

**HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN ST, HAYS, KS
MARCH 21, 2022
6:30 PM**

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the meeting of February 21, 2022

Action: Consider approval of the minutes of the February 21, 2022, meeting

B. Citizen Comments

3. PUBLIC HEARING ITEMS.

A. None

4. NON- PUBLIC HEARING ITEMS.

A. Unified Development Code (UDC) Discussion Series

Action: Set a public hearing for the recommended changes

5. AGENDA ITEMS/COMMUNICATIONS.

A. Project Updates

B. Planning Commissioner Comments

i. Opportunity for Planning Commissioners to ask questions of staff or initiate topics for discussion

6. ADJOURNMENT.

Any person with a disability and needing special accommodations to attend this meeting should contact the Planning, & Development Division office (785-628-7310) 48 hours prior to the scheduled meeting time. Every attempt will be made to accommodate any requests for assistance.

DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
FEBRUARY 21, 2022
6:30 P.M.

1. CALL TO ORDER BY CHAIRMAN:

The Hays Area Planning Commission met for their regularly scheduled meeting on Monday, February 21, 2022, at 6:30 p.m. in the Commission Chambers at City Hall. Chairman Lou Caplan declared that a quorum was present and called the meeting to order.

Roll Call:

Present:

Lou Caplan, Dustin Schlaefli, Bernie Gribben, Jim Schreiber, Matthew Wheeler

Absent: Mike Vitztum

City staff in attendance: Toby Dougherty, City Manager, Collin Bielser, Assistant City Manager, Jesse Rohr, Director of Public Works, Curtis Deines, Superintendent of Planning and Development, and Linda Bixenman, Administrative Assistant.

2. CONSENT AGENDA:

Lou Caplan asked if there were any changes to the agenda. There were no changes to the agenda.

A. Minutes: Jim Schreiber moved, Dustin Schlaefli seconded the motion to approve the minutes from the December 20, 2021, meeting.

Vote: AYES

Lou Caplan, Dustin Schlaefli, Bernie Gribben, Jim Schreiber, Matthew Wheeler

B. Citizen Comments:

There were no citizen comments.

3. PUBLIC HEARING ITEMS:

A. None.

4. NON-PUBLIC HEARING ITEMS:

A. Unified Development Code (UDC) Discussion Series:

Curtis Deines provided the PowerPoint presentation to present the recommended changes to the regulations of the Unified Development Code that were

discussed by the Planning Commission at the October and November 2021 meetings.

This is the first of the two different groups of suggested changes; others will be covered at the next meeting. A public hearing will be set for April 18, 2022, for all the recommended changes. He presented the following modifications seeking direction from the Planning Commission on each subject regulation.

Per # 3, Lou Caplan noted that the side yard setback is seven feet for primary dwellings. He inquired if the side yard setback for a 60-foot-wide lot and 50-foot-wide lot should be six feet and five feet respectively. Curtis Deines explained that all side yard setbacks for primary dwellings for all lots are 7 feet.

Per #3, Curtis Deines asked for the thoughts from the Commission on the recommendation of the rear yard setback reduction. Lou Caplan answered that it made sense to him. Matthew Wheeler answered that it was very logical. All Commissioners concurred they had no issues with this recommendation.

Per #6, Dustin Schlaefli asked if a business could be located in an attached garage to a primary residence with the current regulations. Curtis Deines answered that was correct.

Per #9, Lou Caplan asked if there would need to be screening for the outside material or equipment storage. Curtis Deines answered that would be correct and it is part of the limited use requirements.

Lou Caplan added what would worry him, would be the height of the materials or equipment that would be hard to screen. Curtis Deines pointed out some businesses are like that, and there has not been a screening issue.

Per #9, Dustin Schlaefli inquired if the 40% allowed storage area was figured on an average. Curtis Deines answered that was correct.

Per #10, Lou Caplan asked if there could be basement apartments in the C-3 Zoning District. Curtis Deines answered this regulation would support basement apartments.

Per #10, Dustin Schlaefli asked where the 40% came from. Curtis Deines answered there was a back-and-forth discussion on that. They did not want an entire business 1st floor frontage to be living space; this allows for living space and the ability for office/retail space. A variance could be requested if more footage is needed.

