

## **SUBCHAPTER 54: BUFFERING, SCREENING, LANDSCAPE AND ASH CREEK SETBACK REQUIREMENTS**

### 54.005 Applicability.

A. All subject properties developed within the city are required to be buffered, screened and landscaped in accordance with the provisions of this Subchapter. All planting materials, species, sizes and installation details shall be in substantial conformance with the Independence Urban Forestry Management Plan. The requirements of this subchapter are in addition to any yard setback requirements or other requirements contained in the zoning or city code.

B. Development shall mean land use, limited land use, building permit, or development permit applications of any kind or the erection, construction or exterior remodeling of buildings, structures, parking lots and streets and roads in all zones, except for single-family dwellings or duplexes in residential zones.

C. Maintenance. Property owners are required to maintain the buffered, screened or landscaped areas including necessary watering, weeding, pruning, and mowing. Trees and shrubs may be trimmed or removed for health or safety reasons but shall be replaced with suitable landscaping materials.

D. Irrigation. All landscaped areas shall be irrigated by an underground system except for dwelling structures containing less than four units or unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

E. Site Improvements. The property owner is responsible for the maintenance of the site improvements including re-stripping parking stalls and ensuring the preservation of the clear vision area.

F. Submission of landscape plans. Landscape plans, including any required buffering and screening, shall be submitted and reviewed as part of the Site Design Review application process (see Subchapter 80).

G. Alternative Plans. The requirements of this ordinance may be reduced or eliminated when the following alternative means of providing the required landscaping exist:

1. Existing Screening. Where the abutting use has provided buffering in compliance with this section, no further buffering or screening need be provided.

2. In lieu of these standards, the property owner may submit a detailed plan and specifications for landscaping and screening, as part of a Site Design Review application, including plantings, fences, walls, walks and other features designed to afford the degree of desired buffering. The city shall review the alternative plan based on standards contained in this subchapter.

H. Permit Issuance.

1. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120% of the cost of plant materials and labor as determined by the approval authority is filed with the city assuring such installation within a time specified by the City, but not exceeding six months after occupancy.

2. Security may consist of a faithful performance bond payable to the city, cash, certified check, time certificate, or deposit, or assignment of savings account and the form shall meet with approval of the City Attorney.

3. If the installation of the landscaping is not completed within the period specified by the City, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the city.

54.010 Buffering and Screening Requirements.

A. A buffer consists of a horizontal distance adjacent to the property line, which may only be occupied by screening, utilities and landscaping materials.

B. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area: Width not less than fifteen (15) feet, planted with the following materials:

a. at least one row of deciduous or evergreen trees staggered and spaced not more than fifteen (15) feet apart;

b. at least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of

planting; and

c. lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

2. Berm Plus Planting Area: Width not less than ten (10) feet, developed in accordance with the following standards:

a. Berm form should not slope more than forty (40) percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.

3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:

a. a masonry wall or fence not less than five (5) feet in height; and

b. lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.

4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, may be used, as approved by the Planning Commission.

C. Screening shall be used to eliminate or reduce the visual impacts of the following:

1. service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas;

2. outdoor storage and outdoor display areas;

3. parking areas of 6 or more vehicles for a multiple-family, mixed-use or commercial development, when the parking is directly adjacent to a single-family home, duplex, townhouse, or residential zone and the screening can be used to screen the adjacent residential use from the parking area;

4. parking areas for 30 or more vehicles for industrial uses;

5. at and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners; and

6. any other area or use as required by this Ordinance.

D. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

E. When a required buffer is adjacent to a street, the required fence structures shall be located so that the landscaped portion of the buffer is oriented toward the right-of-way.

F. All mechanical equipment on roofs shall be screened when abutting a residentially designated property or an arterial street. Screening shall obscure mechanical equipment at elevation. Solar collecting panels are exempt from this requirement.

54.015 Types of Landscaping Required. Required landscaping within the buffer shall consist of the following:

A. Shade Trees. Deciduous trees capable of at least 25 feet in height and spread at maturity, and not less than ten feet high and 1.5” caliper in size at the time of planting.

