

## ARTICLE 9: LANDSCAPING AND FENCING REQUIREMENTS

### Section 9.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Ashland by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

### Section 9.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.02.01 Agricultural buildings, structures and uses.
- 9.02.02 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.02.03 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
  - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

### Section 9.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

- 9.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 9.03.02 Street Frontage:
 

A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

  - 1. The required landscaped area of 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
  - 2. Exclusive of driveways and sidewalks not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
  - 3. A minimum of one tree, of a minimum two inch caliper, shall be planted for every 40 lineal feet or fraction thereof.
- 9.03.03 Side Yard:
 

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.

  - 1. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
  - 2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
  - 3. A six foot solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 9.04.01 (2).

## 9.03.04 Rear Yard:

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District or AR or RT District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 9.03.03.

## 9.03.05 Off-Site Parking Lots:

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of 4,000 square feet or less shall be exempt from the requirements of this section.

## 9.03.06 Parking Area Interior Landscaping:

Off-street parking lots, as defined in 9.05, and other vehicular use areas shall have at least five percent of the total area utilized for parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.

## 9.03.07 Perimeter Landscaping:

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one tree for each 40 lineal feet of street or lot frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.

## 9.03.08 Exterior lighting:

Exterior lighting when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.

## 9.03.09 Plant Materials:

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
  - A. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
  - B. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
  - C. Evergreen (conifer) trees shall have a minimum height of three feet.
  - D. Deciduous shrubs shall have a minimum height of 18 inches.
  - E. Evergreen shrubs shall have a minimum spread of 18 inches.

## 9.03.10 Planting Schedule:

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Ashland equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.

## 9.03.11 Required Plans:

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Ashland for review and approval.

1. Three copies of the plan shall be submitted.
2. The plan shall include, but not be limited to, the following:
  - A. Property lines and other physical features necessary to show the proposed installation of plants.
  - B. The location and spacing of plant materials.
  - C. The scientific name, common name, plant size, quantity and planting method.
  - D. The plan shall have a scale of not more than one-inch equals 100 feet.
  - E. When necessary, existing and proposed contours shall be provided.

#### **Section 9.04 Fences and Retaining Walls**

##### **9.04.01 General Provisions.**

Fences, walls, hedges or shrubbery may be erected, placed, maintained, or grown along a lot line to a height not exceeding six (6) feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or street side yard shall exceed a height of three and one-half (3 ½) feet, unless otherwise provided for. Security fences for business or industrial uses, in other than the Downtown Commercial District, may be permitted to a height not to exceed eight (8) feet by means of a conditional use permit but must be in accordance with the front and street side yard height limitation listed above.

##### **9.04.02 Retaining Walls.**

Walls shall be constructed of either stone, block or treated wood. Use of tires, vehicle parts, and other materials are prohibited.

##### **9.04.03 Residential Fencing.** In Residential Districts, it shall be unlawful for fences, walls, or similar structures to be constructed or maintained, except as provided in this Section, and after a permit is issued by the city.

1. *Front Yard:* No fence, wall, or similar structure may be built in a front yard except as defined as an open fence and the structure shall not exceed three and one-half (3 ½) feet in height, unless otherwise provided for.
2. *Side Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet.
3. *Rear Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet. (See also Street Side Requirements)
4. *Street Corner Visual Triangle:* No fence shall be built within the triangle of land formed by lines beginning at the point of intersection of the two (2) street-side lot lines of the corner lot, then proceeding along such lines for a distance of twenty (20) feet, the third side of which triangle of land is formed by drawing a line between the two (2) points which are on the front lot lines, and are 20 feet distant from the point of intersection of the two (2) front lot lines, trees shall be trimmed up eight (8) feet above the ground; but in no case shall such foliage or shrubbery be planted or maintained in such triangular area which will materially obstruct the view of drivers of vehicles approaching the intersection.
5. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
6. *Support Structures:* The support structure (e.g., posts) for any fence face the interior of the lot upon which the fence is constructed.
7. *Prohibited Fences:* Electric fences and barbed wire fences are prohibited in all residential zoned districts except Agriculture Residential (AR) District.

##### **9.04.04 Non-Residential Fencing.** In the non-residential zoning districts, it shall be unlawful for fences, walls, or similar structures to be constructed or maintained, except as provided in this Section, and after a permit is issued by the city.

1. *Front Yard:* No fence, wall, or similar structure may be built in a front yard except as defined as an open fence and the structure shall not exceed three and one-half (3 ½) feet in height, unless otherwise provided for.

2. *Side Yard and Rear Yard:* The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight (8) feet. (See also Street Side Requirements)
3. *Civic Uses in Residential Districts:* The maximum height of fences needed for security purposes, including within the front yard, installed as part of Primary and Secondary Educational Facilities, Public Works, or Park and Recreation Use Types within Residential Zoning District shall be eight (8) feet.
4. *Waiving of Height Requirement:* The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Ashland.
5. *Street Corner Visual Triangle:* No fence shall be built within the triangle of land formed by lines beginning at the point of intersection of the two (2) street-side lot lines of the corner lot, then proceeding along such lines for a distance of twenty (20) feet, the third side of which triangle of land is formed by drawing a line between the two (2) points which are on the front lot lines, and are 20 feet distant from the point of intersection of the two (2) front lot lines, trees shall be trimmed up eight (8) feet above the ground; but in no case shall such foliage or shrubbery be planted or maintained in such triangular area which will materially obstruct the view of drivers of vehicles approaching the intersection.
6. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
7. *Support Structures:* The support structure (e.g., posts) for any fence shall face the interior of the lot upon which the fence is constructed.
8. *Barbed Fencing:* Barbed wire fences may be used in the construction of perimeter security fencing in an industrial district, for communication facilities, or for municipal facilities provided that the bottom strand of the wire shall be at least six (6) feet above ground level. The use of barbed wire in security fencing when adjacent to residential zoned property shall be by conditional use. Farm fencing constructed for agricultural purposes on parcels of land five acres or more in the AR District is exempt.
9. *Prohibited Fences:* Electric fences are prohibited in residential districts, except in the RE District for agricultural uses.

9.04.05 **Facing.** The finished surface of all fences shall face toward adjoining property or street frontage. All posts, nailers and supports are to be installed on the applicant's side of the fence. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.04.06 **Existing Fences.** Any existing fence lawfully built before the effective date of this Ordinance may remain in place without change. Any replacement or change of such fence shall meet the requirements of this section.

### Section 9.05 Screening Requirements

- 9.05.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
- 9.05.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six feet in height along the abutting property line(s).
- 9.05.03 Screening required by this section shall be equivalent to the following:
  1. Solid fences or walls as approved by the City on the final development plan.
  2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
  3. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.
  4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters.

All dumpsters or trash bins shall maintain a solid six-foot enclosure around each unit. Said enclosure shall be constructed of materials complementary to the principal structure.

5. All plant material used for screening shall meet the standards in section 9.03

### **Section 9.06 Installation and Maintenance of Landscaping and Screening**

#### 9.06.01 Installation:

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. All above-ground landscaping material and structures located in street/road right-of-way, excluding grass, shall be located at least two (2) feet from back side of curb. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.

#### 9.06.02 Maintenance:

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

### **Section 9.07 Preliminary Plan Approval**

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

### **Section 9.08 Final Plan Approval**

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

### **Section 9.09 Parking Lot Plan Approval**

A final site development plan shall be submitted to the City with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

9.09.01 New construction.

9.09.02 Expansion of existing facilities.

9.09.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.

9.09.04 No parking lot shall be exempted from these regulations; unless previously exempted.