

ORDINANCE NO. 2004- _____

AN ORDINANCE ESTABLISHING NEW LANDSCAPING AND SCREENING STANDARDS, THEREBY AMENDING CHAPTERS 10, 18 AND 19 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 10 of the City Code is hereby amended to read as follows:

CHAPTER 10

ENVIRONMENTAL CONTROL

ARTICLE VI. WEEDS

SEC. 10.38. NUISANCE.

All weeds or growing grass upon any lot or parcel of land in the City of Bloomington to a height greater than one foot, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the City with the following exceptions:

- (a) native prairie and long grass areas shown on an approved landscape plan in accordance with Section 19.52,
- (b) native prairie and long grasses within a defined landscape area on a single or two-family residential parcel, provided that such defined landscape area:
 - (1) occupies no more than fifty percent of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, Lakescaping, and scenic easements;
 - (2) is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area.
 - (3) is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning;
- (c) natural wooded areas;
- (d) wetlands, ponds or rain gardens;
- (e) lakescaping areas as defined in Section 19.03; and
- (f) areas where mowing is prohibited by easement or law.

Section 2. That Chapter 18 of the City Code is hereby amended to read as follows:

CHAPTER 18

TREES

SEC. 18.02. RESERVED. [SUGGESTED TREES.

It is suggested and encouraged that the following trees be planted in the City:

	Specific Name	Common Name	
A. SHADE TREES	<i>Acer platanoides</i> "Emerald Queen"	Maple, Emerald Queen Norway	
	<i>Acer platanoides</i> "Jade Glen"	Maple, Jade Glen Norway	
	<i>Acer platanoides</i> "Royal Red"	Maple, Royal Red Norway	
	<i>Acer platanoides</i> "Schwedler"	Maple, Schwedler Norway	
	<i>Acer rubrum</i>	Maple, Red or Swamp	
	<i>Acer rubrum</i> "Red Sunset"	Maple, Red Sunset Red	
	<i>Acer Saccharum</i>	Maple, Sugar or Hard	
	<i>Celtis occidentalis</i>	Hackberry	
	<i>Fraxinus pennsylvanica lanceolata</i> "Marshall's Seedless"	Ash, Marshall's Seedless Green	
	<i>Gleditsia tricanthos inermis</i>	Honeylocust, Thornless	
	<i>Gleditsia tricanthos inermis</i> "Imperial"	Honeylocust, Imperial	
	<i>Gleditsia tricanthos inermis</i> "Skyline"	Honeylocust, Skyline	
	<i>Quercus palustris</i> "Sovereign"	Oak, Sovereign Pin	
	<i>Tilia cordata</i> "Greenspire"	Linden, Greenspire	
	<i>Tilia x eucholora</i> "Redmond"	Linden, Redmond	
	B. ORNAMENTAL TREES	<i>Malus baccata columnaris</i>	Crabapple, Columnar Siberian
		<i>Malus</i> (various species)	Crabapple, Flowering—Varieties: Dolgo, Flame, Radiant, Red, Silver, Red Splendor,
<i>Prunus</i> "Newport"		Plum, Newport	
<i>Prunus triloba</i>		Plum, Flowering or Rose Tree of China	
<i>Prunus virginiana</i> "Schubert"		Chokecherry, Schuberts	
<i>Syringa amurensis japonica</i>	Lilac, Japanese Tree (Bloomington City Tree)		
C. EVERGREEN TREES	<i>Picea glauca densata</i>	Spruce, Black Hills	
	<i>Picea pungens</i>	Spruce, Colorado Green	
	<i>Pinus nigra</i>	Pine, Austrian	
	<i>Pinus Ponderosa</i>	Pine, Ponderosa	
	<i>Pinus resinosa</i>	Pine, Norway (Minnesota State Tree)}	

SEC. 18.08. RESERVED. [REQUIREMENTS APPLICABLE TO TREES IN NEW SUBDIVISIONS.

