



City of Homer

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Planning

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Staff Report PL 20-21

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: March 4, 2020
SUBJECT: Tree Preservation

Introduction

The Commission added “Tree Preservation” to the worklist. Due to schedule change for Commissioner Training, which I had proposed for this meeting, I am introducing the discussion on tree preservation.

Analysis

Currently, trees are sparsely addressed in code.

21.50.020 Site development standards – Level One

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. Development activities shall not adversely impact **other** properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, **intentional or inadvertent fill or root damage to neighboring trees**, or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

Other requirements for landscaping do not prescribe anything particular to trees, just that buffering may be accomplished by using one or several options, which could include trees.

The next place that has any reference to landscaping with trees is the Design Manual that applies to CUP's in the Central Business District (CBD), Gateway Business District (GBD), and Scenic Gateway Corridor Overlay District (SGCOL). The manual is problematic because it basically a suggestion and uses general terms that the Commission has to make a values judgement based on a case-by-case bases (don't get me started with the “retain natural vegetation to the maximum extent possible” conundrum – yes we need to update or replace – another time).

Currently the city has virtually no code addressing trees except for timber growing and harvesting operation in the watershed (technically not much 'city' in the watershed). Now we need to think about the community desire for such regulations.

In my research, I have not found municipalities in Alaska that address the retention of trees in other areas besides public land (parks and street trees) and requirements of development, such as required buffers or perhaps a planting standard for multi-family and commercial development (see Fairbanks North Star Borough Landscape Manual and Muni Landscaping).

The Alaska Department of Natural Resources, Developing Community Tree Ordinances publication, provides some guidance for tree ordinances. A more in-depth review of tree ordinance development is found in the North Carolina State Extension Developing Successful Tree Ordinances publication.

I have provided an overview of our regulations, other Alaskan communities, and suggestions for tree ordinance development. Now may be the time to consider what direction we may want to go with this subject.

This may also be a good point to start a discussion on the landscaping requirements for parking lots, commercial development, rights-of-way, or other City lands.

Staff Recommendation

Please review materials and discuss possible options in consideration of community support and capacity.

Attachments

Community Design Manual Landscaping
Fairbanks North Star Borough Landscape Manual
Municipality of Anchorage Landscaping
ADNR Tree Ordinance development
Developing Successful Tree Ordinances NC State Extension

Community Design Manual

LANDSCAPING & SCREENING

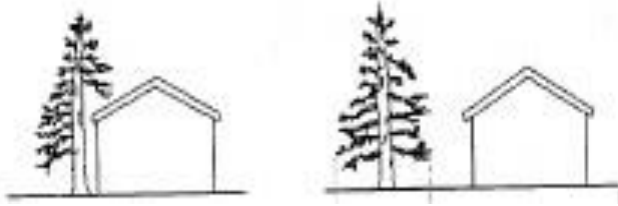
Formal landscaping provides a pleasing transition between the natural setting and the built environment and between adjacent built environments. Landscaping may not be considered adequate compensation for poor site or building design; it shall be used to enhance new development (regardless of how attractive the buildings on a site may be) and to soften the visual impacts of such urban necessities as parking lots and mechanical equipment. Natural vegetation, together with existing views of the water and land views is an integral part of the Homer setting and should be preserved on both developed and vacant parcels. Views through or framed by natural vegetation may be achieved while retaining the existing vegetation which characterizes Kachemak Bay.

1. **Development should be located so as to preserve, to the maximum extent possible, the best and most attractive natural features of the site.** Development should avoid areas of environmental sensitivity and minimize negative impacts and alteration of natural features.
2. **Control vegetation to preserve existing significant views.** The following standards promote retention of existing views and apply to both commercial and residential properties:
 - a. Selective thinning - Larger tree stands which, over time, have closed off significant views may be selectively thinned. Limit thinning to maintain a balance of timber and continuous canopy.

Trees make up an integral part of this view. A balance between trees and view should be retained



- b. Trees within view - Allow trees to be a part of the view. Limited numbers of trees should not be considered an obstruction to a view.
 - c. Trimming trees. When trimming or limbing up trees to preserve views, maintain a healthy balance between the crown and trunk of the trees.
 - d. Tree Topping. Avoid topping or trimming which alters the natural symmetry of a tree unless necessary for safety reasons or as emergency situations dictate.
3. **Avoid removing significant vegetation.** Complete removal of significant vegetation to create new views where views do not currently exist, or to create panoramic views out of existing limited views is not permitted.
4. **Provide adequate room for retained vegetation.** Identify how retained trees will be protected both during and after construction.
- a. Location of structures. Buildings, retaining walls, utilities and paved surfaces must be far enough away from retained trees to allow room for construction activities (including grading and excavation) and to assure a proper growth environment after construction.



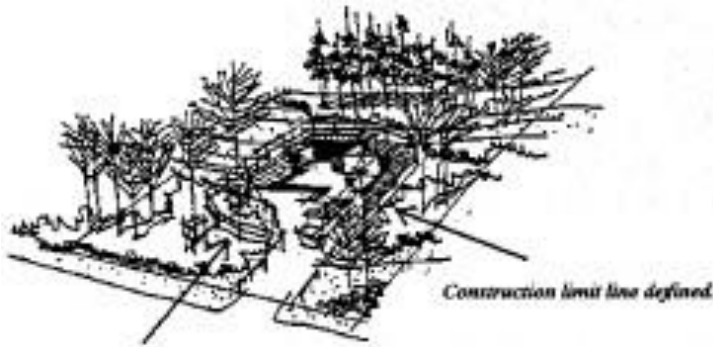
Neither the building footprint or the area of construction should encroach into the drip line of trees to be protected

b. Area of construction. In no case shall construction activities take place within the drip line of the tree (root zone) without extra precautions.

c. Tree well. Provide a tree well or other form of protection where the surrounding grade must be raised.

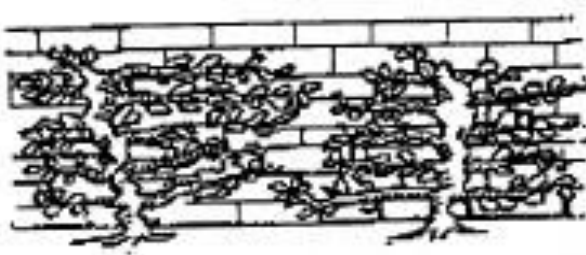
5. **Protect existing trees during construction.** Significant vegetation to be retained must be protected during construction by installation of an effective system. The system must be approved by the Public Works Department, and must be in place during construction.

Limits of disturbance must be carefully defined and delineated. Areas of nondisturbance must be protected.



6. **Replace lost trees which were intended to be retained.** Any tree proposed or required to be retained and which is subsequently lost or destroyed must be replaced with at least three 6-foot trees of an appropriate species.

7. **Choose plantings which are compatible with existing vegetation.** Plantings must be of a type which will thrive amid existing vegetation without killing or overtaking it. Avoid mixing incompatible plants which require different planting environments or micro-climates. Avoid haphazard mixture of textures, colors and plant types.
8. **Locate vegetation to preserve significant views.** Views and vistas from public rights-of-way shall be considered when determining placement of vegetation. While it is not the intent to avoid all trees in the foreground of a view, consideration should be given to the expected height of trees and how they might be located to "frame" the view.
9. **Retain the natural symmetry of trees.** Trimming of trees shall be done in a manner that preserves the tree's natural symmetry. Topping shall be avoided unless required for health/safety reasons. Limbing-up may be appropriate if sufficient crown is retained to preserve the tree's health.
10. **Use shrubs or vines on blank walls.** Blank walls shall include a narrow planting area with shrubs or vines giving coverage to the wall.



Shrubs and vines provide good coverage to walls which lack architectural interest

11. **Outside storage of materials and equipment and trash, if otherwise allowed, should be screened from view from adjacent streets and residential areas.** Such screens should be opaque and may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.
12. **Enclosed storage of materials, equipment and trash is encouraged.** The enclosure will be built to be complementary to the primary structure or landscaped or located so as to not be visible from the street.
13. **Elements such as, but not limited to; HVAC units, telephone boxes, fuel tanks and electrical transformers, shall be integrated into the site design through the use of landscaping, berms or fences and should be as unobtrusive as possible.**

14. Landscaping will be planned in such a way as to preserve views from public rights-of-way.

Consideration will be given to the expected height of trees and how they might be located to frame the view.

15. Landscape plants will be chosen to be compatible with existing native vegetation and to thrive in Homer's climate.

16. All disturbed lands will be revegetated within nine months or the next growing season, whichever is sooner.

17. Conform to all other landscape criteria in the Homer City Code.

Vacant Parcels in All Zones:

Limit Clearing to no more than 50% of significant vegetation and retain vegetation in all required buffers and setbacks. Clearing limitations apply to all vacant parcels with no approved **Development Activity Plan, Storm Water Plan, or Zoning** permit for development.

Fairbanks
North
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Fairbanks North Star Borough

LANDSCAPE MANUAL

(A comprehensive guide including supplements from the Title 18 Zoning Code)



Adopted
April 25, 1988

The Fairbanks North Star Borough is
an Equal Opportunity Employer

July 2016

Introduction

This Landscape Manual, published by the Fairbanks North Star Borough Landscape Review Board, is intended as a supplement to the FNSB Landscape Ordinance to provide information useful to those who are required to comply with the Landscape Ordinance. This Manual does not add additional requirements and in case of a conflict, the Landscape Ordinance takes precedence. A copy of the ordinance is attached for your reference (see Appendix).

The landscaping as detailed in this manual is required only for properties located within the Special Landscape Area (SLA) overlay zoning district. Contact the Fairbanks North Star Borough Department of Community Planning at (907) 459-1260 or planning@co.fairbanks.ak.us for more information.

This manual is based heavily upon the landscape manual produced by the City of Fairbanks Landscape Review and Beautification Commission.

Landscape Design Standards

Summary of Requirements

Residential

Type of Construction	Landscaping/Screening Requirements
Single family, duplex or triplex:	<ul style="list-style-type: none">▪ No requirements
4-Plex – 12-Plex:	<ul style="list-style-type: none">▪ One (1) tree per dwelling unit
Greater than 12-Plex:	<ul style="list-style-type: none">▪ Same as Commercial (see below)

Storage/Warehouse/Industrial

Type of Landscaping/Screening Required	Summary of Requirements
Street Parking Lot Screening Only	<ul style="list-style-type: none">▪ Street Parking Lot Screening▪ Trash Screening (see below)

Miscellaneous

Type of Construction	Landscaping/Screening Requirements
New development adjacent registered historical structure	<ul style="list-style-type: none">▪ Buffer landscaping as approved by Landscape Review Board (see below)
Existing Building – Unchanged	<ul style="list-style-type: none">▪ No requirements
Existing Building – Change in Use	<ul style="list-style-type: none">▪ Comply with this ordinance (see below)

NOTE: Additional requirements could apply if there are easements and/or rights-of-way related to the property in question (for example, utility easements). More restrictive site triangles may be required due to speed and sight distances on given properties. Consult with the Alaska Department of Transportation and/or the FNSB Department of Community Planning.

Landscape Design Standards

Summary of Requirements

All Other New Construction and Change of Use Construction

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Street Parking Lot Screening	<p>Minimum Planting Requirements:</p> <ul style="list-style-type: none"> One (1) deciduous or evergreen tree per each 25 lineal feet of street frontage or fraction thereof; <p>AND</p> <ul style="list-style-type: none"> One (1) approved shrub planted for each required tree. 	<p>Required trees/shrubs may be planted anywhere along street frontage area provided that:</p> <ul style="list-style-type: none"> Total number of required trees and shrubs are planted; A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree; Each bed consists of at least one tree; Distance between beds and open street areas do not exceed 90 lineal feet. Does not interfere w/ easements or rights-of-way (see below); All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg.15).
Perimeter Parking Lot Screening	<p>Minimum Planting Requirements:</p> <ul style="list-style-type: none"> One (1) deciduous or evergreen tree for each 35 lineal feet of interior parking lot frontage or fraction thereof; <p>AND</p> <ul style="list-style-type: none"> One (1) approved shrub planted for each required tree. 	<p>Required trees/shrubs may be planted anywhere along interior lot line frontage area provided that:</p> <ul style="list-style-type: none"> Total number of required trees and shrubs are planted; A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree; Planting beds consist of at least 1 tree; The distance between planting beds and open interior lot areas does not exceed 120 lineal feet; Does not interfere w/ easements or rights-of-way (see below); All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg.15).

