

# EXHIBIT A: AMENDMENTS TO CHAPTER 151 THE UNIFIED DEVELOPMENT ORDINANCE

## General Development Standards

### I. Parking Regulations

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#### Amendment #1

**Summary:** Modify parking table to change parking requirements for restaurants and warehouses. Modifications provide flexibility in parking standards by differentiating within use types based on parking demands (e.g., fleet vehicle parking, employee parking)

**Amend Section 151.165(B)/Off-Street Parking/Parking Table to read as follows:**

Retail Sales and Service	<del>Restaurant, fast food</del> Class "A" Restaurant	14 <del>12</del> per 1,000 square feet, plus 1 per 3 employees, plus stacking spaces per §151.165(l)
	<del>Restaurant, standard</del> Class "B" Restaurant	42 <del>14</del> per 1,000 square feet, plus 1 per 3 employees
	Class "C" Restaurant	12 per 1,000 square feet, plus 1 per 3 employees.
Warehousing and freight movement		0.25 per 1,000 square feet <del>1</del> per employee

**Summary:** Modify floor area standards to account for departmental practice of calculating net floor area rather than gross floor area to determine the parking requirements for a use.

**Amend 151.165(C)(3)/Off-Street Parking to read as follows:**

151.165(C)(3) *Area measurements.* Unless otherwise noted, all square footage-based parking standards must be computed on the basis of ~~gross~~ floor area used or intended to be used for office space (as a principal use), service areas accessible to customers, patrons, clients, patients or tenants, including areas occupied by fixtures or equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for:

- (a) Storage accessory to the principal use of the building;
- (b) Window displays;
- (c) Offices or spaces incidental to the management or maintenance of a store or building;
- (d) Restrooms;
- (e) Utilities, including HVAC systems; or
- (f) Dressing, fitting, or alteration rooms.

**Summary:** Include a description of fleet vehicle parking to address the modified parking requirements calling for additional parking spaces to accommodate fleet vehicles.

**Amend 151.165(C)(5)/Off-Street Parking to read as follows and renumber all subsequent sections accordingly:**

151.165(C)(5) *Fleet parking.* For the purpose of computing parking requirements, any vehicle owned or leased by a business, government agency, or other organization, rather than by an individual, shall be provided 1 space on the same zoning lot as the principal use. Spaces shall be sized appropriately for fleet vehicles.

**Summary:** Clearly state that applicants must consider their individual operating standards, which may require additional parking.

**Create Subsection 151.165(C)(7)/Off-Street Parking to read as follows:**

151.165(C)(7) *Consideration of operational standards.* The provisions of this section represent the minimum required parking. It is the responsibility of the applicant to consider their unique operational needs, which may require additional parking. The Planning, Building and Development Director may require additional analysis of business operational needs.

**Summary:** Clearly state that applicants must consider their individual operating standards, which may require circulation planning.

**Create Subsection 151.165(H)(4)/Off-Street Parking to read as follows:**

151.165(H)(4) *Consideration of operational standards.* The provisions of this Section represent the minimum traffic circulation standards. It is the responsibility of the applicant to consider their unique operational needs, which may require unique parking stall sizes, aisle widths, and circulation radii. The Planning, Building and Development Director may require additional analysis of business operational needs, such as modeling of vehicle maneuverability.

**Summary:** Modify the definitions section to account for changes in restaurant parking requirements and classification.

**Amend 151.271/Terms Defined to read as follows:**

~~**RESTAURANT, FAST FOOD.**—An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building; within a motor vehicle on the premises; or off-premises as carry-out orders, and whose principal method of operation is characterized by the service of food and/or beverages in disposable or edible containers.~~

~~**RESTAURANT, STANDARD.**—An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.~~

**Amend 151.271/Terms Defined to read as follows:**

**Restaurant, Class “A” (i.e., “Fast Food”).** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Provides drive-through service, (2) Sells prepared food ready to carryout, (3), Holds no County liquor license, (4) Does not accept dining reservations, or (5) Little or no advertising on an individual establishment basis.

**Restaurant, Class “B” (i.e., “Fast Casual”).** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Limited service or self-service format, (2) Significant portion of sales are carryout orders, (3) Holds a County-issued Class E County liquor license, (4) Does not accept dining reservations, or (5) Does little or no advertising on an individual establishment basis.