- (a) ~~Subdivision planting plan~~—A subdivision planting plan at the same scale of the preliminary and final plats shall accurately show:
 - (1) ~~The specific name, size, condition, and location of each and every preservable tree and the specific name, size, and tentative planting space for each required subdivision tree.~~
 - (2) ~~The distance in feet between trees in any one row.~~
 - (3) ~~The nature of the existing soil in the planting space to a depth of three feet, and all existing and proposed drainage systems.~~
- (b) ~~The subdivider shall plant at least one shade tree on each parcel of a subdivision. In required subdivision plantings, not less than two nor more than three species of trees shall be planted in any block and neither less than 20 percent nor more than 50 percent of the total trees planted in a block may be of the same species. Suggested trees are listed in Section 18.02 of this Chapter.~~
- (c) ~~Trees required to be planted in subdivisions shall be planted inside the front property line at a distance not less than three feet from such line.~~
- (d) ~~Required subdivision trees must have a trunk diameter of at least two inches at one foot above the ground.~~
- (e) ~~Required subdivision trees must be protected and supported by tree guards of approved type.~~
- (f) ~~No required subdivision tree shall be planted in soil too poor to insure the growth of such tree unless 27 cubic feet of soil is removed and replaced with suitable loam.]~~

Section 3. That Chapter 19 of the City Code is hereby amended to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

Division B. Definitions

SECTION 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Berm – An earthen mound designed to provide visual interest, screen undesirable view and/or decrease noise.

Caliper – The diameter of a tree measured six inches above the ground for trees four inches in diameter or less and measured twelve inches above the ground for trees greater than four inches in diameter.

Lakescaping – An unmowed strip of vegetation, emphasizing native wildflowers, grasses, sedges, shrubs and trees, extending inland from the shoreline of a pond, stream, wetland or lake for at least ten feet, maintained in a natural state for the purpose of minimizing shoreline erosion, improving water quality and promoting wildlife habitats.

Landscape edging – A material, typically set flush with the ground, used to differentiate a planting bed from turf or adjacent planting beds.

Landscape plan – An integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the City Code.

Landscaping – Trees, lawns, plants, and other natural and decorative site features including earth contouring, mounding and berms.

Long grass - Any grass that can reach a blade, stem, or seed head height or length of at least one foot as part of its intended normal growth and use and is not developed, sold, or intended to be used as a grain or as a manicured or semi-manicured lawn grass or ground cover that is normally intended to be maintained at a lower height by regular cutting.

Mulch – A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered mulch.

Native Prairie - An area of landscaping containing a diversity of native flora species in associations typical of presettlement ecosystems.

Planting Bed – A designed area including, but not limited to trees, shrubs, perennials and ground covers that is typically defined by landscape edging along turf boundaries and has a mulched surface.

Rain Gardens – Depressed areas in the landscape with perennial native plant materials designed to provide natural filtration of runoff.

Scenic Easement – Easements held by a governmental body in order to preserve the character of the existing landscape and topography.

Screening – A method of visually modifying the view of a structure, building, feature or use by methods such as fencing, walls, berms, densely planted vegetation or a combination of these methods.

Shrub – A low, usually several stemmed, woody plant.

Significant Natural Wooded Area – A grouping or cluster of evergreen and/or deciduous trees with a contiguous crown cover, occupying 5,000 or more square feet that are comprised primarily of deciduous trees no less than four caliper inches in diameter or evergreen trees no less than six feet in height, which are not listed on the City's list of prohibited plants.

Tree – A large woody perennial plant with normally one main trunk and many branches.

Tree, deciduous – A tree that loses its leaves in the winter.

Tree, evergreen – A tree that retains its leaves in the winter. Generally, an evergreen tree's leaves are needles.

Tree, ornamental – A deciduous tree that is anticipated to be 25 feet or less in height when mature.

Tree, overstory – A deciduous tree that is anticipated to be over 25 feet in height when mature.

Xeriscaping – Landscaping with slow-growing, drought tolerant vegetation or other decorative features for the purpose of conserving water and reducing yard waste.

ARTICLE III. DISTRICT USES

SEC. 19.37. CENTRAL BUSINESS (CB) DISTRICT.