Landscape Design Standards

Summary of Requirements

All Other New Construction and Change of Use Construction continued...

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Interior Parking Lot Screening for lots with greater than 75 parking spaces	<ul style="list-style-type: none"> One (1) planting bed for first 75 parking spaces; <p>AND</p> <ul style="list-style-type: none"> One (1) additional planting bed for each additional 25 spaces or fraction thereof. 	<ul style="list-style-type: none"> Each planting bed shall consist of a minimum of 2 trees and 1 shrub; Minimum planting area shall be not less than 80 sq ft w/no dimension less than 8 ft; Planting beds may be consolidated; however, a minimum of 2 separate planting beds shall be provided where multiple beds are required; All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg. 15).
Trash Screening	<ul style="list-style-type: none"> Visual screens not less than seventy-five (75%) opaque 	<ul style="list-style-type: none"> Shall consist of living plant material, natural or man-made construction material or a combination thereof.
Buffer Landscaping (between different land use areas as determined by FNSB Title 18 zoning ordinance)	<ul style="list-style-type: none"> A continuous planting bed an average of 10 feet in width and not less than 8 ft with provision for protection from vehicular damage such as a curb or wheel stop (see fig.10 on page15 for examples). 	<ul style="list-style-type: none"> Shall consist of evergreen trees at least five ft in height with a ratio of height to spread no less than five to three and deciduous trees a minimum of eight ft in height with no more than 50% being deciduous planted at average intervals no greater than ten feet on center; <p>OR</p> <ul style="list-style-type: none"> Two rows of evergreen trees a minimum of 6 ft in height and an average of 8 ft in height, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center.

NOTE: Additional requirements may apply if there are easements and/or rights-of-way related to the property in question (for example, utility easements). More restrictive site triangles may be required due to speed and sight distances on given properties. Consult with the Alaska Department of Transportation and/or the FNSB Department of Community Planning.

Landscape Design Standards

What do we mean when we say...?

1. **Street Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right of way and a parking lot.
2. **Perimeter Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.
3. **Interior Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of a parking lot. Under this definition, the term “interior parking lot” includes all on-site parking spaces including access roadways and parking aisles; the term “interior parking lot” does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.
4. **Trash and/or Garbage Areas** – are any exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.
5. **Screen** – refers to the method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be 75% opaque.
6. **Parking Lot Surface Improvement** – applies to existing parking lots which are upgraded with a paved or chip asphalt surface.
7. **Buffer Landscape** – describes a continuous landscape area which separates and partially obstructs the view of two separate land uses or properties from one another (for example, a commercial property from a residential property). Buffer landscaping must provide year-round screening. Buffer landscaping may include berms and/or decorative fences in conjunction with required trees and shrubs.
8. **Deciduous** – describes a tree or shrub with foliage that is shed annually.
9. **Evergreen** – refers to a tree or shrub that retains its foliage throughout the year.
10. **Shrub** – refers to a trunk-less woody plant, smaller than a tree consisting of several stems growing from the base.
11. **Tree** – refers to a woody perennial plant that grows to a height of several feet and typically has a single erect main stem with side branches.
12. **Berm** – describes an earthen embankment or wall.

Landscape Design Standards

Approved Plant Materials and Ground Cover

The following are plants that have proven hardy in the Fairbanks area. Other trees and shrubs may be used if approved by the Landscape Review Board:

Trees, evergreen:

White Spruce, Lodge Pole Pine, Scotch Pine.

Trees, deciduous:

Paper Birch, Showy Mountain Ash, European Mountain Ash, Canada Red Cherry – Choke Cherry, European Bird Cherry – May Day, Amur Choke Cherry, Crabapple, Aspen, Cottonwood/Balsam Poplar, Tamarack (Eastern Larch), Siberian Larch.

Shrubs:

Dwarf Pea, Peking Contoneaster, Silverberry, Amur Maple, Goose berry, Rose Tree of China, Black Currant, Alpine Currant, Spirea, Roses, Potentilla, Lilacs, Nanking Cherry. Creeping Juniper, Common Juniper, Muhgo pine, Red-osier, Siberian or Dwarf Dogwoods, Siberian Pea Shrub, Serviceberry, Honeysuckles, Lilacs, Nanking Cherry, Russian Olive.

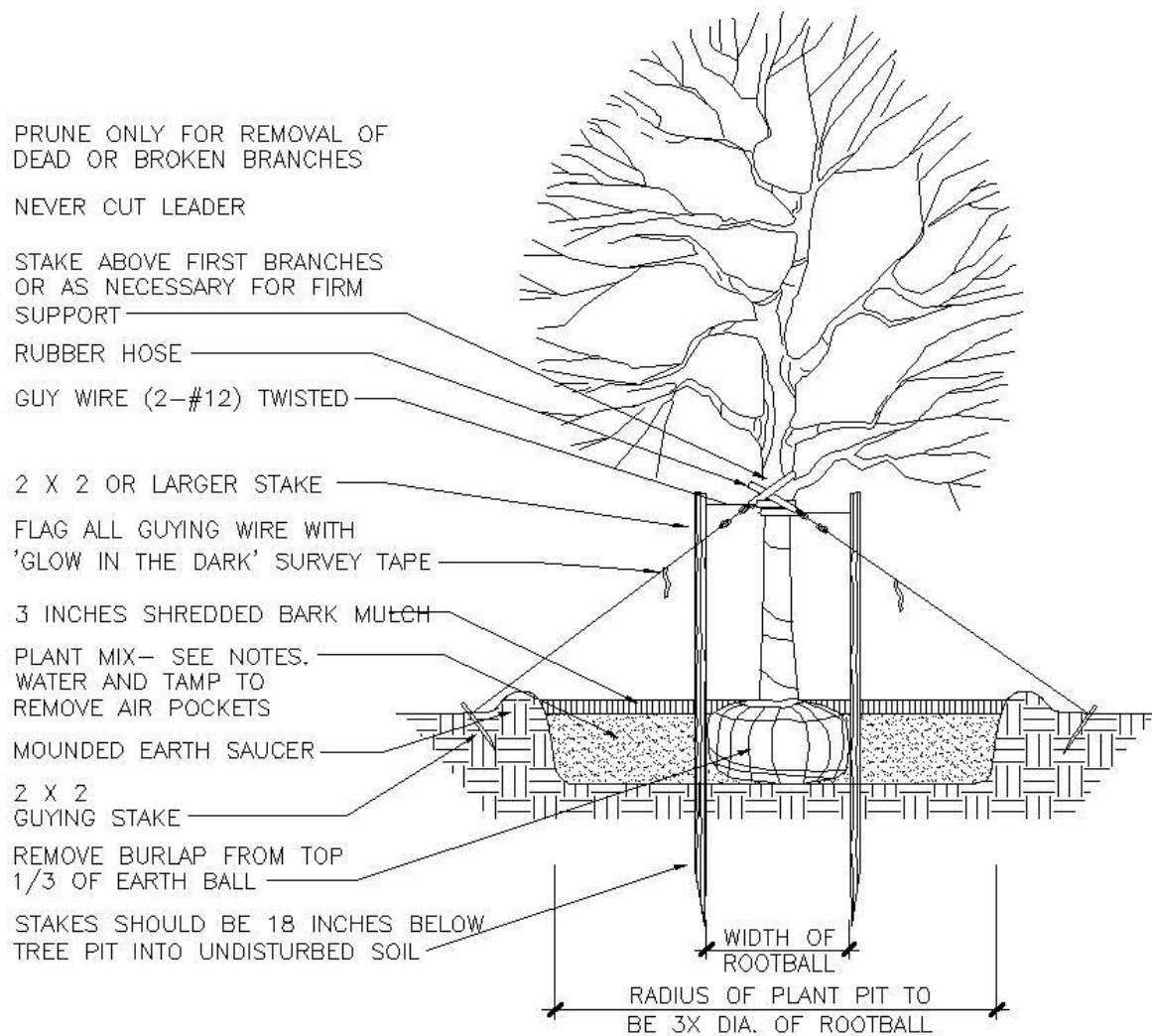
Ground Cover:

Grass, Boulders, Mulch, Wood or Bark Chips, Planted Berm, Screed Gravel, Annual Flowers.

Remember:

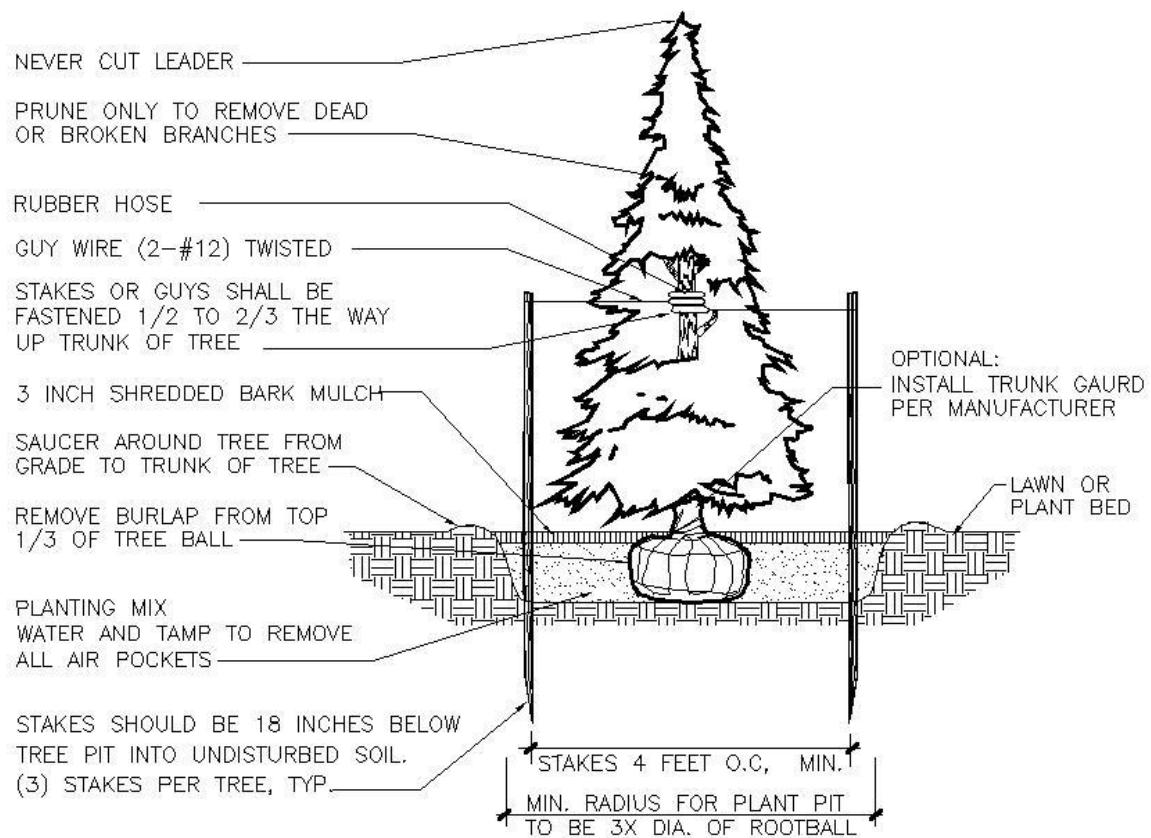
The species and method of planting you choose will greatly impact the survival of your plantings. We encourage you to consult with an expert for the “best planting methods” available for each individual species you choose to plant.