**Restaurant, Class “C” (i.e., “Full Service”).** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Full table service is available, (2) Holds a County-issued Class A, B, or E liquor license, (3) Meeting and/or banquet facilities incidental to the principal use are available, (4) Provides carry out in additional to full table service, or (5) Advertising primarily on an individual establishment basis.

## II. Landscaping

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### **Amendment #1**

**Summary:** Modify the replacement requirements for the removal of protected significant trees. The revisions to the required plant material reflects a more suitable and sustainable ‘per acre’ product.

**Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Replacement of woodland credit to read as follows:**

151.071(l)(6)(e)(2)(c)

Plant Material Required Per Acre	Minimum Size of Plant Material	
Option 1	40 Canopy trees	4-inch caliper size
	10 Canopy trees	3-inch caliper size
	<del>50</del> 20 Canopy trees	2-inch caliper size
	<del>20</del> 30 Understory trees	2-inch caliper size
	100 Shrubs	3-foot height
Option 2	40 Canopy trees	4-inch caliper size
	10 Canopy trees	3-inch caliper size
	<del>100</del> 50 Understory trees	1-1/2-inch caliper size
	200 Shrubs	3-foot height

## **Amendment #2**

**Summary:** Revise replacement standards for significant trees to simplify administration of these provisions.

**Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Removal, damage and replacement of significant trees/Replacement to read as follows:**

151.071(I)(7)(c)(2) The combined total ~~diameter-breast-height~~ caliper of the replacement trees shall equal at least the combined ~~diameter-breast-height~~ caliper of the trees to be removed, and all replacement trees shall have a minimum caliper size of ~~four~~ three inches.

## **Amendment #3**

**Summary:** Revise replacement standards for significant trees to simplify administration of these provisions.

**Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Removal, damage and replacement of significant trees/Replacement to read as follows:**

151.071(I)(7)(c)(3) If trees that may have fallen under natural resource protection have been removed prior to site capacity/site plan review approval or in the absence of a tree survey, a licensed arborist must provide an assessment of the impact using all available information. The burden of determining the extent of natural resources shall, in all cases, be upon the property owner and/or developer. In the absence of credible evidence supplied by the applicant, staff shall determine the extent to which protected Woodlands or Significant Trees have been impacted based on all available information.

## **Amendment #4**

**Summary:** Move plant unit standards from applicability requirements and combine with plant materials requirements for the purposes of relevance and ease of interpretation.

**Amend 151.167/Landscaping/Applicability and plant unit standards to read as follows:**

151.167(B) ~~Applicability and plant unit standards.~~

151.167(B) (4) ~~Applicability.~~ The standards of this section shall apply to the following development types (see also §151.167(G) Landscape standards for transition areas):

- (a) All development subject to the site capacity calculations/site plan review procedures of §151.070(A); and
- (b) All nonresidential development adding at least 1,000 square feet of floor area or 2,000 square feet of impervious surface (on any size parcel) when adjacent to a residential use or zoning district.

- (c) Any new nonresidential development on any size parcel consisting of at least 1,000 square feet of floor area or 2,000 square feet of impervious surface.

**COMMENTARY:**

Plant unit calculations establish the total quantity of required plant material while allowing the landscape architect or other design professional flexibility in allocating and distributing plant material. Existing plant material protected during construction may be used to satisfy the plant material requirements provided the type and size of the plant material meets the plant material standards of this chapter and the plant material is not an invasive or noxious variety.

~~(1) *Plant units.* A plant unit is a measurement used to determine the quantity of plant material required.~~

~~(a) One plant unit is comprised of all of the following elements:~~

- ~~1. One canopy tree;~~
- ~~2. Two understory trees;~~
- ~~3. Two evergreen trees; and~~
- ~~4. Seven shrubs.~~

## **Amendment #5**

**Summary:** Reorganize landscaping section to incorporate existing Director discretion.

**Amend 151.167/Landscaping to read as follows:**

151.167(C) *Modification of landscape standards.* So long as the intended purpose of the landscaping is not compromised, landscape requirements may be modified by the Planning, Building and Development Director in instances such as:

- (1) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under §151.070; or
- (2) Where unique limitations of the site preclude the installation of the required plant units, or
- (3) When the principal use of the site is changed to a principal use of the same or lesser intensity.

