

20.31.000 APPROVAL OF BUILDING, SITE (INCLUDING LANDSCAPING AND OPERATIONAL PLANS)

20.31.010 WHERE REQUIRED. In the case of certain uses, the character of which could have substantial adverse effect upon the surrounding environment and general character of the City, by reason of the appearance of the structures, arrangement or use of the land, such uses if required by the district regulations as a qualifying condition to their permissibility shall submit for approval by the Plan Commission, their proposed building, site, and operational plans.

20.31.020 USE BY RIGHT NOT INFRINGED. Such required approval shall be limited solely to reasonable compliance with design, locational, and operational requirements and shall not involve the basic permissibility of the use where such use is permitted as a Use By Right.

20.31.030 CRITERIA. In determining the acceptability of the building, site or operational plans, the Plan Commission shall take into consideration the following factors as well as any others they deem appropriate:

- A. The design and appearance of any structures, taking into consideration recommendations of the Design Review Board in those Districts enumerated under Section 20.30.020 and in those districts not so enumerated, the Commission shall follow the same standards as Section 20.30.040.
- B. The relationship of structures and uses to each other and to the site, with particular consideration of traffic flow, access, screening of parking and storage areas, and general appearance.
- C. The character of the operation in terms of its impact upon traffic facilities, sewage disposal, water supply, and environmental character with particular consideration of the control of any possible noise, dust, odor or other undesirable operating characteristic.

20.31.040 FORM OF SUBMITTAL. Before issuing a Building or an Occupancy and Zoning Use permit, the Building Inspector shall submit the necessary building, site and operational plans to the Plan Commission for their consideration. Such plans shall be in reasonable detail to enable the Commission to properly evaluate them and shall specifically include the following:

- A. A site plan of the property accurately dimensioned, showing the location of all-existing and proposed structures and uses.
- B. General building plans including either elevations or perspective drawings showing the exterior appearance.
- C. A statement describing the basic operational characteristics of the proposed use.

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20.31.050 LANDSCAPING.

20.31.060 PURPOSE. This section is intended to promote compatible development; stabilized property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve the character and quality of the built and natural environment by maintaining the integrity of those areas which have a discernible character; protect certain public and private investments in the area; and raise the level of community expectations for the quality of its environment. This section applies to commercial, industrial, institutional and multi-family residential development.

20.31.070 FINDINGS. The Common Council finds that:

- A. Trees and shrubs are proven producers of oxygen, a necessary element for human survival.
- B. Trees and shrubs transpire considerable amounts of water each day and thereby purify the air;
- C. Trees and shrubs have an important role in neutralizing waste water passing through the ground from the surface to groundwater tables and lower aquifers;
- D. Trees and shrubs, through their root system, stabilize the groundwater tables and play an important and effective part in soil conservation, erosion control and flood control.
- E. Trees and shrubs are in an invaluable physical, aesthetic and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas;
- F. Trees and shrubs have an important impact on the desirability of land and therefore on property values;
- G. Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimum landscaping can provide an impression of separation of spaces, and more extensive landscaping can focus attention onto the landscape elements and away from the less attractive elements of certain sites.
- H. Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening;

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- I. Landscaping can preserve and enhance the unique identity of the City of Port Washington and preserve the economic base attracted to the City by such factors;
- J. The provisions of this ordinance are necessary to safeguard the public health, safety and welfare.

20.31.080 APPLICABILITY.

- A. Landscaping Required: Landscaping is required in buffer yards, along the foundation of buildings, and in off-street parking areas of all Commercial, Industrial, Institutional and Multi-family Residential Development. The area or length of each, as required in this Ordinance, shall be measured to determine the amount of landscaping required.

Parkway street trees are required in all zoning districts per the City's adopted street tree policy.

