

Landscaping – Zoning Ordinance Text Amendment

Reason for Request:	The proposal will provide standards and criteria for landscaping and buffers.
Staff Recommendation:	Staff recommends amendment of the McKenzie County Zoning Ordinance to add Section 4.12 Screening and Buffering and amend Article III for consistency as attached to this report.
Hearing Date:	August 10, 2015
Description:	Addition of new text to Article IV: Special Provisions
Owner(s)/Applicant:	McKenzie County

Staff Analysis:

Landscaping buffers and screening helps to preserve the visual quality of the County. The proposed amendment establishes uniform standards for landscaping and screening. It also defines where and how landscaping and screening is applied. Three types of buffers are established: light, medium, and heavy. Buffer placement is proportional to compatibility between land uses. Heavier buffers are required between uses of greater incompatibility (i.e. industrial and residential). Screening of industrial storage areas from view of adjacent roadways is also provided.

Consistency with Comprehensive Plan:

These regulations are supported by the McKenzie County Comprehensive Plan, which states: “McKenzie County supports economic development through the development of community amenities which make the County an attractive place to live, work, and play. McKenzie County supports the requirements for buffer areas and transitional land uses between residential districts and industrial and commercial developments to ensure land use compatibility in and around neighborhoods.” In addition a citation from the County Zoning Ordinance, Section 3.6.1 says: “It is the purpose of this ordinance and this district to provide for orderly residential development; to protect the quiet and tranquility of residential neighborhoods; and to protect the value of property.”

Staff Recommendation:

Suggested Motion: "To recommend approval to the County Board of Commissioners of an amendment to the McKenzie County Zoning Ordinance, amending Article IV by adding new provisions for landscaping and screening.

Attachment:

1. Proposed ordinance amendment 4.12 Screening and Buffering
2. Changes to other ordinance sections for consistency

4.12 Screening and Buffering

4.12.1 Purpose

The purpose of these regulations is to preserve the visual quality of the County and to provide screening and landscaping buffers between different types of property uses. These regulations are supported by the McKenzie County Comprehensive Plan, which states: “McKenzie County supports economic development through the development of community amenities which make the County an attractive place to live, work, and play.” and “McKenzie County supports the requirements for buffer areas and transitional land uses between residential districts and industrial and commercial developments to ensure land use compatibility in and around neighborhoods.”

4.12.2 Applicability

The requirements of this ordinance will be activated by any of the following:

- 1) The construction of any new principal building for:
commercial
industrial
institutional*
multi-family with three (3) or more units
an accessory building for any of the above uses
** Institutional uses include hospitals, clinics, schools, colleges and other non-commercial public service oriented establishments.*
- 2) Expansions of existing buildings mentioned in 4.12.2 1) above that occur after (*enter the effective date of this amendment*) and which increase the floor area by more than 1,000 square feet or 10 percent of the existing building footprint area (whichever is greater) or two or more expansions of square footage on the site that, in total, exceed 1,000 square feet or 10 percent (whichever is greater).
- 3) The installation of any new parking area or the expansion of any existing parking area by six or more parking spaces.
- 4) A rezoning to a higher intensity use or approval of a special permitted use to a higher intensity.

4.12.3 Exceptions

The following are exempt from the requirements of this section:

- 1) Agricultural land uses.

- 2) Changes in land use that do not require more than six additional parking spaces.
- 3) Rezoning to a lower intensity zoning district.
- 4) Buffer yards and parking lot perimeters which are naturally screened by topography or existing vegetation.
- 5) The requirements of section 2.1 (Road Setbacks) of this Ordinance shall take precedent over the requirements of this section.

4.12.4 General Requirements.

Table 1: Planting Requirements

<u>Type of Plant</u>	<u>Minimum Size at Time of Planting</u>	<u>Minimum Height at Maturity</u>
<u>Deciduous Trees</u>	<u>Caliper of 1 inch measured 4½ feet above ground level.</u>	<u>Twenty feet (20')</u>
<u>Coniferous Trees</u>	<u>Minimum height of 4 feet above grade.</u>	<u>Twenty feet (20')</u>
<u>Shrubs</u>	<u>Minimum height of 2 feet above grade or a minimum container size of 2 gallons.</u>	<u>Three feet (3')</u>

