

CHAPTER 37 LANDSCAPING AND SCREENING

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37.1.0 PURPOSE. It is the purpose of this chapter to establish minimum standards for the provision, design, and maintenance of landscape areas and sight-obscuring methods within various zoning districts of designated urban growth areas, thus preserving the health, safety, and general welfare of the district. Further, it is the purpose of this chapter to achieve particular objectives including, but not necessarily limited to, the following:

- (1) Stabilize and preserve land values within and adjoining commercial and industrial districts.
- (2) Provide an opportunity for the development of an aesthetic visual environment within the commercial and industrial districts as well as residential districts for the benefit of the users of such districts as well as passers-by.
- (3) Preserve the safety of the general public by assuring adequate lines of sight along public streets and at intersections.
- (4) Provide not only for the health, safety, and general welfare of the residents, workers and visitors of the community, but also to provide for the beauty and balance of the community, as are the proper and necessary concerns of local government.

37.2.0 APPLICABILITY AND EXEMPTIONS.

- (1) **NEW CONSTRUCTION:** The requirements contained in this chapter shall be deemed to be minimum standards for landscape and screening and shall apply to all new development, except for properties located in the C-2 Rural Services Commercial, AP-20, AP-40, RR-5, Industrial Zoning Districts not located in Urban Growth Areas. All properties developed in Business Park Districts shall comply with the provisions of that Chapter.
- (2) **RECONSTRUCTION:** Whenever the cost of a remodel, alteration, reconstruction, or expansion of an existing building meets or exceeds

thirty-three (33) percent of the assessed value of the building, the requirements of this chapter shall apply.

37.3.0 DEFINITIONS. For purposes of this chapter, the following definitions shall be used:

- (1) “Landscape” shall include, but not be limited to, natural or artificial grass, flowers, shrubs and trees, planters, and ornamental forms of stone and wood, but shall exclude pavement.
- (2) “Landscape area” means those individual or collective portions of the lot devoted to landscape. A developer or property owner may receive credit toward the required landscape area for pedestrian walks or ways when such walks or ways are decorative and/or textured in character and are designed as a complementary part of the landscape area. No more than 25 percent of the landscaped area can be treated with decorative pedestrian ways and be included in the overall calculations for landscaped area.
- (3) “Lot” means the area within the property lines of the parcel or group of parcels upon which the proposed construction or improvements will occur, including all accessory or incidental use areas.
- (4) “Outdoor storage” means all materials, equipment, merchandise or objects kept or placed on the lot or not within an enclosed structure, for preservation or later use or disposal; it is not intended, however, to include the following exceptions:
 - (a) Those objects customarily stored outside an enclosed structure due to their size and due to their being of such character as to not readily deteriorate when exposed to the elements, such as automobiles, mobile homes, boats and other vehicles, farm machinery, irrigation and heavy construction equipment, and those objects which are themselves enclosures; provided, however, said objects are being kept primarily for immediate sale to others or for rental to others.
 - (b) Neat and orderly outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to an established commercial principal activity conducted from an enclosed structure, and further provided that the area consumed by said displays does not exceed an amount equal to ten percent of the net lot area.
 - (c) Live vegetation means healthy nursery stock consisting of shrubs, trees, ground cover or lawn. Live vegetation does not include weeds, native grasses, bark or other mulches, ornamental stone or artificial plants or grass.

37.4.0 SCREENING REQUIRED.

- (1) Outdoor storage located in a commercial or industrial zone with existing or new development shall be screened from any adjacent residential zones and from residential zones across a public street or alley.

- (2) Outdoor storage in C-1 (Retail Business) zones shall be sight screened from all adjoining properties.
- (3) Outdoor storage located in a commercial or industrial zone with existing or new development and upon a lot adjacent to or visible from the following streets shall be so screened as to obscure vision of such outdoor storage afforded from said streets:
 - Court Street.
 - Highway #395.
 - Oregon Avenue.
 - Highway #12.
 - Road 68.
 - R-170.
- (4) Screening of outdoor storage shall be accomplished by one or both of the following methods:
 - (a) Dense shrubs and/or trees planted to provide a sight obscuring screen and within a minimum height of 6 feet, both within two years of planting.
 - (b) A solid or otherwise sight-obscuring fence or wall at least 6 feet in height.
- (5) Commercial and industrial side and rear yard landscaped areas adjacent residential districts must contain a 6 foot high continuous solid screen.
- (6) For security purposes, portions of the required screening, not to collectively exceed 20 lineal feet along each street or alley adjacent to the lot from which vision is obscured, may be left unobstructed and open to view.
- (7) Solid waste receptacles provided for multiple dwellings, provided in all commercial and office districts, and were visible in industrial districts shall be located within an area enclosed on three sides by a five-foot minimum site-obscuring fence, which provides a visual screen from any abutting street. In no case shall such enclosure and receptacle(s) be permitted within the required front yard.