(f) Performance Standards -

(5) Additional design requirements -

- (A) ~~Reserved. [Every new use of building in this zone shall have at least one flagpole a minimum of 25 feet high within the front setback area.]~~
- (B) Any new building in the zone shall be planned so that all exterior sides shall be surfaced equivalent to the front.
- (C) In lieu of the provisions of Section 19.52~~[(d) and (e)]~~ (c) (4) and (d) (3), which require a 20-foot landscaped yard and screening along street frontage, planter boxes may be provided at least six feet in width and two feet high with permanently maintained landscaping subject to the approval of the Planning Manager.

SEC. 19.38.01. PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.

(g) Final Development Plan Content - The applicant shall submit final development plans which include the following information:

- (5) A landscape plan (see Section 19.52)~~[indicating tree and shrub species, luminaire location, type and height, and provisions for plant material watering].~~

ARTICLE III. A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.12. FINAL SITE AND BUILDING PLANS.

- (c) **Content.** The developer shall submit final site and building plans which include the following information:

- (5) A landscape plan (see Section 19.52) [indicating tree and shrub species, luminaire location, type and height, and provisions for plant material watering].

ARTICLE V. PERFORMANCE STANDARDS

SEC. 19.52. [~~SCREENING AND~~] LANDSCAPING AND SCREENING.

- ~~[(a) Screening shall be required in all zones where:~~

- ~~(1) any off-street parking contains more than six parking spaces any part of which is within 30 feet of an adjoining residential zone, or~~
~~(2) where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential zone.~~

- ~~(b) Where any business or industrial use (i.e., structure, parking, or storage) is adjacent to and within 100 feet of a residential use or zone, that business or industry shall provide screening along the boundary of the used residential property. Screening shall also be provided where a business or industry is across the street from a residential zone but not on the side of a business or industry considered to be the front as determined by the Building and Inspection Division.~~

- ~~(c) In all districts all merchandise, materials and equipment stored, kept or displayed outside a building shall be screened with the following exceptions:~~

- ~~(1) Retail merchandise may be displayed in front of a structure lawfully used as a place for sales at retail. Retail merchandise otherwise lawfully displayed in the setback area shall be screened except from a side facing a public street. In General Business (B-3) zoning districts all merchandise, materials and equipment shall be screened except those being displayed for sale.~~
~~(2) Materials and equipment being used for construction on the premises.~~
~~(3) Merchandise located on service station pump islands.~~
~~(4) General Industry (I-3) districts except that the side adjacent to a residential zone or use shall be screened.~~
~~(5) When open storage is a principal use or one of the principal uses for a parcel of land in a Limited Industry (I-2) zoning district, the only screening required shall be that required as a condition to the granting of a conditional use permit as provided in paragraph 19.22(3) of this Code.~~

- ~~(d) Before the erection of any screening required by this Section, the plans for such screening shall be approved by the Manager of the Building and Inspection Division.~~

~~— All such screening shall consist of a solid fence or wall, or equivalent as approved by the Manager of the Building and Inspection Division, not less than five feet in height above the base elevation of the material, objects, or equipment to be screened. The screening shall be placed along property lines or, in case of screening along a traveled right-of-way or~~