- B. Exemptions and Modifications: All development shall meet the provisions of this section of the Zoning Ordinance except those explicitly exempted below:
 - 1. Additions to existing buildings which do not increase the total existing floor area by more than ten (10) percent.
 - 2. Additions to existing buildings which increase the total existing floor area between eleven (11) and fifty (50) percent shall conform to the landscaping standards specified in this section of the Zoning Ordinance to the maximum extend possible. If insufficient area or dimensions exist to meet the required amount of landscaping, the Plan Commission may reduce the standards set forth in this section up to thirty (30) percent.
 - 3. Developed property or platted lots or record which are impacted by a subsequent right-of-way dedication may be developed without strict compliance with the requirements of this section, with the following provisions:
 - a). Improvements (structures or related facilities) which are proposed on the remainder of the platted lot after dedication has occurred, may be constructed subsequent to the approval by the Plan Commission of a modified landscape plan reflecting the impact of the right-to-way dedication.

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- b). Improvements on developed property which are lost through the dedication of right-of-way may be replaced elsewhere on the remaining lot and only the area contained within the new limits of construction for the recaptured improvements shall be required to comply with the requirements of this section.
- 4. If, in a particular case, the site or new development conditions should warrant, the Plan Commission may in its discretion reduce the standards and requirements set forth in this landscaping ordinance by not more than fifty percent (50%).

20.31.90 GENERAL PLAN REQUIREMENT.

- A. Requirements for Submission: To assure that the intent of the standards are accomplished, applicants are required to submit to the Plan Commission for approval a landscape plan developed by a recognized landscape design professional, and following installation, a written certification that all the required landscape materials have been installed in substantial conformance with the plans as approved by the Plan Commission. In addition, applicants shall submit an installation and maintenance security deposit with the City to assure full compliance with the landscaping and maintenance requirements.
- B. Certification of Compliance: A landscape design professional must certify in writing that the plan is complete, accurate and in compliance with the requirements of this ordinance. The requirement that such plans and specifications be certified by a landscape design professional may be waived for minor alterations and improvements which, in the sole discretion of the Director of Planning and Development, does not require the services of a professional.
- C. Landscape Construction Performance Surety Required: At the time of final execution of a Development Agreement or prior to the issuance of a building permit by the City, the owner is required to provide landscape construction sureties either by bond, certificate of deposit or letter of credit with the City to ensure that the owner is in full compliance with the approved landscape and maintenance plan.

The amount of surety required shall reflect the cost of required landscaping to ensure that such landscaping is installed. A financial surety in an amount equal to the full cost of landscape installation shall be included, as a segregated line item, as part of the letter of credit required by the City grading permit. Should the City have to provide for full compliance, the applicant will then forfeit the surety deposit?

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- D. Maintenance Compliance Surety or Letter of Credit: A financial surety in the amount of \$10 per landscape point shall be deposited with the City at the time of application for a building permit and shall remain in force for twenty-four (24) months.[See Section 6(f)]

- E. Temporary Access Easement and License: The owner shall grant a two year temporary access easement and license to the City or its contracted agent to enter upon the land for the purpose of installing the required landscaping and/or for maintenance compliance in the event that such landscaping is not in place by the date specified in the agreement or maintained in a healthy condition during the two year time frame.

20.31.100 PROCEDURES.

- A. Information to be Provided: The Landscape Site Plan shall contain information in accordance with the provisions provided in this section and with the City's minimum requirements for site plan information. The Landscape Site Plan submitted for approval must contain the following:
 - 1. The Landscape Site Plan shall show the location and dimensions of all existing and proposed structures, project boundary lines, parking lots, drives, roadways and right-of-way, delineation of traffic vision corners [Chapter 20.15.020 (6)(7)], sidewalks, bicycle paths, signs, refuse disposal areas, bicycle parking areas, architectural features, utility equipment, utility easements and lines (above and below ground), conservation easements, and lighting. All existing or proposed sewer manholes and water main valves and hydrants must be shown, and the landscape design maintains clear access avoiding any conflict with said manholes, water main valves and hydrants.