37.5.0 DESIGN STANDARDS.

- (1) Intersections. Landscape materials or foliage of any kind situated within the vision clearance triangle shall not obstruct or obscure horizontal vision between the heights of 3 and 14 feet above the adjacent street or driveway grade.
- (2) Fences, Walls And Hedges: The height of fences, walls and hedges located between a structure and street or alley shall be measured from the street curb or alley grade. The height of fences, walls and hedges between a structure and a common lot line shall be measured from the grade along the common lot line, exclusive of landscaping berms, ground depressions and other topographical irregularities.
- (3) Front Yards: Subject to subsection (a) of this section, the height of fences, walls and hedges shall be limited to 4.0 feet within the front yard area of a residentially zoned lots, retail Business and office zoned lots; provided,

when two contiguous corner lots, or two corner lots separated only by an alley right-of-way, form the entire frontage between parallel or nearly parallel streets, the height of fences, walls and hedges shall be limited to 6 feet within the front yard adjacent to the street.

- (4) Rear and Side Yards: The height of fences, walls and hedges within the side and rear yards of residentially zoned lots, retail business and office zoned lots shall be limited to 6 feet. A gate or opening with a minimum 3-foot width leading into at least one side yard shall be provided.
- (5) Fences shall not be constructed out of tires, pallets, tarps and/or sheet plastic, bed springs, multi-colored materials, except colored materials manufactured specifically for fencing (i.e., slats of chain link fences), corrugated sheet metal, wheel rims and similar or like materials not traditionally manufactured or used for fencing purposes.
- (6) In all front yards, whether on properties with single, double, or triple frontage, rails, posts and other structural fence supports shall not be visible from a public street; except that posts and rails that are an intricate part of the fence design and aesthetics and not used primarily for structural support may be visible from a public street.
- (7) Barbed and razor wire fencing is prohibited in all residential districts, except barbed wire may be permitted in suburban residential districts on tracts larger than an acre, and in the Office district and the Central Business district. In the C-1 Retail Business district only one strand of barbed wire is permitted along the top rail or within two (2) inches of the top rail.
- (8) Electrified fences are not permitted in residential districts except as a secondary means of securing property where the electrified fence is located behind an existing fence or in suburban districts to contain permitted farm animals.
- (9) Vision Triangle: No fence, wall or hedge, landscape material or foliage higher than 3 feet above curb grade shall be located or planted within an area 20 feet along the property lines from the intersection of two streets including the area between such points, or 15 feet from the intersection of a street and an alley; provided, however, a chain link fence of 6 feet, or a smaller chain link fence set upon a maximum 3-foot wall or other structure not exceeding a combined height of 6 feet, may be erected within said area of intersection of street and alley so long as the chain link or woven wire fence is at all times unobstructed by foliage or other matter.
- (10) Public Right-of-Way. Fences constructed in any zoning district may be permitted at the back of sidewalks in public right-of-way upon approval of the Engineer.
- (11) Fences and/or walls shall not be erected without first obtaining a building permit from the Franklin County Building Department.
 - a). Fence and/or wall heights are to be determined from road grade.
 - (i) Except on properties where the proposed fence locations exceed a slope of ten (10) percent. Under these

circumstance the overall average grade will be utilized in determining fence heights (i.e. stepping).

- (12) Fire Hydrants. Where a fire hydrant is located within a landscape area, it shall be complemented by a minimum clearance radius of three feet.
- (13) Irrigation. Where the landscape materials used in required landscape areas depend on water for sustenance, an underground sprinkler system shall be provided.
- (14) Materials. Bark mulch, ornamental stone and other nonvegetative material shall not represent more than 50 percent of the landscaping within all landscaped areas on a site.
- (15) Location of Trees. No tree, as measured from its center, shall be located within 10 feet of a street light standard, within 5 feet of a driveway or a fire hydrant.
- (16) Lawns. Lawn grass shall be planted in species normally grown as permanent lawn in Franklin County. Grass areas may be sodded, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion.
- (17) Unused right-of-way in commercial and industrial zones. The area between property lines and street curbs or sidewalks, exclusive of driveways for ingress/egress, shall be treated with landscape materials.
- (18) Commercial and Industrial Districts. In addition to the requirements contained in this Chapter, commercially and industrially zoned properties adjacent to properties in less intense zoning districts shall have a 10 foot landscaped setback. This setback shall be planted with shrubbery and at least two trees for every 50 linear feet of side or rear yard. Trees may be planted in groupings or singularly as long as there is at least one grouping or tree per side or rear yard. The C-2 and Industrial zoning district outside the U.G.A.'s shall be exempt from the provisions of this chapter.
- (19) The first 10 feet of all commercial and industrial property abutting an arterial street and the first 5 feet of commercial or industrial property abutting local streets shall be treated with a variety of landscape elements. No less than 50 percent of the landscaped area must be covered with live vegetation at the time of planting.
- (20) Residential Landscaping: At least 50 percent of the required front yard area for all residential property, excluding driveways, shall be treated with live vegetation and/or decorative landscaping materials within 6 months from the time of construction or reconstruction. This applies to residential properties in the Urban Growth Areas and the RR-1 and RC-1 Zones.
- (21) All areas of a lot or parcel not landscaped or covered with improvements that have been disturbed shall be reseeded with native grasses or otherwise treated to control erosion and dust.