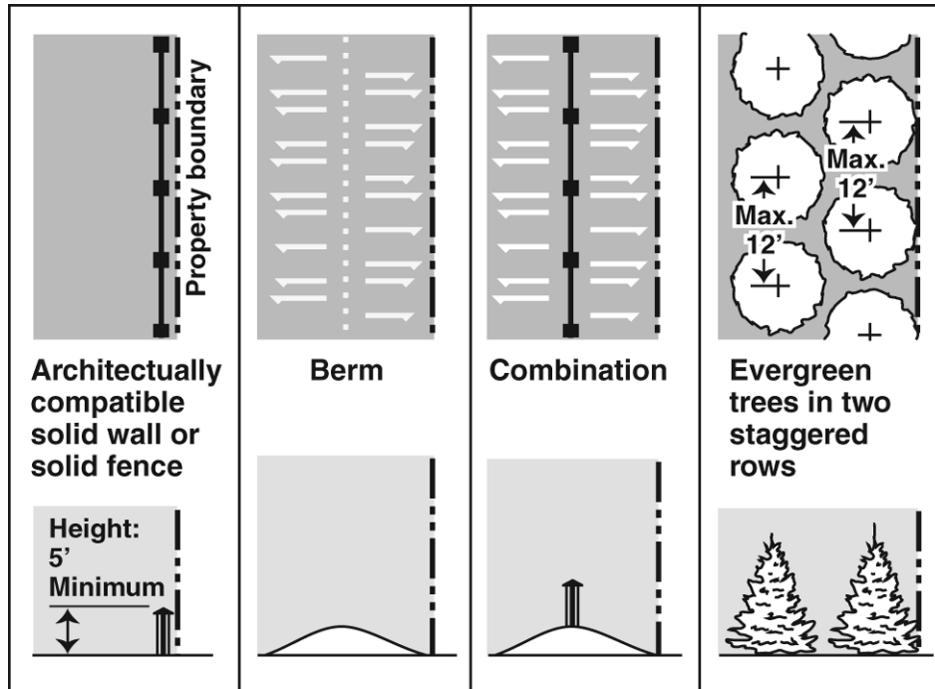
- street 20 feet back from the right-of-way with landscaping between the screening and the pavement. This screening shall not extend to within 15 feet of any right-of-way or driveway.
- All such screening shall be constructed in a workmanlike manner, including method of construction and materials.
- (e) — In all districts a landscaped yard shall be provided and maintained in addition to the screening required in paragraph (d) of this Section.
- (1) — Required along all streets and traveled rights-of-way.
- (A) — **Yards.** The yard shall be at least 20 feet in depth along all streets as measured from the street right-of-way. The yard shall extend along the entire frontage(s) of the lot except for driveways, and shall be kept clear of all storage, structures, and off-street parking.
- (B) — **Screening in Yard Area.** When the landscaped yard lies between a street and an off-street parking area, a wall, solid fence, planter, evergreen hedge, earth berm, combination of the preceding, or their equivalent shall be provided as screening between the off-street parking area and the street. This screening shall be a minimum of three feet high as measured from the adjacent finished surface of the parking area.
- (C) — **Exceptions.** Any landowner intending to propose as part of a landscape plan a yard of less than the required 20-foot depth must first apply for and receive a variance to that requirement in accordance with Article II of this Code. Only after the variance has been granted may the landowner make application to the Director of Planning for approval of the proposed method of providing the landscaping or screening as required by previous Sections of this Chapter. Such application shall provide at least the following, in addition to any further information deemed necessary.
- (i) — Statement of reason for request.
- (ii) — Description of plan and planting schedule.
- (iii) — Planting and staking plans.
- (iv) — Identification and description of additional landscaping that will be accomplished to equalize the percentage of area landscaped to that which would be required under Subparagraph (e)(1)(A) of this Section.
- (D) — The Director of Planning may approve the application, after approval by the Traffic Safety Engineer of the City, if in his judgment the alternative landscaping plan is in conformity with the intent and purpose of this Chapter and reasonably related to the established pattern of the neighborhood. Before any such alternative plan shall be approved it shall contain as a minimum a buffer area on both sides of driveways and curb cuts with a minimum of 20 feet in depth as measured from street right of way and not less than eight feet in width as measured parallel to the driveway. In the event that the Director of Planning denies the application, the applicant shall be entitled to be heard by the City Council within thirty days from the date of denial.
- (2) — Along zoning district boundary lines: Where lots or parcels in any nonresidential zoning district are adjacent to a residential (R-1A, R-1, RS-1, R-4, RM-12, RM-24, RM-50) zoning district and not separated by a street, landscaping equivalent to that described in this Section shall be provided and maintained on the lot or parcel in the nonresidential zone along the boundary line adjacent to the residential district.
- (f) — Plans for the required landscaping and screening shall be submitted to the Director of Planning for approval before any permit shall be issued. The plans, at appropriate scale, shall be based on accurate, approved final site plans and shall consist of a planting plan, exterior lighting plan, and where deemed necessary a staking plan. The required plan shall show the following:
- (1) — Accurate final grades of the site at two-foot minimum contour intervals to all property lines and curb lines of adjacent streets based on Bloomington datum.
- (2) — All driveways, parking areas, islands, sidewalks, structures, utilities and other features, existing and proposed, affecting the landscaping and screening of the site.