Figure 1 – Planting Details / Deciduous



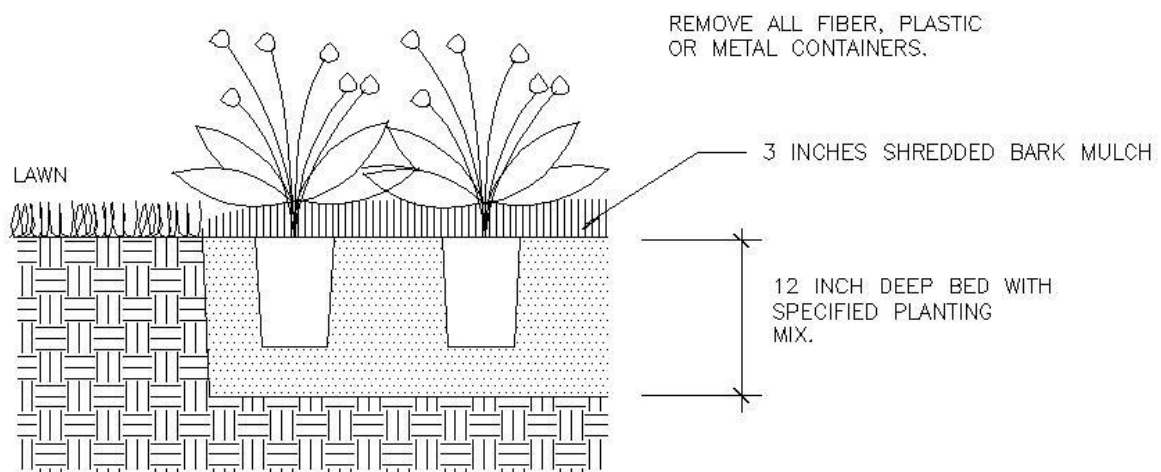
Deciduous Tree Planting Detail

Figure 2 – Planting Details / Evergreen



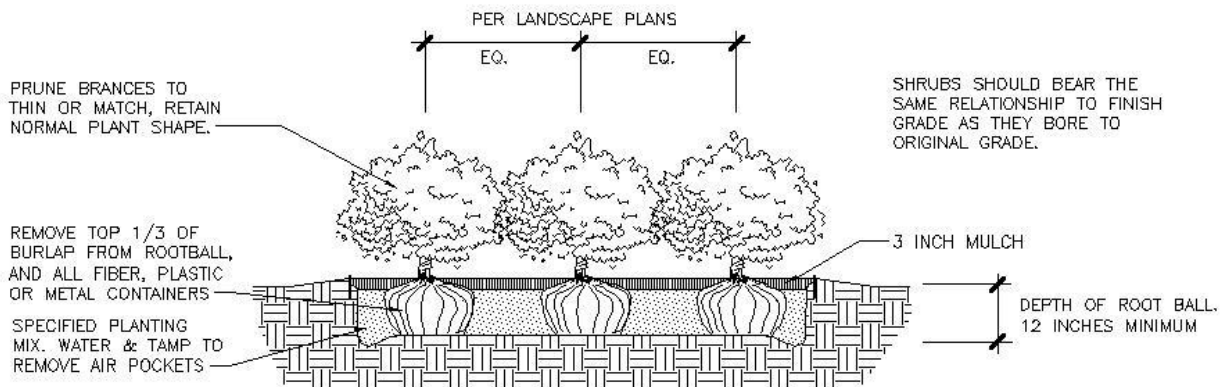
Evergreen Tree Planting Detail

Figure 3 – Planting Details / Perennial



Perrenial Planting Detail

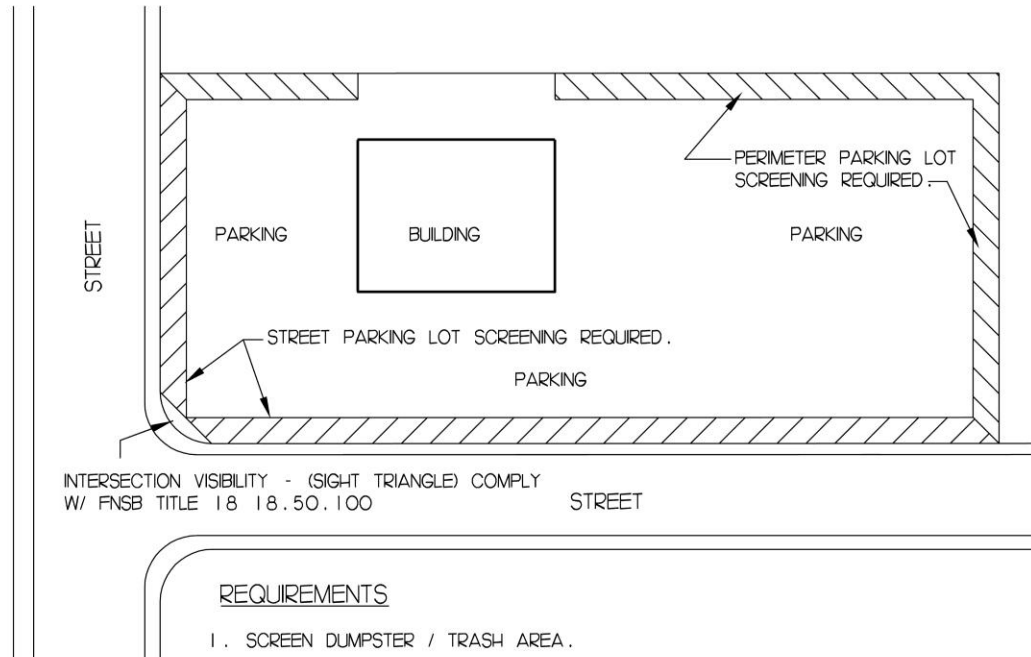
Figure 4 – Planting Details / Shrub



Shrub Bed Planting Detail

Figure 5 – Landscape Requirement Example

LANDSCAPE REQUIREMENTS
BASIC REQUIREMENTS



1. SCREEN DUMPSTER / TRASH AREA.
2. DESIGN MUST IDENTIFY UTILITIES.
3. PARKING LOTS >100 REQUIRE INTERIOR PARKING.
4. BUFFER LANDSCAPING REQUIRED AT REGISTERED HISTORICAL BUILDINGS, BETWEEN DIFFERING USES AND AS MAY BE REQUIRED BY FNSB SPECIAL USE PERMIT.

Figure 6 – Example Landscape Solution 1 / Continuous

EXAMPLE LANDSCAPE SOLUTION 1
CONTINUOUS METHOD

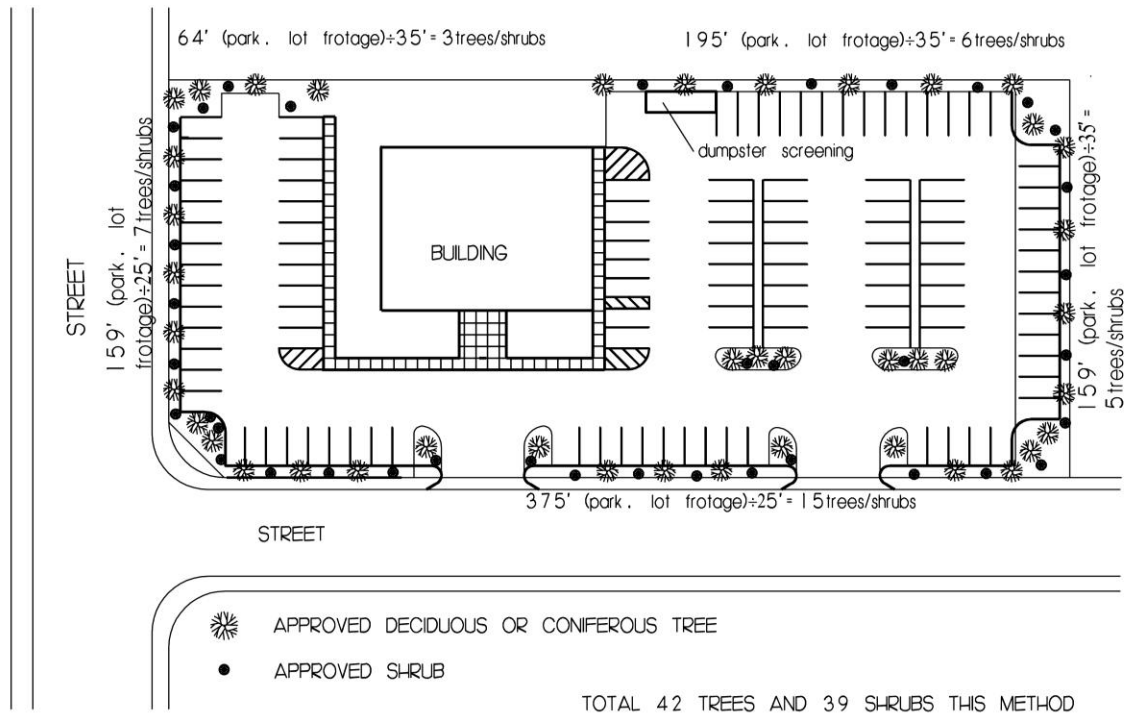


Figure 7 – Example Landscape Solution 2 / Discontinuous

EXAMPLE LANDSCAPE SOLUTION 2

DISCONTINUOUS METHOD

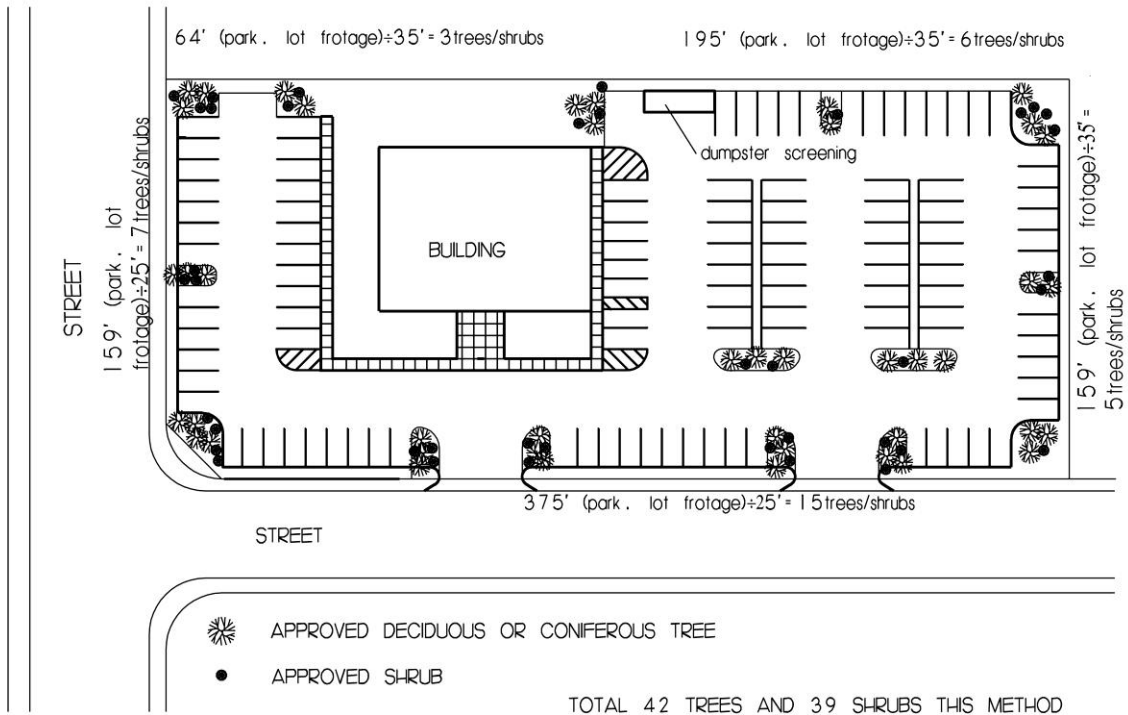
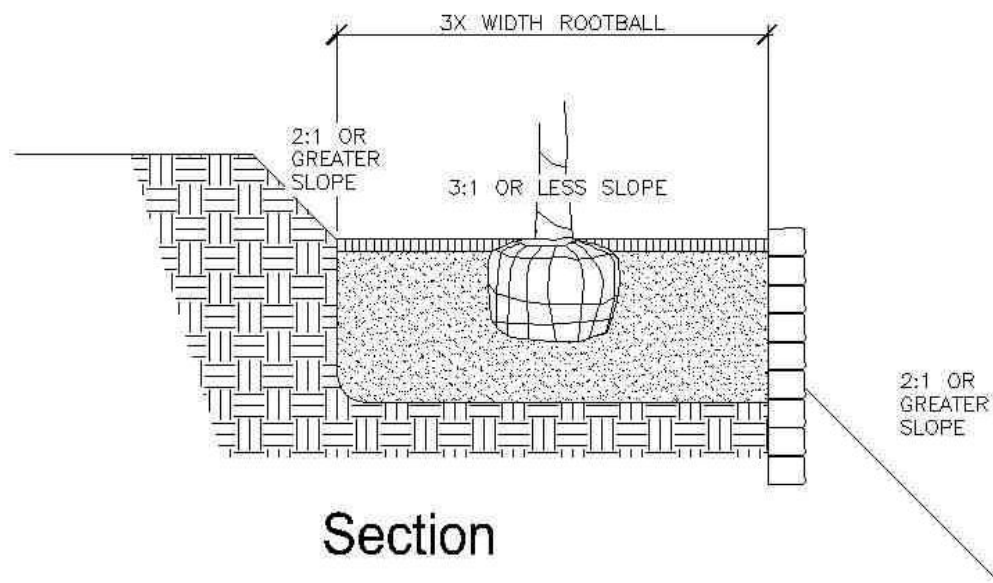
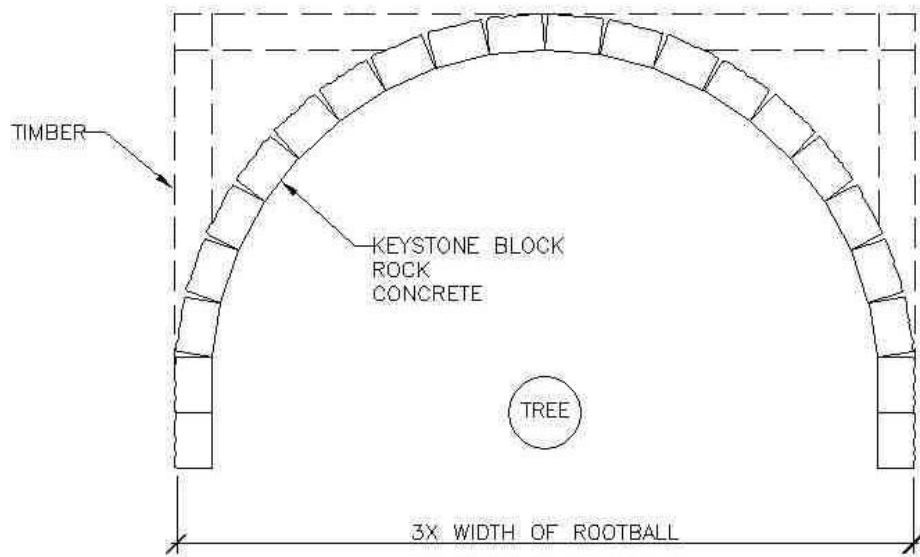