Per #11, Lou Caplan asked (in reference to #3 b. iv) if it can be built up to the property line on a lot that has no alley. Curtis Deines answered that if there is no alley, the rear yard setback is five feet from the rear property line.

Jesse Rohr stated there needs to be clarification that there is a five foot rear yard building setback whether there is an alley or not.

Per #11, Lou Caplan asked why "alley" is part of the verbiage. Jesse Rohr answered the wording would be amended to "five feet building setback from the rear property line".

Per #14, Bernie Gribben asked what is a cabinet style sign? Curtis Deines explained a cabinet sign is a sign face within a frame. Dustin Schlaefli used the example of the Nex-Tech signs.

Per #14, Dustin Schlaefli asked how far the C-3 (Central Business) district extended to the north; he thought there were some pole signs on main street. Curtis Deines answered that there were some pole signs that were non-conforming; but will be conforming now. He noted that new signs are subject to the State Historic Preservation Office approval if they are within the Chestnut Street Historical District.

Per #16 & #17, Dustin Schlaefli asked if the calculations were the same for the wall signage maximum sign area. Curtis Deines answered that they are tied together.

Lou Caplan asked about the building that had three signs on one side of the building and about the street frontage. Jesse Rohr answered that is where their hands were tied; the applicant had to go before the Board of Zoning Appeals to be able to do extra signage on the side of the building (Hobby Lobby building at 3300 Vine Street). This proposed regulation change would have eliminated the need for a variance. He added that the more street frontage, the more signage is allowed.

Matthew Wheeler asked for clarification about the signage of the "Hobby Lobby" building. Jesse Rohr answered there is one owner that has multi-tenants that also have signs on the front of the building.

Matthew Wheeler asked if this could be clarified when it is presented at the Public Hearing. Curtis Deines answered that it would be presented with clarification.

Per #18, Curtis Deines pointed out an example of a mural at the business called "The Fort" at 109 W. 7th that included the name of the business within the mural; with the proposed change, this would be acceptable. Because of current

regulation, they had to go before the Board of Zoning Appeals to be granted a variance for this mural.

Bernie Gribben asked if this could be painted on in 12-foot letters. Curtis Deines answered "yes", as long as it is painted on the wall, it would not be regulated.

Jesse Rohr added that before the change in regulation in 2016, all painted-on wall signs were unlimited.

Bernie Gribben asked if they could put a light on the sign. Jesse Rohr stated that there are regulations that address lighting.

Dustin Schlaefli asked if the State Historical Preservation Office had to review the murals for approval. Jesse Rohr answered that since a permit is not required, the State Historical Preservation Office would not be part of this.

Curtis Deines provided the options and staff's recommendation of an in-depth review of the regulations presented above and suggested language to propose for possible amendments at a public hearing on April 18, 2022.

Jesse Rohr explained that there will be a few more items in March to come before the Planning Commission. Most of those items pertain to landscaping and will also be included at the public hearing to consider modifications to the Unified Development Code.

Motion:

Matthew Wheeler moved, Dustin Schlaefli seconded the motion to set the public hearing for April 18, 2022, to consider suggested changes to certain identified regulations for the modification to the Unified Development Code.

Vote: AYES

Lou Caplan, Dustin Schlaefli, Bernie Gribben, Jim Schreiber, Matthew Wheeler

5. AGENDA ITEMS/COMMUNICATIONS:

A. Commerce for New Urbanism Annual Conference:

Curtis Deines stated the annual Congress for New Urbanism (CNU) Conference" will be held in Oklahoma City on March 23rd to March 26, 2022. He invited the Commissioners to attend if they would like. He explained that there are numerous topics and tours.

Jesse Rohr added more information associated with the past conferences. He explained that the City would handle the travel accommodations if the

Commissioners would like to attend the conference in Oklahoma City. He explained they would send out a link of the upcoming conference for reference.

Toby Dougherty added that he has also attended some of the CNU conferences. He pointed out that if the Commission has an interest in these topics, it is worth attending.