- ~~(3) Location and identification of all existing trees, shrubbery, and other vegetation.~~
- ~~(4) A planting schedule consisting of a key, botanical name, common name, quantity, size, root, and planting instructions.~~
- ~~(5) Proposed plantings shall be shown on the plan at the normal mature spread for this hardiness zone with details of planting beds and foundation plantings as necessary.~~
- ~~(6) All earth berming and solid screening to include elevations and sections of fences or walls when used.~~
- ~~(7) Typical sections of landscaped islands and planter beds with identification of materials used.~~
- ~~(g) Seeding or sodding will be required in all disturbed areas in accordance with the approved landscape plan required in Subsection F of this Section.~~
- ~~(h) Chapter 18 of this Code shall be used as a guide for the selection of street trees and their placement in the preparation of these plans.~~
- ~~(i) No certificate of occupancy shall be issued until the landscaping is completed in accordance with approved plans unless a bond is filed pursuant to Section 15.11 of this Code.]~~
- (a) Purpose and Intent.** The City of Bloomington recognizes the health, safety, aesthetic, ecological and economic value of landscaping and screening. The provisions of this Section are intended to:
 - (1) Add visual interest to open spaces and blank facades;
 - (2) Soften dominant building mass;
 - (3) Provide definition for public walkways and open space areas;
 - (4) Ensure significant tree canopy shading to reduce glare and heat build-up;
 - (5) Improve the visual quality and continuity within and between developments;
 - (6) Provide screening and mitigation of potential conflicts between activity areas and more passive areas;
 - (7) Protect and improve property values;
 - (8) Improve air quality and provide a buffer from air and noise pollution;
 - (9) Ensure safe and aesthetic treatment of ponding areas;
 - (10) Enhance the overall aesthetic conditions within the City;
 - (11) Limit sight line obstructions and drainage conflicts;
 - (12) Reduce the potential for criminal and illegal activities; and
 - (13) Prevent conflicts with utilities.
- (b) Landscape Plans.**
 - (1) Except for single and two family uses, a landscape plan must be submitted:
 - (A) With any application for new development;
 - (B) With any application for additions or modifications to existing development that physically impacts existing landscaping or screening; or
 - (C) When changes are made to an existing landscaping or screening plan on file with the City.
 - (2) Landscape plans must be reviewed and approved by the Planning Manager or designee.
 - (3) Landscape plans must include information on existing and proposed landscaping and screening in accordance with the Planning Manager's Landscaping and Screening Policies and Procedures and landscape designers are encouraged to review and follow the policy recommendations therein.
- (c) Landscaping Standards.**
 - (1) Soil Surface Stabilization. All disturbed areas outside of designated planting beds must be permanently stabilized with an established plant or xeriscaping soil cover.
 - (2) Minimum Number of Trees and Shrubs. Except for single and two family uses, development must at a minimum provide the following numbers of trees and shrubs in addition to any trees and shrubs required for screening in Section 19.52 (d):
 - (A) One tree per 2,500 square feet of Developable Landscaping Area and