Figure 8 – Planter for Slopes Greater than 3:1 / Section



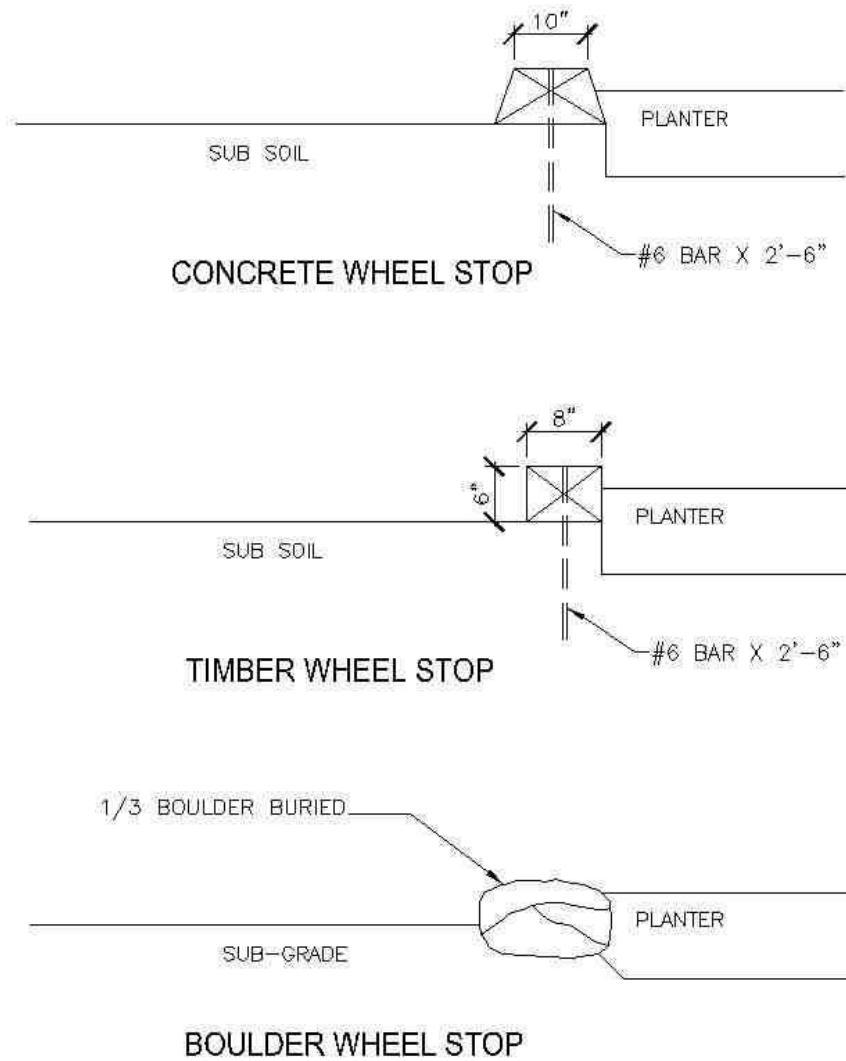
Planter for Slopes Greater than 3:1

Figure 9 – Planter for Slopes Greater than 3:1 / Plan



Plan
Planter for Slopes Greater than 3:1

Figure 10 – Planting Bed Protection Options



Planting Bed Protection

APPENDIX

FNSBC Title 18 Zoning Ordinance Excerpts
Concerning the Landscape Review Board

FNSBC Landscape Ordinance 2007-04 and Title
4 Concerning the Landscape Review Board

Chapter 18.92

OVERLAY DESIGNATIONS

Sections:

- 18.92.010 Purpose.
- 18.92.020 Procedures.
- 18.92.030 DC – Downtown core designation.
- 18.92.040 HS – Historically significant designation.
- 18.92.050 MHS – Mobile home subdivision designation.
- 18.92.060 CF – Correctional facilities designation.
- 18.92.070 GWP – Groundwater damage protection.
- 18.92.080 ANSA – Airport noise sensitive area.
- 18.92.090 WS – Waterways setback designation.
- 18.92.100 WP – Waterways protection designation.
- 18.92.110 SLA – Special landscape area.**
- 18.92.120 CT – Communications towers designation.
- 18.92.130 MN – Military noise.

18.92.010 Purpose.

An overlay designation is applied to a certain geographic area, already designated with one or more of the zoning districts as provided herein, to effectuate additional and unique regulations on land use development that are necessary for the public health, safety and welfare but are difficult or impossible to implement because of the standardized regulations of the underlying conventional zoning district or districts. The restrictions imposed by an overlay designation are in addition to, and not in lieu of, the restrictions placed by the underlying zoning district on the property subject to the overlay designation. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.92.020 Procedures.

A request for or an amendment to an overlay designation shall be initiated in accordance with the procedures applicable to requests for rezones. (Ord. 94-088 § 5, 1995; Ord. 92-006 § 3, 1992; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.92.030 DC – Downtown core designation.

A. Purpose. This designation is intended to be used as a recognition of past building practices within a specific area of the Fairbanks central business district where such practices have now made it physically impossible to provide for off-street parking as is required by this title.

B. Regulations and Standards. Any new construction or any change in the use of, or addition to, an existing building or structure in the downtown core designation shall not be required to provide for off-street parking as otherwise set forth by this title. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.92.090 WS – Waterways setback designation.

A. Purpose. This designation is intended to protect the banks of rivers, sloughs and waterways in the developed areas of the borough and to restrict structural development in the Chena River floodway and flood hazard areas. The zone has been further designed to prohibit most structural development within the zone unless the structures are directly related to recreational waterfront purposes. This zone does not convey public use of private property.

B. Regulations and Standards. Permitted uses in this zone are: dock, deck or boat launch. Conditional uses are: boat houses, roads, bridges, trails, bike paths, bank stabilization and utilities. There shall be no minimum lot area except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable. Setback from ordinary high water mark (except for permitted structures) shall not be less than 25 feet. (Ord. 2000-08 § 2, 2000; Ord. 2016-30 § 4, 2016)

18.92.100 WP – Waterways protection designation.

A. Purpose. This designation is intended to promote riparian habitat, prevent erosion, minimize natural hazards and promote waterway ambiance and aesthetics. Natural vegetation is to be preserved to the greatest extent possible. Preservation of wildlife and the restoration of disturbed areas to a more natural state is also intended. This zone does not convey public use of private property.

B. Regulations and Standards. Permitted use in this zone is preservation of natural vegetation. Conditional uses are clearing of natural vegetation, physical structures necessary to access property via the waterway such as boat docks, stairways, walkways, etc., roads or bridges, trails and bike paths, utilities, and riverbank stabilization. There shall be no minimum lot area except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water is unavailable. (Ord. 2003-16 § 2, 2003; Ord. 2000-09 § 2, 2000; Ord. 2016-30 § 4, 2016)

18.92.110 SLA – Special landscape area.

A. Purpose. This designation is intended to protect and enhance the borough's economic and aesthetic resources thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design and responsible development in the Fairbanks North Star Borough. The designation accomplishes this purpose by requiring buffering of residential areas from commercial uses, and setting minimum standards for street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash and garbage area screening.

B. Regulations and Standards.

1. Scope and Applicability. The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Property included in this overlay zone shall be subject to the regulations and standards imposed in this chapter. The overlay zone designation requirements shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot.

2. Exemptions.

a. Individual residential lots with fewer than four dwelling units located on the lot.

b. Property of which the principal use is the sale of vehicles is not required to comply with the prescriptive method but must use one of the other methods.

c. Property located within the city of Fairbanks, as long as their landscaping ordinance is in effect.

3. Landscape Plan. Where a landscape plan is required by this designation, the plan shall include:

a. The common name of each plant used;
 b. The number, height and diameter of each plant;
 c. The locations where different plant types will be used;
 d. The locations, size and type of vegetation to be preserved in their natural state;

e. Location of any retaining walls and fences;
 f. Location of existing or proposed utilities and easements of record;
 g. Location of all property lines including all streets which border the lot;
 h. Location of any existing or proposed structures or parking areas;
 i. North arrow and scale;
 j. Site drainage and drainage patterns, unless shown on civil drawings.

4. Approved Plant Materials. The landscape review board shall adopt and publish a landscape manual, which shall include a list of approved plant and ground cover materials and general landscaping information. The manual may be revised as needed and made available at the planning department and on the borough website.

C. Landscape Design Standards. The following areas of a lot shall be developed and maintained in accordance with the landscape standards set forth hereinafter using only approved plant and ground cover materials:

1. Street parking lot screening;
2. Perimeter parking lot screening;
3. Interior parking lot screening;
4. Trash and garbage areas; and
5. Buffer landscape (when required).

D. General Design Standards.

1. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of American Standards for Nursery Stock, latest edition.

2. All plant material shall be healthy, of a suitable type for the site conditions being used in and hardy to the projects area.

3. All single stem deciduous trees shall be a minimum of one inch diameter measured six inches from the ground level. For multi-stemmed trees each stem shall be one inch caliper.

4. Evergreen trees shall be a minimum of five feet in height unless specified elsewhere in this section.

5. Natural vegetation which is sufficient to meet the intent of the standards set out in this section may be retained in place of all or part of any required landscaping. Existing trees shall be credited toward the landscape requirements on a 1:1 basis.