 - 2. The Landscape Site Plan shall show the location of all existing and proposed vegetation and shall be submitted with a plant schedule and/or plant list with the common and scientific names, quantity and size at planting (See Exhibit I). Where applicable, root ball condition and spacing of shrubs shall either be included on the plant list/schedule or indicated on the Plan; or

 - 3. Landscape Planting Plan developed by a recognized landscape professional at a scale of 1" = 20" or larger, as the Plan Commission deems necessary, may be submitted or be required to be submitted by the Plan Commission, showing the location of all buildings, architectural features, parking lots, walkways, paths, storage areas and the detailed location of all plant materials drawn at 50-70% of mature size and shall include all site features within the area detailed. The Planting Plan shall also be submitted with a plant schedule/plant list

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indicating the common and scientific names, quantity, size and condition of plant material at the time of planting.

EXHIBIT I

| PLANT SIZE/UNIT OF MEASURE | |
|----------------------------|--|
| TREES: | Caliper Diameter at 4" above the root crown or graft; or height to tip |
| EVERGREENS: | Diameter or Height to Tip |
| SHRUBS: | Height to Tip |
| GROUND COVER: | Diameter or Container Size |

4. All existing vegetation which is equal to or exceeds the following sizes must be inventoried and shown on the plan: 1) Deciduous trees 3" in caliper or greater; 2) Evergreen trees five (5) feet high or greater and 3) Shrubs 36" high or greater.
5. All existing vegetation which is equal to or exceeds the following sizes must be inventoried and shown on the plan: 1) Deciduous trees 2" to 3" caliper or greater, 2) Evergreen trees 5" high or greater, and 3) Shrubs in five (5) gallon containers or 24:" – 36" high.
6. The location of all proposed berming indicating contours at one (1) foot intervals and percent of slope. The Plan Commission may, when necessary and appropriate, waive this requirement for Landscape Planting Plans.
7. Detail sections and/or elevations of all proposed architectural features, walls lighting standards, water features, etc. This requirement is not necessary for Landscape Planting Plans.
8. All landscaping plans must include a Title Block including the following information:
 - a). North Arrow
 - b). Scale 1 inch = 40 feet
 - c). Name of Developer
 - d). Address of Project
 - e). Name of Project

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- f). Date
- g). Signature and name of Landscape Design Professional
- h). Space for Revision Dates
- i). Sheet Number

- A. No Further Approvals Required: Landscape plans approved by the Plan Commission as part of a development site plan shall not require further approval by other city agencies if the approved landscape plan meets all the requirements of this Chapter.
- B. Sealed Letter of Completion: Prior to the release of the owner's fiscal security, a sealed letter of completion shall be provided to the Inspection Department from a registered engineer, architect or landscape architect representing the development, which letter shall verify that the project has been implemented in accordance with City approved plans and is in full compliance with this Chapter.
- C. Optional Review Fee: For development projects over 1 acre in size the developer/owner shall be assessed a landscape plan review fee of \$25.00 plus \$5.00 per acre to be deposited with the City at the time of application to insure compliance with the Landscaping Ordinance.
- D. Minimum Planting Size of Multi-Stemmed Plant Material: The minimum planting size shall be:

| | |
|-----------------------------|--|
| Trees and Ornamental Trees: | 7' to tip or as can be justified by the cultivar |
| Deciduous Shrubs: | 24" high or 18"-24" in diameter |
| Evergreen Shrubs: | 24" high or 18"-24" in diameter |

20.31.110 ON-SITE LANDSCAPING AND SCREENING REQUIREMENTS.

- A. General Standards: The following standards apply to all industrial, commercial, utility or multi-family residential sites:
 - 1. No tree shall be located within five (5) feet of a vehicular access way, bike trail or public sidewalk or within ten (10) feet of a street light, stop sign, fire hydrant, street sign or directional sign.
 - 2. All landscaping material located within a vision triangle shall be two and one-half (2.5) feet or less in height or have clearance of eight (8) feet beneath the lowest branch or projection.