B. Planning Commissioner Comments

i. Opportunity for Planning Commissioners to ask questions:

Lou Caplan asked for Project Updates:

Curtis Deines and Jesse Rohr provided the updates on the following Projects:

- a) 27th Street Reconstruction from Canal to Fort Street
- b) Vine Street Reconstruction from 13th Street South -183/Highway 40 Bypass
- c) Railroad crossing ties being replaced – Closings of certain streets
- d) Northwest Corridor Project - 230th and 55th Intersection
- e) 2022 Street Maintenance

6. **ADJOURNMENT:** Lou Caplan adjourned the meeting at 7:34 p.m.
Submitted by Linda K. Bixenman, Administrative Assistant

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Planning Commission Action Report

AGENDA ITEM: Unified Development Code (UDC) Discussion Series
TYPE OF REVIEW: Review UDC Regulations
PRESENTED BY: Curtis W. Deines, Planning & Development Superintendent
PREPARED DATE: March 14, 2022
AGENDA DATE: March 21, 2022

Summary

Staff has identified regulations within the Unified Development Code (UDC) for suggested changes. As we continue to utilize the UDC, we always make notes for improvements. Staff will present several short topics for discussion and ask the Planning Commission for direction on each topic. The ultimate goal is to make it easier to develop properties and clarify sections within the UDC to help citizens and staff. Staff requests setting a public hearing for April 18, 2022, to consider various changes to the Unified Development Code.

Background

Staff presented 21 proposed changes to the UDC, related to signage, setbacks, etc. in February. Below are the sections, and staff proposed landscaping regulation changes, to be discussed this month. Staff needs final direction on the proposed changes. A public hearing will be set once the Hays Area Planning Commission agrees on the changes.

Discussion

Zoning Uses and Definitions			
UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Minimum Landscape Surface Ratio	Table 3.1.301A	The table requires different amounts of landscaping area due to the zoning district. Reducing the amount of landscaping will allow more use of the property for development.	Change the landscape surface ration to 10% for all zoning districts other than C-3.

2

Xeriscape	Definitions and where it's referenced in the UDC.	Change references of "xeriscape" to "WaterSmart"	Changing this word will help align with Water Resources, Water Conservation efforts for this landscaping practice.
2	3	3	3
3	3	3	3
4	3	3	3

3

4

Several other sections were simply recommended for removal from the UDC. The landscaping regulation has been reduced from 16 pages down to 6 pages. The following is a list of the sections that were removed:

1. Section 4.1.201(F) Minimum Size of Plants at Installation
2. Table 4.1.201 –Minimum size of trees required
3. Section 4.1.203 Credit for existing trees
4. Table 4.1.203 – Credit for existing trees
5. Section 4.1.302(3) Planting Requirements for Site Landscaping
6. Table 4.1.302 A – Landscaped Surface Areas
7. Table 4.1.302A – Site Landscaping Requirements for Front yards, Street Side yards, Interior Side yards, and Rear yards for each zoning districts.
8. Section 4.1.302(D) Parking Lot Landscaping
9. Table 4.1.302B Parking Lot Landscaping Requirements for all parking lots more and less than 30 spaces
10. Figure 4.1.302B Parking Lot Landscaped Areas
11. 4.1.401 (D) Bufferyards Along Street Rights-of-Way
12. 4.1.401 (E) Bufferyard Locations
13. Section 4.1.402 Constrained Bufferyards
14. Bufferyards for Parking and Vehicular Use Areas
15. Figure 4.1.403 – Illustrative Composition of Parking lot Bufferyard
16. Section 4.1.404 District Bufferyards – Removed references to the original table 4.1.404 and how it was to be used.
17. Section 4.1.405 Credit for Existing Buffer Treatments

Recommendation

Staff recommends an in-depth review of the regulations presented above and suggested language to propose for possible amendments at a public hearing on April 18, 2022.

Options

- Set a public hearing for April 18, 2022 to consider changes to the UDC as presented
- Planning Commission suggest other alternatives to change
- Leave regulations as adopted

Action Requested

Motion to set a public hearing for April 18, 2022, for the UDC proposed changes as discussed.

Supporting Documentation

Regulation document for each change:

1. Minimum Landscape Surface Ratio
2. Xeriscape
3. Bufferyard classifications
4. District Bufferyard standard
5. Chapter 4 Landscaping and Buffering Proposed Regulation

Zoning Uses and Definitions			
UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Minimum Landscape Surface Ratio	Table 3.1.301A	The table requires different amounts of landscaping area due to the zoning district. Reducing the amount of landscaping will allow more use of the property for development.	Change the landscape surface ratio to 10% for all zoning districts other than C-3.