6. Shrubs shall be a minimum of 18 inches at planting.

7. The planting of grass and annual flowers alone does not constitute landscaping in the context of this section.

8. Multiple residential dwelling units (apartments and condominiums) with fewer than 12 units shall provide landscaping consisting of one approved tree for each dwelling unit. If exterior off-street parking is provided, the trees shall be located and maintained to provide parking lot screening. If parking is provided within the building the required trees may be placed anywhere on site. Trash and garbage screening is required.

9. Storage, warehouse and industrial uses which occupy the major floor area of a building need only comply with the street parking lot screening requirements. Trash and garbage screening is required.

10. Sight triangle areas at street intersections shall be maintained as required by this title and as specified in the landscape manual.

11. All required landscape planting beds shall be protected from vehicular damage in accordance with the guidelines as set forth in the landscape manual.

12. New development which is constructed adjacent to a structure listed on the National Register or listed as a local historic site shall provide buffer landscape in addition to parking lot screening regardless of the location of parking spaces.

13. Each street or interior lot screening requirement shall be separately evaluated.

14. Trees and shrubs shall not be planted under or over primary power lines, gas lines, communication cables or within water and sewer utility easements unless pre-approved in writing by the utility owner. Trees and shrubs shall not be planted in a public road right-of-way unless an encroachment permit or letter of nonobjection has been issued by the controlling agency.

15. Trash and garbage areas including dumpsters shall be provided with approved screening on at least three sides. Screening shall be provided such that the trash and garbage areas cannot be viewed from adjacent streets.

16. Buffer landscaping shall be provided between a residential zoning district (rural estate through multiple-family residential/professional office) and any adjacent nonresidential zoning districts. Buffer landscaping may also be required pursuant to conditions set forth by a conditional use permit. When required, buffer landscaping shall be provided between lot lines and buildings in addition to parking lot screening requirements. Required buffer landscaping shall be approved by the landscape review board. It is not the intent of this section to require buffer landscaping between permitted uses within the same zoning district.

17. The maximum allowable slope for required planting beds shall not exceed 3:1. A steeper slope may be approved provided an approved retaining system is constructed. The retaining system must provide a slope no greater than 3:1 for the entire required width of the tree planting area (reference landscape manual).

E. Technical Design Standards. One of the following three design methods shall be used in order to comply with the landscaping requirements and standards imposed in this section:

1. Prescriptive Design Method. Street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash area screening shall be provided with landscaping as follows:

a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition, one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: (i) the total number of required trees and shrubs are planted; (ii) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet; (iii) a planting bed consists of at least one tree; and (iv) the distance between planting beds and open street areas may not exceed 90 lineal feet.

b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition, one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: (i) the total number of required trees and shrubs are planted; (ii) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, (iii) a planting bed consists of at least one tree; and (iv) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

c. Interior Parking Lot Screening. In addition to the street and perimeter parking lot screening requirements, as specified above, interior parking lot screening is required and shall apply to all parking lots with more than 75 parking spaces. The intent for interior parking lot landscaping is to break up the large interior expanse of the parking lot. Interior parking lot landscaping shall be provided with one planting bed area for every 25 parking spaces. The minimum planting area shall be not less than 80 square feet with no dimension less than eight feet. A minimum planting bed shall consist of two trees and one shrub. Planting beds may be consolidated, however a minimum of two separate planting beds shall be provided. Interior parking lot landscaping may also be provided based on two percent of the total area of the parking lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as specified above.

d. Buffer Landscape. When required shall provide year-round screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of 10 feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than 10 feet on center. The trees shall have a minimum diameter at planting of one and one-half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An approved manmade decorative fence may substitute for one row of trees and the planting bed may be reduced to a minimum width of eight feet.

2. Professional Design Method. A landscape plan, prepared and sealed by a licensed landscape architect registered in the state of Alaska or a professional with similar expertise in landscaping as determined by the landscape review board, which is equivalent to the prescriptive design method shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed and approved by the landscape review board.

3. Alternative Compliance Method. Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the borough's objectives and goals can only be obtained through alternative compliance. Such landscape plans shall be reviewed and approved by the landscape review board on a case-by-case basis.

F. Plan Submittal and Inspection Requirements.

1. A preliminary landscape plan shall be submitted to the planning department in conjunction with the zoning permit application. A performance bond or suitable guaranty shall be posted until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be as determined by the landscape review board or according to a schedule adopted annually by the board based on amount of linear feet subject to landscaping requirements.

2. A final and complete landscape plan shall be submitted to the planning department for final approval upon completion of construction. The landscape review board shall perform an inspection of the property following submission of the final and complete landscape plan and notify the planning department whether the property complies with all required landscape standards.

G. Maintenance. It shall be the duty of the owner of the property to maintain all required landscaping. If required landscaping dies, becomes damaged or destroyed, relandscaping of those areas or landscaping elements shall be replanted in an approved manner. (Ord. 2007-04 § 2, 2007; Ord. 2016-30 § 4, 2016)

18.92.120 CT – Communications towers designation.

A. This designation is intended to regulate the establishment and placement of communications towers within the densest areas of the borough.

B. Regulations and Standards.

1. Scope and Applicability. The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Construction of a communications tower or placement of a telecommunications antenna on an existing structure other than a tower or antenna previously permitted under this section shall be subject to the regulations and standards imposed herein.

2. Exemptions. The regulations and standards in this section do not apply to properties in the RA-40, RA-20, RA-10, LI or HI zoning districts.

3. Regulations and Standards. Communications towers on properties with the CT designation shall be considered conditional uses and comply with the requirements set forth in FNSBC 18.96.160, regardless of the underlying zoning district. (Ord. 2009-05 § 12, 2009; Ord. 2016-30 § 4, 2016)

18.92.130 MN – Military Noise.

A. Purpose. This designation is intended to provide information and notice to property owners, future property owners, developers, public officials and others that the designated properties may be affected by military aircraft and arms noise. This designation is intended to encourage land uses compatible with the military mission in

Chapter 18.96

SUPPLEMENTARY REGULATIONS

Sections:

- 18.96.010 Purpose.
- 18.96.020 Buildings per lot.
- 18.96.030 Accessory structures.
- 18.96.040 Exception to required yards.
- 18.96.050 Exceptions to building height requirements.
- 18.96.060 Off-street parking and loading requirements.
- 18.96.070 Signs.
- 18.96.080 Home occupations.
- 18.96.090 Fences.**
- 18.96.100 Street intersection visibility.
- 18.96.110 Standards for travel trailer parks and campgrounds.
- 18.96.120 Storage of hazardous substances.
- 18.96.130 Standards for junkyards.
- 18.96.140 Lighting.
- 18.96.150 Standards for public utility and service uses.
- 18.96.160 Standards for communications towers.
- 18.96.170 Standards for residential cluster development.
- 18.96.180 Standards for ministorage and other self-storage establishments.
- 18.96.190 Standards for dwellings in residential districts.
- 18.96.200 Restriction on structural changes in residential districts.
- 18.96.210 Standards for large scale development.
- 18.96.220 Standards for sexually oriented businesses.
- 18.96.230 Standards for outdoor shooting ranges.
- 18.96.240 Standards for commercial marijuana establishments.

18.96.010 Purpose.

The purpose of this chapter is to establish general building and performance standards. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.96.020 Buildings per lot.

A. In the rural and agricultural through the TF, two-family residential districts, both inclusive, not more than one principal building may be located on one lot. In all other districts, more than one principal building may be located on one lot provided the requirements of this title are met and where, in the MF, multiple-family residential district and the MFO, multiple-family residential/professional office district, the exterior walls of the principal buildings are separated by a distance of not less than 10 feet.

B. Within all districts, when two or more contiguous lots are under common ownership, each of which may or may not lack adequate area and dimension to qualify for a use allowed under the requirements of the zoning district in which said lots are located, said lots may be used as one lot.

C. In the TF, two-family residential district, when two contiguous lots are simultaneously developed with a building having a common wall coinciding with interior

-
- a. Political signs shall be allowed in all zones.
 - b. In all residential zoning districts all signs are unlimited.
 - c. In all other zoning districts, the number of political signs is unlimited.
 - d. When a political candidate is advertised, the candidate is responsible for ensuring the conditions of this section are met. (Ord. 88-070 § 5, 1988; Ord. 88-032 § 2, 1988; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.96.080 Home occupations.

A home occupation, as defined herein, may be conducted in a residential dwelling unit or mobile home or in a building that is accessory to that residential dwelling unit or mobile home. The extent of operation of a home occupation shall not exceed the following:

A. The home occupation shall be clearly an incidental, secondary and accessory use of the premises and shall be conducted wholly indoors for that portion of the activity occurring at the premises.

B. Not more than 50 percent of the floor area of the residential dwelling unit shall be devoted to the home occupation. Home occupations may be located in one or more accessory buildings; however, cumulative area devoted to the home occupation shall not exceed 50 percent of the floor area of the principal residential dwelling unit. For purposes of calculation, garages are not considered as floor area of the residential dwelling unit.

C. Except for one sign, there shall be no external visual or audible evidence of any kind of the home occupation, including but not limited to:

- 1. Heavy commercial vehicle delivery;
- 2. Outside storage;
- 3. Noise, dust, odors, noxious fumes or other nuisances.

D. Signs. Signs shall be a maximum of eight square feet and self-illumination or purposeful illumination is prohibited.

E. Parking. Home occupations that generate four or more customer vehicles simultaneously shall be considered a commercial or professional office use and shall be located in an appropriate zoning district as set forth herein.

F. Any home occupation that exceeds these standards shall be considered a commercial or professional office use and shall be located in an appropriate zoning district as set forth herein. (Ord. 2015-41 § 18, 2015; Ord. 2002-70 § 2, 2003; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.96.090 Fences.

In the SF-20, single-family residential district, through the MFO, multiple-family residential/professional office district, both inclusive, fences and nonbuilding walls shall not exceed eight feet in height, except as set forth elsewhere in this title and in other ordinances. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

18.96.100 Street intersection visibility.

A. On corner lots in all zoning districts, no fence, wall, sign, hedge, berm or other structure that impedes or obstructs the visibility of traffic on the adjacent streets shall be placed between the height of two and one-half feet and eight feet above the finished grade of the adjacent street within a triangular area formed by the intersection point of

1 By: Valerie Therrien
2 Revised for
3 Introduction: 04/26/07
4 Advanced: 04/26/07
5 Amended: 06/14/07
6 Adopted: 06/14/07
7 Notice of Intent to
8 Reconsider filed: 06/15/07
9 Notice of Intent to
10 Reconsider
11 Withdrawn: 06/28/07
12 Adopted: 06/14/07
13

14
15 FAIRBANKS NORTH STAR BOROUGH

16
17 ORDINANCE NO. 2007-04

18
19 AN ORDINANCE ESTABLISHING A LANDSCAPE REVIEW BOARD, ADDING A NEW
20 SECTION TO CHAPTER 18.48 TO PROVIDE FOR A SPECIAL LANDSCAPE AREA
21 OVERLAY ZONE, AMENDING 18.54.060 ZONING PERMIT REQUIREMENTS TO
22 INCLUDE LANDSCAPING, AND AMENDING 1.04.050 TO ADD A VIOLATION OF THE
23 ZONING PERMIT AND LANDSCAPING REQUIREMENTS TO THE FINE SCHEDULE
24

25
26 WHEREAS, appropriate community planning assists and advances the goals of a
27 growing, thriving community; and
28

29 WHEREAS, community planning efforts that include landscaping requirements in
30 selected areas will help attract and expand economic development by protecting and
31 showcasing the unique scenic beauty of our community; and
32

33 WHEREAS, landscaping requirements can help both protect existing property
34 values and encourage future residential and business investment in our community; and
35

36 WHEREAS, landscape buffering can help minimize conflict in a growing
37 community between residential and commercial uses; and
38

39 WHEREAS, landscaping helps project a positive community image to our
40 residents and visitors.
41

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NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. The Fairbanks North Star Borough Code of Ordinances is amended by adding the following new section to Chapter 18.48 Overlay Designations:
18.48.110 SLA--Special Landscape Area

A. Purpose. This designation is intended to protect and enhance the borough's economic and aesthetic resources thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design and responsible development in the Fairbanks North Star Borough. The designation accomplishes this purpose by requiring buffering of residential areas from commercial uses, and setting minimum standards for street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash and garbage area screening.