- 1) Ground Cover: Exposed ground areas of parking lot perimeter strips and buffer strips which are not occupied by trees or shrubs shall be landscaped with grass, landscaping rocks, wood chips, or other suitable landscaping material to be kept free of weeds.
- 2) Plant Quality: Plants installed to satisfy the requirements of this section must meet or exceed the plant quality standards of the most recent edition of American Standards for Nursery Stock, published by the American Nursery & Landscape Association. be nursery grown and genetically adapted to local conditions. Woody plants must be rated to survive in the current USDA Plant Hardiness Zone designated for the McKenzie County area.
- 3) Installation: All trees and landscaping must be installed according to sound nursery practices in a manner designed to encourage vigorous growth.
- 4) Existing Plants: Plants that exist on a site prior to development may be used to satisfy the landscaping standards of this section provided that they meet size, variety and locational requirements.

They must be in good health, and are adequately protected to ensure survival during and after site construction.

- 5) Soils: Soil in planted landscaping areas shall consist of loose, friable, loamy topsoil that is free of excess acid and alkali. It shall be free from chunks of sod, hard lumps, gravel, subsoil or other undesirable material, to a depth of eighteen to twenty-four (18 - 24) inches.
- 6) Utility Line Interference: Trees shall not be planted under utility lines when their ultimate, mature height may interfere with the lowest lines.
- 7) Fire Hydrants: No tree shall be planted within ten (10) feet of any fire hydrant.
- 8) Diversity: A variety of tree and shrub species shall be utilized. Except for continuous hedges and street trees, not more than fifty percent (50%) of the required number of trees or shrubs may be comprised of any one (1) species.
- 9) Planting times: All required landscaping plants shall be installed as soon as construction has been completed. For construction completions that occur too late in the growing season (after July 1), the landscaping shall be installed at the beginning of the next growing season.
- 10) Compliance Deadline: All required landscaping materials must be healthy and in-place by the end of the first complete growing season after the building permit has been issued.

4.12.5 Parking Lot Perimeter Landscaping

Applicability: Parking lot perimeter borders shall be located between adjacent roadway rights-of-way and parking areas in accordance with the following table:

Table 2: Parking Lot Perimeter Landscaping

<u>Parking Lot Size</u> <u>Number of Spaces</u>	<u>Planting Strip</u> <u>Width</u> <u>Minimum</u>	<u>Minimum Planting Requirements</u>
<u>1 to 50</u>	<u>Four feet</u> <u>(4')</u>	<u>Hedgerow (continuous shrubs).</u>
	<u>Six feet</u> <u>(6')</u>	<u>Berm with maximum height of one-foot and one tree per 25 linear feet.</u>

<u>51 to 250</u>	<u>Nine feet (9')</u>	<u>One tree and six shrubs per 25 linear feet.</u>
<u>251 or More</u>	<u>Twenty feet (20')</u>	<u>One tree per 25 linear feet.</u>

4.12.6 Buffer Yards

The purpose of buffer yards is to provide visual and physical separation of spaces; shield neighboring properties from the adverse effects of adjacent uses by reducing noise, dust, visual pollution, and glare between two lots. Buffer yards are not intended to separate mixed uses within a single development. Buffer yards are also not required between adjacent lots of the same intensity land use.

- 1) Buffer yards shall be used solely for landscaping. No proposed building, building addition, parking area, dumpster enclosure, or any other type of physical land improvement (other than landscape features, walls, fences, or pedestrian connections) may be located in a required buffer yard. Buffer yard widths and density of vegetation increase proportionally with the degree of difference between two adjacent land uses as shown in Tables 1 and 2 below.
- 2) Buffer Yard Exceptions: For lots less than 10,000 square feet, the buffer yard need not exceed more than 10% of the total area of the site or more than 10% of the width of the site.
- 3) For new developments, buffer yard installation is the responsibility of the more intensive land use. The location of the buffer yard shall be entirely upon the more intensive use property. In cases where a written agreement between adjacent lots is provided, the buffer yard can straddle the property line.
- 4) When a new development is proposed for a property adjacent to an existing development of a different intensity land use, and the existing development occurred prior to buffer yard requirements, the new development, even if it is of lesser intensity, is responsible for installation of the buffer yard. The buffer yard will be located on the property that is being developed, not on the property of the existing development.
- 5) In situations where a buffer yard may already exist but does not meet the current buffer yard requirements, the existing buffer yard may be used to satisfy a portion of the requirement for the current buffer yard standards. The width and vegetation density of an existing buffer yard shall be increased on the newly developing property to meet requirements.