Table 3.1.301A Nonresidential and Mixed Use Development Standards								
Standard	Stories	Zoning District						
		C-1	C-2	C-3 ¹	I-1	I-2	M-U	P-I
<u>Minimum Landscape Surface Ratio (LSR)</u>	N/A	25% 10%	15% 10%	1%	20% 10%	15% 10%	15% 10%	20% 10%
<u>Floor Area Ratio ("FAR")²</u>	1	0.321	0.280	0.962	0.342	0.518	0.280	0.342
	2	0.408	0.335	1.852	0.435	N/A	0.335	0.435
	3	N/A	N/A	2.680	0.478	N/A	0.358	0.478
	4	N/A	N/A	3.448	N/A	N/A	0.371	N/A
<u>Density</u>	N/A	N/A	N/A	See Notes ¹ and ⁴	N/A	N/A	See Note ⁴	N/A
<u>Minimum Street Frontage</u>	N/A	50'	50'	25'	50'	50'	50'	50'
<u>Maximum Building Height³</u>	N/A	35'	45'	60'	45'	60'	60'	45'

TABLE NOTES:

N/A - Not Applicable

1. No off-street parking is required in the C-3 district, except for live-work units and multi-family as set out in Table 3.1.202B, *Residential Development Standards in Nonresidential and Mixed Use Districts*.
2. The FARs account for the Landscape Surface Ratio (including setbacks, bufferyards, on-site drainage, and parking lot landscaping) and required on-site parking, excluding the C-3 District. Multiplying the site area by the FAR determines the maximum building size.
3. Refer to Subsection D.2.c., *Setback Planes*, of this Section.
4. Refer to Table 3.1.201, *Residential Development Standards*, for the planned development (multi-family) neighborhood type in the Residential Multi-Family (R-2) District for the maximum gross density in the C-3 and M-U districts.

Zoning Uses and Definitions			
UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Xeriscape	Definitions and where it's referenced in the UDC.	Change references of "xeriscape" to "WaterSmart"	Changing this word will help align with Water Resources, Water Conservation efforts for this landscaping practice.

Current Definition

Xeriscaping means a method of landscaping which requires little to no supplemental irrigation once the vegetation is established. Plants used in xeriscape must be well adapted to the extremes of the local climate, particularly drought, high solar radiation, wind gusts and low winter temperatures. Xeriscape may be constructed with many types of groundcover, including 100 percent ground coverage with living plants or individual and group plantings surrounded by mulches and the incorporation of decorative rocks and gravel. Weed barriers must be made of water-permeable material. Xeriscape includes traditional hardscapes such as sidewalks, decks, driveways and patios only if they incorporate vegetation.

Revised Definition

WaterSmart Landscaping means a method of landscaping which requires little to no supplemental irrigation once the vegetation is established. Plants used in WaterSmart landscaping must be well adapted to the extremes of the local climate, particularly drought, high solar radiation, wind gusts and low winter temperatures. WaterSmart landscaping may be constructed with many types of ground cover, including 100 percent ground coverage with living plans or individual and group plantings surrounded by mulches and the incorporation of decorative rocks and gravel. Weed barriers must be made of water-permeable material. WaterSmart landscaping includes traditional hardscapes such as sidewalks, decks, driveways and patios only if they incorporate vegetation.

Zoning Uses and Definitions			
UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Bufferyard Classifications	Table 4.1.401	Table is not user friendly and is confusing	Changed table to be easier to use and understand

Current Table

Table 4.1.401 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet (Structural/Natural)				Height of Berm / Wall or Fence
		Large Trees	Evergreen Trees	Small Trees	Shrubs	
Type A	5 ft.	1/2	1/2	1/2	10/15	0' / 6 ft. ¹
Type B	10 ft.	1/3	2/3	2/3	20/30	0' / 6 ft. ¹
Type C	25 ft.	2/5	3/5	3/5	30/40	3' / 6 ft. ²

Table Note:

1. A 6 foot wall or fence is not required but may substitute 50 percent of the required plantings.
2. A 3 foot earthen berm is not required but may substitute 25 percent of the required planting.