B. Regulations and Standards.

1. Scope and applicability.

The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Property included in this overlay zone shall be subject to the regulations and standards imposed in this chapter. The overlay zone designation requirements shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot.

2. Exemptions.

(a) Individual residential lots with fewer than four dwelling units located on the lot .

(b) Property of which the principle use is the sale of vehicles is not required to comply with the prescriptive method but must use one of the other methods.

(c) Property located within the City of Fairbanks, as long as their landscaping ordinance is in effect.

3. Landscape plan. Where a landscape plan is required by this designation, the plan shall include:

(a) The common name of each plant used;

(b) The number, height and diameter of each plant;

(c) The locations where different plant types will be used;

(d) The locations, size and type of vegetation to be preserved in their natural state;

(e) Location of any retaining walls and fences;

(f) Location of existing or proposed utilities and easements of record;

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84 (g) Location of all property lines including all streets which
85 border the lot;
86 (h) Location of any existing or proposed structures or parking
87 areas;
88 (i) North arrow and scale;
89 (j) Site drainage and drainage patterns; unless shown on civil
90 drawings.
91 4. Approved plant materials. The Landscape Review Board shall
92 adopt and publish a landscape manual, which shall include a list of approved plant and
93 ground cover materials and general landscaping information. The manual may be
94 revised as needed and made available at the planning department and on the borough
95 web site.
96 C. Landscape design standards.
97 A. The following areas of a lot shall be developed and maintained in
98 accordance with the landscape standards set forth hereinafter using only approved
99 plant and ground cover materials:
100 1. Street parking lot screening;
101 2. Perimeter parking lot screening;
102 3. Interior parking lot screening;
103 4. Trash and garbage areas; and
104 5. Buffer landscape (when required).
105 D. General design standards.
106 1. Plant material shall be true to name, variety and size and shall
107 conform to all applicable provisions of the American Standards for Nursery Stock, latest
108 edition.
109 2. All plant material shall be healthy, of a suitable type for the site
110 conditions being used in and hardy to the projects area.
111 3. All single stem deciduous trees shall be a minimum of one inch
112 diameter measured six inches from the ground level. For multi-stemmed trees each
113 stem shall be one inch caliper.
114 4. Evergreen trees shall be a minimum of five feet in height unless
115 specified elsewhere in the ordinance.
116 5. Natural vegetation which is sufficient to meet the intent of the
117 standards set out in this ordinance may be retained in place of all or part of any required
118 landscaping. Existing trees shall be credited toward the landscape requirements on a
119 1:1 basis.
120 6. Shrubs shall be a minimum of 18 inches at planting.
121 7. The planting of grass and annual flowers alone does not constitute
122 landscaping in the context of this ordinance.
123 8. Multiple residential dwelling units (apartments and condominiums)
124 with fewer than 12 units shall provide landscaping consisting of one approved tree for
125 each dwelling unit. If exterior off street parking is provided, the trees shall be located

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and maintained to provide parking lot screening. If parking is provided within the building the required trees may be placed any where on site. Trash and garbage screening is required.

9. Storage, warehouse and industrial uses which occupy the major floor area of a building need only comply with the street parking lot screening requirements. Trash and garbage screening is required.

10. Sight triangle areas at street intersections shall be maintained as required by this Title and as specified in the landscape manual.

11. All required landscape planting beds shall be protected from vehicular damage in accordance with the guidelines as set forth in the Landscape Manual.

12. New development which is constructed adjacent to a structure listed on the National Register or listed as a Local Historic Site shall provide buffer landscape in addition to parking lot screening regardless of the location of parking spaces.

13. Each street or interior lot screening requirement shall be separately evaluated.

14. Trees and shrubs shall not be planted under or over primary power lines, gas lines, communication cables or within water and sewer utility easements unless pre-approved in writing by the utility owner. Trees and shrubs shall not be planted in a public road right of way unless an encroachment permit or letter of non objection has been issued by the controlling agency.

15. Trash and garbage areas including dumpsters shall be provided with approved screening on at least three sides. Screening shall be provided such that the trash and garbage areas cannot be viewed from adjacent streets.

16. Buffer landscaping shall be provided between a residential zoning district (Rural Estate through Multiple-Family Residential/Professional Office) and any adjacent non-residential zoning districts. Buffer landscaping may also be required pursuant to conditions set forth by a conditional use permit. When required, buffer landscaping shall be provided between lot lines, and buildings in addition to parking lot screening requirements. Required buffer landscaping shall be approved by the Landscape Review Board. It is not the intent of this ordinance to require buffer landscaping between permitted uses within the same zoning district.

17. The maximum allowable slope for required planting beds shall not exceed 3:1. A steeper slope may be approved provided an approved retaining system is constructed. The retaining system must provide a slope no greater than 3:1 for the entire required width of the tree planting area. (Reference Landscape Manual)

E. Technical design standards. One of the following three design methods shall be used in order to comply with the landscaping requirements and standards imposed in this Chapter.

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1. Prescriptive design method. Street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash area screening shall be provided with landscaping as follows:

a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: a) the total number of required trees and shrubs are planted; b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than 5 feet; c) a planting bed consists of at least one tree; and d) the distance between planting beds and open street areas may not exceed 90 lineal feet.

b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: a) the total number of required trees and shrubs are planted; b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than 5 feet, c) a planting bed consists of at least one tree; and d) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

c. Interior parking lot screening. In addition to the street and perimeter parking lot screening requirements, as specified above, interior parking lot screening is required and shall apply to all parking lots with more than 75 parking spaces. The intent for interior parking lot landscaping is to break up the large interior expanse of the parking lot. Interior parking lot landscaping shall be provided with one planting bed area for every 25 parking spaces. The minimum planting area shall be not less than 80 square feet with no dimension less than eight feet. A minimum planting bed shall consist of two trees and one shrub. Planting beds may be consolidated however a minimum of two separate planting beds shall be provided. Interior parking lot landscaping may also be provided based on 2 percent of the total area of the parking lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as specified above.

d. Buffer landscape. When required shall provide year around screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of ten feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than ten feet on center. The trees shall have a minimum diameter at planting of one and one half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An

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approved man made decorative fence may substitute for one row of trees and the planting bed may be reduced to a minimum width of eight feet.

2. Professional design method. A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska or a professional with similar expertise in landscaping as determined by the Landscape Review Board, which is equivalent to the *Prescriptive design method* shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed and approved by the Landscape Review Board.

3. Alternative compliance method. Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the borough's objectives and goals can only be obtained through alternative compliance. Such landscape plans shall be reviewed and approved by the landscape review board on a case-by-case basis.

F. Plan submittal and inspection requirements.

1. A preliminary landscape plan shall be submitted to the planning department in conjunction with the zoning permit application. A performance bond or suitable guaranty shall be posted until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be as determined by the Landscape Review Board or according to a schedule adopted annually by the Board based on amount of linear feet subject to landscaping requirements.

2. A final and complete landscape plan shall be submitted to the planning department for final approval upon completion of construction. The landscape review board shall perform an inspection of the property following submission of the final and complete landscape plan and notify the planning department whether the property complies with all required landscape standards.

G. Maintenance.

It shall be the duty of the owner of the property to maintain all required landscaping. If required landscaping dies, becomes damaged or destroyed, re-landscaping of those areas or landscaping elements shall be re-planted in an approved manner.

Section 3. 18.06.010 Definitions shall be amended to add the following definitions in the correct alphabetical order:

Buffer landscape. Buffer landscape is a continuous landscape area which separates and partially obstructs the view of two separate zoning districts from one another. Buffer landscaping must provide year around screening. Buffer landscaping may include berms and, approved decorative fences in conjunction with required trees and shrubs. Decorative fences, when used as a buffering element, shall be approved by the Landscape Review Board. The decorative fence shall have a minimum height of 7 feet. A chain link fence does not meet the intent of a decorative fence.

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Interior parking lot screening. Interior parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of the parking lot. Under this definition, interior parking lot shall consist of all on-site parking spaces including access roadways and parking aisles; interior parking lot screening does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.

Parking lot surface improvement. Existing parking lots which are upgraded with a paved or chip and asphalt surface.

Perimeter parking lot screening. Perimeter parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.

Screen. A method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be 75 percent opaque.

Street parking lot screening. Street parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right-of-way and a parking lot.

Trash and garbage areas. Trash and garbage areas are exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.

Section 4. 18.54.060, Zoning permits, is amended as follows:

A. Generally. The requirement of obtaining a zoning permit is deemed necessary and appropriate. A review of the zoning permit application ensures the development's conformance with the regulations and provisions of this title and other ordinances.

B. Requirements. Before any excavation, construction, relocation or installation is started for a new use, a zoning permit shall be obtained by the owner, or his/her authorized representative, of any land in both the incorporated and unincorporated areas of the borough. The zoning permit application shall include the necessary information and be submitted in accordance with the standards and procedures as adopted by the borough and as required in this title and other ordinances.

1. Except for conditional uses, changes made to any land or use in the GU-1 district and outside any designated Special Landscape Area overlay zone do not require a zoning permit.

2. The clearing or grading of a lot does not require a zoning permit.

3. Construction activities as described in Section 301(b) of the Uniform Building Code do not require a zoning permit.

C. Issuance. The department of community planning shall complete the review of a zoning permit application within five business days of the time of submission, or within fifteen business days of the time of submission if the property is

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located in the Special Landscape Area. The department shall not approve a zoning permit application until it is satisfied that the proposed development meets the regulations and provisions of this title and other ordinances. A zoning permit shall not be issued for property located within the Special Landscape Area unless a preliminary landscape plan is submitted, approved and a performance bond or other guaranty is obtained in accordance with section 18.48.110 F. If approved, the department shall issue the zoning permit allowing construction to commence.

D. Any applicant denied a zoning permit due to non-compliance of the landscaping requirements may appeal to the landscape review board. The appeal shall be made in writing and submitted within one week upon rejection of the zoning permit. If an applicant, owner or developer wishes to appeal a decision of the landscape review board, they shall appeal to the board of adjustment using the appeal procedure and process provided in this Title. In addition to the other requirements of an appeal under this Title, the appeal shall be accompanied by a copy of the submitted landscape design.

Section 5. Title 2 of the Fairbanks North Star Borough Code of Ordinances is amended to add the following Chapter:

Chapter 2.105 Landscape Review Board

2.105.010 Board—Established.

A. There is created a landscape review board consisting of five members, serving without compensation, to be appointed by the mayor subject to confirmation by the borough assembly.

2.105.020 Terms and Qualifications.

A. The membership of the board shall, if possible, consist of three architects, landscape architects or other individuals with expertise in landscaping. Of the five members first appointed, one shall be appointed for one year, two for two years, and two for three years; thereafter, appointments to the commission shall be for three years except where an interim appointment is necessary to complete the term of a commissioner who resigns or dies while in office.

B. The landscape review board shall be available to meet and render a decision upon five days public notice.

2.105.030 Duties, powers and responsibilities.

The landscape review board shall have the following duties, powers and responsibilities:

A. Act when requested in an advisory capacity to the borough assembly on landscaping and urban beautification matters.

B. The power necessary to perform all tasks legally required to be performed

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by the board subject to the applicant's right of appeal to the board of adjustment.

C. Advise owners of private property in relation to beautification of such property when anyone contemplating the erection of any building or the making of any improvement submits the plans and designs or sketches thereof to the commission for advice and suggestions for which no charge shall be made by the commission.

D. Cooperate with other borough boards and commissions to promote plans and programs aesthetically compatible with policies and programs of the board.

E. Make recommendations to the planning commission and assembly regarding the designation and placement of property within the Special Landscape Area overlay zone.