- (B) One shrub per 1,000 square feet of Developable Landscaping Area.
 - (C) Developable Landscaping Area is defined as the total area of a development site or phase minus the portion of that area within:
 - (i) a natural water body;
 - (ii) a protected wetland;
 - (iii) a permanent Significant Natural Wooded Area; and/or
 - (iv) a Scenic Easement.
 - (D) Existing healthy deciduous trees greater than four caliper inches or existing healthy evergreen trees greater than six feet in height that are located within the Developable Landscaping Area and are not identified on the City's prohibited plant species list (see Section 18.03) may be credited toward the minimum required trees on a site.
- (3) Minimum Tree Size. Required trees must meet the following minimum size standards:
- (A) Overstory trees must be at least two and one half caliper inches at planting;
 - (B) Single stem ornamental trees must be at least one and one half caliper inches at planting; and
 - (C) Evergreen trees and multi-stem ornamental trees must be at least six feet in height at planting.
- (4) Minimum Landscape Yard. An area for landscaping, kept free of parking, storage, or stormwater ponds, must be provided around the perimeter of a site. Unless otherwise specified in the City Code, the landscape yard must be a minimum of 20 feet deep when adjacent to public or private streets and a minimum of five feet deep when not adjacent to streets. Sidewalks, bus shelters and entrance drives may be located within the landscape yard. Buildings may be located within the landscape yard when otherwise allowed by the City Code.
- (5) Streetscape. In areas where a district or street specific streetscape plan has been adopted by the City Council, development must provide landscaping as set forth in the district or street specific streetscape plan. Streetscape plantings located within the property lines of the site may be credited toward the required number of trees and shrubs. Streetscape plantings in the public right of way shall not be credited toward the required number of trees and shrubs. Landscaping placed or removed in the public right of way must receive City approvals for right of way plantings (see Section 18.07) and must conform with City right of way planting policies.
- (6) Parking Island Trees. A minimum of one deciduous tree must be provided per parking lot island, with the following exceptions:
- (A) No trees are required in parking islands used for stormwater management purposes;
 - (B) No trees are required in parking islands within structured parking facilities; and
 - (C) No trees are required in parking lots with 50 or fewer spaces.
- (d) Screening Standards.
- (1) Perimeter screening designed to buffer incompatible uses is required:
- (A) along any off street parking area containing over six parking spaces that lies within 30 feet of an abutting site that is residentially used and either residentially zoned or guided;
 - (B) along any driveway to an off street parking area containing over six parking spaces when the driveway is within 15 feet of an abutting site that is residentially used and either residentially zoned or guided;
 - (C) on industrial sites, along any property line that directly abuts a site that is residentially used and either residentially zoned or guided and along any side or rear property line that faces across a street a site that is residentially used and either residentially zoned or guided;

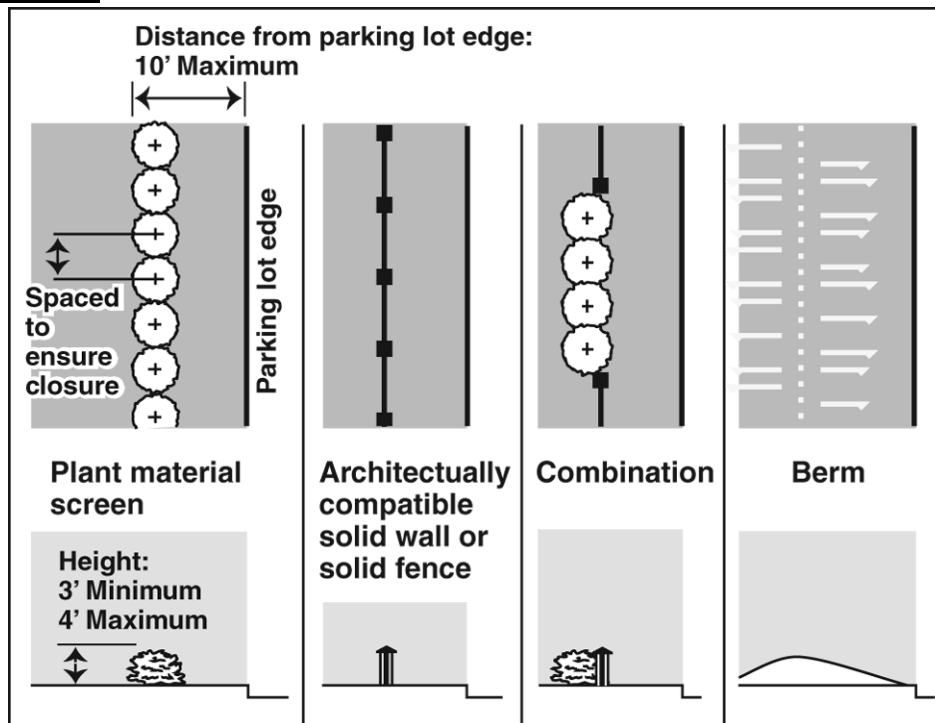
- (D) around outdoor merchandise, materials and equipment stored, kept or displayed with the following exceptions:
- (i) in the General Industry (I-3) Zoning District, no perimeter screening is required around outdoor merchandise, materials and equipment except when required through a condition of approval or abutting or across the street from a site that is residentially used and either residentially zoned or guided;
 - (ii) in the Limited Industry (I-2) Zoning District, no perimeter screening is required around outdoor merchandise, materials and equipment when open storage has been approved as a principal use except when required through a condition of approval or abutting or across the street from a site that is residentially used and either residentially zoned or guided;
 - (iii) no perimeter screening is required around materials and equipment being used for construction occurring on the site;
 - (iv) no perimeter screening is required around merchandise displayed for sale on service station pump islands;
 - (v) no perimeter screening is required around merchandise displayed for sale when otherwise allowed by the City Code and located in an area approved for such use on the site plan.
- (E) where required by the City Council through a condition of approval.
- (2) Perimeter screening standards.
- (A) Perimeter screening must be a minimum of five feet in height above grade.
 - (B) Perimeter screening (see Figure 19.52 (a)) must consist of:
 - (i) an architecturally compatible opaque wall or opaque fence;
 - (ii) a berm;
 - (iii) two staggered rows of evergreen trees with trees in each row spaced at a maximum of 12 feet; or
 - (iv) a combination of the above.

