

**Chapter 62 Landscape Ordinance  
Public Comments to Proposed Changes  
October 2010**

Public Comment	Staff Response
<p><b>5:601 (1)</b> The definition of bioretention as being capable of handling the first one half inch of runoff during a storm event does not mesh with 5:602 (2)d and g. A parking lot island will rarely be large enough to provide that volume for the entire lot or site. Item g in particular may be a problem.</p>	<p>This is for vehicular use areas that are greater than 15,000 square feet. 750 square feet is the minimum landscaping for a parking lot that is 15,000 square feet. First flush storage does not need to be provided for the entire site, just the portion of the parking lot that drains to the landscape island. The designer has the flexibility to have as much or little water draining to the landscape island.</p>
<p><b>5:601 (1)</b> It is unclear why type of "residential" property the definition refers to. Depending on site conditions, especially soil type, it may be very difficult to insure that runoff will infiltrate within the bioretention areas. If water is slow to percolate, these areas could turn into soggy, saturated areas that are difficult to maintain, and certainly difficult to plant within.</p>	<p>Agree the reference to residential properties is confusing and we have removed the second sentence of the bioretention definition. When there are clay soils, additional soil amendments and/or an underdrain may be needed (see 5:606 (6) for proposed changes to soils)</p>
<p><b>5:602(1)(a)</b> This is a positive revision.</p>	
<p>5:602(1)(c): With the change in shrub spacing in front of walls (from 10' o.c., to 4' o.c.) it seems unlikely anybody would do a wall since you almost have to do a hedge in front of the wall. Since walls provide complete screening that isn't reduced when shrubs drop leaves, do you really want to discourage them?</p>	<p>The reason for the shrub requirement is to "soften" the appearance of the wall. The current requirement of one shrub for every 10 feet is too far apart to accomplish this effect. The shrubs typically used along walls are small shrubs, the proposed change to one shrub for every 4 feet is to address the use of small shrubs. The intent is not to discourage walls but to encourage the use of live plant material.</p>
<p><b>5:602(1)(c)</b> It doesn't seem to make sense to require a shrub per 4 lf if a wall is provided. One shrub per 4 lf can provide a hedge all by itself in many cases. The existing requirement of 1 shrub per 10 lf is more reasonable.</p>	<p>See above</p>
<p><b>5:602(1)(d)</b>: Since the gas station requirements are now separated into a different paragraph, it's not clear whether the required walls would still need shrubs in front of them.</p>	<p>Added shrub requirement to this section</p>

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<p><b>5:602(2)(g)</b> Requiring 50% of an interior landscape area to be bioretention if it exceeds 750 square feet effectively reduces the available area to plant the required number of trees by 50%. There are few deciduous trees and even fewer conifers that will tolerate "wet feet".</p>	<p>Bioretention areas if designed and constructed properly will not have standing water for a prolonged period of time to harm trees. This requirement will actually provide a better environment for a tree to grow since they will have more access to water than in a typical mounded landscape island. There are a variety of deciduous trees that can be used in a bioretention area that can tolerate marginally wet soil. Section 5:602 2(c) requires the use of deciduous shade trees in interior landscape islands; conifers can not be used to meet this requirement.</p>
<p><b>5:602(2)(h)</b> How will this be applied? Who will determine that sufficient area and location for snow piles has been provided? I think this requirement may be difficult to assess and enforce as written.</p>	<p>This requirement needs to be shown on the site plan per 5:607(13). It will be determined by the designer and city reviewer whether the snow storage location and area is adequate.</p>
<p><b>5:603:</b> Was the omission of conflicting land use buffers for land used (but not zoned) as residential intentional or an oversight? Most of the commercial zonings allow residential uses, and some would still have legacy residential uses (including single family) on them despite the zoning.</p>	<p>Yes, this was an oversight. Language to address residential uses has been added and a new version of the ordinance w/ proposed changes was posted to the website on October 12.</p>
<p>In <b>5:603</b>, paragraphs A and B, are "residentially zoned parcels" only those with an R zoning, or anything that includes residential uses as a possibility even if not developed as residential?</p>	<p>See above</p>
<p>If these items are clarified, please also address downtown residential high rises, which may be more "commercial" in nature (i.e. less in need of buffers) than the adjoining commercial buildings.</p>	<p>Sections A and B for 5:603 apply to areas downtown but C and D do not apply since most of downtown is zoned D.</p>