- 6) Where flaring of gas is occurring on a site and because of the flaring activity there are difficulties in meeting the prescribed landscaping and screening requirements, the developer's engineer shall provide screening alternatives to be reviewed by the Planning Director and the Planning Commission.

Table 3: Buffer Yard Requirements

	<u>Single Family</u>	<u>Multi-Family</u>	<u>RV & Mobile Home Parks</u>	<u>Office & Professional</u>	<u>Institutional</u>	<u>Commercial Retail Service</u>	<u>Parks & Agricultural</u>	<u>Industrial Light & Heavy</u>
<u>Single Family</u>	N/A							
<u>Multi-Family</u>	Light	N/A						
<u>RV/Mobile Home Parks</u>	Light	Light	N/A					
<u>Office & Professional</u>	Light	Light	Light	N/A				
<u>Institutional</u>	Medium	Light	Light	Light	N/A			
<u>Commercial Retail Service</u>	Medium	Medium	Medium	Medium	Medium	N/A		
<u>Parks and Agricultural</u>	Light	Light	Light	Light	Light	Light	N/A	
<u>Industrial Light & Heavy</u>	Heavy	Heavy	Heavy	Heavy	Heavy	Heavy	Heavy	N/A

4.12.7 Landscaping Plan Required

A landscape plan shall be required for all development subject to the provisions of this subsection. Landscape plans submitted for approval shall contain the following information:

- 1) North arrow and scale
- 2) Location of existing and proposed structures and parking areas
- 3) Drainage patterns

- 4) Location of utility easements
- 5) Location of retaining walls and fences
- 6) Location, size, and type of existing trees to be retained
- 7) The number, height, and caliper of trees to be used
- 8) The number of ground cover plants per unit area to be used
- 9) The locations where different plant types will be used
- 10) The common and scientific name of each plant to be used
- 11) Planting details

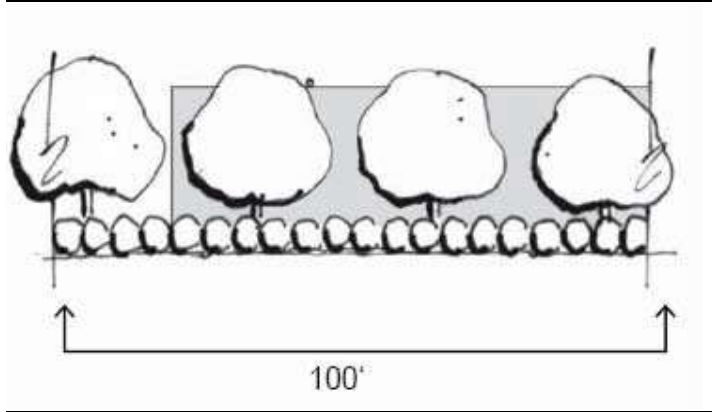
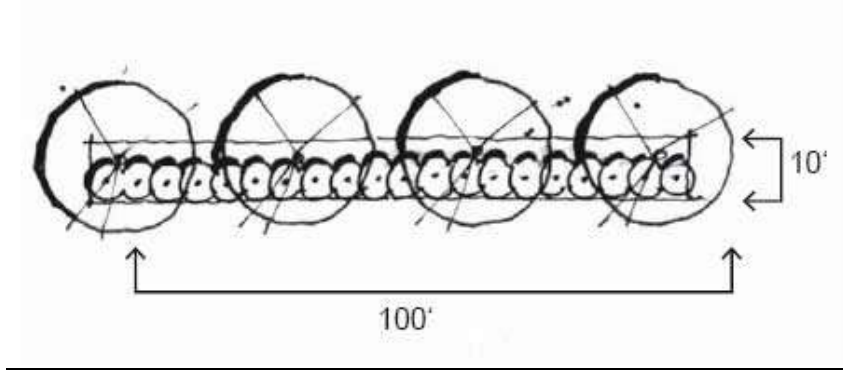
Table 4: Buffer Yard Details

