

Chapter 7 CEMETERIES

Sec. 7-10. Perpetual care of burial space or lot.

The City shall care in perpetuity for all burial spaces or lots in City cemeteries. Such care shall include the cutting and raking of grass, the trimming of trees and shrubs, the preservation of graves and the removal of refuse, but shall not include cover work on monuments, markers and tombstones therein. The owner(s) of a burial space or lot may not prohibit the City from performing its obligations under this section.
[Ord. of 5-12-1997]

Sec. 7-13. Cemetery regulations.

The following regulations govern the use of burial spaces and lots in City cemeteries:

...

(4) No tree, shrub or plant shall be planted, pruned or removed from a City cemetery without the consent of the Director. The Director may plant, prune, remove or transplant any tree, shrub or plant in a City cemetery or at any burial space or lot whenever it is necessary to do so in order to economically maintain and care for burial spaces or lots, to prevent the impairment of or interference with the use of other burial spaces or lots or to promote, preserve or improve the appearance and dignity of the cemetery.

...

[Ord. of 5-12-1997]

Chapter 10. FIRE PREVENTION AND PROTECTION

Article I. In General

Sec. 10-5.5. Visibility of fire hydrants.

(a) It shall be unlawful for any person to plant any trees, shrubs or flowers or erect any structures within a radius of five feet from any City fire hydrant or between a fire hydrant and a public sidewalk or street.

(b) There is excepted from the prohibition of this section grass or ground cover not exceeding 12 inches in height.

[Ord. of 9-22-1997(1)]

Chapter 13. GARBAGE AND REFUSE

Sec. 13-1. Definitions.

YARD WASTE, Consists of leaves, fallen branches, shrubbery and lawn trimmings.

[Ord. No. 94-6, 6-13-1994; amended by Ord. of 9-25-2000]

Sec. 13-11. Waste from land being cleared, developed or landscaped.

Material such as trees, shrubbery or underbrush for land being cleared, developed or landscaped by commercial landscapers or contractors and trees being removed from lots by owners or occupants shall not be picked up by City forces.

[Ord. No. 94-6, 6-13-1994; amended by Ord. of 6-9-1997(1)]

Chapter 25.8. STORMWATER MANAGEMENT

Sec. 25.8-1. Purpose and authority.

(a) The purpose of this chapter is to ensure the general health, safety, and welfare of the citizens of the City of Franklin and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land-disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(b) This Chapter is adopted pursuant to Title 62.1-44.15:27 of the Code of Virginia. [5-9-2014, effective 7-1-2014]

Sec. 25.8-2. Definitions.

In addition to the definitions set forth in 9 VAC 25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this chapter have the following meanings, unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

BEST MANAGEMENT PRACTICE or BMP Schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

DEVELOPMENT Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for nonagricultural or nonsilvicultural purposes.

LAND DISTURBANCE or LAND-DISTURBING ACTIVITY A man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 25.8-3(b) of this chapter.

STORMWATER Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

STORMWATER MANAGEMENT PLAN A document(s) containing material describing methods for complying with the requirements of § 25.8-6 of this chapter.

VIRGINIA STORMWATER MANAGEMENT PROGRAM or VSMP A program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities, and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article and evaluation consistent with the requirements of this article and associated regulations.

[5-9-2014, effective 7-1-2014]

Chapter 29 VEGETATION

Article II. Grass, Weeds and Other Foreign Growth

Sec. 29-50. Public nuisance; maximum height.

Grass, weeds or other foreign growth exceeding 12 inches in height on property located in the City, (except for such on banks of continuously flowing streams, on natural slopes of a vertical angle of 30° or greater and on natural and undisturbed wooded areas), shall constitute a public nuisance endangering the health and safety of City residents. It shall be the duty of every owner and every occupant of any such parcel of land in the City to provide for the cutting of grass, weeds and other foreign growth on such property so that such grass, weeds or growth does not exceed 12 inches in height. A violation of this duty shall be unlawful and shall constitute a Class 4 misdemeanor.

[Code 1962, § 15-12; amended by Ord. of 5-28-1997(8)]

Sec. 29-51. Notice to cut and remove.

(a) When any condition exists on any lot or parcel of land in the City in violation of § 29-50, it shall be the duty of the City Manager or his or her designee to serve or cause to be served upon the owner(s) and or occupant(s) notice requiring the owner(s) or occupant(s) to cut and remove the grass, weeds or other foreign growth within seven days after service upon the owner(s) or occupant(s) of such notice.