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3. No permanent impervious surfacing or sub-surfacing shall be located around the base of any tree or shrub which may impede growth of said plant.
 4. Existing trees should be retained to the greatest extent possible and protected during the course of development.
 5. The Plan Commission shall maintain and periodically update a listing of acceptable plants in accordance with the Classification of Plants found in Table 2.
 6. The Plan Commission shall maintain and periodically update a list of banned and not recommended plant materials.
- B. Categories of On-Site Landscaping Requirements: On-site landscaping shall be required of all developments in the City of Port Washington. The areas on-site landscaping requirements are for:
1. Building Foundations
 2. Parking Lot Street Yard
 3. Side and Rear Yard Buffer Areas
 4. Paved Areas
 5. Undesignated Areas
- C. Landscaping Point System and Minimum Installation Sizes for Multi-stemmed Plant Materials: Landscaping requirements are measured by “points”, the number of which is dependent upon the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories (See Table 1 below).

The Classification of Plants is a baseline and is not to be considered a complete list of recommended and acceptable plants. The City of Port Washington recognizes that in horticulture and in landscape nursery operations, recently introduced and newly developed cultivars of existing tree and shrub species are regularly being offered into the landscaping trade and will fit into the Classification categories below.

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| TABLE 1. LANDSCAPING POINTS AND MINIMUM INSTALLATION SIZES | | |
|---|---|--|
| Plant Category | Landscaping Points Per Plant | Minimum Permitted Installation Size |
| Tall Deciduous Tree | 30 | 2" to 3" Caliper |
| Medium Deciduous Tree | 15 | 6' Tall or 2" Caliper |
| Low Deciduous Tree | 10 | 4' Tall |
| Tall Evergreen Tree | 30 | 6' Tall |
| Medium Evergreen Tree | 20 | 4' Tall |
| Low Evergreen Tree | 5 | 3' Tall |
| Tall Deciduous Shrub | 5 | 36" Tall |
| Medium Deciduous Shrub | 3 | 24" Tall |
| Low Deciduous Shrub | 1 | 18" Tall |
| Medium Evergreen Shrub | 5 | 18" Tall/Wide |
| Low Evergreen Shrub | 3 | 12" Tall/Wide |
| Tall Perennials and Grasses | 1 for every 20 sq. ft. planted to a maximum of 5 pts. | ≥ 18" Mature Height |
| Medium Perennials Grasses | ½ for every 10 sq. ft. planted to a maximum of 5 pts. | < 18" Mature Height |
| Decorative Fence | 1 pt. For every 5 lineal feet in buffer areas adjacent to single family and duplex development. | Minimum 4.5 Ft. High |

Source: The City of Port Washington Department of Planning and Development based on A Guide to Selection Landscape Plants for Wisconsin, Hasselkus, UW-Ext. Publication: A2865

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TABLE 2: CLASSIFICATION OF PLANTS

| TALL DECIDUOUS TREES (30 Landscaping Points) | | MEDIUM EVERGREEN TREES (20 Landscaping Points) | |
|---|---------------------------------------|---|------------------------|
| Botanical Name | Common Name | Botanical Name | Common Name |
| Acer saccharum | Sugar Maple | Abies concolor | White Fir |
| Ginkgo biloba | Ginko | Pinus sp. | Pine: Red, White, Scot |
| Quercus sp. | Oak: Red, White, Pin | Tsuga Canadensis | Canada Hemlock |
| Acer sp. | Maple: Red, Silver, Norway | Thuja occidentalis | American Arborvitae |
| Fraxinus sp. | Ash: White Green | | |
| Gleditsia triacanthos | Honeylocust | | |
| Populus grandidentata | Bigtooth Aspen | | |
| Tilia sp. | Linden: Basswood, Littleleaf, Redmond | | |

| MEDIUM DECIDUOUS TREES (15 Landscaping Points) | | LOW EVERGREEN TREES (12 Landscaping Points) | |
|---|---------------------|--|--------------------------------|
| Botanical Name | Common Name | Botanical Name | Common Name |
| Betula sp. | Birch: River, Paper | Juniperus sp. | Juniper: Mountbatten, Redcedar |
| Prunus sp. | Cherry: Choke, Pin | Thuja sp. | Arborvitae: Pyramidal, Techny |
| Salix sp. | Willow | | |