<u>Buffer Yard Requirements</u>	<u>Type of Buffer Yard</u>		
	<u>Light</u>	<u>Medium</u>	<u>Heavy</u>
<u>Minimum Width</u>	<u>10-feet</u>	<u>25-feet</u>	<u>50-feet</u>
<u>Berm</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Trees per 100 Linear Feet</u>	<u>2 Deciduous and 2 Conifer</u>	<u>3 Deciduous and 3 Conifer</u>	<u>5 Deciduous and 5 Conifer</u>
<u>Shrubs per 100 Linear feet</u>	<u>20</u>	<u>40</u>	<u>40</u>
<u>Shrub Planting Requirements</u>	<u>Shall be planted in a line to create a continuous screen.</u>	<u>Shall be planted in a line or staggered under trees to create continuous screen.</u>	<u>Shall be planted in a line or staggered under trees to create continuous screen. All plantings shall be placed on the side of the berm facing the less intensive land use or the roadway with the exception of three deciduous trees, which shall be planted on the side adjacent to the more intensive land use.</u>
<u>Possible substitutions, must be approved by the Planning Director</u>	<u>1 large coniferous tree may be substituted for 1 deciduous tree.</u> <u>No more than 50% of the trees may be substituted with conifers.</u> <u>A fence may be substituted for up to 50% of the shrub planting</u>		<u>1 large coniferous tree may be substituted for 1 deciduous tree and 4 shrubs.</u> <u>No more than 50% of the trees may be substituted with conifers.</u>

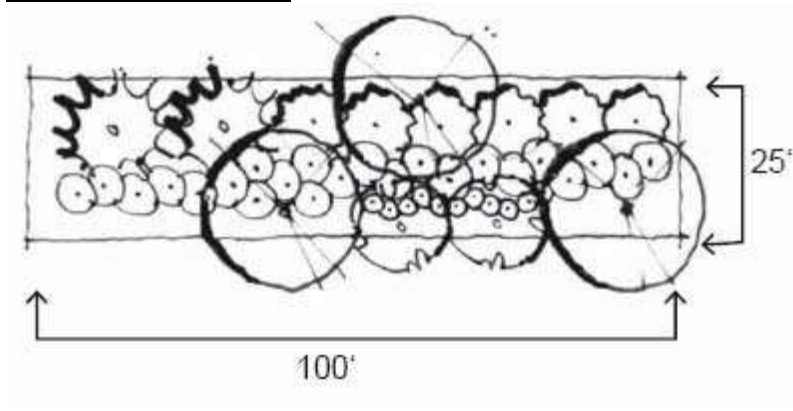
	<u>requirement. Remaining shrubs shall be placed on the side of the fence facing the less intense land use or the roadway.</u>	<u>A six-foot masonry wall (not cinderblock) or opaque fence may be substituted for the berm and up to 50% of the shrub requirement.</u>
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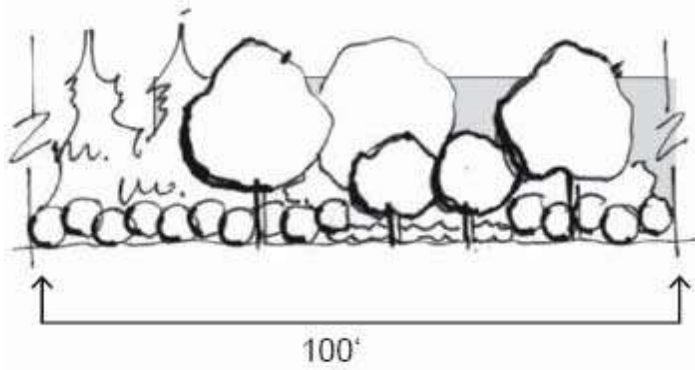
Definitions: Fence = 6 feet high opaque fence. Berm = 6 feet high earthen berm