(b) Any notice required by Subsection (a) above shall be conclusively deemed to have been served two days after having been mailed by certified or registered mail to the current owner(s) at the address shown on the records of the commissioner of revenue of the City or to the current occupant(s) at the address shown on the records of the City's electric billing department. In the event that the address of the owner is unknown, then service of the notice shall be made by posting of the notice on the land or premises on which the violation exists.

[Code 1962, §§ 15-13, 15-14; amended by Ord. of 9-23-1996(2); Ord. of 5-28-1997(8); Ord. of 1-28-2002(1)]

Sec. 29-52. Cutting and removal by City.

If any owner neglects, fails or refuses to comply with a notice served upon him pursuant to § 29-51, the City Manager or his or her designee may cut, destroy or remove the grass, weeds or other foreign growth referred to in such notice on a continuous basis through the balance of the growing season in the calendar year of such notice in order to keep such vegetation at or below the maximum height permitted by § 29-50. The charge, cost and expense of such work plus an administrative fee of \$75 per cutting is declared to be a charge, cost or expense of the property, lot, place or area where such grass, weeds or other foreign growth is cut, destroyed or removed, and the City Manager or his or her designee shall demand of any owner of such property the payment of such charge, cost, expense and fee. If such charge, cost, expense and fee is not paid within 10 days after such demand is made, the amount due, with 10% interest, shall be collected and shall be enforceable in the same manner as fixed by law for the collection of taxes, shall be subject to the same penalties for delinquency, costs and fees and shall constitute a lien on such property.

[Code 1962, § 15-15; amended by Ord. of 9-23-1996(2); Ord. of 5-28-1997(8); Ord. of 1-28-2002(1)]

Article III. Beautification Commission

Sec. 29-63. Appointment of members of Franklin Beautification Commission.

(a) The Franklin Beautification Commission shall be composed of nine members who shall be residents of the City and who shall be appointed by City Council for staggered terms of four years. Members whose terms have expired shall hold office until their successors have

been appointed. Vacancies occurring on the Commission otherwise than through the expiration of terms shall be filled for the unexpired terms by appointment of City Council.

(b) To the extent that such persons are available, members shall consist of landscape architects, landscape designers, arborists, gardeners and other persons interested in the appearance of the City, its streets, sidewalks, parks and other public places.

[Ord. No. 217, 3-26-1984; amended by Ord. of 7-12-1999; Ord. No. 2003-9, 6-9-2003]

Sec. 29-64. Officers; quorum.

The members of the Beautification Commission shall elect a Chairman and a Vice Chairman. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

[Ord. No. 217, 3-26-1984]

Sec. 29-65. Advice; recommendations.

The Beautification Commission shall advise and make recommendations to the City Manager regarding the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs, bushes and all other vegetation in parks, along streets, and in all other public places in the City.

[Ord. No. 217, 3-26-1984]

Sec. 29-66. Permit — required for planting.

It shall be unlawful for any person to plant any tree, shrub or bush in any public park, along streets, and any other publicly owned property without first having obtained a written permit therefor from the City Manager's office and without in all respects complying with the conditions and terms of such permit. Such permit shall set forth the variety of tree, shrub or bush and the location where the same may be planted.

[Ord. No. 217, 3-26-1984]

Sec. 29-67. Same — required for maintenance.

It shall be unlawful for any person, except a City employee in the performance of his duties, to spray or otherwise treat, remove, destroy, break, cut or trim any living tree, shrub or bush, or any part thereof, growing in any street, park, public place or public grounds, without first having obtained a written permit from the City Manager's office. Any such work shall be done subject to supervision by and the control of the City.

[Ord. No. 217, 3-26-1984]

Sec. 29-68. Same — required for attachments to trees.

It shall be unlawful for any person, without first having obtained a written permit from the City Manager's office, to attach any wire, insulator, sign or any other device to any tree growing in any street, park, public place or grounds.

[Ord. No. 217, 3-26-1984]

Sec. 29-69. Same — issuance.

All permits required pursuant to this article shall be issued by the City Manager's office. Prior to the issuance or denial of any such permit, the City Manager shall refer the permit request to the Beautification Commission for its recommendation. The Commission shall give its recommendation to either approve or disapprove the request within 30 days of the date such request is referred to the Commission.