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TABLE 2 CON'T CLASSIFICATION OF PLANTS

| LOW DECIDUOUS TREES (10 Landscaping Points) | | TALL DECIDUOUS SHRUBS (5 Landscaping Points) | |
|--|---------------------------------------|---|--|
| Botanical Name | Common Name | Botanical Name | Common Name |
| Amelanchier sp. | Birch: River, Paper | Cornus sp. | Dogwood: Grey, Pagoda |
| Crataegus sp. | Hawthorn: Cockspur, Downy, Washington | Syringa sp. | Lilac: Chinese, Hyacinth |
| Malus sp. | Carbapple sp. | Viburnum sp. | Viburnum: Arrowwood, Wayfaringtree, Nannyberry |

| MEDIUM DECIDUOUS SHRUBS (3 Landscaping Points) | | LOW DECIDUOUS SHRUBS (1 Landscaping Points) | |
|---|-----------------------------------|--|----------------------------|
| Botanical Name | Common Name | Botanical Name | Common Name |
| Corylus Americana | American Filbert Hazelnut | Berberis thunbergii | Japanese Barberry |
| Cotoneaster sp. | Cotoneaster | Spiraea sp. | Spirea: Froebel, Showmound |
| Forsythia sp. | Forsythia: Border, Early, Weeping | | |
| Rosa sp. | Rose: Virginia, Rugosa | | |

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D. Methods of Measurement of Landscaping Requirements for Landscaping Areas: A minimum number of landscaping points is required for the landscaping areas listed below based upon the methods of measurement for each area. Except as otherwise required, at least twenty-five percent (25%) but not more than fifty percent (50%) of the plant materials installed shall provide color on a year-round basis.

1. **BUILDING FOUNDATIONS:** Measured in lineal feet.

- a. The landscaping area for building foundation shall be located within twenty (20) feet of the building foundation. This landscaping shall not be located in the areas designated as parking lot street yards, buffer areas or paved areas.
- b. For each one hundred (100) feet of building foundation perimeter, eighty (80) landscaping points shall be installed on a prorated basis and shall be permanently maintained.
- c. A visual screen shall be required for all external appurtenances, (e.g. HVAC/utility boxes, etc.)

2. **PARKING LOT STREET YARDS:** Measured in lineal feet of street frontage.

- a. New developments and/or reconstruction of existing parking lots where existing conditions allow, shall provide a twenty (20) foot wide parking lot street yard between the street right-of-way and the building setback line on all public and private streets.
- b. Within the parking lot street yard, a minimum fifteen (15) foot deep planting area is to be provided along two-thirds (2/3) the entire length of the parking lot which abuts a public or private roadway.
- c. A minimum of four (4) feet of maintained lawn shall be provided on both the street side and the interior side of the parking lot street yard so as not to interfere with use of the sidewalks and to provide for snow storage.
- d. Where it is not feasible to comply with Section (6) (f) 2 and 3, the following minimum requirements may apply: the landscape screen shall be a minimum of four (4) feet in height at installation, measured from the parking lot elevation. Up to

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one (1) feet of the minimum four (4) feet maybe accomplished by crowning the plant bed.

- e. For those existing situation where narrow street yards less than twenty (20) feet abut a parking lot, approval of the Plan shall be based on the site's physical limitations, be contingent on Plan Commission approval of a reduction of the twenty-five (25) feet street yard depth and comply with the following provisions:
 - i. Parking lot street yard depths of fifteen (15) feet or greater shall provide for a minimum four (4) foot wide lawn area on either side of a seven (7) foot wide landscaped bed.
 - ii. Parking lot street yard depths ten (10) feet wide but less than fifteen (15) feet wide shall provide a four (4) foot wide lawn area on the parking lot side of the street yard and a minimum six (6) foot wide landscaped bed.
 - iii. Parking lot street yard depths five (5) feet wide but less than ten (10) feet wide shall provide a minimum five (5) feet wide landscaped bed.
- f. For each one hundred (100) lineal feet of street frontage, of a lot abutting a private or public street right-of-way, eighty (80) landscaping points shall be installed on a prorated basis and permanently maintained.