**Amend 151.167/Landscaping/Landscape standards for open space**

151.167(F)(3) *Landscape standards for common open space.*

~~(3) *Waiver of landscape standards.* The Planning Director may fully or partially waive the installation of the required plant units and in conjunction with the waivers impose conditions on the installation of the plant material in the following instances:~~

- ~~(a) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under § [151.070](#); or~~
- ~~(b) Where the type or intent of the open space would preclude the installation of the required planting units.~~

**Amend Section 151.167/Landscaping/Landscape standards for transition areas/Location to read as follows:**

~~151.167(G)((3)(c) In those instances where it may not be practical to install the plant material within a transition area, or when the principal use of the site is changed to a principal use of the same or lesser intensity, the Planning, Building and Development Director may approve the use of a fence, berm, and/or landscaping to mitigate the difference in development types.~~

## **Amendment #6**

**Summary:** Move plant unit standards from applicability requirements and combine with plant materials requirements because of relevance and ease of interpretation. Minor updates to plant material section to reflect industry changes and to match rest of ordinance. Add additional height requirement for columnar evergreens.

**Amend 151.167/Landscaping to read as follows:**

151.167(E) Plant unit and plant material standards. Plant material used to satisfy the standards of this section shall comply with the following standards:

(2) Plant units. A plant unit is a measurement used to determine the quantity of plant material required.

(b) One plant unit is comprised of all of the following elements:

5. One canopy tree;
6. Two understory trees;
7. Two evergreen trees; and
8. Seven shrubs.

(3) Plant Material. Plant material used to satisfy the standards of this section shall comply with the following standards.

(a) Size. Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:

<b><u>Plant Type</u></b>	<b><u>Minimum Size</u></b>
<u>Canopy tree</u>	<u>3 inch caliper</u>
<u>Understory/ornamental tree</u>	<u>2 inch caliper or 8 feet height</u>
<u>Evergreen/conifer tree</u>	<u>8 feet height</u>
<u>Shrubs</u>	
<u>Broadleaf/deciduous</u>	<u>3 feet height</u>
<u>Needleleaf/evergreen</u>	<u>2 feet height</u>
<u>Columnar evergreen</u>	<u>3 feet height</u>

- (b) Examples of species. Species of plant material that satisfy the requirements of this section are contained in Appendix A. That Appendix categorizes plant species as either “canopy trees”, “evergreen/conifer trees”, “understory/ornamental trees”, “broadleaf/deciduous shrubs” or “needleleaf/evergreen shrubs”. Varieties and cultivars of the plant species listed in Appendix A may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.
- (c) Quality. Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen Horticulture Industry Association. Plants shall be nursery-grown and balled and burlapped with burlapping or other suitable material that is biodegradable.
- (d) Additional landscape treatment. All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.
- (e) Species mix. For projects requiring more than five canopy trees, each plant type (i.e., canopy tree, understory tree, etc.) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings of each plant type.
- (f) Berms not required in perimeter landscape transition areas. Any berm at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit per 100 linear feet for every five feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.

## **Amendment #7**

**Summary:** Include credits for the incorporation of native plants to encourage sustainable practices. Reduce the minimum size for parking lot islands to correspond with typical minimum parking spot sizes for design purposes. Simplify requirements for projects where standards overlap.

**Amend 151.167/Landscaping/Landscaping standards for parking lots to read as follows:**

151.167 (D)(F) *Landscape standards for parking lots.*

- (1) Applicability. The parking lot landscaping standards of this subsection (D)(F) shall apply to all off-street parking areas containing more than five off-street parking spaces with the exception of interior landscaping associated with multi-level parking structures. The standards of this subsection (D)(F) shall not apply to storage of new or used motor vehicles or boats or to trucking or motor freight terminals that are not normally open to the public.
- (2) *Area and planting standards.*

- (a) Parking lots that are greater than 4,000 square feet shall contain landscaped areas to break up the expanse of pavement. The landscaped areas shall be located entirely within the lot in either internal or corner islands and conform to the following area ratios:

<b><i>Parking Lot Area</i></b>	<b><i>Required Landscape Area</i></b>
4,000 sq. ft. to 10,000 sq. ft.	5% of paved surface
Greater than 10,000 sq. ft.	10% of paved surface