[Ord. No. 217, 3-26-1984]

Sec. 29-70. Penalty for violation of article.

Any violation of this article shall be a Class 3 misdemeanor.

[Ord. No. 217, 3-26-1984]

Chapter 30. WATER, SEWERS AND SEWAGE DISPOSAL

Article V. Water Conservation

Sec. 30-102. Stage I water shortage.

(a) Upon determination by the City Council that the City's water supply is limited, it may declare, by resolution, a Stage I water shortage.

(b) Upon the City Council's declaration of a Stage I water shortage, the City Manager shall request that persons utilizing City water voluntarily minimize the use of water:

...
(3) In watering shrubbery, trees, lawns and other growing plants other than farm crops.

[Ord. of 10-27-1997(4)]

Sec. 30-103. Stage II water shortage.

(a) Upon determination by the City Council that the City's water supply is very limited, it may declare, by resolution, a Stage II water shortage.

(b) Upon the City Council's declaration of a Stage II water shortage, the City Manager shall order that persons utilizing City water curtail any or all of the following less essential uses of water:

...
(3) The watering of shrubbery, trees, lawns and other growing plants other than farm crops, except when using an alternate water source, recycled water or a water container not exceeding three gallons in capacity. Any such watering shall be limited to the hours between 8:00 p.m. and 10:00 a.m.

[Ord. of 10-27-1997(4)]

APPEDIX A. ZONING ORDINANCE

[This Appendix D contains the Zoning Ordinance of the City of Franklin adopted on 4-11-1994. Except for nonsubstantive stylistic changes, these provisions are set out as enacted. Words appearing in brackets [] were added by the editor for clarity.]

ARTICLE I. Districts and District Map

Sec. 2.8. Prohibition of visual obstructions at street intersections.

On corner lots in any district except the B-2 central business district, no fence, shrubbery, trees, other plantings or structures shall be permitted higher than three feet above the curb or street, whichever is higher, within a triangle formed by two twenty-foot legs measured from the point of intersection of the street right-of-way lines.

ARTICLE III. R-O One-Family Residence District Use Regulations

Sec. 3.1. Purpose of the district.

The purpose of residential district, R-O, is to provide for low density, single-family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

Sec. 3.2. Permitted principal uses.

...

(d) Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.

...

[Amended by Ord. No. 6-12-2000(2); Ord. of 4-28-2002(3)]

ARTICLE IV. R-OA One-Family Residence District Use Regulations

Sec. 4.1. Purpose of the district.

The purpose of residential district, R-OA, is to provide for low density, single-family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

Sec. 4.2. Permitted principal uses.

...

(d) Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.

...

[Amended by Ord. No. 6-12-2000(3); Ord. of 4-8-2002(3)]

ARTICLE XVA. Planned Elderly or Retirement Residential Community District

Sec. 15A.1. Purpose of district.

The purpose of the planned elderly or retirement residential community district (PERRC) is to provide for a range of residential opportunities specifically planned for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, and nursing home care at one integrated location within a campus setting. The district is intended to allow greater flexibility than is generally possible under other zoning district regulations by allowing deviations in lot size, density, type of dwelling, lot coverage and open space. It provides for PERRCs which may be under single ownership and which may not require construction of public streets within the project area and PERRCs in which residents purchase the properties in which they reside, which do require construction of public streets within the PERRCs.

[Amended by Ord. No. 2005-3, 2-14-2005]

Sec. 15A.4. General standards and district requirements.

(a) General standards:

...

(3) Landscaping shall meet the minimum requirements of article XXV of this ordinance.

(4) The PERRC shall, to the extent feasible, preserve existing trees on the site and the existing topography and the natural character of the site by minimizing grading thereof.

...

[Amended by Ord. No. 2005-3, 2-14-2005]

ARTICLE XVB. Residential Planned Unit Development District

Sec. 15B.1. Purpose of District.