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<p><b>5:603:</b> When considering two adjacent parcels, both zoned Office can a property owner, under the proposed AHP and Landscape Ordinances:</p> <p>1) Build an office building on the side property line with a zero side setback and not have to provide any side landscape buffering with an adjacent office zoned property which is being used as residential? The way I'm understanding the ordinances, no buffering would be required, even with residential use on one of the properties, which is an allowable use in office zoned land.</p> <p>2) In a different scenario; If one property builds an office building with a zero side setback, could the adjacent property (zoned office) build an office building with a zero side setback to the same property line, or would they have to provide landscape buffering or a setback of some distance between buildings?</p>		<p>"Parcel <b><u>principally used</u></b> or zoned for residential purposes "has been added to Section 5:603 (c)</p>
<p><b>5:603(1)</b> Averaging the required buffer strip width is a positive revision.</p>		
<p>5:603(2) The City has historically required tree spacing greater than 15' on center for deciduous trees. Increasing the required number of buffer trees to one per 15 lf might mean using only evergreens and columnar trees. One per 20 lf seems more reasonable.</p>		<p>Increase in number of trees from 1 for every 20 feet to 1 for every 15 feet was a recommendation from the Ordinance Revisions Committee of the Planning Commission. There is design flexibility to plant shade or ornamental trees in the conflicting land use buffer.</p>
<p>5:603.1(2)(a) The City minimum for a shared driveway is a 30' wide easement. That is not enough to provide the required minimum 25' wide two way driveway (Chapter 47, section 4:30(4) and minimum 8' wide landscape strips. It is wide enough only for a one way drive (minimum 14' wide) and two 8' landscape strips.</p>		<p>This is a relatively new change to the ordinance that with went through its own public review process before the change was adopted. This section of the ordinance is not proposed to be changed during this set of revisions and therefore this comment will not be addressed.</p>

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<p>5:604: It would be helpful to address openings or gates on refuse enclosures. The solid waste department requires gates to be propped open early on trash pickup days, which is a hassle for owners, an obstruction in parking areas, and leaves the containers exposed for a good length of time anyway, so the gates often get taken off shortly after construction is complete. We've had clients decide not to construct enclosures (when fixing up existing sites) because it would require a gate they would not want, so the other three sides of the container don't get screening that would benefit adjoining properties. A full four-sided enclosure also makes barrier free access to trash and recycling containers difficult. If enclosures could be three-sided without gates, it would be highly beneficial to owners and others.</p>		<p>This is current code requirement that is not proposed to be changed. However, code does not require a gate but it provides designers the flexibility to use a gate or not depending on placement of the refuse/recycling containers.</p>
<p><b>5:606(1)(c)</b> A mixture of trees seems reasonable as 20 or more will be planted across a fairly large area.</p>		
<p>5:606(1)(d) A mixture of shrubs is less reasonable unless the trigger number is raised to 40 (or 50) or so. Many of our site plans include hedges or mass plantings where 20 or more of the same plants are used to create a uniform effect. Requiring 3 or more types of shrubs with a trigger of anything over 20 total limits the designer and may create more of a hodge podge effect. The intent is good, but the trigger is too low.</p>		<p>Good suggestion, we will change it to 40.</p>
<p><b>5:606(5)</b> Reducing the minimum caliper size for shade trees to 2" is good because it may encourage both planting of additional trees and faster tree growth.</p>		
<p><b>5:606(6)</b> This is a good (though expensive) requirement that should be incorporated into the City's Standard Specifications. How will this be enforced or verified?</p>		<p>Standard will be verified/enforced if plant material continuously struggles and/or dies.</p>

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<b>5:606(14)</b> Ok, but will cause conflicts with buffer requirements, for example 5:602(1)(c).		Staff does not see a conflict between the two requirements. If in the future, it becomes clear that these two sections conflict each other when being applied it will be addressed..
<b>Section 5:608(2.iv)</b> This section would allow properties zoned anything but residential that abut sites that are not zoned residential but are primarily used for residential purposes to not have a buffer between properties. I'm not comfortable with this provision.		The proposed revision to 5:608 (2.iv) has been removed.
<b>Section 5:608(2)</b> provides flexibility for applying these requirements		