B. Evergreen Shrubs. Evergreens not less than two feet high and one-gallon size at the time of planting.

C. Ground cover consisting of lawn, low-growing evergreen shrubs, evergreen ground cover, organic mulch or rock mulch covering the balance of the property.

54.105 Setbacks Required.

A. There shall be a 25’ greenway setback required along the banks of Ash Creek. The 25’ shall begin at the top of the bank or at the high water mark, whichever is higher. There shall be no development within the required setbacks.

B. Development for the purposes of this Subsection 54.105 means to construct or alter a structure, to erect a fence, to conduct a mining operation, to conduct filing, grading, paving, excavation or drilling operations, to make a physical change in the use of land, or to create or terminate rights of access. Development does not include placement of public or private bridges.

C. There shall be no affirmative duty to plant trees, shrubs or vegetation along said setback, although property owners shall be liable for nuisances created in any failure to maintain their property in a manner so as not to interfere with the health, safety and general welfare of the general public.

D. Nothing in this subsection shall prevent landscaping; reasonable emergency procedures necessary for the safety or protection of property; maintenance and repair usual and necessary for the continuation of an existing use; or repair or maintenance of existing structure, provided that such activities are conducted in conjunction with uses already existing on the same property and that they are accomplished in a manner compatible with the purpose of this subsection.

E. This subsection does not give the general public any rights of access across private property that does not otherwise already exist or may hereafter be granted by said private property owners.

**54.205 Landscaping Requirements.**

The following areas shall be landscaped in accordance with the requirements listed below. These requirements may be used in conjunction with the buffering and screening requirements listed in 54.010 above. The requirements in this subsection are not applicable to manufactured dwelling parks, which are regulated by Subchapter 61 of the Independence Development Code.

**A. Site Landscaping Standards**

1. Multiple-family residential developments or dwelling structures containing three (3) or more units:
  - a. A minimum of 20% of the gross site shall be landscaped. Landscaped areas may include ground cover, shrubs and trees for foundation plantings, entrance plantings, parking island and perimeter plants.
  - b. Each ground level unit, excluding manufactured homes, shall have



[1]



[2]

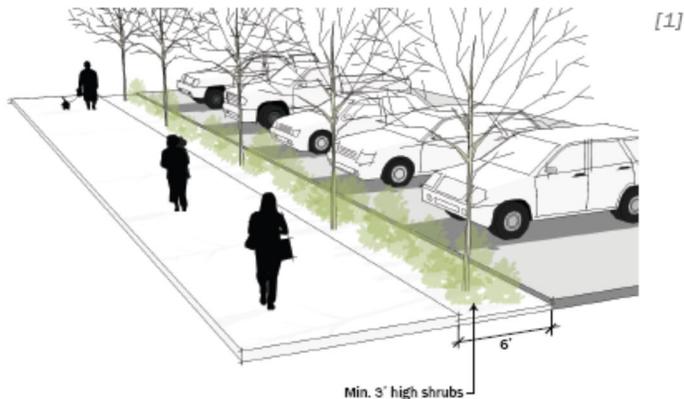


[3]

**Site Landscaping.** [1] A minimum of 15% of the site for commercial, industrial and mixed use developments should be landscaped. A minimum of 20% of the site for multi-family developments should be landscaped. [2] Up to one-third of the landscape may be hardscape such as a walkway, plaza, or small gathering area [3] Whenever possible, stormwater detention and retention facilities should be incorporated into the landscape.