37.6.0 SPECIAL DESIGN STANDARDS. In addition to the design standards contained in this chapter the following standards shall be required for landscaping in the following areas:

- ***None identified at time of this ordinance adoption.***

37.7.0 PARKING LOT LANDSCAPING.

- (1) All parking areas fronting arterial streets shall be set back 10 feet from the right-of-way line. Parking areas adjacent local access streets and alleys shall be setback 5 feet from property lines. All parking lot setback areas shall be treated with a variety of landscape elements with no less than 50 percent of the surface being live vegetation.
- (2) Exclusive of the landscaped setbacks required above, parking areas shall contain additional landscaping as follows:
 - (a) Lots having 5 to 50 stalls: A minimum of 8% of the gross parking area must be landscaped.
 - (b) Lots having 51 to 99 stalls: A minimum of 7% of the gross parking area must be landscaped.
 - (c) Lots having 100 or more stalls: A minimum of 6% of the gross parking area must be landscaped.
 - (d) Landscaped areas must be adequately protected from damage by vehicles.
 - (e) No parking stall shall be located more than 75 feet from the edge of any landscaped area.
 - (f) One tree which provides shade or is capable of providing shade at maturity, is required for every 200 square feet of required landscaped area.

37.8.0 PLAN REQUIRED. In commercial and industrial zones, compliance with the requirements of this chapter shall be demonstrated on a scaled site plan submitted with and as part of application for building permit. Said site plan shall include:

- (1) Designation and dimensions of all use areas within the lot.
- (2) Boundaries and dimensions of all landscape areas including location and common names of all landscape elements.
- (3) Area, in square feet of individual and collective landscape areas.
- (4) Location of screening, where required.
- (5) Method of irrigation, if applicable.
- (6) Location and identification of adjacent streets.
- (7) Location of outdoor storage area if applicable.
- (8) Location of driveways.

37.9.0 RELIEF. Where relief is sought from the provisions of this chapter, application shall be made in the form of a letter explaining the relief sought and the reasons therefor accompanied by a scaled site plan and a fifteen dollar fee. The complete application shall be filed with the administrative official. Within fifteen working days from the date of receipt of a complete application, the administrative official shall issue a written decision to approve, approve with modifications, or deny the request for relief. Any decision of the administrative official may be appealed to the Board of Commissioners if written notice of appeal, which shall include all and exclusive reasons for said appeal, is filed with the administrative official within ten working days from the date of the decision and accompanied by a

\$100.00 filing fee for said appeal. In the event a written decision is not issued by the administrative official within the required time period, the application for relief shall automatically constitute a qualified and properly filed notice of appeal and shall be considered by the Board in accordance with this section. The Board, within thirty calendar days from the date of filing of the appeal, shall consider the appeal at a regular meeting thereof, but such consideration shall be limited to the reasons included in the written notice of appeal and shall include the written decision of the administrative official and the reasons therefore. The Board may affirm, modify or reverse the decision of the administrative official.

37.10.0 MAINTENANCE - RESPONSIBILITY. All landscape and screening required under this chapter shall be so maintained as to not detract from the purpose of this chapter and shall be kept reasonably free of weeds and trash. The owner, occupants and persons responsible for or having control of the premises shall be responsible for such maintenance and said maintenance shall at a minimum conform with the following:

- (1) All landscaped areas and plants required by this chapter must be permanently maintained in a healthy growing condition in order to accomplish the purpose for which it was required.
- (2) Dead or diseased plants must be replaced within 30 days of notification, or as soon as practical in regard to freezing weather, or complex situations involving removal and replacement of large trees.
- (3) All plantings must be fertilized, and pruned at such intervals necessary to promote optimum growth. All landscaped areas must be kept free of debris and weeds.
- (4) Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
- (5) All planting areas must be irrigated if applicable.
- (6) The owners, their agents and assigns, are responsible for providing, protecting, and maintaining all landscaping material in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.
- (7) All fencing, walls and other features used for screening purposes shall be kept free of litter, debris and weeds.

37.11.0 PENALTY - ENFORCEMENT. Enforcement of the provisions of this ordinance will occur through the Planning Director and/or Code Enforcement Officer.

37.12.0 ADDITIONAL REMEDY - LIEN. In addition to the penalties prescribed above, the Board may itself remedy a violation of this chapter and place a lien upon the property as permitted by law. Use of this provision, however, shall be preceded by written notification directed by certified mail to the owner of the property in violation. Said notification shall describe the violation and shall provide at least ten calendar days from date of receipt of written notification during which the owner may cause the violation to be remedied. In the presence of seasonal or

other practical consideration, the time period in which violations are to be remedied may be reasonably extended by written instrument acknowledged by the person responsible for such remedy and approved by the Planner charged with enforcement of this ordinance.