The purpose of the Residential Planned Unit development (PUD) zoning district is to provide for the development of planned residential communities that incorporate a variety of housing options and may incorporate certain limited commercial and office uses designed to serve the inhabitants of the PUD. This district may be applied for in any district which permits residential uses, including B-1 (Neighborhood Business Districts) and B-2 (Central Business Districts). The development will include features, such as enhanced building quality, innovative site design, historic preservation, open space protection and landscaping that exceeds the standards usually found in conventional developments. This PUD district is intended to allow greater flexibility than is generally possible under other zoning district regulations by allowing deviations in lot size, density, type of dwelling, lot coverage and open space. This flexibility is intended to permit a significant variation of available price points for residential properties within the district. It provides for PUDs, or portions of a PUD which may be under single ownership PUDs, or portions of a PUD, in which residents purchase the properties in which they reside.

Sec. 15B.4. General Standards.

...

(e) Landscaping shall meet the minimum requirements of Article XXV of this ordinance. The PUD shall, to the extent feasible, preserve existing trees on the site and the existing topography and the natural character of the site by minimizing grading thereof. The Master Plan shall include a tree preservation plan that will identify target trees, and/or areas of trees, to be preserved within the district.

Sec. 15B.13. Contents of the Master Plan.

The formal application for the PUD overlay district must be submitted with the Master Plan. The drawings, narrative presentation and studies included in the Master Plan must address the applicable issues identified in this Article, Article XXIV of this Ordinance (Site Plan) and the Subdivision Ordinance. A minimum checklist of issues to be included with the Master Plan is as follows:

...

(15) A tree preservation plan that identifies provisions for preserving large trees on the site.

(16) A general landscape plan including any special buffering proposed between project land uses and adjacent zoning districts.

...

ARTICLE XVII. Cluster Zoning

Sec. 17.1. Intent.

The intent of this article is to allow the development of a cluster subdivision in residential zoning districts other than R-1A general residence. It provides for a variation of lot sizes, but does not allow an increase in the overall density that would normally be allowed in these districts. This article is intended to: encourage the preservation of environmentally sensitive lands; prevent soil erosion by permitting development according to the nature of the terrain and soils; provide larger open areas with greater utility for rest and recreation; provide for natural buffer areas along streets and highways; and, encourage more attractive and economic subdivision design.

Sec. 17.2. Design criteria.

(a) Cluster subdivisions shall be designed to preserve significant natural features and sensitive environmental areas. These include, but are not limited to, the following: streams, shore lines, wetlands, ravines, significant stands of trees and steep slopes.

...

ARTICLE XXV. Landscaping Requirements

Division 1. In General

Sec. 25.1. Purpose and applicability.

(a) In order to enhance the general appearance and design of developments which are of prime importance to the City of Franklin and its citizens, it is necessary to set forth standards for overall landscape design, preservation of existing vegetation and installation of new landscaping. It is purpose of this article:

- (1) To provide standards that, when adhered to, will enhance the appearance of developments, streets and sidewalks in the city, while allowing for individuality, creativity, and artistic expression in design;
- (2) To contribute to the preservation of wildlife habitat and to promote good air quality, groundwater recharge and energy conservation, while reducing noise, glare, and excessive heat;
- (3) To encourage and promote an appropriate balance between the built and the natural environment;
- (4) To preserve and improve property values (public and private) through preservation of open space, protection of existing vegetation, provision for buffers between incompatible uses and along roadways and encouragement of the planting of new vegetation where appropriate;
- (5) To preserve and enhance the ecological and aesthetic value of property by requiring the installation of tree canopy and other vegetation thereon;
- (6) To realize the economic and environmental value gained by the preservation of existing vegetation and undisturbed soils;
- (7) To promote water conservation through preservation of natural areas, encouragement of good soil management and encouragement of the use of native and/or drought tolerant plant materials; and
- (8) To preserve topsoil by minimizing slopes and to prevent an increase in stormwater runoff from sites subject to this article.

(b) Application: The requirements of this article shall apply to all real property, public and private, located in the City of Franklin for which site plan approval is required pursuant to article XXIV of this ordinance except the following:

- (1) Renovation or repairs of an existing structure or building or additions thereto which result in an expansion of less than 50 percent of the square footage of the same.
- (2) Changes of use of structure or building in the same land use classification or to a lower classification.
- (3) Improved properties in the downtown service district as defined in chapter 27 of the City of Franklin Code.
- (4) One or two family dwellings.

Sec. 25.2. General requirements and minimum standards.

(a) Ten copies of landscaping plans shall be submitted for approval to the zoning administrator in conjunction with the submission of site plans pursuant to article XXIV of this ordinance. These plans may be developed by the applicant, a landscape architect, a civil engineer, a landscaping company or a landscape designer, and must meet the requirements of this article.