Proposed Table

Table 4.1.401 Bufferyard Classification

Bufferyard Type	Width
Open - 30%	5 ft
Semi Opaque - 50%	10 ft
Opaque - 75%	15 ft

A solid fence counts for 50% of opaqueness

Trees, bushes, and plants can be used to meet opaqueness requirements

Zoning Uses and Definitions			
UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
District Bufferyard Standards	Table 4.1.404	Table is not user friendly and confusing	Changed table to be easier to use and understand

Bufferyard means a designated strip of land upon which a buffer is installed. Bufferyards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

Current Table

Table 4.1.404 District Bufferyard Standards								
Zoning of Parcel Proposed for Development	Zoning of Adjoining District							
	A-L	NC, R-S, R-G	R-M	C-1	C-2, M-U	C-3	I-1, 1-2	P-I
A-L	--/--	A/A	A/A	A/A	A/C	A/--	A/C	A/B
N-C, R-S, R-G	A/A	--/--	A/B	A/B	A/C	A/C	A/C	A/C
R-M	B/A	B/A	--/--	B/B	B/B	B/B	B/C	B/B
C-1	B/A	B/A	B/B	--/--	B/B	B/B	B/C	B/B
C-2, M-U	C/A	C/A	C/B	B/B	--/--	B/B	B/C	B/B
C-3	C/A	C/A	B/B	B/B	B/B	--/--	B/C	B/B
I-1, I-2	C/A	C/A	C/B	C/B	C/B	C/B	--/--	C/B
P-I	C/A	C/A	C/B	B/B	B/B	B/B	B/C	--/--

Proposed Table

Table 4.1.404 District Bufferyard Width (ft.)

Zoning of Parcel Proposed for Development	Zoning of Adjoining District				
	A-L	Residential	Commercial	Industrial	P-I
A-L	0'	5'	15'	15'	15'
Residential	5'	0'	10'	15'	15'
Commercial	15'	10'	0'	5'	5'
Industrial	15'	15'	5'	0'	15'
P-I	15'	15'	5'	15'	0'

Residential – NC.1, NC.2, NC.3, NC.4, NC.5, R-S, R-G, R-M

Commercial – C-1, C-2, C-3

Industrial – I-1, I-2

Chapter 4 Landscaping and Buffering

Proposed Regulation (Draft)

Sec. 4.1.101 Purpose

1. **Generally.** In establishing these procedures and standards, it is the City's purpose to encourage to the maximum extent practicable the preservation of trees and other natural vegetation for their value to the aesthetics of the community, to increase the compatibility between adjacent uses, and to minimize the effects of noise, dust, debris, artificial light intrusions, and other impacts created by the use of land.
2. **Standards and Requirements.** The standards and requirements set out in this Chapter are intended to:
 1. Protect and preserve the appearance and character of the community;
 2. Preserve permeable, native soil and enhance disturbed soils to store and infiltrate storm flows;
 3. Promote the value and benefit of landscaping while recognizing the needs to conserve and utilize water resources as efficiently as possible;
 4. Promote the health and quality of life of the residents of the City through the protection of trees and landscaping;
 5. Reduce heat island effects for large areas of impervious cover;
 6. Promote the planting of trees, shrubs and grasses that are drought tolerant and native to western Kansas;
 7. Establish criteria and standards for the design, installation, and maintenance of water-efficient landscapes in new development and redevelopment projects; and
 8. Promote low impact development designs and best management practices to reduce the risk of flooding and restore pre-development hydrologic regime on the site without solely using traditional storm drainage conveyance systems (e.g., gray infrastructure).

Sec. 4.1.102 Application

1. **Generally.** This Section requires two general types of landscaping, including:
 1. *Development Landscaping.* There are two types of development landscaping (see Division 4.1.300, *Development Landscaping*), including:
 1. Private lot landscaping; and
 2. Site landscaping, which include:
 1. Pervious areas for single-family attached and multi-family development;
 2. Landscape surface areas for nonresidential and mixed use development; and
 3. Parking lot landscaping.
 2. *Bufferyard Landscaping.* Bufferyards are required based on the zoning, development type, or right-of-way type that abuts proposed development (see Division 4.1.400, *Bufferyards*). Bufferyards may be required along and between:
 1. District boundaries;
 2. Housing types within planned developments;
 3. Different types and intensities of uses within mixed use developments;
 4. Street and railroad rights-of-way; and
 5. The perimeters of parking lots.
2. **Application of Standards.** This Chapter applies to all new development, redevelopment, and substantial improvements, and where specifically indicated, to existing trees and landscaping in the R-M, C-1, C-2, C-3, I-1, I-2, M-U, and P-I districts. The requirement for an irrigation plan shall apply to the same zoning districts. The application of Division 4.1.300, *Development Landscaping*, and Division 4.1.400, *Bufferyards*, may be limited by Article 12.1, *Nonconformities*.