F. Adopt and subsequently amend a Landscape Manual.

2.105.040 Appeals. Decisions of the landscape review board shall be appealed to the board of adjustment using the appeal procedure and process provided in Title 18.

Section 6. The FNSBC Section 1.04.050 is amended by adding a violation of landscaping requirements and zoning permits to the fine schedule as follows:

1.04.50 Fine Schedule

<u>CODE SECTION</u>	<u>OFFENSE</u>	<u>PENALTY/FINE</u>	<u>MANDATORY WARNING REQUIRED</u>
<u>18.54.060</u>	<u>Failure to Obtain a Zoning Permit</u>	<u>\$300.00</u>	<u>Yes</u>
<u>18.48.110</u>	<u>Failure to Comply with Landscaping Requirements</u>	<u>\$300.00</u>	<u>Yes</u>

Section 6. Effective date. This ordinance shall be effective at 5:00 p.m. on the 30th borough business day following its adoption.

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

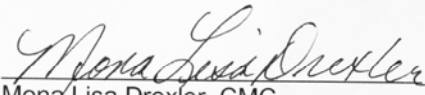
357

PASSED AND APPROVED THIS 14th DAY OF JUNE. 2007.



Luke Hopkins
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

358

359 Ayes: Foote, Winters, Musick, Therrien, Hopkins

360 Noes: Bartos, Beck, Frank, Rex

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

By: Luke T. Hopkins, Mayor
Introduced: 02/14/13
Advanced: 02/14/13
Adopted: 03/28/13

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2013-25

AN ORDINANCE CONTINUING THE LANDSCAPE REVIEW BOARD
FOR SIX YEARS

WHEREAS, Fairbanks North Star Borough Boards and Commissions are authorized not to exceed six years; and

WHEREAS, the following commission was last reauthorized as indicated:

Landscape Review Board (2007)

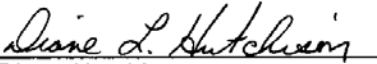
NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The Board and Commission that are listed will be continued for a period not to exceed six (6) years from the effective date of the ordinance.

Section 3. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS 28th DAY OF MARCH, 2013.


Diane Hutchison
Presiding Officer

ATTEST:


Mona Lisa Drexler, MMC
Municipal Borough Clerk

Ayes: Davies, Lawrence, Dodge, Kassel, Hutchison
Noes: Howard, Sattley, Roberts, Dukes

Municipality of Anchorage

Landscaping

Landscaping may be required by several independent sections of the municipal code:

- [Zoning district](#) regulations (AMC 21.40)
- [Parking](#) areas (AMC 21.45.080.X.6 and .10)
- Lots fronting the Glenn and Seward highways (AMC 21.45.130.B)
- [Conditional uses](#) (as imposed by the Planning and Zoning Commission)
- Platting actions, when land is subdivided (AMC 21.80.340)
- Site plan reviews (as imposed by the Planning and Zoning Commission or the Urban Design Commission)

There are four types of landscaping defined in the code:

- [Visual Enhancement](#)
- [Buffer](#)
- [Screening](#)
- [Arterial](#)

The buffer standard is higher than the visual enhancement standard, as it requires a wider planting bed and more trees and shrubs. The screening standard is higher than the buffer standard. Where there are overlapping requirements, the highest standard governs unless the code specifically provides otherwise. If landscaping is required but no standard is specified, the Visual Enhancement standard applies (see AMC 21.45.120.C.)

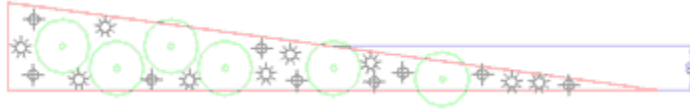
Natural vegetation may be retained in place to satisfy part or all of any landscaping requirement.

In some cases (such as public projects, or the highway screening required by AMC 21.45.130) a landscaping plan must be approved by the Urban Design Commission. The Planning Department serves as staff for the Commission.

Landscaping that is required by any section of the code or by a plat note must be installed and maintained by the property owner. Failure to do so is a violation of the municipal code.

If you use the [online version of the code](#), try searching on "21.45.125" "21.45.130" or "21.80.340" for more information. To look up parking lot landscaping, search on "15 more spaces " (if you search on "21.45.080" you will have to scroll through 19 extraneous hits and most of the parking regulations to get there.) Please note that recent amendments may not have been published yet. Land Use Enforcement will be happy to verify the current code language for you.

Visual Enhancement Landscaping



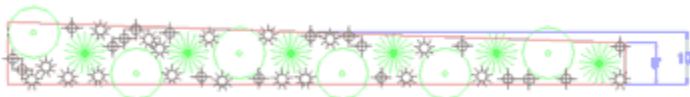
[Click to enlarge](#)

AMC 21.45.125.C.1: Visual enhancement landscaping shall conform to the following standards:

- a. Average minimum planting bed width shall be eight feet, except for foundation plantings;
- b. Evergreen trees a minimum of five feet in height with a ratio of height to spread no less than five to three, or deciduous trees a minimum of eight feet in height (one-inch caliper), planted at average intervals no greater than 20 feet on center, are required;
- c. Shrubs a minimum of 18 inches in height, and ground cover or mulches, placed so as to cover the ground in three years, are required; and
- d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the planting bed has an 8 foot average depth. There is no minimum depth.

Buffer Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.2: Buffer landscaping shall conform to the following:

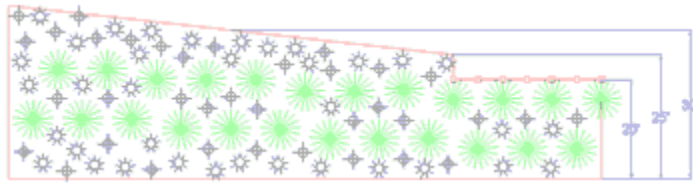
- a. The planting bed width shall be an average of ten feet with a minimum width not less than eight feet, except for buffer yards required under section 21.45.200;
- b. Evergreen trees a minimum of five feet with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet in height (1½ -inch caliper) with no more than 50 percent being deciduous, planted at average intervals no greater than ten feet on center, are required;

c. Shrubs, a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required; and

d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the planting bed has a 10 foot average depth with a minimum depth of 8 feet.

Screening Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.3: Screening landscaping shall conform to the following standards:

a. Average planting bed width shall be 30 feet, with a minimum of not less than 25 feet. A decorative wood fence seven feet in height may be provided in lieu of ten feet of the required 30 feet;

b. Two rows of evergreen trees, a minimum of six feet in height and an with average height of eight feet, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center, are required;

c. Shrubs a minimum of 2½ feet in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required;

d. Earthen berms may be substituted for part of the required minimum tree height, utilizing a ratio of two feet of berm height per one foot of tree height (e.g., if trees are planted on a three-foot-high berm, the minimum height of the trees may be reduced by 1½ feet, thus giving an overall height of the trees plus berm of 9½ feet);

e. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the section on the left has a 30 foot average depth with a minimum depth of 25 feet. The section on the right has a decorative wood fence in lieu of ten feet of the required 30 foot bed width.

Arterial Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.4: Arterial landscaping shall conform to the following standards:

- a. Arterial landscaping shall be provided along all collectors or arterials adjacent to sites with a commercial zoning classification of B-1A, B-1B and B-3.
- b. This landscaping shall be in lieu of any parking lot landscaping required along an arterial or collector street.
- c. The minimum planting bed width shall be six feet, provided that, if there is a vehicle overhang, the minimum bed width shall be eight feet.
- d. All plantings shall be spaced so as to provide continuous ground coverage within three years.
- e. One of the following kinds of plant materials shall be used:
 - (1) Hedges in a combination of one-third evergreen plant material and two-thirds deciduous plant material which attain a mature height of at least four feet;
 - (2) Hedges using all deciduous plant material plus an opaque screening structure of at least four feet in height;
 - (3) A combination of trees and shrubs which attain a mature height of at least four feet.

In the illustration above, the 8 foot planting bed allows for a 2 foot vehicle overhang, while curbs or wheel stops must be used to prevent vehicles from overhanging the 6 foot planting bed.

Developing Community Tree Ordinances

Alaska Department of Natural Resources / Division of Forestry / Community Forestry Program
550 W. 7th Ave., Ste. 1450 / Anchorage, AK 99501-3566 / 269-8465/8466 / www.dnr.state.ak.us/forestry



Our community trees play a major role in the health and livability of our cities and towns. Trees offer shade, clean the air, muffle noise, add beauty to our neighborhoods and business districts, enhance property values, reduce energy costs, provide wildlife habitat and instill community pride. Ordinances can implement programs to better manage the community forest resource to maximize these benefits.

Why Ordinances are Important

- Reduce liability for city governments
- Ensure public safety
- Reduce conflicts among citizens
- Establish authority for tree-related issues
- Prevent and control damaging insects and diseases
- Reduce tree-related costs
- Establish professional standards for tree work
- Incorporate trees as part of community development

If designed properly to meet your community needs, ordinances are an important management tool for your community forest resource.

Authority

There are various municipal state codes that permit the establishment of ordinances, shade tree commissions and the authority to plant, remove, maintain and protect municipal trees.

Ordinance Sections

- Define trees (public vs. private) and definitions
- Establishment and authority of tree commission
- Determine duties and responsibilities for both homeowners and the municipality
- Define prohibited activities
- Establish insurance requirements for tree work
- Establish penalties, claims, and appeals process
- Establish enforcement process
- Develop permits, issuance, and inspection system
- Establish authority to develop and modify standards and specifications

Standards and Specifications

- International Society of Arboriculture and National Arborists Association standards
- American Standard for Nursery Stock
- Safety standards for arboricultural work
- Planting and removal standards
- Maintenance standards (fertilizing, pest management, cabling, watering, etc.)
- Preferred species list
- Standards for tree protection
- Design/landscape specifications

Fit Ordinances to Your Community

The following is a step-by-step procedure for developing ordinances that enable you to better manage your community forest resource.

- Form an ad hoc committee (involve municipal officials, department heads, and the public)
- Define community needs and issues
- Gain assembly approval to proceed with ordinance development
- Acquire various example ordinances
- Utilize/modify sections to fit your community needs
- Write draft ordinance
- Seek public input
- Have city attorney and assembly review draft document
- Hold public meeting
- Revise ordinance as needed
- Submit to assembly for approval

Other Types of Ordinances

- Landscape requirements for new developments
- Tree protection during new development
- Open space preservation ordinances
- Rare and historic tree protection/preservation
- Parking specifications/landscaping

*Reprinted from John Beauchamp and Vincent Cotrone,
Pennsylvania State University Cooperative Extension Svc.
August, 1995*

Developing Successful Tree Ordinances

Communities use tree ordinances as tools to protect trees, preserve green space, and promote healthy, managed urban forests. To protect trees and prevent their loss in the urban environment, communities need to understand tree ordinances, their limitations, and their proper implementation.

Tree ordinances establish official policies for how a community wants to maintain and protect its trees. They set standards for selection, planting, maintaining, and conserving community trees. Ordinances seek to establish a legal means of protecting the public interest.

Where Tree Ordinances Work Best

[Skip to Where Tree Ordinances Work Best](#)

Properly applied ordinances prescribe community tree management to maximize the benefits provided by trees. Different kinds of ordinances can be used to conserve urban forests near streets, in parks, around public and commercial buildings, and in neighborhoods.

Street Tree Ordinance: Contains provisions regarding planting, maintenance, and removal of trees within the rights-of-way. A street tree ordinance may contain provisions for dealing with private trees when they impact public interest or pose a public hazard.

Tree Protection Ordinance: Protects or conserves desirable trees, tree canopy, or trees with historic significance on public and private property. Some tree protection ordinances require a permit before protected trees can be removed, encroached upon, or pruned.

Landscape Ordinance: Establishes required landscaping provisions, such as number, placement, and types of suitable plants or trees. May require trees or landscaping in parking lots or buffer yards.

Buffer Ordinance: Protects amenities (views) of adjacent property owners in commercial and residential developments, and protects water quality in streams and other water bodies. Establishes specifications for acceptable noise buffers, visual buffers, and riparian buffers.