(b) All existing uses adjacent to the site (but excluding properties across public streets) including the locations and sizes of street yards, buffer yards, vehicular use areas, display areas, service areas, loading areas and any residential densities shall be clearly indicated on the landscaping plan.

(c) For vacant properties adjacent to the site, the highest classification of permitted use as set forth in § 25.8 hereinbelow and allowed in the zoning district in which it is located shall be used to determine buffer widths and heights.

(d) Existing natural healthy trees, which are to be preserved and used for credit toward satisfaction of the requirements of this Article, shall be clearly labeled on the landscaping plans and their species, height, and caliper at one foot above grade shall be indicated on the plans. All trees that are to be used for credit to meet the requirements of this article shall be at least 1 3/4 quarters to two inches in caliper at the stated height. Methods for protecting existing trees from damage during construction shall be shown on the landscaping plans.

(e) It is the responsibility of the owner to maintain existing trees used for credit as set forth above and approved new plant materials alive and in good health. All newly installed plant materials shall conform to the latest edition of ANSI Z60.1-1996, American Standard for Nursery Stock, and any subsequent editions as may be adopted from time to time. Any dead or missing plant materials, which are part of the required landscaping for a site must be replaced within six months or, for good cause shown, such extended time as permitted by the zoning administrator, or his or her designee. Newly installed plant material shall be of locally adapted species and conform to the planting standards established herein.

(f) Easements. Nothing except turf shall be planted on grade where there is an underground or overhead utility easement or drainage easement without the written consent of the City of Franklin or other easement holder at the time of site plan approval.

(g) Site distance triangles. Notwithstanding the requirements of this division set forth above with respect to plantings, no plantings shall be installed that will impair the vision of motor vehicle operators at points where access driveways intersect public rights-of-way in keeping with the provisions for street intersections set forth in § 2.8 of this ordinance.

(h) Pruning of trees. Care should be taken that trees not be topped or excessively pruned. In the event that excessive pruning results in a tree or trees deviating from it or their natural pattern of growth, as determined by the zoning administrator, the owner has a duty to replace such tree(s).

[Amended by Ord. No. 2004-22, 8-23-2004]

Division 2. Buffer Areas

Sec. 25.3. Buffer areas – Intent.

The intent of this division is to provide standards for the installation of a visual and vegetative separation between incompatible or different uses and to promote, where feasible, the preservation of existing vegetation rather than the removal of existing vegetation and installation of new plant materials in a required buffer area.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.4. Vegetation, permitted uses and grading within buffer areas.

Buffer areas shall meet the requirements of this division by any combinations of the following:

- (1) Allowing natural vegetation to remain;
- (2) Removing dead, diseased or unsightly vegetation; and/or
- (3) Installing supplemental plantings.

Driveways are permitted in buffer areas and should intersect with public streets as near to a 90-degree angle as is practical given the shape and topography of the property. Some grading in buffer areas may be permitted.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.5. Location of buffer areas.

Unless an alternate location is approved by the zoning administrator, or his or her designee, all required buffer areas shall be located generally parallel to the perimeter of any lot, but should stop at the front yard setback line. All required buffer areas shall be clearly labeled and dimensioned on the landscape plans.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.6. Width of buffer areas and type of planting.

(a) Buffer widths shall be based on the land use classifications of proposed and adjacent uses. Such classifications are set forth in § 25.8.

(b) New developments shall provide buffer areas to separate the proposed use from adjacent uses(s) of the width and with the type of planting set forth Table 1 below,[1] whether by preservation of existing vegetation, installation of new plantings or a combination thereof.

[Amended by Ord. No. 2004-22, 8-23-2004]

[1]: Editor's Note: The Table of Buffer Widths is included at the end of § 25.9.

Sec. 25.7. Meeting buffer requirements.

(a) If the proposed development is adjacent to improved property then the entire buffer requirements shall be met.

(b) If the proposed development is adjacent to unimproved property then one-half of the buffer requirements shall be met.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.8. Land use classifications.

(a) Class 1:

Low density residential use equal to or less than four units per acre, public parks, resource conservation areas, greenways, recorded permanent open space, farms and similar low density uses as determined by the zoning administrator in his discretion.

(b) Class 2:

Medium density residential use of five to 12 units per acre.