Figure 19.52 (a)



- (3) Parking lot screening designed to reduce the visual impact of surface parking lots; mitigate glare from headlights; improve the aesthetic quality of the area for users of the site, adjacent sites, roadways, and sidewalks; and define the perimeter of the parking lot is required:
- (A) between those portions of an off-street parking area containing five or more parking spaces and a public street where the separation between the parking area and public street is 40 feet or less; and
 - (B) where required by the City Council through a condition of approval.
 - (C) Parking lot screening requirements may be waived in circumstances where perimeter screening is provided or where the elevation of the parking area relative to the elevation of the street and sidewalk would make the screening ineffectual as determined by the Planning Manager.
- (4) Parking lot screening standards.
- (A) Parking lot screening must be provided within ten feet of the perimeter of the parking lot to be screened.
 - (B) Parking lot screening must be a minimum of three feet and a maximum of four feet in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity.
 - (C) Parking lot screening (see Figure 19.52 (b)) must consist of:
 - (i) a compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;
 - (ii) an architecturally compatible opaque wall or fence;
 - (iii) a berm; or
 - (iv) a combination of the above.
 - (v) Transit shelters, benches, bicycle racks and similar features may be integrated as a part of the screen.

Figure 19.52 (b)



- (e) **Special Design Features.** The City allows and encourages use of xeriscaping, rain gardens, lakescaping, native prairie and long grasses in appropriate locations. Use of these materials is further discussed in the Planning Manager's Landscaping and Screening Policies and Procedures document.
- (f) **Restrictions.** The following restrictions on landscaping and screening apply to protect the public health, safety and welfare.
- (1) **Public Easements.** Landowners are advised that landscaping features placed in a public easement may be removed without compensation if it is necessary to install, replace or maintain a public utility, sidewalk or drainage way within the easement. Trees, irrigation lines, berms, walls or fences must not be placed in a public easement where public improvements are located without the written approval of the Director of Public Works.
 - (2) **Scenic Easements.** No earth moving, construction of improvements, planting of new vegetation, or removal of existing vegetation shall take place within Scenic Easements held by the City of Bloomington unless authorized by the City of Bloomington in accordance with the easement.
 - (3) **Clear View Triangle.** Landscaping and screening must not interfere with the clear view triangle as specified in Sections 17.31 and 17.32.
 - (4) **Crime Prevention Through Environmental Design (CPTED).** In support of CPTED principles designed to reduce the fear and incidence of crime and to improve the quality of life, landscaping must support the objectives of natural surveillance, territorial reinforcement, access control, and maintenance. These CPTED objectives are further discussed in the Planning Manager's Landscaping and Screening Policies and Procedures document.
 - (5) **Fire Hydrant and Utility Clear Zone.** The area three feet in radius around all fire hydrants, fire hose connections and utility boxes must be kept free of any trees, shrubs or other landscaping feature that could impede access to or use of the hydrant, fire hose connection or utility box.
- (g) **Authority of Planning Manager.** The Planning Manager shall have the authority to adopt and implement Landscaping and Screening Policies and Procedures for the purpose of specifying landscape plan submittal requirements, establishing surety rates and procedures and offering landscaping and screening material and design recommendations.
- (h) **Maintenance.**
- (1) **Material Maintenance.** The property owner must maintain all landscaping and screening materials shown on the approved landscape plan in a manner consistent with the intent and purpose of the plan and City Code requirements. Approved landscaping and screening materials that die, become diseased or are significantly damaged must be replaced at the next appropriate planting period with new materials in conformance with the approved landscape plan and applicable City Code standards.
 - (2) **Structure Maintenance.** Landscaping and screening structures such as fences and walls must be maintained in good condition, free of graffiti, peeling paint, decay or warping, must be repaired when needed and replaced periodically to maintain a structurally sound condition.
 - (3) **Ground Cover Maintenance.** Ground cover must be maintained in accordance with Sections 10.37 – 10.42 of this Code.
 - (4) **Removal.** Unless a modified landscape plan is approved, landscaping and screening materials and structures approved on a landscape plan must not be removed except when replaced in accordance with this Section.
 - (5) **Surety.** To ensure that landscaping and screening is installed as proposed and survives through at least one full growing season, a landscape performance surety must be submitted prior to issuance of building permits for new development where a landscape plan is required. The landscape surety rate and procedures are set forth in the Planning Manager's Landscaping and Screening Policies and Procedures document. The surety may consist of a bond, an irrevocable letter of