3. **SIDE AND REAR LOT BUFFER AREAS** in lineal feet measured along the lot line. Every new development shall provide a buffer area the entire length of the side and back property lines with sufficient screening to shield adjacent properties from any adverse external effects of that development and/or to shield the development from the negative impacts of adjacent uses, street or railroads.

- a. Buffer Areas Between the Same or Compatible Uses: For each one hundred (100) feet of lot line, beginning at the front setback line, of a buffer area between like uses, eighty (80) landscaping points shall be installed on a prorated basis and shall be permanently maintained. The buffer area may contain plant materials only or be a combination of plant materials and decorative fencing. The buffer area shall be a minimum of ten (10) feet wide and shall be within twenty (20) feet of the lot line excluding areas along street rights-of-way. In addition, the interior side of the buffer area shall be planted with a minimum

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of 2.5 feet of maintained lawn. At least fifty percent (50%) of the plant materials shall provide color on a year-round basis.

- b. Buffer Areas Adjacent to Single Family and Duplex Residential Development: For each one hundred (100) feet of lot line, beginning at the front setback line, of a buffer area adjacent to single-family and duplex residential development, one hundred twenty (120) landscaping points shall be installed on a prorated basis and shall be permanently maintained. The landscaping in such buffer area shall be in the form of a solid hedge or a hedge/decorative fence combination, and shall be not less than 4.5 feet in height. The buffer area shall be a minimum of twenty (20) feet wide measured from the lot line, excluding areas along street rights-of-way. In addition, the interior side of the buffer area shall be planted with a minimum of 2.5 feet of maintained lawn. Not more than fifty percent (50%) of the points allocated to plant materials shall consist of deciduous shrubs.
4. PAVED AREAS – Measured in square footage of pavement areas. Paved areas on lots developed after the effective date of this ordinance shall be required to be landscaped according to the following standards.
- a. All landscaping areas within paved areas shall be separated by a continuous concrete curb at a minimum height of four (4) inches.
 - b. For every twenty (20) parking spaces or 10,000 square feet of pavement (whichever yields the greater amount of landscaping) on a lot, ninety (90) landscaping points shall be installed and permanently maintained. A minimum of thirty (30) percent of all points shall be devoted to shade trees.
 - c. Parking islands, which meet the following requirements, may be used to meet the landscape requirements for paved areas.
 - i. Planting island between interior parking lanes shall be ten (10) feet wide and incorporate 2.5 feet of maintained lawn of each of the long side for snow storage and a five (5) foot planting area in the middle.
 - ii. If pedestrian traffic crosses the planting area, the design shall provide for a defined paved walkway through the area.

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5. UNDESIGNATED AREA measured in square feet. All areas not described in Subsections 20.31.110 4.i.–iv. of this ordinance shall be classified as undesignated areas. Undesignated areas of less than 5,000 square feet shall consist of maintained lawn and shall not require additional landscaping. Undesignated areas of 5,000 square feet or more shall require installation of eighty (80) landscaping points for every 5,000 square feet on a prorated basis, which shall be permanently maintained.

- E. Plant Classification: Plant materials are classified into the following thirteen groupings: Tall deciduous trees, Medium deciduous trees, Low deciduous trees, Tall evergreen trees, Low evergreen trees, Tall deciduous shrubs, Medium deciduous shrubs, Low deciduous shrubs, Medium evergreen shrubs, Low evergreen shrubs, Tall perennials and grasses and Medium perennials and grasses. (See Table 2 below).