3. **Conflicts.** In the case of conflict between the regulations in this Article and the regulations of a particular zoning district or land use, the stricter application shall apply.
4. **Exemptions.** The following are exempt from the standards of this Chapter:
 1. Existing lots of record that are used for single-family or two-family dwellings unless required by this Section (*see* Division 4.1.200, *General Requirements*).
 2. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than 10 percent or 3,000 square feet, whichever is less.
 3. Development that was approved by the City prior to the effective date of this Code shall comply with the terms of the development approval (and not this Section). Such approved development shall not be required to install bufferyards if there is insufficient land area identified on the approved plans to accommodate them.
5. **Adjustments and Changes.** Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements would be impractical or unreasonable, may be granted an exception for installation of landscaping in compliance with this Chapter per this subsection. In such case, the Zoning Administrator may consider allowing minor adjustments to the landscape plan if the standards of approval may not be reasonably met, by considering approval, approval with conditions, or denial of the site plan. Such adjustment is provided such that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided. Necessary or requested adjustments or changes to the requirements of this Chapter may only be by reason of:
 1. Unnecessary hardship caused by the strict interpretation of this Code.
 2. Conditions that have not been brought about by action of the applicant or owner; and
 3. Site constraints or impracticalities that are due to special conditions of the property that do not exist on other properties in the same zoning district.

Sec. 4.1.201 Plant Material

1. **Approved Landscape Plants.** Only approved plant materials count towards the landscape requirements of this Section.
2. **Approved Plants.** Plants must be of a type approved by the Parks Director. Plants may be utilized if it is demonstrated by credible evidence that the plant:
 1. Is not on the Kansas State Noxious Weed List, U.S. Department of Agriculture;
 2. Is either native to the region or not invasive; and
 3. Provides habitat for native wildlife or migratory birds.
3. **Prohibited Plants.** Plant species that are subject to those specifically called out in Subsection B., above, are not allowed and may not be sought for addition to the approved plant list.
4. **Quality of New Plantings.**
 1. All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association.
 2. Landscape plantings shall be planted, mulched, and staked according to Publication L-802, *Woody Plant Material and Installation Specifications*, published by the State Forestry Division.
5. **Water-Smart Landscaping.**
 1. Plant Selection and Grouping Requirements.
 1. Low water use plants (including grasses) are required on slopes that are steeper than 15 percent, and in all areas that are less than eight feet wide or otherwise difficult to irrigate and manage (unless such areas are characterized by hydric soils).

2. Plants shall be selected based on their adaptability to the site. Native vegetation shall be installed, or protected and preserved when possible.
 2. *Mulch*. Mulch, such as bark, stone, or other materials left loose or other water saving treatments shall be used for all planting areas, except turf, in order to help maintain soil moisture and inhibit weeds.
6. **Trees.**
1. Trees shall be located in planting areas that are of sufficient size to allow for mature tree growth, to prevent damage from vehicles, and to avoid unnecessary maintenance to structures, walks, drives, and parking areas.
 2. A minimum of 25 square feet of permeable area around each tree is required.
 3. Adequate distance between individual trees shall be provided; minimum spacing is:
 1. Small trees = 15 feet; and
 2. Large trees = 30 feet.

Sec. 4.1.202 Groundcover

1. **Generally.** In order to prevent erosion and wind-blown dust while of the same time being mindful of conserving water, pervious areas shall be covered with trees, shrubs, groundcovers (which may include ornamental grasses), mulch, or garden plants. Planting areas shall be planted or covered with drought tolerant, disease resistant, indigenous species of trees, shrubs and hedges, groundcovers and ornamental grasses (which may include turf), mulch, or garden plants; or where possible, retain existing native vegetation.
2. **Mulch.** The need for supplemental irrigation is reduced when organic mulches are properly applied around plants. Examples of organic mulches include wood chips, cedar mulch, straw, leaves, cottonseed hulls, etc. These types of mulches decrease soil temperatures in the heat of summer while limiting evaporation from the soil surface. Organic mulch also discourages weed growth and breaks down over time helping to improve the condition of the soil. Generally, a 2-4" layer of organic mulch is ideal in most situations.
 1. Inorganic mulches such as gravel are generally not recommended for use around plants as they can create a hotter, harsher environment for plant roots. Organic mulches are preferred for use around plants in most situations.
3. **Plastic Sheeting and Landscape Fabric.**
 1. If plastic sheeting is applied under mulched areas, the areas are counted towards the impermeable surface ratio of the parcel.
 2. If permeable landscape fabric is applied under mulched areas, the areas are not counted towards the impermeable surface ratio of the parcel.

Sec. 4.1.301 Private Lots

1. **Generally.** Minimum requirements for residential lot landscaping are set out in this Section for individual parcels proposed for development.
2. **Private Landscaping Options.** In new residential subdivisions, all yard areas that are not covered by buildings, driveways, or other approved improved hard surfaces shall be:
 1. Planted with ground covers, trees and shrubs; or
 2. Landscaped with watersmart, drought-tolerant, naturally occurring materials; or
 3. Sodded or seeded.

Sec. 4.1.302 Site Landscaping

1. **Applicability.** Site landscaping is required for:
 1. Landscape surface areas that are required and set out for nonresidential and mixed use development in Table 3.1.301A, *Nonresidential and Mixed Use Development Standards*; and
 2. Parking lots of multi-family, nonresidential, public and institutional, and mixed use development.
2. **Landscape Surface Areas.** Nonresidential and mixed use development is required to have a minimum landscape surface ratio (as set out in Table 3.1.301A, *Nonresidential and Mixed Use Development Standards*). All landscaped areas shall be landscaped in accordance with the provisions of this Section.
 1. *Planting Location.* Landscape plantings are not required in areas that are designed for direct vehicular access to the building, such as loading or service bays and drive-through lanes on the side of the building with a service window, but shall be installed adjacent to all other parking and vehicular use areas and building foundations, as illustrated in Figure 4.1.302A, *Landscape Surface Areas*. Set out in Section 4.1.403, *Bufferyards for Parking and Vehicular Use Areas*, is the required bufferyard landscaping along the parkway between the parking and vehicular use areas and the property line.
 2. *Irrigation Systems*
 1. For residential properties of four units or fewer, the maximum area served by the irrigation system shall not exceed 10,000 square feet. Of that 10,000 square feet, no more than 5,000 square feet may be comprised of turf. Of the 5,000 square feet of turf, no more than 2,000 square feet may be comprised of cool season turf, unless the area is not permanently irrigated.
 2. For all other properties, the maximum area served by the irrigation system shall not exceed 10,000 square feet. Of that 10,000 square feet, no more than 5,000 square feet may be comprised of turf. Of the 5,000 square feet of turf, no more than 30% of the property area (less impervious surface area) or 2,000 square feet per zoning lot, whichever is less, may be comprised of cool season turf. A minimum of 30% of the landscaped area must be watersmart landscaped.
 3. Irrigation systems must be designed and operated to avoid watering impervious surfaces and streets and shall comply with all applicable codes. Overhead irrigation methods shall not be used within five feet of driveways, sidewalks or other hard surfaces where water may enter onto the public sidewalk, street, or enter the stormwater system. Landscape designers and property owners are encouraged to utilize watersmart landscaping and take advantage of its water-saving principles and practices.

Dumpster Screening. Trash dumpsters in nonresidential areas shall be screened with an opaque wall or fence or a landscape hedge that is one foot taller than the dumpster.

Sec. 4.1.400 Bufferyards

- A. **Generally.** The bufferyards that are required by this Code are based on the amount of screening they provide, which are classified from less screening to more screening, depending on the adjacent land uses.
- B. **Bufferyard Types.** Each type of bufferyard varies in its width and the numbers and types of plants that are required. The minimum for each bufferyard are set out in Table 4.1.401, *Bufferyard Classifications*.
- C. **Composition of Bufferyards.** Bufferyards may be classified as:
 1. Structural bufferyards, which include the use of a wall or fence to achieve the required level of screening; or

- Natural bufferyards, which include the use of an earthen berm and a higher density of plant materials to achieve the required level of screening.

