- I. Deciduous shade trees shall have a mature crown spread of greater than 15 feet. Permitted trees include those on the City's Approved Street Tree List. Other types of trees can be used with approval of the PSA Administrator. Due to the overpopulation of Maple species (*Acer* spp.) within the City, their use should be limited. Small trees such as Crabapples (*Malus* spp.), fruit trees or Hawthorne (*Crataegus* spp.) are not permitted unless approved by the PSA Administrator. At planting, trees must have a minimum caliper of two inches at six inches above the root ball, a burlap ball size of at least ten times the caliper size, and a clear stem of at least five feet (except within sight triangles where eight feet is required per Section 5.20.8). Trees must meet current ANSI Standards for Nursery Stock.
- J. Plants required in this chapter shall be planted in soils suitable for the species specified, including a depth to compacted surfaces of at least 30 inches with drainage from that surface, if required. Soils must be provided with suitable pH, coarseness, fertility and slope that will maximize the long term vitality of plantings.
- K. Evergreen trees shall be a minimum of seven feet in height with a minimum spread of three feet, and a burlap ball size of at least ten times the caliper size. Evergreen trees must meet current ANSI American Standards for Nursery Stock.
- L. Existing vegetation on the property may be used to meet the requirements of this chapter if it meets the size, species and opacity requirements. This determination shall be made by the PSA Administrator. Additional credit toward the interior landscaping requirement for Vehicular Use Areas may be obtained by preserving existing trees per Section 6.
- M. Water outlets (hose bibbs) and/or rain barrels shall be provided within 150 feet of all plant material required by this chapter if a subsurface irrigation system is not provided. Plantings may be further than 150 feet from water outlets and/or rain barrels in areas where Xeriscaping plants are used.

- N. Landform berms shall have slopes no greater than one vertical foot for each three horizontal feet and shall have at least two feet of flat area on top and shall have adequate protection to prevent Erosion.
- O. Landscaped areas in and adjacent to Vehicular Use Areas shall be protected by concrete curbing, anchored bumper blocks, or other durable materials if approved by the PSA Administrator. Wood timbers that are not part of a structural retaining wall shall not be accepted to meet this requirement. Alternative barrier designs which provide improved infiltration or storage of stormwater are encouraged. Curbs separating interior landscape islands from Vehicular Use Areas may allow stormwater runoff to pass through them. Curbs may be perforated or have gaps or breaks.
- P. When landscape islands are used for Bioretention, the ponding area should be at least six inches deep, but not more than 18 inches deep and planted with native wildflowers/forbs and grasses.
- Q. Plant materials shall be selected and installed in accordance with standards established by the PSA Administrator.
- R. Plant material shall be placed to allow full access to fire hydrants and Public Utility systems. A five-foot space clear of vegetation greater than six inches tall shall be maintained around the circumference of fire hydrants, and any access point to a Public Utility system (i.e., water shutoff valve box, sanitary/storm sewer manhole).

5.20.8 Sight Triangles and Intersections

- A. All landscaping or other screening material within a sight triangle shall be no greater than 30 inches tall, and all trees within a sight triangle shall have all branches trimmed to provide clear vision for a vertical height of eight feet above the roadway surface. Evergreen trees shall not be permitted within sight triangles. The specification for sight triangles found under Sight Distance in Division II of the City Public Services Area Standard Specifications Manual shall be used to determine sight triangle areas.
- B. Vegetation adjacent to intersections shall be maintained to allow for adequate sight distance based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and Streets, 5th Edition (2004), or as subsequently amended.

5.20.9 Plant Substitutions

- A. The PSA Administrator may approve minor revisions to landscape plant materials due to seasonal planting problems and lack of plant availability.

Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous shade or evergreen trees) and the same general design characteristics (mature height, crown spread) as the material being replaced.

- B. Following approval of plant substitutions by the PSA Administrator, an as-built landscape plan must be submitted to the CSA for attachment to the approved site plan.
- C. If the criteria in Subsection A are not fulfilled, the approved site plan must be revised according to the requirements of Section 5.29.6.

5.20.10 Trees in the Public Right-of-Way

A. Authority

The City Administrator shall have the sole authority over the planting, maintenance and removal of trees in the Street Right-of-Way and other City property. No Person without written permission of the City Administrator shall plant, remove, break, spray or take any action that will injure or destroy any tree or shrub, the base of which is located in the Street Right-of-Way or other City land.

B. Site Plan Requirements

All site plans require one street tree for every 45 linear feet of existing and proposed public Street Rights-of-Way, minus the width of Curb Cuts, abutting and within the Site. Proposed street trees shall meet the City standards for minimum size and species. Existing trees meeting City standards may be used to satisfy all or part of this requirement.

5.20.11 Hazards on Public Property

No tree or other vegetation which by virtue of disease, damage or insect infestation presents a Hazard to Persons or vegetation on public property shall be maintained on private property.

5.20.12 Weeds and Grass on Public and Private Land

On private property no turf grass shall be permitted at a height greater than 12 inches. The owner of every parcel of land is responsible for Grading, planting, mowing and raking the extension or City street Right-of-Way so that it is covered with turf grass with an average height not in excess of 12 inches or other ground cover vegetation with an average height not in excess of 36 inches above the adjacent road surface unless it presents a view hazard based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and

Streets, 5th Edition (2004), or as subsequently amended. The City shall not be liable for damage to any vegetation planted, or to any property or fixtures placed, in or upon the or the City Right-of-Way that results from work performed by the City in the Lawn Extension or Right-of-Way.