- F. Landscaping Installation: All landscaping shall be installed within 1 year of occupancy and planted in sound workmanlike manner and according to accepted good planting procedures with quality plant materials. The City shall inspect all landscaping and no final certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided or the appropriate surety is established in compliance with Section 17.13(4) for future installation of the required landscaping.
 1. Existing plant material which meets the requirements of this ordinance and which will be preserved in good health and in a viable condition on the subject property when development is completed may be counted towards the landscape requirements in (6)(e)(f)(g)(h) of this ordinance.
 2. All remaining open space on a developed lot shall be planted and maintained in lawn, unless such lawn is already fully established.
 3. The exact placement of plant materials, fencing and berms as recommended or required by this ordinance to be installed, shall be the decision of the property owner except that the following requirements shall be met:
 - a. Evergreen shrubs shall be planted in cluster to maximize their chances for survival.
 - b. Where a combination of plant materials, fencing and berms is used, the fencing and berms shall be located toward the interior

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of the subject property and the plant material shall be located toward the exterior of the subject property.

- c. In no event shall landscaping material be selected and/or located in a manner that results in the creation of a safety or visibility hazard.
- 4. Upon completion of landscaping installation, written certification shall be provided by a landscape design professional to the Director of Building Inspection verifying that the landscaping has been installed in accordance with the landscape plans approved by the City, and in full compliance with the provisions of this ordinance.
- G. Landscaping Maintenance: All landscaping areas shall be provided with a readily available water supply, shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be kept free from refuse and debris. The property owner, tenant and/or their or its agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping areas and for the prompt replacement of approved landscape elements. The property owner, developer and/or their or its agents, if any, of a subdivision, condominium, industrial, institutional, commercial or multi-family residential site shall be jointly and severally responsible for the prompt replacement of any landscape elements which are dead or damaged beyond repair. No subsequent changes to any structures or to the site shall be approved for a developed property until the landscaping on the site is completely installed and maintained in accordance with the landscape plans approved by the City. If any landscaping area or landscape elements are not maintained or replaced in accordance with this ordinance, the Director of Building Inspection shall issue a notice of violation and order to correct, cease and desist such violation.
- H. Calculating Required Landscaping: All areas and distances on which point calculations are based shall be rounded up to the nearest whole number of square feet or lineal feet (e.g. 24¼ lineal feet = 26 lineal feet for the purpose of calculating required landscape points.)
- I. Berm Requirements: The construction of earth berms may be permitted in parking lot street yards subject to the following:
 - 1. The berm shall not exceed 2 feet in vertical height.
 - 2. An earth berm exceeding 2 feet in vertical height shall be permitted only after approval of the Plan Commission as to the height and location and landscaping of the berm.

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3. All berms shall be constructed such that the width of the base of the berm shall be no less than six (6) times the vertical height of a berm. The vertical height of a berm shall be measured from an average of the existing ground grades on either side of the berm.
4. A cover growth of City approved plant mulching materials containing no noxious weeds shall be immediately established over the entire berm to prevent erosion or unsightly conditions.
5. In addition to a cover growth of plant material, all berms will have landscape planting spaced randomly to help visually break up the continuous line of the berm.
6. Ground cover used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and provide reasonably complete coverage within three (3) months after planting.

20.31.120 DEFINITIONS.

- A. Plant Materials: Evergreen and deciduous trees and shrubs and perennials.
- B. Maintained Lawn: Grass planted and maintained adjacent to landscaped areas of a site and mowed at regular intervals.
- C. Screening: Hiding or obstructing non-compatible uses from single family and duplex residential uses through the use of approved plant materials and decorative fencing.
- D. Landscaping: Changes in the natural features of a site by a recognized landscape design professional to make it more attractive.
- E. Landscape Design Professional: One who has the academic credentials in landscape design, landscape architecture, horticulture, or a related field, professional landscaping experience or a combination thereof.
- F. Decorative Fence: Fencing made of wood, stone, or brick that is used as part of the landscaping of the buffer areas of a site.
- G. Paved Areas: Areas of a site covered in asphalt, brick, concrete or other impervious paving materials.
- H. Berm: A mound of earth created for landscaping purposes.