Light Buffer Yard

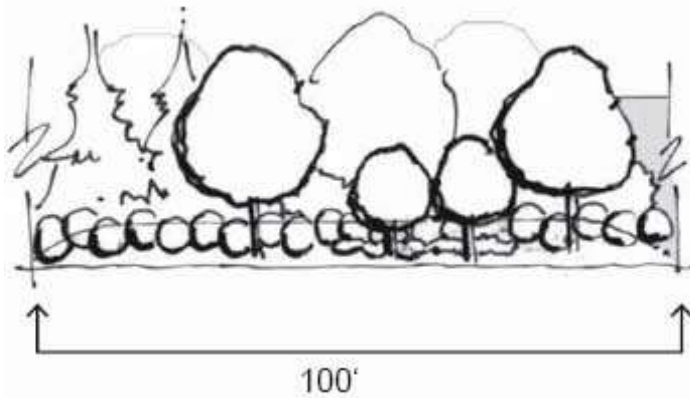
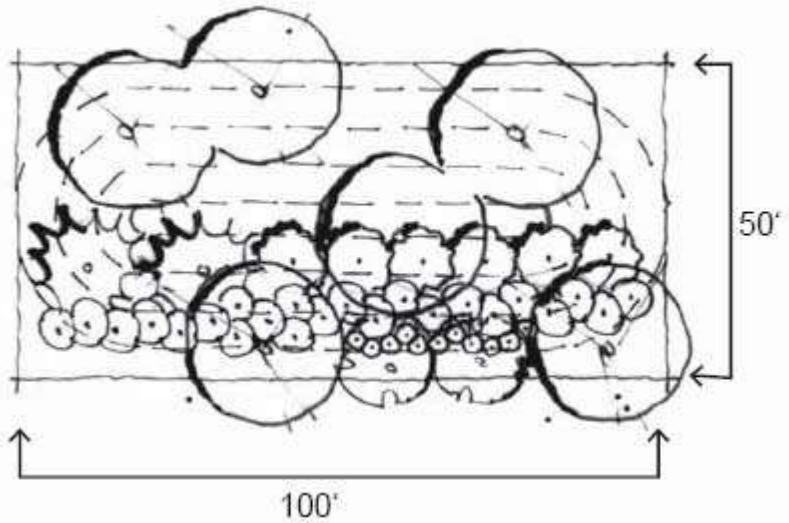


Medium Buffer Yard





Heavy Buffer Yard



4.12.8 Screening of Outdoor Storage Areas and Trash Containers

- 1) Outdoor equipment storage areas, pipe yards, industrial and commercial storage areas which are visible from adjoining roadways shall be screened from view by coniferous trees, tall shrubs, and ground cover which will provide one hundred percent

sight-obscuring screen - OR – a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

- 2) All trash containers for residential buildings with three (3) or more dwelling units shall be placed within a trash enclosure constructed of an opaque fence or wall not less than five (5) feet high.
- 3) In commercial districts, all trash containers shall be placed within a trash enclosure constructed of an opaque fence or wall not less than five (5) feet high.

4.12.9 Enforcement

- 1) Continuing Maintenance Obligation: All landscape plants must continue to be cared for and maintained in a healthy condition, free of diseases, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants shall be removed and replaced. Plant replacements must occur in a timely manner and no later than the beginning of the next growing season.
- 2) Inspections and Monitoring: All landscaping areas are subject to inspections and monitoring. Landscaped areas that are not in compliance with the requirements of this section or that are not in compliance with the approved landscaping plan will be subject to enforcement actions.
- 3) Notification of Noncompliance: If the Planning Director determines that required landscaping has not been installed or maintained in compliance with this section, the Planning Director shall notify the owner immediately (by mail or personal service to the same person and to the same address as is designated to receive the real estate tax notice for the property). The notice shall state:
 - a) The work that must be done or the improvement that must be made to meet compliance;
 - b) The amount of time the owner has to complete the required landscape work or improvements; and
 - c) That, if the work or improvements are not completed within the time specified, the work will be performed by the County

and the cost thereof will be assessed against the real property described in the notice.

- 4) Applicability to Non-Conforming Uses: Proposed modifications to a required buffer yard adjacent to any non-conforming use, based on zoning, may be considered on a case-by-case basis by the Planning Director.
- 5) Odd-Shaped Lots: Consideration will be given for required buffer yards on exceptionally irregular, narrow or shallow lots. Modifications to the required plant quantities may be considered on a case-by-case basis by the Planning Director with the submittal of section and/or elevation drawings showing how the design will meet the intent of the ordinance.
- 6) Grade Differential: Consideration will be given for required buffer yards that are significantly above or below the finish grade of the adjacent property. Modifications to the required plant quantities may be considered on a case-by-case basis by the Planning Director with the submittal of section and/or elevation drawings showing how the design will meet the intent of the ordinance.