credit, cash deposit or other instrument which provides an equal performance guarantee to the City.

(i) Redevelopment Compliance.

- (1) Redevelopment or Large Addition. When either full redevelopment of a site is proposed or an addition that would increase total floor area on a site by 25 percent or more, a landscape plan for the entire site, demonstrating compliance with the requirements of this Section, must be submitted for approval.
- (2) Small Addition. When an addition is proposed that would increase total floor area on a site by less than 25 percent, but would physically impact existing landscaping, a modified landscape plan for the portion of the site affected by the addition, demonstrating compliance with the requirements of this Section, must be submitted for approval.
- (3) Constrained Sites. The City recognizes that highly constrained redevelopment sites may have difficulty meeting the requirements of Section 19.52. Given that the City seeks to encourage rather than impede redevelopment, highly constrained redevelopment sites may seek relief from landscape standards through the planned development process. In considering planned development flexibility to landscape standards, the City shall:
 - (A) balance the public interest in promoting redevelopment with the public interest in providing landscaping; and
 - (B) consider whether reduced landscaping levels are balanced by alternative methods of providing visual interest to the site including but not limited to sculpture, public art or higher quality landscaping materials.

SEC. 19.53. RESERVED. [MAINTENANCE.

~~In all districts, all screening, including landscaping, fencing, and other structures, whether required or not, shall be maintained so as not to be unsightly or constitute a nuisance to adjoining property and so as to be in accordance with any approved plans. Screening is "unsightly" when it is dilapidated, when it is in need of paint or peeling, when its materials are broken, crumbling, decaying, warping, or falling apart, or, in the case of landscaping, when plant materials are diseased or dying.]~~

SEC. 19.57.01. STEEP SLOPES.

(d) Special Provisions.

- (3) Mitigation.** When the City Council grants relief from the requirements of this Section by granting of a variance, approval of a Planned Development (PD) overlay district, approval of a conditional use permit for a Neighborhood Unit Development or other action, the City Council may require mitigation of the effects of surface runoff on steep slopes by any reasonable method, including but not limited to:
 - (i) Trees.** The City Council may require applicants to plant additional trees to intercept rain water on open portions of the lot. Any ["shade" tree listed in Section 18.02(A) of this Code which has a diameter of two inches or more at breast height, or any "evergreen" tree listed in Section 18.02(C) which is five] overstory tree of 2 and ½ caliper inches or greater or any evergreen tree of

six feet or more feet in height at the time of planting, shall qualify as meeting this requirement. This provision shall not be required for any lot which has more than one tree of qualifying size (but not species) for each 3,000 square feet of lot area.

SEC.19.63.10. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SEC. 19.63.11. PENALTY.

Violation of the standards set forth in this Article shall be enforceable in all of the following manners, without limitation: civil injunctive action; the assessment of civil administrative fines and penalties that are assessable against the property; as well as criminal misdemeanor prosecution.

Passed and adopted this _____ day of _____, 2004.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney