

## Chapter 17.39: Landscaping

### §17.39.010. Purpose

This chapter provides standards for the landscaping of development within the City. It is intended to ensure that the policies of the General Plan related to increasing the attractiveness of the City and enhancing neighborhood character includes appropriate landscaping.

### §17.39.020. Applicability

The standards of the chapter apply to all public and private development, new construction, exterior remodeling, or enlargement of buildings and structures, unless otherwise specifically stated.

### §17.39.030. Exemption

The following are exempt from the standards of this chapter:

1. Agriculture structures and agricultural uses in the AG zone;
2. Minor improvements or repairs to existing development that do not result in an increase in floor area; major façade renovations may generate a landscaping requirement.
3. Detached single family dwellings on individual lots, unless required to install landscaping as a condition of a project or planned development approval;

### §17.39.040. Use of Sterilants, Weed Killers, or Herbicides

No sterilants, weed killers, or herbicides that result in soil conditions that preclude planting with landscaping shall be permitted without the prior written approval of the Director of Community Development and the Director of Environmental Health.

Such products shall be applied in conformance with Federal and State regulations, but in no case shall such a product be used if it will prevent planting of landscaping materials prior to the issuance of a certificate of occupancy or the use of a development.

### §17.39.050. Landscaping

#### A. Required Landscaping

Required landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings, and all other portions of the property not specifically utilized for driveways, parking, loading, or other functions for which landscaping may not be practical as determined by the decision-makers.

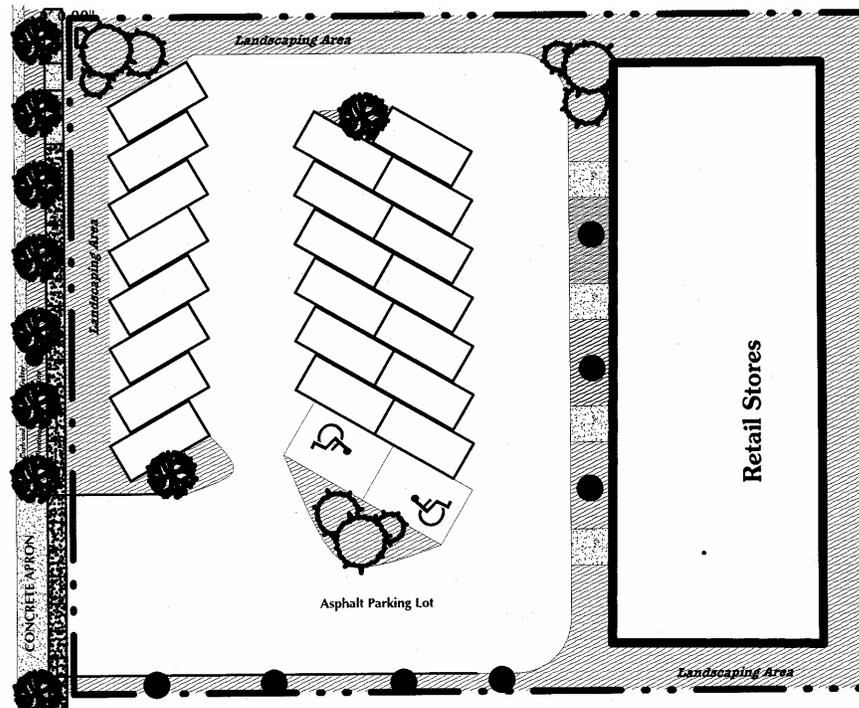
#### B. Landscaping Purposes

Landscaping shall be utilized for such purposes including, and not limited to:

1. Establishing a visual separation or screen of parking areas from the public right-of-way;
2. Providing a separation of pedestrian and service areas;
3. Providing a vertical transition from the grounds to the building;
4. Maintaining and enhancing natural drainage patterns; and
5. Maintaining the neighborhood character of Logan through the aesthetics of landscaping as Logan continues to grow.

#### C. Landscaping Rights-Of-Way

All public rights-of-way and private road rights-of-way or access easements shall provide a planted landscaped strip to City specifications, and be perpetually maintained by the adjacent property owner. The species and size of street trees shall be as approved by the City Forester. Plantings within the right-of-way may count towards meeting the landscape requirements of this chapter.



**Figure 17.39.050: Areas in Commercial and Industrial Development to be Landscaped**

**D. Landscaping for Lots Which are Partially Developed**

At the discretion of the decision-makers, projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property. If any portion of the undeveloped area of the lot fronts a public right-of-way, standard improvements such as curb, gutter, sidewalk and installation of street trees and other appropriate landscaping shall be required at the time of the development.

**E. Landscaping When Expansion or Additional Development Occurs**

If a parcel with existing development is proposed for additional development, the decision-makers have the discretion to review the landscaping installed on the entire property and may require improvements to be installed or conformance with other provisions of this chapter.

**F. Waiver of Landscaping Standards for Small Industrial and Commercial Lots**

Waver for sites being developed with commercial and industrial uses that are less than 20,000 square feet: In cases where required landscaping plant units, parking lot landscaping, and parking lot borders consume more than 20 percent of the proposed development site, the decision-makers may exercise discretion regarding the width or location of landscape borders. In such cases, the developer may be required to add additional plant material to remaining landscape borders or elsewhere on the site in order to meet the purpose of this chapter.

**G. Landscaping Required for Interior Remodeling That Results in a Change of Use**

When a structure is changed in use to a use other than single family dwelling and there is no change in exterior appearance and no Planning Commission or Design Review Committee approvals are required, the proponent shall conform with the landscaping requirements of §17.29.130 to incrementally conform with landscaping standards of this chapter.

**§17.39.060. Landscaping Performance Objectives**

Landscaping regulations are intended to provide for two options. If a property owner desires to create a landscaping plan that meets the needs of the individual project, the plan may be prepared pursuant to this section and is classified as a “performance” landscaping plan. If a property owner wishes to have the standards specified and identified in order to prepare a plan to City specifications, the City’s “prescribed” landscaping standards in the next section may be used.

**A. Landscaping is a Community Enhancement**

Landscaping is intended to enhance the aesthetics of development within the City of Logan. Each development has unique characteristics based on location, land use, or physical site features. Project proponents may utilize the performance standards in this section in preparing professional quality landscape plans for review and approval by the decision-makers in association with overall site development. Proponents not desiring to utilize the flexibility and creative opportunities in this section shall utilize the prescribed standards of this chapter.

**B. Landscaping Performance Objectives**

In addition to the purposes of this chapter as identified in §17.29.040, performance landscape plans shall, as determined by the decision-makers, meet the following objectives:

1. Provide a transitional landscape area between the public right-of-way and the parking areas: Landscaping shall be used to provide a screening of vehicles in a parking lot from the ground to approximately 36 to 42 inches in height (approximately the lower line of the windshield in a minivan or sport utility vehicle).
2. Establish a separation and transition from parking to the building through a gradual increase in elevation of landscaping from the parking area to the building height: Plant materials may be a mixture of heights and shapes but are designed to bring an appearance of reducing the height of a structure when viewed from the road or neighboring properties, as determined by the decision-makers.

**C. Enhance or Develop Pedestrian-Oriented Spaces Within a Project: Such as Walkway Landscaping and Creation of Usable Outdoor Spaces**

1. Ensure that service areas are enclosed and landscaping utilized to transition from the parking area: Landscaping or decorative materials used to screen service areas in a combination of concepts, including and not limited to shrubs of similar height to the walls, the design of the walls as planters, climbing vines, or other treatment that will break up the appearance of the walls.
2. Provide a balance between the overall appearance of the landscaping as a part of a planned site and the buildings on the site. The City’s objective is to ensure that the site has dense landscaping in terms of the land area dedicated to landscaping and in vertical elevation of landscaping.
3. Any flexibility to be applied by the decision-makers shall be based on achieving an attractive site with installations of landscaping that are designed to complement and enhance the site development.

**D. Submission of Performance Landscape Plans**

1. Performance landscaping plans shall be of adequate size and detail so the decision-makers can see the land area to be planted and the appearance of plantings at the time of installation, at five years healthy growth, and at ten years healthy growth.
2. Performance landscaping site plans and elevations shall be drawn in a professional manner with credible representations of drip lines, plant growth diameters, and plant sizes. The Commission shall not require that plans and elevations be prepared by a licensed professional, but the Commission may reject plans which do not

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- accurately depict the site landscaping proposal in suitable detail for it to make a decision.
3. Performance landscaping plans shall be accompanied by a planting schedule that identifies both the common and scientific name of each species. The schedule shall include the size at planting, the size at five years of growth, and ten years of growth if the proposed plants are different than the adopted plant schedule.
- E. Review of Performance Landscape Plans
- In reviewing proposed Performance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that preserve and incorporate existing vegetation and demonstrate innovative design and use of plant materials. Performance Landscape Plans may be approved upon a finding that the Plan meets or exceeds the purposes and objectives of this chapter through either:
1. Natural land characteristics or existing vegetation on the proposed development site; or
  2. Innovative landscaping or architectural design.

**§17.39.070. Prescriptive Landscaping Standards**

- A. Calculating Plant Units
- The number of plant units for development within zoning districts is specified in the section “Minimum Site Development Standards” with requirements for open space and landscaping plant units.
- B. Minimum Site Development Standards
1. This section shall be repealed upon the enactment of the revised Site Development Standards table, Table 17.15.010 that is proposed for the revised Land Development Code.
  2. For development of commercial and industrial uses within Economic Development zones, and for non-residential uses within Residential Zones: A minimum of ten plant units shall be required for each one thousand square feet of gross land area.
  3. For development within Residential Zones and for residential development within Economic Development zones: A minimum of 60 plant units is required for each dwelling unit. For multiple family dwellings, a minimum of 30 plant units is required for each building and 60 plant units for each dwelling unit.
  4. Development for lots approved with zero lot line setbacks may be required to participate in street plantings or provide other right-of-way amenities in conformance with overall streetscape or landscape plans for the area.
- C. Bonus Points
- Bonus points may be earned towards the total landscaping requirement by using plants which fall into the following categories. Each plant unit is only subject to one bonus multiplier.

**Table 17.39.070.A: Plant Unit Values**

Plant Material		Plant Units
Trees (must comprise 67% of plant units)	Large Deciduous – 5 year height of >15'; 10 year height >25' <sup>102</sup>	8-10
	Small Deciduous or Ornamental (5 year height <10'; 10 year height >15')	6-8
	Conifer or Upright Evergreen, greater than 10' diameter base to the tree (5 year diameter >5')	6-10
	Trees planted in clump of 3 or more trees, with a combined dripline >10' at 5 years	15-18/clump
Shrubs	Over 5' tall at 3 years after planting	5
	Less than 5' tall at 3 years after planting	3
Groundcover (per 1,000 square feet)	Grass	2
	Other planted groundcover	2
	Decorative rock, mulch, or similar material as an accent	0.5
	Plant bed (flowers, herbs, and similar plant materials), >75% density of plant area in the bed	6
Amenities	Unique individual landscape features, such as public art, watercourses, or benches incorporated into an overall plan	103
Community Garden (per 1,000 square feet)		8

**§17.39.080. Landscape Material Standards**

The following standards are the minimum required planting standards for all trees and landscape material used to satisfy the standards of this chapter.

**A. Plant Unit Numbers and This Chapter**

The landscaping standards of this chapter are expressed in terms of the number of “plant units.” Table 17.39.070.A establishes plant unit values.

**Table 17.39.070.C: Bonus Points For Landscaping Features**

Planting Characteristics	Multiplier
Xeriscaping: The use of native plant species and other species which are uniquely attuned to the local climate and require little to no artificial maintenance (irrigation, fertilizer). Requires plans to be prepared by a licensed landscape professional.	2.0-4.0
Mature Landscaping: The use of landscaping that is considered substantially more mature than the required minimums.	1.0-3.0
Existing Plant Material: Incorporation of existing landscape features into the final landscape plan. <sup>104</sup> Designated existing landscaping features to be preserved shall also be protected at the dripline during construction as is also shown on Figure 17.39.090.	1.0-3.0
Natural Drainage Features: Utilization of landscaping plantings and design to encourage and maintain natural drainage systems.	See Performance Landscape Plan
Plans Prepared By a Licensed Landscape Architect or Licensed Landscape Contractor: Professionally prepared plans for the total landscape area and professional installation.	1.2
Functional Planned Site Amenities: Landscaping themes or areas that are designed for site use, such as a combination of benches, fountains, public art, outdoor dining, outdoor living areas.	1.0-3.0

<sup>102</sup> Age specified in this section means number of years after planting.

<sup>103</sup> Subject to the review and discretion of the decision-makers.

<sup>104</sup> Certain types of plants which may be established on an undeveloped parcel are potentially classified as “weeds” or “noxious weeds.” The Department of Community Development will work with the University Extension Services Office to resolve any questions as to whether existing landscaping is indigenous material or “weeds”.

**B. Plant Quality Standards Required**

Plants installed shall meet or exceed the plant quality standards as may be established by the City Forestry Board. Plants shall be nursery-grown and adapted to the local climate.

**C. Landscape Schedule**

The decision-makers shall periodically adopt a landscape schedule and listing of appropriate planting materials, sizes, and species. A copy shall be maintained in the Department of Community Development and shall be available for purchase at publication cost.

**D. Species Diversity**

When more than ten trees are required to meet the standards of this chapter, a mix of species shall be planted. In order to promote diversity in the urban landscape, the minimum number of species to be planted shall vary according to the overall number of trees required (refer to Table 17.39.070.A). Street trees within the right-of-way are intended to be of a uniform species and are not subject to the provisions of this subsection. In addition to diversity of species, the Commission may require diversity of shapes and sizes as a part of the landscape plan.

**Table 17.39.080.D: Species Diversity Requirements**

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	5

If a landscape proposal is submitted in which a cohesive element of the landscaping design proposes a uniform species as a part of a unique landscape plan, the Commission may waive the species diversity requirement.

To meet this standard, whether submitted as a performance landscaping plan or a prescriptive landscape plan, the proposed landscaping scheme shall exceed minimum expectations and be considered an “exemplar” or “model” landscaping scheme by the decision-makers.

**E. Groundcover**

The ground area within required landscape areas shall have appropriate planted landscape treatment applied and present a finished appearance and reasonably complete coverage upon planting.

**F. Artificial Plants and Vegetation**

No artificial plants or artificial vegetation shall be used to meet any standards of this chapter.

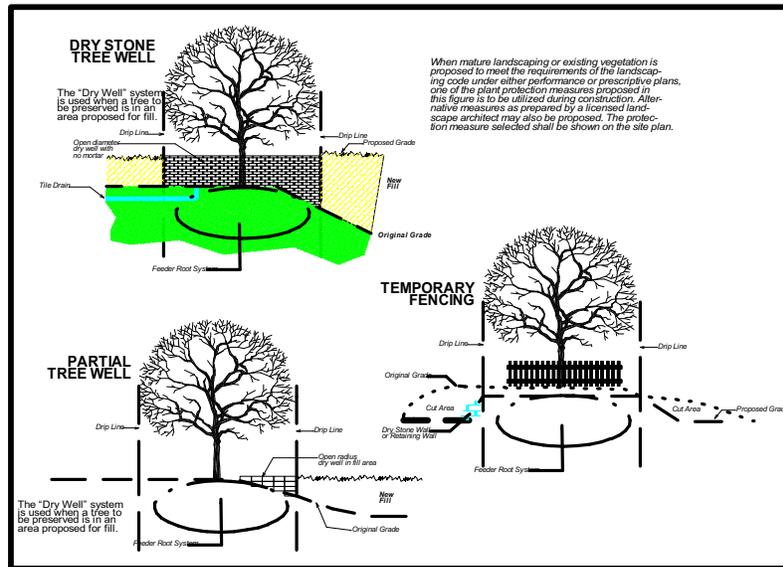
**§17.39.090. Installation, Replacement, Occupancy****A. Accepted Practices Required**

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and healthy growth. All landscape material, living and non-living, shall be in place prior to the issuance of the final Certificate of Occupancy. Living materials shall be in a healthy condition.

- B. Protection of Existing Trees During Construction  
Any trees identified or approved for preservation by the Planning Commission shall be protected utilizing accepted techniques for protection including and not limited to those shown in Figure 17.39.090.
- C. Replacement of Dead, Diseased, or Dying Vegetation  
The City Forester or Director of Community Development may require that landscaping be replaced in kind if vegetation becomes dead, diseased, or dying. In the event of blight or species-specific diseases, substitution of plants shall be approved by the Director of Community Development for private property and the City Forester for plants within the right-of-way.
- D. Temporary Occupancy Requirements  
A Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety.
1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this chapter prior to the initiation of any use or any occupancy of the facility, structure, or grounds.
  2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued (snow cover, flooding). Financial or similar issues shall not constitute extenuating circumstances for the purpose of this section.
  3. Financial surety shall be equal to 110% of the estimated cost of the plant material, labor, installation, and other materials.
    - a. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the City by the developer. If the Director of Community Development finds that the cost estimates are not generally within accepted standards for estimating the costs of landscaping installation, the Director shall require that surety be based on accepted estimating practices.
    - b. Each estimate shall be guaranteed valid at the maturity of the surety instrument.
    - c. An irrevocable letter of credit, cash deposit, certificate of deposit endorsed in favor of the City, performance bond issued by a bonding company with an investment grade rating by Moodys or Standard and Poors, or savings account passbook issued in favor of the City shall be acceptable forms of surety.
  4. Such an agreement shall expire 30 days after the commencement of the next seasonal planting opportunity. Plantings deferred due to summer climatic conditions shall be installed between September 15 and October 15. Plantings deferred due to winter conditions shall be installed after May 15. After such time, the City shall have the authority to seize the surety and install the landscaping.
- E. Automatic Irrigation Required  
All landscaping installations shall be required to incorporate an automatic underground irrigation system. Flood irrigation shall not be permitted for multiple family, commercial or industrial developments. Irrigation system design shall be approved by the Chief Building Official.

**§17.39.100. Landscaping Features are a Part of the Overall Approval**

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The landowner, heirs, successors in interest, lessees, or agent, shall be jointly and severably responsible for installation, maintenance, and upkeep as specified in this Title.



**Figure 17.39.090: Tree Protection Measures**

**§17.39.110. Maintenance and Upkeep of Landscaping**

**A. Landscaping to be Maintained in a Vigorous and Healthy Condition**

1. Regular maintenance of all landscaping to present a healthy, neat and orderly appearance shall be required.
2. All landscaping shall be maintained free from disease, pests, weeds and litter.
3. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance as needed and in accordance with acceptable horticultural practices.

**B. Repair and Replacement of Landscaping**

1. Required landscape structures (examples include and are not limited to walls, fences, curbs, planters) shall be maintained in a structurally sound and aesthetically pleasing condition.
2. The regular maintenance, repair, or replacement of any landscaping irrigation systems as required by this chapter.
3. Continuous maintenance of the site as a whole.

**C. Aquifer Protection Areas**

Areas of the City may be designated by the Director of Public Works as "Aquifer Protection Areas." Landscaping within designated areas may have restrictions as to the types of plants, use of chemicals, and other standards imposed for purposes of protecting municipal groundwater quality.

**§17.39.120. Parking Lot Landscaping**

**A. Parking Lot Landscaping Standards**

Parking lot landscaping standards of this section establish minimum landscaping requirements for the perimeter and interior of off-street parking areas. The general purpose of such landscaping is to reduce the visual impact of parking and pavement.

**B. Applicability to All Off-Street Parking Lots**

Parking lot landscaping shall be approved through the Design Review process, and shall not be less than the minimum standards of this chapter.

C. Standards in Addition to Other Requirements of This Chapter

Landscaping provided to meet the minimum landscaping standards of §17.29.040 shall not be counted towards meeting a project's parking lot landscaping requirements.

D. Perimeter Parking Lot Landscaping

The parking lot perimeter landscaping requirements apply to all off-street parking lots that are not otherwise fully screened from view of adjacent public rights-of-way.

1. Use of Landscape Perimeter Borders: Required landscape borders shall be used solely for open space and landscaping. No structures or paving shall be located within the border area, with the exception of walls, walkways or other features incorporated into the landscaping.
2. Perimeter Landscape Border Options: Any of the following types of perimeter landscape borders may be used to satisfy parking lot border landscaping requirements of this section.
  - a. Maximum Parking Depth: The maximum distance a parking lot spans (length or width) from the property line.
  - b. Minimum Width of the Border: The minimum width of the border shall be in addition to the required setbacks. A parking perimeter border shall be required between the parking area and the property line and does not apply between the parking area and interior structures or areas.
  - c. Minimum Number of Plant Units: The minimum number of plant units to be located within the parking perimeter border shall be in addition to the requirements for the square footage of the lot. The number of units shall be calculated based upon the basic perimeter of the parking area.
  - d. Additional Features: Some border types require additional features as integral elements of the screening. These features shall be illustrated on the final revised and approved site plan and installed on the site.

**Table 17.39.120: Parking Lot Landscaping Screening Requirements**

Type	a. Maximum distance from any property line across paved parking area	b. Minimum Border Width	c. Minimum Plant Units per 27 feet of perimeter of parking areas	d. Minimum required site features
A	Applies to any parking <sup>105</sup>	25	10	---
B	150	10	20	---
C	100	8	15	24" – 30" Berm <sup>106</sup>
D	100	5	10	3 ft. Wall <sup>107</sup>
E	Type E border provides an alternative plan option to provide flexibility and the opportunity for creativity. The alternative plan shall accomplish the purpose of this border section and meet or exceed the requirements in this section to the satisfaction of the decision-making body.			

<sup>105</sup> Type A parking borders may be used on any parking lot. If the depth of the parking lot measured from the property line is more than 150 feet, a Type A parking border shall be required. If the depth is from 100 to 150 feet, a Type A or Type B border shall be required. If the depth is less than 100 feet, a Type A, Type B, Type C, or Type D border shall be required. The proponent may select the optional border. Depending on site design, a single site may have more than one landscape parking border type.

<sup>106</sup> Landscaping is required on the berm.

<sup>107</sup> On property line fronting a public or private road as required by the decision-makers. Landscaping is required in between the wall and right-of-way.

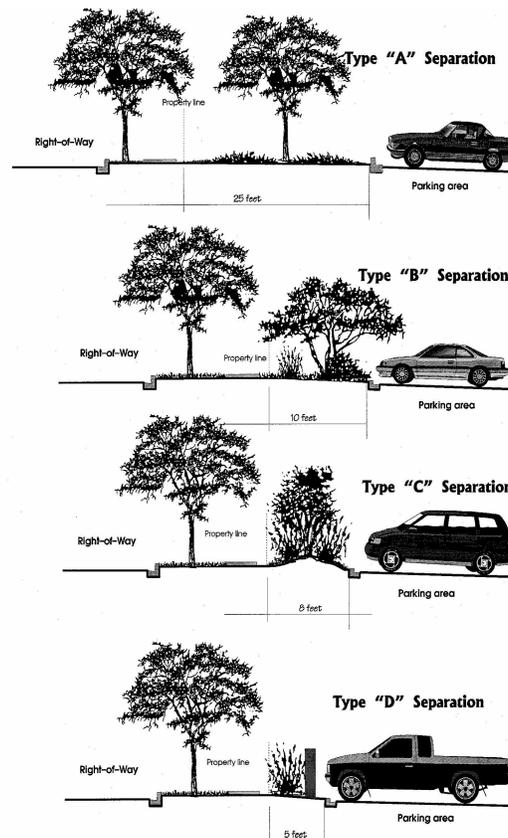
### E. Parking Lot Interior Landscaping Requirements

The parking lot interior landscaping requirements apply to the interior of all off-street parking lots that contain five or more parking spaces. Interior planting areas are required within all parking lots as specified in this subsection.

1. At least 10 square feet of landscape planting area shall be provided within the interior of an off-street parking area for each parking space contained within the area. For parking areas with more than 20 total parking stalls in a double-loaded aisle, a ten foot landscaped island shall run the length of the aisle. This island shall be required for each such aisle.
2. Landscaping located on the interior of parking areas shall be dispersed throughout the area. All planting areas shall be protected to prevent damage by vehicles and vehicle overhang.
3. The size of planting areas used to satisfy parking lot interior landscaping requirements shall be sufficient to protect plant materials and ensure proper growth and maintenance.

### F. Parking Lot Landscaping Requirements When More Than the Maximum Number of Parking Spaces is Approved

1. When the parking spaces in excess of the defined maximum in Chapter 17.39 are approved, the minimum interior lot landscaping requirements shall be increased to 12.5 square feet of landscaping for each parking space.
2. All aisles shall have landscaped areas at each end of the aisle.
3. Landscaped medians at least ten feet in width shall be required for aisles that align with street access.



**Figure 17.39.120: Parking Lot Landscaping Options For Separation From Right-Of-Way**

**§17.39.130. Screening of Service Areas****A. Waste Disposal Receptacles**

1. Waste disposal receptacles located in the Multi-Family and Economic Development zones shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet or one foot taller than the receptacle, whichever is greater.
2. The enclosure shall be compatible in material and color with the primary structure on the lot if located within 20 feet of the building, if located beyond 20 feet from any structure the enclosure should be designed to minimize the visual impact and blend in with surrounding landscaping.
3. Waste disposal receptacles shall be consolidated to reasonably minimize the number of collection sites and to equalize the distance from the buildings they serve.
  - a. Waste disposal receptacles shall be located out of the public view insofar as is practical.
  - b. Waste disposal receptacles shall be located to avoid causing excessive nuisance or offense to other buildings or adjoining properties.

**B. Loading Docks, Storage Areas**

Loading docks, storage of material or vehicles, and other service areas shall be screened from public view as specified in the design review process. Screening may include plant materials, fencing, walls, or a combination as approved by the decision-makers.

**§17.39.140. Landscaping in the Public Right-of-Way Between the Edge of Pavement and the Property Line**

- A. Property owners shall be responsible for maintaining landscaping within the public right-of-way along the entire frontage of the property unless otherwise determined by the City.
- B. No conversion of right-of-way along the entire frontage of the property unless otherwise determined by the City.
- C. Landscaping and any other surface material located within the right-of-way between the edge of traveled way and the property shall not be used for the storage, sale, display, of merchandise without the written permission of the Director of Public Works.

**§17.39.150. Compliance With Landscaping Standards by Structures and Land Uses Constructed or Occupied Prior to Effective Date.****A. Findings**

1. After April, 1976, the Municipal Council enacted regulations that prescribed landscaping standards for new development within the City of Logan. These standards were amended from time to time.
2. There are many buildings within the City of Logan which have never been in compliance with the requirements of the City's prescribed landscaping standards.
3. For purposes of fairness and equity, the municipal Council finds that a phased system shall be used to bring development into conformance with the provisions of this chapter.
4. The Planning Commission initiated design review of development projects on October 1, 1995, and this date is used to determine when a project is required to be in full compliance because any project before the Commission after that date was approved with the proponent's personal agreement to comply.

**B. Change of Ownership**

Conformance with the standards of this chapter shall not be enforced as a requirement of change of land ownership.

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- C. Buildings or uses with landscaping that do not meet the requirements of this chapter nor conform to the requirements in effect at the time the structure or use were established (post October 1, 1995 structures and uses).
1. If a project was approved by the Planning Commission for a Design Review permit on or after October 1, 1995, the subject property shall be required to install landscaping in conformance with the approved site plan and, at the option of the property owner, either
    - a. in conformance with the landscaping regulations in effect at the time the building was first used or occupied; or
    - b. in conformance with the provisions of this chapter.
  2. If a project was not heard by the Planning Commission and was issued a building permit on or after October 1, 1995, the subject property shall be required to install landscaping in conformance with either:
    - a. in conformance with the landscaping regulations in effect at the time the building was first used or occupied; or
    - b. in conformance with the provisions of this chapter.
    - c. the property owner shall be able to select the appropriate standards to utilize.
  3. Upon discovery under the provisions of this section, the property owner shall install the appropriate landscaping or post suitable security within ninety days of notification for compliance.
- D. Buildings or uses with landscaping that do not meet the requirements of this chapter nor conform to the requirements in effect at the time the structure or use was established (pre-October 1, 1995 structures and uses).
1. If a building or use was established prior to October 1, 1995 and was not subject to Planning Commission approval, landscaping shall be installed in conformance with the provisions of this chapter in the following manner:
    - a. If the site has no landscaping, at the time of a change of use or occupancy, including the transfer of the holder business license from one entity or person to another, landscaping equal to twenty five percent of the requirements of this chapter shall be installed.  
*(Example and not limited to: If a site has no landscaping, landscaping equal to 2.5 points per one thousand square feet of gross land area shall be required.)*
    - b. If the site has landscaping but the amount of landscaping is less than required by the standards in effect on October 1, 1995, the property owner shall be required to increase onsite landscaping to the next quartile of standards as required by this chapter.  
*(Example and not limited to: The 1976 code requires a site of one acre or less to have one tree per one thousand square feet of gross land area. The site in this example is one acre and only has eight trees, which is less than 25 percent (the first quartile) of the requirement. The property owner would be required to increase landscaping to the equivalent of 2.5 points per thousand square feet. If the site in this example has 15 trees, an amount that is more than 25% but less than 50%, the property owner will be required to increase landscaping to the equivalent of 5.0 points per thousand square feet, or 50% of the requirements of this chapter.)*
  2. In the event that there is a change of use or occupancy, during the business license inspection, a determination will be made concerning landscaping requirements. If the business does not meet the appropriate standards, landscaping shall be increased onsite to the next quartile until full compliance is achieved.

E. Pre 1976 Structures or Uses

Any use or occupancy initiated prior to the enactment of the 1976 landscaping regulations shall not be required to conform to the standards of this section provided that the building was not altered or expanded to an extent that would have initiate a requirement for new landscaping at the time of alternation or expansion.

**§17.39.160. Conversion to Multi Family Dwelling Use**

A. Conversion of a Single Family Home to Multi Family Use

When a single family dwelling is converted to multi family dwelling use, landscaping standards of this chapter shall apply. If a single family dwelling was converted to multi family use without appropriate permits, the standards of this chapter shall apply at the time of discovery.

B. Remodeling or Retrofitting a Multi Family Dwelling Use

When an existing multi family dwelling is remodeled for purposes of adding numbers of dwelling units or changing the configuration of dwelling units, landscaping in conformance with the requirements of this section shall be imposed to also upgrade or enhance landscaping.

C. Adding an Accessory Dwelling

Landscaping may be required as a condition of permit approval when found appropriate by the Planning Commission. The additional landscaping requirement is at the discretion of the Commission.

**§17.39.170. Multi Family Dwellings Built Before October 1, 1997**

Multi family dwellings of two or more units which were built after April, 1976, shall be required to install landscaping in conformance with the provisions of this chapter or the standards in effect at the time the building permit was issued, whichever standards the property owner wishes to select. If the project was approved by the Planning Commission, and the approval included a conforming landscape plan as a part of the Commission's action, the property owner(s) shall install landscaping in conformance with the approved site plan, as long as such approval is in conformance with the standards of this chapter or the standards in effect at the time the Planning Commission approved the project.

**§17.39.180. Compliance for Non-Residential Developments with Three or More Tenants or Suites**

A. Multiple Tenant Non-Residential Development Approved by the Planning Commission After October 1, 1995

If the multiple tenant non-residential development was approved by the Planning Commission after October 1, 1995, the owner shall be required to achieve full compliance with landscaping requirements in effect at the time the building permit was issued or as required by this chapter. The option for using the landscaping regulations in effect at the time the building permit was issued or the provisions of this chapter shall be at the discretion of the property owner.

B. Multiple Tenant Non-Residential Development Approved by the Planning Commission or Constructed with a Building Permit Prior to October 1, 1995

If the multiple tenant non-residential development was approved by the Planning Commission on or before October 1, 1995, or if no Planning Commission approval was required and a building permit was issued on or before October 1, 1995, the owner shall be required to achieve full compliance with landscaping requirements in effect at the time the building permit was issued or as required by this chapter. The property owner shall enhance landscaping according to the following requirements:

1. For multi tenant developments on lots with 1.5 acres or less: the first business license application within any calendar year for a new business on the subject

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property shall require compliance with the quartile requirements. Only one landscaping improvement requirement shall be imposed in any calendar year. With the first business license application after the effective date of this chapter, the Director of Community Development shall require submittal of a master landscaping plan meeting the requirements of this chapter to be used in each subsequent year until compliance with the requirements of this chapter is achieved.

**Explanation 17.39.180.B.1: Requirements for Multi Tenant Non-Residential Developments of 1.5 Acres or Less**

1. A business license is issued in a multi tenant non-residential building of three or more businesses on February 15. The site inspection determines that the property has only 20% of the landscaping required. The property owner is required to add to the landscaping in order to achieve a level of 25% of the required landscaping (first quartile). A second business license is issued on June 5 of the same year. No other landscaping requirements are imposed during that calendar year. On January 9 of the following calendar year, another business license is issued. The property owner is required to upgrade the landscaping to the second quartile (50% of required landscaping).
2. The subject property has landscaping that meets 20% of the code's requirements. On December 20 of the current year, a business license is issued. The property owner is required to enhance landscaping to the 25% quartile. Because it is winter, the landscaping need not be installed until suitable weather. On January 5 of the next calendar year (just 16 days later) another business license is issued. The property owner is required to enhance landscaping to the 50% quartile. No other requirements will be imposed during the second calendar year. Landscaping to the 50% quartile will be required when the weather permits.

2. For non-residential developments on lots with more than 1.5 acres of net land area: the first business license issued within any calendar year for a new business within a suite shall require compliance with the purposes of §17.39.050. Landscaping, however, need only be upgraded to the next 12.5 percent of landscaping requirements. Only one landscaping improvement requirement shall be imposed in any calendar year. With the first business license issued, the Director of Community Development shall require submittal of a master landscaping plan that will be used for each subsequent year until compliance with the requirements of this chapter is achieved.

**Explanation 17.39.180.B.2: Examples for Multi Tenant Non-Residential Developments of more than 1.5 Acres**

1. A business license is issued in a multi tenant non-residential building of three or more businesses on February 15. The site inspection determines that the property has only 0% of the landscaping required. The property owner is required to add to the landscaping in order to achieve a level of 12.5% of the required landscaping. A second business license is issued on June 5 of the same year. No other landscaping requirements are imposed during that calendar year. On January 9 of the following calendar year, another business license is issued. The property owner is required to upgrade the landscaping to the first quartile (25% of landscaping requirements).
2. The subject property has landscaping that meets 60 % of the code's requirements. On December 20 of the current year, the first business license of the year is issued. The property owner is required to enhance landscaping to the third quartile (67.5% of requirements). Because it is winter, the landscaping need not be installed until suitable weather, but a landscape plan is required and improvement security to bond the installation of landscaping is also required. On January 5 of the next calendar year (just 16 days later) another business license is issued. The property owner is required to enhance landscaping by another 12.5% of required landscaping. No other landscaping requirements will be imposed during the second calendar year. Landscaping will be required to be installed when the weather permits. Improvement security will be required for the business license to be issued.

### C. Exemptions for Accessory Businesses

A dependent accessory business located within a primary business which is fully dependent on the primary business shall be exempt from the landscaping requirements of this section.

1. A dependent accessory business is an independent business or separate division of a company that is located within a primary business or retailer. A dependent accessory business will generally meet all of the following standards:
  - a. The accessory business has no exterior customer entrances from the building and its hours of operation are dictated by the primary business or primary retailer so that it is generally open the same hours as the primary business, but in no event is open more hours than the primary business.
  - b. The accessory business does not have a brand name or business identification sign located on the exterior of the primary business or primary retailer and so it is identified only by its generic service or product.
  - c. Customer traffic to the business must enter through the primary business or primary retailer in order to access the accessory business.
  - d. Customers of the accessory business may generally pay for the products or services with purchases from the primary business or primary retailer, although separate transactions at the accessory business may also be permitted. However the transactions at the accessory business may also include purchases of projects or services from the primary business or retailer.
2. Businesses functioning within another business as an accommodation address or a on an incubator basis.
3. The Director of Community Development shall review the operations of the business giving consideration to the standards established for accessory businesses dependent upon a primary business or primary retailer. The Director shall make a determination as to whether the business is exempt from landscaping requirements or whether landscaping compliance is required. The decision of the Director shall be put into writing and may be appealed to the Board of Adjustment.

#### **Explanation 17.39.180.C: Examples of Dependent Businesses and Non-Exempt Businesses**

1. A bakery is located within a food retailer. The bakery is owned independently from the food retailer and leases the space. There are no exterior doors, the bakery has the same name as the primary retailer. The only exterior signage is the word “bakery” without any bakery name being displayed. Customers must enter the primary retailer in order to access the bakery. The bakery is open during the same hours as the primary retailer. This is a dependent accessory business and a change in business license does not require landscaping compliance.
2. A financial institution has a branch office within a primary retailer. There is a separate business name identification sign on the exterior of the primary business’ building. The financial institution has a suite within the business separated from the primary retailer’s operations and the institution maintains its own hours of operation. Customers of the institution can access the branch only from within the primary retailer. This is an independent suite, even though its access is dependent on the primary retailer, and landscaping enhancement is required with the change in business license.

### D. Landscaping Compliance When It Is Found Not To Be Physically Possible to Achieve Compliance with the Objectives of This Chapter.

1. If the Director of Community Development finds that site development, location of existing landscaping, or other physical factors make it physically impossible to achieve compliance with the provisions of this section, the Director may require alternative compliance with the purpose of this chapter.
2. Such alternative compliance may include any or a combination of the following and is not limited to the alternatives specified in this subsection:

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- a. Planting of street trees and public right-of-way landscaping in the general vicinity of the subject property,
- b. Financial contributions related to the approximate value of onsite landscaping materials and labor into a trust fund to be established for public landscaping in the neighborhood in which the subject property is located,
- c. City approved purchase and installation of other landscape or streetscape amenities, such as and not limited to benches, lighting, public art, access paths or sidewalks.