Tree protection regulations typically do not stand alone, with the exception of street tree ordinances, but are often incorporated within other ordinances. Regulations are often created by amending existing zoning ordinances or unified development ordinances (UDO) and may be found in the landscaping and vegetative buffer sections of these ordinances.

Why protect and enhance your community forest?

A tree ordinance can help protect and enhance the benefits of your community forests by establishing a permanent and official tree protection policy. Ordinances establish municipal authority over public trees; set standards for tree planting, maintenance and management; outline enforcement, fees and fines; and define nuisance conditions on private trees.

Environmental, social, and economic benefits flow from a healthy, well-managed community forest. Healthy community forests:

- *reduce air and noise pollution,*

- *save energy by shading and cooling,*
- *furnish habitat for wildlife,*
- *enhance aesthetics of a property, and*
- *contribute to community image, pride, and quality of life.*

Fostering Community Support

[Skip to Fostering Community Support](#)

Fostering community support is absolutely critical to ensure ordinance effectiveness. The community needs to be centrally involved in the ordinance process, from development and implementation to the evaluation of its effectiveness. Successful tree ordinances rely upon citizens' support.

Before you start drafting an ordinance, develop a working relationship with interested civic groups:

- tree board or tree commission
- community clubs, such as garden clubs and the Women's Club
- local chapter of Keep America Beautiful
- environmental groups, such as the Sierra Club
- heritage or preservation societies
- neighborhood associations
- homeowners' associations

How community members get involved

Join the tree board or tree commission.	Attendance at meetings allows a dialogue regarding the status and needs of the tree ordinance.
Contact your planning board	Ordinances are often reviewed by planning and zoning commissions and are then recommended to city or county commissioners. Discussions with the planning commission can facilitate ordinance implementation.
Establish dialogue with commercial developers.	Implementation of an ordinance requires the input and support of commercial developers (homebuilders, realtors, and general contractors). Early dialogue is most beneficial.
Contact city and county officials.	Passage of an ordinance will be enhanced if appropriate city and county officials are involved in the process: city council members, mayor, city and county managers, county commissioners, city or county arborist.

Balancing community interests and values

A well-crafted tree ordinance can help keep water and air clean, provide wildlife with food and cover, improve the appearance and livability of neighborhoods, enhance property values, and spur economic growth. Achieving multiple goals requires balancing the often-competing interests of environmental protection and economic development. Balance can be achieved by working collaboratively with all stakeholders to create an ordinance that is acceptable and workable. A balanced ordinance is one that:

- is created in a decision process accessible to all groups who want to participate;
- is based on the best available data and information that is deemed relevant by all stakeholders;
- satisfies the interests and values of multiple stakeholders through creative management strategies; and
- spreads the benefits and costs of tree protection fairly among members of the community.

Developing a tree ordinance takes time. It may take months or even years to accomplish. To be successful you will need community support and a patient, thorough approach.

A tree ordinance is one of the few ways that members of your community can have input regarding development standards. The ordinance should reflect the goals of the community.

Be prepared to add new members to your group throughout the process!

Working groups or ordinance boards depend upon public awareness. Use media and face-to-face contacts to ensure community buy-in, support, and involvement. Help to develop public interest and educate citizens on the value of community trees.

If a tree ordinance already exists in your community:

- Determine community satisfaction and dissatisfaction with the current ordinance.
- Determine if the stated purpose and goals of the ordinance are consistent with community standards.
- Determine if the management strategy is working for the community. Is progress being made and standards met that are identified in the current ordinance?
- Compare development in your community to the provisions in your existing tree ordinance. Is the ordinance accomplishing its goal and stated purpose?
- Identify characteristics or issues specific to your community, such as unique species or areas of special interest.
- Modify the ordinance to address any new concerns.

If a tree ordinance does not exist in your community:

- Determine community interest and sentiment regarding a new ordinance.
- Survey your community and assess the quality of natural resource conservation.
- Develop a management strategy for natural resource conservation.

- Identify characteristics or issues specific to your community (unique species or areas of special interest) related to natural resource conservation.
- Determine if your community needs special authorization from the state government to create a tree protection ordinance.

A Successful Framework

[Skip to A Successful Framework](#)

The framework of a successful tree ordinance incorporates several key components.

Goals and Purpose

A tree protection ordinance should begin with a clearly stated goal and purpose, because these elements provide the basis for interpreting the ordinance and evaluating its effectiveness. To achieve tree protection, establish well-defined objectives and decide on enforcement mechanisms for your ordinance. Your goals might include:

- establishing and maintaining maximum tree cover,
- maintaining trees in a healthy condition through good cultural practices, and
- selecting, situating, and maintaining street trees appropriately to maximize public benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs.

Location and Scope

The ordinance should specify the geographic locations and types of development that will be covered under its provisions. Some ordinances are limited to placement and protection of trees in street rights-of-way and parking lots. Other ordinances may seek to preserve trees in new residential developments. Some municipal ordinances may affect properties only within the municipal boundaries, while others may pertain to development within the extraterritorial planning jurisdiction (ETJ).

Management Strategy

Your community's unique environmental and economic assets will require a tree management strategy suited to your circumstances. Because a tree ordinance facilitates resource management, it must be part of a community's larger, comprehensive, natural resource management strategy. You must survey your current situation. Remember that one size does not fit all—one ordinance will not satisfy every community. Review ordinances from other communities when planning your own. A review of ordinances from comparable communities can help establish precedence for specific items. However, it is important to have a management strategy that is suited to your community.

Basic Performance Standards

Most ordinances are based on a set of tree protection standards that developers, landowners, business owners, and others must meet. Standards can include requirements for locating, planting, and maintaining street trees; methods for protecting trees during construction; and minimum tree coverage that must be maintained in a new development. A tree ordinance should identify acceptable conditions and practices. A successful tree ordinance sets achievable performance standards. Effective

performance standards protect the whole urban forest as opposed to individual trees. Well-crafted ordinance standards are easily understandable and flexible.

Administrative Responsibilities

Determine and establish administrative responsibility before you begin writing the ordinance. Your community may allocate responsibilities to one individual (perhaps a tree program manager) or among multiple individuals and departments. Designate administrative responsibilities:

- Identify position(s) responsible for implementing provisions of the ordinance.
- Assign responsibilities to specific positions and people (urban forester or city arborist).
- Confirm the authority necessary to carry out specified duties.

Centralized tree management under a tree manager, other municipal departments, or a citizen tree advisory board may share complementary responsibilities. Communication is essential to avoid overlapping responsibilities, which will depend upon the requirements of your community's tree ordinance. The management of the community's urban forest will suffer if duties are poorly defined or conflict with existing responsibilities.

Enforcement and Penalties

Communities ensure compliance with their tree ordinance through enforcement and penalties. Consistent enforcement is the most successful method of ensuring compliance. Key elements of enforcement include:

- review of site development plans,
- review of tree protection plans, and on-site inspections.

Plans submitted by developers must be verified in the field to assure compliance with the tree ordinance. The ordinance should identify:

- the position responsible for enforcement (often an urban forester, a city arborist, or an inspector in the inspections department);
- any items that constitute a violation and the penalties associated with the violations; and
- mechanisms for handling the offense, including appeals.

Components of a Tree Ordinance

There are many types of ordinance formats to choose from, depending on your community's needs. Select a format that accomplishes your vision as simply as possible. Your ordinance may contain the following sections:

Title—briefly describes the ordinance.

Authority—establishes the community's authority to adopt the ordinance. To create tree protection regulations, local governments may require legal authorization from the state government through enabling legislation. Legislation is unnecessary if the ordinance is developed and enforced pursuant to

existing planning and zoning authority, or if the town or city authorized the ordinance within its charter. Street tree ordinances are usually enacted without enabling legislation.

Justification and Vision—explains the community’s reasoning behind adopting the ordinance. This section includes a community’s vision, its tree and natural resource aspirations, and a statement of the community’s willingness to develop a structure to preserve, conserve, and move toward that vision.

Purpose and intent—defines reasons the ordinance exists. A strong purpose-and-intent section determines future enforceability. This section sets forth the goals to be achieved through the ordinance.

Definitions—lists and describes key terms used in the ordinance. Many communities find it is necessary to define such terms as “tree,” “drip line,” “critical root zone,” “specimen tree,” and many others. For complex terms and concepts, illustrations are often helpful.

Administrative responsibilities—defines responsibility for enforcement, review of tree protection plans, and interpretation of definitions. This section details the qualifications of the city or community arborist and assigns the duty of developing arboricultural standards relative to tree care, protection, construction impacts, and administrative guidelines for ordinance compliance.

Tree board establishment—gives private citizens the authority to review and propose revisions to the tree ordinance; provides community education related to tree conservation; plans Arbor Day activities; and provides public forums for citizens concerned about community trees.

Applicability—sets forth the authority of the local government over certain classes of trees and vegetation as defined in the ordinance. Communities may claim jurisdiction over trees on public and/or private property, requiring local government agencies and private citizens to follow the ordinance.

Provisions for trees and vegetation on public and/or private land—establishes performance standards for tree planting and maintenance, and for activities that impact trees on public and/or private land. Permitting procedures, restrictions on development activities, standards on tree protection during construction, and tree removal, replanting, and mitigation would be included in this section. Requirements to file tree plans for assessment, protection, landscape, replanting, or other plans are also contained here.

Penalties and Appeals—establishes penalties for violations, variance procedures, administrative and economic penalties, and mechanisms for administrative appeals.

Repeal conflicting provisions—sometimes called “conflicts and severability,” this section repeals conflicts with previous tree ordinances or other regulations such as zoning ordinances. It keeps the ordinance intact if any section of the ordinance is “severed” because of a constitutional or court ruling.

Performance evaluation—provides for periodic performance evaluation of the ordinance. The provision should include a mechanism for revision of the ordinance if the goals are not achieved.

Effective date—states when the tree ordinance becomes effective.

Writing a Tree Ordinance

[Skip to Writing a Tree Ordinance](#)

Before writing a draft ordinance, establish a working group of stakeholders who represent the diversity of the community and who will work together to draft the ordinance. The stakeholders should begin the process by defining their interest in and goals for shaping the ordinance. Based on these interests and goals, the group crafts a collective vision for the community of what the ordinance should achieve.

Once the vision is crafted, specific objectives are developed to help the community achieve this vision. To assure the objectives are achieved, stakeholders should brainstorm a multitude of methods, practices, standards, and procedures, negotiating among the parties to find management strategies that are workable and balanced. These management strategies are then converted to performance standards which, along with other basic components of the ordinance, are then developed into a draft ordinance.

When the draft ordinance is complete, solicit public comments and forward copies to the community council, commission, and/or administrators. Be prepared for questions. Allow time to hear as many public comments as needed. Record public comments and review them with stakeholders and public officials.

Ordinance Standards and Flexibility

Basic performance standards should be flexible. The goal is to develop basic standards that avoid vagueness or excessive technical details. A vaguely written standard that uses phrases such as “minimal disturbance” or “reasonably feasible” without further defining their meaning may not be enforceable or survive a legal challenge. If technical detail is needed, it may be better to write a basic performance standard that refers to a technical manual, such as *ANSI A300 Standards for Tree Care Operations; Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices*, than to write an excessively detailed standard within the ordinance. Referring to a technical manual that is changed and updated on a regular basis will help prevent the ordinance from becoming outdated.

Flexibility can be achieved by allowing the city arborist or urban forester to make decisions on a case-by-case basis. These decisions could be based on site-specific physical and biological factors. Flexibility is also achieved in the ordinance by including and ensuring a fair appeal process. The appeal process provides a check against the authority of the program administration, helping to ensure that decisions are being based on all pertinent information.

Evaluating and Revising the Ordinance

Evaluating the effectiveness of an ordinance after it has been adopted helps to ensure that the community is achieving the desired outcome. Formal reviews rely on statistical sampling methods and data collection and analysis. Formal reviews usually result in reports. Informal reviews can rely on staff or expert observations, or upon citizen feedback, and result in annual presentations of ordinance effectiveness. A provision should be included in the ordinance that allows for periodic evaluations, ensuring that the ordinance is effective and up-to-date. By providing for regular evaluations, the need for revising the ordinance can be identified before a crisis develops.