Professional and other business offices, studios, agencies, and laboratories (with no drive-in services or automated teller machines).

Civic clubs, housing for fraternal organizations.

Bed and breakfast establishments and rooming houses.

Funeral homes, cemeteries, grave sites.

Telegraph, CATV, radio, and television broadcasting and transmission facilities.

Fire stations and facilities housing emergency service vehicles, police precinct, and support training facilities.

Churches, synagogues, convents, monasteries.

Public and private schools, secondary and elementary schools but not stadiums.

Golf courses other than driving ranges and miniature golf.

Day care facilities, adult care day care facilities, assisted living/care facilities, and convalescent care facilities.

Beauty salons and barber shops.

Tanning salons.

Similar medium density uses as determined by the zoning administrator in his discretion.

All accessory uses serving the uses listed in this section.

(c) Class 3:

High density residential use of more than 12 units per acre including multi-family apartments and townhouses.

Retail sales and services, commercial uses, sales and service of equipment.

Eating establishments, food stores, uses with any drive-in service, automated teller machines or both.

Hotels, motels, and campgrounds.

Colleges, universities, technical and specialty schools, vocational schools, instructional facilities, libraries, galleries, and museums.

Hospitals and asylums.

Outdoor stadiums, theaters, racetracks, coliseums or civic centers of less than 250 seats, indoor movie theaters.

Plant nurseries.

Similar high density uses as determined by the zoning administrator in his discretion.

All accessory uses serving the uses listed in this section.

(d) Class 4:

Industrial and manufacturing uses including processing of materials, bulk products, fabricating, manufacturing, mixing, printing, assembly, cutting or repairing of articles, and products for handling or the distribution of materials, articles, or products.

Mini warehouse storage facilities, warehousing and distribution centers, or storing indoors or outdoors as a primary use, wholesaling, outdoor storage of contractors equipment, coal or lumber yard, and scrap yard.

Storage in bulk quantities, above or below ground, of flammable or combustible liquids and hazardous chemicals, but not storage at gasoline service stations in quantities for retail sales to the general public nor storage for consumption on the premise.

Transportation facilities, terminals, depots, storage of trains, trucks, buses and other vehicles.

Airfields, landing strips, heliports, railroad freight and passenger stations.

Utility power, treatment, or gas plants, incinerators, storage terminals, water towers and tanks not located on a roof, and accessory uses and parking.

The temporary or permanent outdoor storage of vehicles, including wrecked, dismantled or partially dismantled vehicles, manufactured homes, boats, aircraft, farm machinery, taxis, automobiles, buses, trucks and motorcycles as the primary use (such as parking garages, dealers, parking rental lots, and park 'n' ride lots); or vehicles in excess of eight used in the operation of a business or service (such as motor pool and fleet vehicles).

The raising of, the processing of, or the slaughtering of animals and insects, but not pasture lands.

Landfills, indoor or outdoor reclamation facility, storage of recyclable materials, and unlicensed, uninspected, wrecked, crushed, dismantled or partially dismantled vehicles.

Quarry and mining operations.

Outdoor stadiums, race tracks, theaters and coliseums or civic centers of 250 or more seats, and outdoor movie theaters.

Penal and correctional institutions.

Recreational outdoor use — commercial, (excluding golf courses), including membership and non-membership facilities, but not including recreational use related to residential development, or recreational use restricted to membership — not for profit in a residential district.

Public utilities substations.

Shopping centers, shopping areas, and automotive service and repair facilities.

Outdoor storage for the operation of any of the uses listed in this part.

Outdoor rifle ranges.

Kennels.

All accessory uses serving the uses listed in this section.
[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.9. Required number of buffer plantings.

- (a) The following buffer plantings are required for every 100 lineal feet of buffer length:
 - For a 15-foot wide buffer: 25 shrubs.
 - For a 25-foot wide buffer: 40 shrubs.
 - For a 30-foot wide buffer: 55 shrubs.
- (b) Additional buffer planting shall be required on a prorated basis for every additional 20 lineal feet of buffer length.

Table of Buffer Widths Based On Use Classifications

Use Classification	Use Classification of Adjacent Use(s) and Buffer Width			
	Class 1 (ft)	Class 2 (ft)	Class 3 (ft)	Class 4 (ft)
Class 1	0	15	25	30
Class 2	15	0	15	25
Class 3	25	15	0	15
Class 4	30	25	15	0

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.10. Types of landscaping required for buffer areas.