- (b) Each 325 square feet of required landscape area shall contain the following plant material:

2 Canopy trees	3-inch caliper
5 Shrubs (low growing, not to exceed 3 ft. ht.)	2 ft. ht.

- (c) Existing vegetation located within the interior or the corner portions of the parking lot may be counted towards required landscape plantings upon approval by the Planning, Building and Development Director.
- (d) Native perennials and grasses may be planted in lieu of shrubs, up to 20% of the total number of required shrubs. Three (3) native perennial plants or native grasses shall equal one (1) shrub.
- ~~(de)~~ The minimum width of all parking lot landscaped areas shall be nine feet and shall be protected by raised curbs with a minimum height of four inches with the exception of low impact development features (see Appendix A) as appropriate.
- ~~(ef)~~ The minimum area for a corner island shall be ~~225~~ 200 square feet.
- ~~(fg)~~ The finished grade (crown) of interior planting areas shall not be less than three inches above curb or pavement with the exception of low impact development features as appropriate.
- ~~(gh)~~ The parking lot perimeter shall be landscaped with a minimum of one plant unit per 100 lineal feet (not to include ingress/egress dimensions). In situations where the perimeter of the parking lot overlaps with required transition areas, whichever requirement is greater shall apply.
- ~~(hi)~~ Prior to planting, all interior areas shall be excavated to a depth of three feet and amended with a soil mixture consisting of one part screened topsoil, one part existing topsoil and two parts of organic compost, or an approved equivalent, with the exception of other soil mixtures as necessary to accommodate low impact development features. This requirement may be waived upon confirmation by the Planning, Building and Development Director that the pre-existing soil is suitable for planting and drainage, and that no amendments are necessary.
- (ij) All landscaped areas that are not planted in grass shall be mulched with a three-inch layer of shredded hardwood bark mulch or stone.



- (jk) A maintenance schedule shall be provided for review prior to approval of the landscape plan.

## **Amendment #8**

**Summary:** Relocate section on Best Management Practices (BMPs) to encourage greater utilization. (Move out of the Exceptions section and put under its' own header earlier in the chapter).

### **Amend 151.167/Landscaping/Best management practices to read as follows:**

151.167(G) *Best Management Practices.* With the incorporation of best management practices (BMPs), low impact development practices (LIDs), or other sustainable practices into the project, the Planning, Building and Development Director may allow the required landscaping to be reduced or arranged in a manner that will enhance the design concept. Refer to Appendix A for examples of BMP, LID, and sustainability features.

- (1) Considerations shall include the following.
- (a) To qualify for consideration, sustainability features such as swales or bio-filters shall be placed in islands or at the perimeter of the parking areas and shall be designed to improve the filtration and quality of stormwater runoff.
  - (b) Proposals to modify the type or quantity of landscape material may be allowed in exchange for the installation of plant species such as native trees, shrubs, grass, or perennials that will enhance the filtering capacity of the site and promote the use of diverse native species.
  - (c) Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided the features are designed to withstand vehicular loads.
  - (d) At the discretion of the Planning, Building and Development Director, an increase in the on-site impervious surface ratio of up to 10% may be allowed on the site in exchange for the addition of BMP or LID features, provided that the total impervious surface ratio shall not exceed 80%.
- (2) The following BMP/LID incentives are available subject to the above considerations:

<b><u>Best Management Practice</u></b>	<b><u>Incentives</u></b>
<u>Permeable pavement</u>	<u>Additional impervious surface</u> <u>Can be used for parking/drive aisle</u> <u>Reduced curb &amp; gutter</u> <u>Wheel stops in lieu of curb &amp; gutter</u> <u>Alteration of plant species/quantity</u>
<u>Structural soil</u>	<u>Additional impervious surface</u> <u>Alteration of plant species/quantity</u>

Vegetated swale or buffer bio-retention cell/rain garden	<u>Additional impervious surface</u> <u>Reduced curb &amp; gutter</u> <u>Wheel stops in lieu of curb &amp; gutter</u> <u>Alteration of plant species/quantity</u>
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- (3) Provide both a short-term and long-term maintenance and management plan of BMP areas.