Table 4.1.401 Bufferyard Classification

Bufferyard Type	Width
Open - 30%	5 ft
Semi Opaque - 50%	10 ft
Opaque - 75%	15 ft

A solid fence counts for 50% of opaqueness

Trees, bushes, and plants can be used to meet opaqueness requirements

D. Use of Bufferyards in Certain Locations.

- Between Districts.* Structural bufferyards are the preferred composition along a district boundary that is not a street, or where there is a specific privacy or security need that requires a wall or fence.
- Between Mixed Uses.* Structural and natural bufferyards may be used between mixed uses within a development, depending on the use types and intensities and the desired compatibility, privacy, and/or security.

E. Distance from Utilities.

- No trees shall be planted under or within 10 lateral feet of any overhead utility lines.
- No trees shall be planted over or within five lateral feet of any underground water line, sewer line, or other utility line, or as required by the owner of the utility or the requirements of the easement.

F. Sight Distance Triangles. The requirements of Section 6.2.207, *Sight Triangle Requirements* shall be observed.

G. Exemption. A parcel may be exempt from the requirements of this Section if it is separated from the adjacent property by a natural area that meets the screening required by the applicable bufferyard.

Sec. 4.1.404 District Bufferyards

- Generally.** The classification of bufferyards required between zoning districts that are not separated by a public street are set out in Table 4.1.404, *District Bufferyard Standards*.

Table 4.1.404 District Bufferyard Width (ft)

Zoning of Parcel Proposed for Development	Zoning of Adjoining District				
	A-L	Residential	Commercial	Industrial	P-I
A-L	0 ft	5 ft	15 ft	15 ft	15 ft
Residential	5 ft	0 ft	10 ft	15 ft	15 ft
Commercial	15 ft	10 ft	0 ft	5 ft	5 ft
Industrial	15 ft	15 ft	5 ft	0 ft	15 ft
P-I	15 ft	15 ft	5 ft	15 ft	0 ft

Residential – NC.1, NC.2, NC.3, NC.4, NC.5, R-S, R-G, R-M

Commercial – C-1, C-2, C-3

Industrial – I-1, I-2

Sec. 4.2.202 Contents of Landscape Plans

- A. **Contents of Schematic Landscape Plan.** The landscape plan shall include the elements that are set out in this Section. The Zoning Administrator may waive elements of the landscape plan if it is found that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both. The Zoning Administrator is also authorized to require additional information on the landscape plan as needed to administer the requirements of this Code. The schematic landscape plan shall include all of the following information:
1. *Plan Drawing.* The landscape plan drawing shall include all of the following information:
 - a. A plan view drawing prepared at a standard scale that ensures clarity of the proposal (scale shall be approved by the Zoning Administrator), which shall indicate:
 - i. A north arrow and scale;
 - ii. Existing and proposed final grading of the site;
 - iii. Dimensions and surfacing of all easements, pedestrian walkways, and pedestrian-oriented areas (existing and proposed);
 - iv. Location of existing and proposed overhead and underground utilities;
 - v. Location and size of stormwater detention areas;
 - vi. The location and quantity of trees and shrubs to be installed, which shall be drawn at three-fourths (3/4) of mature size and annotated with planting schedules to include genus, species, common name, drought tolerance, and size at planting;
 - vii. The location and extent of areas of groundcover; the groundcovers, turf, seed, or inorganic materials to be installed or planted; and the type of underlayment proposed to be used (if any);
 - viii. General layout, design, and the wet coverage area of irrigation systems;
 - ix. Dimensions and locations of sight distance triangles (*see Section 6.2.207, Site Triangle Requirements*);
 - b. *Private Lot Landscaping.* Landscaping of private lots shall be the responsibility of the lot owner, unless a declaration of covenants, conditions, and restrictions assigns the responsibility to a property owner. The maintenance responsibility shall be noted in the landscape plan that is required by this Section.
- B. **Water Source.** All landscape plans shall indicate the source or sources of irrigation water and the types of irrigation used.
- C. **Schematic Irrigation Plans.** Landscape plans shall include a schematic irrigation plan that shows:
1. The proposed lap/backflow preventer and irrigation controller location;
 2. The location of the manual gate valve that will control the entire irrigation system;
 3. The anticipated type of irrigation proposed for each landscape area or irrigation zone (turf, shrub beds, etc.)