Evergreen shrubs planted to meet the requirements of this section shall be planted at a minimum of 24 inches in height at time of planting and should achieve a minimum height of five feet within five years of planting. Shrubs planted on berms may have a lesser mature height but the combination of shrub height and berm height shall be at least equivalent to the minimum height required. No shrub shall be planted further than six feet from another shrub on center and shall be at least six feet from existing trees. Developers are encouraged to leave existing, attractive, healthy trees in the buffer area.

[Amended by Ord. No. 2004-22, 8-23-2004]

Division 3. Landscaping of Vehicular Use Areas

Sec. 25.11. Intent.

The intent of this division is to ensure attractive views of vehicular use areas such as parking lots, driveways, loading and service areas, utility service areas and utility devices from streets and adjacent properties by screening such areas from adjacent properties and public rights-of-way; by moderating temperatures of impervious areas, by abating glare from parking lots or service areas and by helping to filter vehicular exhaust. This division specifies minimum requirements and design standards while allowing flexibility in design.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.12. Definition.

Vehicular use areas are areas in which motor vehicles are either stored or driven, including private access driveways, parking lots containing more than five parking spaces, vehicular display lots (vehicles for sale, rent, or lease), loading and service areas, utility service areas and utility devices, including, but not limited to, electrical substations, electrical transformers and pumping stations. Portions of interior vehicular use drives with no parking spaces on either side or used exclusively as access to loading and service areas are excluded from this definition.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.13. Vehicular use areas adjacent to buffer areas.

Where vehicular use areas are located adjacent to required buffer areas, the required buffer area landscaping as set forth in division 2 above counts toward satisfying the planting requirements for the vehicular use area.

[Amended by Ord. No. 2004-22, 8-23-2004]

Sec. 25.14. Vehicular use area landscaping requirements.

(a) Design standards for parking lots are as follows:

(1) All parking lots must have at least one canopy tree at least eight feet in height and 1 3/4 to two inches in caliper measured one foot above grade when planted with an expected mature height of 35 feet or more within 60 feet of each parking place or two small trees and/or large tree-form shrubs instead of one canopy tree, if overhead utility lines will impair the canopy tree's growth to maturity, the midpoint between said trees being within 60 feet of each parking space.

(2) Existing trees. Existing health canopy trees, meeting the size requirements set forth in 1. above, may be counted toward the requirements of this section, provided that tree protection methods are installed at least six feet from the trunks of existing trees or groupings of trees or one foot for each one inch in caliper for each tree or grouping of trees to be retained and maintained in a healthy growing condition before, during and after development of the site.

(3) Landscape areas for parking lots may be provided in islands located at the ends of rows of parking spaces, in medians located between rows of parking bays or adjacent to and within ten feet of the perimeter of the parking lot.

(4) All planting medians and islands in parking lots shall be at least seven feet wide, measured from the back of each curb and must contain at least 300 square feet for each canopy tree or two small substitute trees. Median planting strips between rows of parking bays are encouraged rather than numerous small, one tree islands. If medians are used, the distance of parking spaces from the trunk of a canopy tree or two small substitute trees may be increased to 75 feet as long as the trees planted in the medians are spaced no further than 50 feet on center.

(5) All parking lots within 20 feet from the street or any adjacent property will be screened from the right of way and any adjacent properties by evergreen plantings that will attain a height of at least three feet within three years, planted no more than six linear feet apart.

(6) Opaque fences or walls, at least 60 inches in height and architecturally compatible with the principal on-site building in construction and color., may be substituted for a maximum of 50 percent of the required shrubs to screen parking lots from adjacent properties when located within 20 feet of such properties.

(7) Berms may be installed within the area between parking lots and street rights-of-way with a minimum height of 1 1/2 feet, minimum crown width of two feet, and side slopes no greater than 3:1 ratio. Berms shall be planted with shrubs which may be lower than 18 inches in height when installed, but berms and shrubs must achieve a minimum combined height of three feet within three years.

(8) All parking lots shall provide landscaped areas equivalent to at least eight percent of the paved area of the lot.

(b) Design standards for loading and service areas are as follows:

All loading and service areas, including trash collection areas or dumpster refuse containers, when not screened by an intervening building or other structure, shall be screened from adjacent properties and streets by evergreen plant materials which can be expected to reach a height of six feet or greater within three years of installation or by opaque fences or walls at least six feet in height and architecturally compatible with the principal on-site building in construction and color.

(c) Designs standards for utility service areas and utility devices are as follows: Any utility service area or utility device located within 20 feet of a public right-of-way and more than 36 inches in height shall be screened from the public right-of-way, which screening may not intrude into the public right-of-way. Screening shall be by evergreen plantings a minimum of 18 inches in height when installed and expected to reach a mature height and width equal to, or greater than, the utility service area or utility device, including, but not limited to, electrical substations, electrical transformers and pumping stations to be screened. Screening shall be accomplished in such a manner as to allow safe operation and access to the utility service area or utility device.

(d) Design standards for parking structures are as follows:

When parking is provided in above or below ground structures, the above requirements for parking lots shall not apply. However, if the parking structure is visible from a street right-of-way or adjacent property, one deciduous or evergreen canopy tree at least eight feet in height and 1 3/4 to two inches in caliper measured one foot above grade when planted with an expected mature height of 35 feet or more or two deciduous or evergreen substitute trees for every 25 linear feet of the structure shall be planted between the structure and the adjacent property or right-of-way.

(e) Design standards for vehicle display lots are as follows:

Where vehicle display lots are located within 20 feet of a street right-of-way, one canopy tree as defined in § 25.16(d) or two small trees per 50 linear feet and one evergreen shrub for every six lineal feet of street frontage shall be installed. Trees and shrubs may be grouped together to enhance design elements.

[Amended by Ord. No. 2004-22, 8-23-2004]

Division 4. Street Yard Landscaping

Sec. 25.15. Intent.

This division is intended to establish a landscaped area adjacent and parallel to any public street right-of-way. This street yard shall be planted with live, healthy trees to provide a pleasing appearance, a continuity of vegetation, a reduction in impervious surfaces, a reduction in stormwater runoff, improvements in air quality and increased shaded areas.

[Amended by Ord. No. 2004-22, 8-23-2004]

§ 25.16. Street yard design standards.

(a) Generally. Street yards shall be landscaped with live vegetation and maintained by the property owner. Such landscaping may be used to help satisfy the requirements for buffer areas (division 2) and vehicular use area landscaping (division 3).

(b) Impervious surfaces. Access driveways shall cross the street yard as near to a 90-degree angle as is practical given the shape and topography of the property. No other impervious surfaces may be used in calculating the street yard area requirements.

(c) Tree quantity. Street yards shall contain at least one canopy tree for every 50 linear feet of street yard, or fraction thereof, for the entire frontage of the site. Trees may be grouped together to enhance the appearance of the site and enhance the design of the landscaping, but no trees shall be installed closer than ten feet on center. No more than 25 percent of the required trees shall be evergreen.

(d) Tree size. Trees shall be a minimum of 1 3/4 to two inches in caliper measured one foot above grade and a minimum of eight feet in height at installation and shall be expected to achieve a minimum height of 35 feet at maturity unless the canopy of such a tree will be impaired by utility lines, in which case two small trees may be substituted therefor.

(e) Existing trees. Existing trees may be used to satisfy the requirements for street yard planting, provided that these trees meet the size requirements of subsection (d) above and are maintained in a healthy growing condition before, during and after development of the site.

(f) Street yard width and area requirements. All new developments shall provide a street yard that averages at least ten feet in width and is no less than six feet in width at any point along its street frontage as measured perpendicularly to the public street right-of-way. The minimum area of the street yard in square feet shall be equal to the length of the property along the right-of-way in linear feet times ten. Street yard widths in excess of 20 feet shall not be calculated in determining the minimum area. Access drives are excluded in calculating the length of the street yard.

[Amended by Ord. No. 2004-22, 8-23-2004]

Division 5. Interpretation and Modification of Requirements

Sec. 25.17. Interpretation and modification of requirements.

The zoning administration shall interpret the requirements of this article and may allow modification of the requirements for buffer areas, vehicular use areas and street yards in keeping with the purpose and intent of this article under the following circumstances:

- (1) The site is exceptionally narrow or shallow, has an odd size, shape or topography or is otherwise unusual in physical dimension.
- (2) There exists a unique relationship to adjacent properties or properties in the general vicinity.
- (3) The transfer of right-of-way to the city for proposed or future street widening severely limits the size and use of the property.