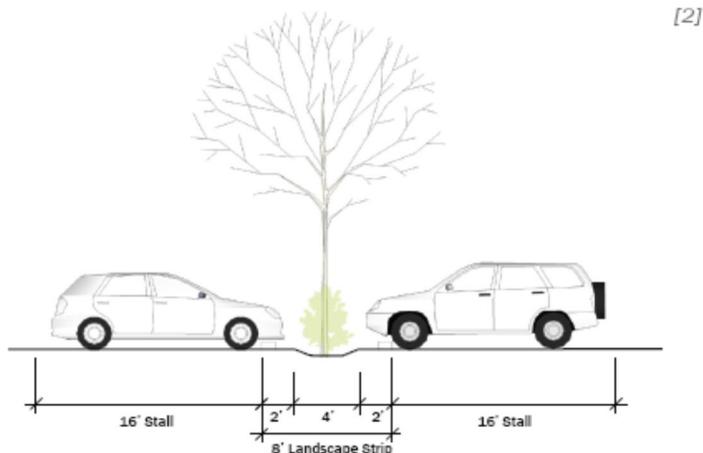
an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents. ....

- c. The standard in IDC 54.205(A)(1)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones or the Downtown Riverfront Zone.



2. Commercial, Industrial and Mixed-Use Developments:

- a. A minimum of 15% of the gross site area is required to be landscaped.
- b. The standard in IDC 54.205(A)(2)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones or the Downtown Riverfront Zone.



3. Landscape Requirements. For developments that require a set percentage of the site to be landscaped:

- a. Landscaping shall be provided in the form of a dedicated landscape zone that has at a minimum a rate of one (1) tree and three (3) shrubs per every 400 square feet of contiguous open space. Remaining area within the 400 square foot open space area shall be planted with ground cover, including grass, that fills the area after three (3) years.
- b. Up to 30% of the landscaping requirement for the site may be dedicated to hardscape –



**Off-Street Parking Lot Landscaping.** Parking lot appearance and functionality can be improved by [1] a minimum perimeter setback of 6 feet with ground cover, shade trees, and shrubs that are a minimum of 3 feet high [2] internal landscaping strips that are a minimum of 8 feet wide [3] and stormwater detention and retention landscaping that reduces run-off while also providing a buffer between parking and pedestrians.

walkways, plazas and small gathering areas. Every attempt shall be made to use permeable materials such as grasscrete, gravel, or previous asphalt.

#### 4. Requirements for Additions.

- a. Any addition to or expansion of an existing structure that falls within the standards in IDC 54.205(A) shall provide landscaping for the addition. To determine the amount of landscaping necessary, the applicant shall calculate the total area that will be covered by new impervious surfaces (whether parking spaces, loading areas or building footprint) and multiply the total by the proportion of landscaping required.
- b. Landscaping to be installed for an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the City.

B. Parking Lot Landscaping Standards. Parking lots that contain over ten (10) parking spaces are required to use curbed islands and landscape strips consisting of plantings therein to break up parking areas. The following landscape standards shall apply to off-street parking lots:

##### 1. Perimeter landscaping

- a. In all parking lots a minimum perimeter of six (6) feet shall be landscaped within the front and side yard setbacks to buffer the parking lot. Provided that, for parking lots with 20 or fewer parking spaces, the perimeter landscaping shall only be required next to an adjacent street. The six (6) foot wide strip shall be landscaped with:
  - i. Noninvasive ground cover (including grass),
  - ii. Shrubs that are a minimum of three (3) feet high after two (2) years and form a continuous screen, and
  - iii. Approved street trees that are a minimum a 2.5" caliper and are planted at a rate of one (1) every 25 feet.
- b. A three (3) foot high wall or planter constructed of either concrete or masonry may be substituted for ground cover or shrubs to screen the sidewalk from parking.

##### 2. Interior landscaping.

In parking lots that have more than ten (10) parking spaces, there shall be a minimum of 150 square feet of landscaping per every ten (10) spaces that includes two (2) shade trees for every ten (10) spaces. Any extra landscaping used along the perimeter of a parking lot or used for parking lot screening (per IDC 54.010(C)) can be used to help meet this requirement.

54.300 Appeal. The property owner may appeal a decision based on the requirements of this subchapter to the planning commission in accordance with the appeal procedures contained in Subchapter 11 of the Independence zoning code.

54.505 Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.