## **Amendment #9**

**Summary:** Clarify provisions for ultimate rights-of-way.

**Amend 151.167/Landscaping/Landscape standards for streets to read as follows:**

151.167(~~E~~H) *Landscape standards for streets.*

- (1) *Subdivision and local streets.* Subdivision and local streets shall have two canopy trees per 100 feet of road frontage.
- (2) *Arterial/collector/freeway.*
  - (a) Residential uses abutting an arterial or collector street or a freeway shall have three plant units per 100 feet of road frontage.
  - (b) Nonresidential uses abutting an arterial or collector street or a freeway shall have one plant unit per 100 feet of road frontage.
- (3) *Ultimate right-of-way provisions.*
  - (a) Where a parcel extends to the centerline of an existing street or where the existing street adjacent to the development site contains less than the right-of-way width specified in § 151.169, the landscape material shall be located no closer than the ultimate right-of-way line of local streets and no closer than one foot outside the ultimate right-of-way of collector streets, arterial streets, and freeways- unless the roadway authority provides written notice there is no immediate or foreseen future need to widen the right-of-way.
  - (b) No landscaping shall be located within the existing right-of-way of any public road without written consent of the highway authority having jurisdiction over the public road.

## **Amendment #10**

**Summary:** Remove Best Management Practices subsection.

**Amend 151.167/Landscaping/Exceptions to read as follows:**

151.167(~~L~~E) Exceptions.

- (1) Plant material existing within a transition area of a proposed development site or on an adjacent parcel that has comparable composition and density to the minimum landscape standards of this section may be used to satisfy landscape requirements, provided that the plant material is designated and protected as permanent open space and further provided that, if the plant material is located on the adjacent property, a written agreement between both adjoining property owners is reached and recorded against both properties. In this instance, the existing plant material need not comply with the “species mix” standards of this section.
- (2) A protected natural resource that exists on a proposed development site within the transition area or on an adjacent parcel may be counted toward meeting the transition landscape requirements of § 151.167(~~FG~~), provided that the following minimum width is provided.

<b><i>Mature Woodland</i></b>	<b><i>Young Woodland or Grove</i></b>	<b><i>Other Resources</i></b>
30 feet	40 feet	100 feet

- (3) If a development is proposed on a tract of land that exceeds the minimum lot area standard of the zoning district in which it is located, the landowner may designate a smaller area of parcel as the development site and provide landscaping in accordance with this section within the smaller development site area. In order to use this provision, the size of the designated development site and the remaining land area of the tract must both equal or exceed the minimum lot size and width standard of the underlying zoning district.
- (4) Landscaping shall not be required for accessory uses or additions to principal uses, provided that:
  - (a) The accessory use or addition does not exceed 1,000 square feet of gross floor area or 2,000 square feet of impervious surface area; and
  - (b) The Planning, Building and Development Director determines that no adverse land use impacts will result.
- ~~(5) With the incorporation of best management practices (BMPs), low impact development practices (LIDs), or other sustainable practices into the project, the Planning, Building and Development Director may allow the required landscaping to be reduced or arranged in a manner that will enhance the design concept. Refer to Appendix A for examples of BMP, LID, and sustainability features.~~
  - ~~(a) Considerations shall include the following.~~
    - ~~1. To qualify for consideration, sustainability features such as swales or bio-filters shall be placed in islands or at the perimeter of the parking areas and shall be designed to improve the filtration and quality of stormwater runoff~~
    - ~~2. Proposals to modify the type or quantity of landscape material may be allowed in exchange for the installation of plant species such as native trees, shrubs, grass, or perennials that will enhance the filtering capacity of the site and promote the use of diverse native species.~~

3. ~~Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided the features are designed to withstand vehicular loads.~~
4. ~~At the discretion of the Planning, Building and Development Director, an increase in the on-site impervious surface ratio of up to 10% may be allowed on the site in exchange for the addition of BMP or LID features, provided that the total impervious surface ratio shall not exceed 80%.~~

~~(6) The following BMP/LID incentives are available subject to the above considerations:~~

<b><i>Best Management Practice</i></b>	<b><i>Incentives</i></b>
Permeable pavement	Additional impervious surface Can be used for parking/drive aisle Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity
Structural soil	Additional impervious surface Alteration of plant species/quantity
Vegetated swale or buffer bio-retention cell/rain garden	Additional impervious surface Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity

## **Amendment #11**

**Summary:** Combine plant material standards with plant unit standards.

**Amend 151.167/Landscaping/Plant material standards to read as follows:**

~~151.167(L) *Plant material standards.* Plant material used to satisfy the standards of this section shall comply with the following standards.~~

- ~~(1) *Size.* Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:~~

<b><i>Plant Type</i></b>	<b><i>Minimum Size</i></b>
Canopy tree	3 inch caliper
Understory/ornamental tree	2 inch caliper or 8 feet height
Evergreen/conifer tree	8 feet height
Shrubs	
Broadleaf/deciduous	3 feet height
Needleleaf/evergreen	2 feet width

- ~~(2) *Species.* Species of plant material that satisfy the requirements of this section are contained in Appendix A. That Appendix categorizes plant species as either “canopy trees”, “evergreen/conifer trees”, “understory/ornamental trees”, “broadleaf/deciduous shrubs” or “needleleaf/ evergreen shrubs”. Varieties and cultivars of the plant species listed in Appendix A may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.~~
- ~~(3) *Quality.* Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped.~~
- ~~(4) *Additional landscape treatment.* All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.~~
- ~~(5) *Species mix.* For each plant type (i.e., canopy tree) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings.~~
- ~~(6) *Berms not required in perimeter landscape transition areas.* Any berm at least five feet in height whose toe is within 25 feet of any right-of way or other property line shall be improved with a minimum of one plant unit for every five feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.~~

## **Amendment #12**

**Summary:** Minor changes to reflect industry standards and modify ordinance language to correctly reference later sections.

**Amend 151.167/Landscaping/Installation, maintenance, and replacement to read as follows:**

151.167(MO) *Installation, maintenance, and replacement.*

**(1) *Installation.***

- (a) All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Where possible, best management practices should be incorporated (See Appendix A). Properly amended soil shall be provided in all planting areas, and subsurface drainage shall be provided where berms, elevated areas, or other suitable means for providing proper drainage do not exist.
1. All lawn and planting areas shall be cultivated to a minimum depth of six inches and amended with a mixture consisting of one part existing topsoil and two parts organic compost, or an approved equivalent.

2. When not specifically waived pursuant to subsection ~~(D)(2)(h)~~ (F)(2)(i) above, planting islands shall be excavated of compacted soil to a depth of three feet and be backfilled with a soil mix consisting of one part screened topsoil, one part existing topsoil and two parts of organic compost or an approved equivalent with the exception of other soil mixtures as necessary to accommodate low impact development features.
  3. Individual planting pits shall be ~~no less than three times as wide as~~ a minimum two times the width of the root ball of the plants. The sides may be at an angle that provides a pit floor two times the width of the root ball.
- (b) Installation inspections shall be conducted at the time the planting areas area prepared so that verification of planting pit size and soil amendments can be completed. The office of the Planning, Building and Development Director should be contacted to arrange for inspections and associated inspection fees.
- (2) *Maintenance and replacement.* Required trees, shrubs, structures, and other landscape features shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The ~~land~~ property owner, or successors in interest, shall be jointly and severally responsible for the following:
- (a) All landscaping shall be maintained in good condition and in a ~~way~~ manner that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other ~~maintenance care~~, as needed. All maintenance shall be performed in accordance with acceptable horticultural practices;
  - (b) The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;
  - (c) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section;
  - (d) Continuous maintenance of the site as a whole; and
  - (e) The Planning, Building and Development Director shall be authorized to require documented assurance of continued landscape performance and/or maintenance in the form of a condition, covenant, contract, development agreement or performance/maintenance assurance to assure installation and, for a minimum one-year period, the continued maintenance of landscape improvements associated with a development. The amount of the performance assurance shall be at least 130% of the estimated cost of the required landscape improvements. The maintenance assurance shall be equal to at least 10% of the performance assurance. Notwithstanding the above, the Planning, Building and Development Director shall be authorized to reduce or waive the maintenance assurance, provided the landscape features incorporate best management practices and/or low impact development features contained in Appendix A. Any performance and/or maintenance assurance required by the Director shall be administered in accordance with the provisions of Section 151.203 of this Chapter.