

Article amendments approved unless noted:	OMPC	Owensboro	Daviess Co.	Whitesville
Revised zoning ordinance	08-Sep-79	14-Mar-80	27-Dec-79	07-Apr-80
Landscape buffers, interior landscaping, parking overhang {17.3111(b), (c), (d), (e), 17.3112, 17.3114, 17.3121 (a), (b), 17.3122, 17.313, 17.32, 17.323, 17.33}	17-Apr-81	22-May-81	26-Apr-81	06-Jul-81
12" diameter objects in sight triangle, qualifying perimeter area, particular tree species prohibited, landscape review board abolished {17.317, 17.321, 17.322, 17.432, 17.6}	11-Aug-83	19-Sep-83	20-Sep-83	?
Sight triangle dimensions superseded by amendments to Article 3 {17.317}	14-May-87	16-Jun-87	24-Jun-87	24-Aug-87
Daviess County proposal to drop all interior landscaping requirements, change sites affected, etc. {17.22, 17.3, 17.31, 17.3121(c), 17.313, 17.32 & subsections, 17.33, 17.41, 17.434, 17.435, 17.436, 17.44, 17.51}	12-May-94 denied	not applic.	13-Jul-94 approved	not applic.
Interior landscaping for vehicular use areas: Required minimum threshold amended from 6,000 SF to 30,000 SF (drafted by O'boro) {17.32}	12-Aug-99	07-Sep-99	not applic.	not applic.
2003 Review Committee: Made regulations consistent in all jurisdictions, except that interior landscaping requirements apply only to Owensboro Urban Service Area and Whitesville; required landscape easement where Business or Industrial zones adjoin lots of less than 10 acres with existing residence in Agricultural zones {17.3111(f)}; allowed staggered rows of pine trees to meet the continuous 6-foot high planting, hedge, wall or earth mound requirement {17.3114}; changed to require interior landscaping for vehicular use areas 30,000 SF or larger in Owensboro Urban Service Area and Whitesville, at a ratio of 3% of VUAs between 30,000 SF and 49,999 SF, and at a ratio of 5% for VUAs 50,000 SF and larger {17.32, 17.321}; added language to allow vinyl or other approved solid material for fencing in addition to wood and vinyl strips or other approved material in chain link fencing in addition to wood strips {17.41}.	11-Dec-2003	02-Mar-2004	05-Feb-2004	06-Apr-2004
Revisions to reference new regulations contained in Article 21 relative to properties within Downtown Overlay Districts	10-Sep-2009	20-Oct-2009		
Revisions to sight triangle requirements {17.317}	13-July-2023	15-Aug-2023	24-Aug-2023	10-Aug-2023

17.1 INTENT. The intent of this article is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution and light glare.

17.2 SITES AFFECTED.

17.21 New Sites. No new site development, building, structure, or vehicular use area shall hereafter be created and used unless landscaping is provided as required by the provisions of this article.

17.22 Existing Sites. No building, structure, or vehicular use area may be altered or expanded unless the minimum landscaping required by the provision of this article is provided for the property to the extent of its alteration or expansion and not for the entire property.

17.23 Landscape and Land Use Buffers within the Downtown Overlay Districts shall comply with Article 21 of this ordinance.

17.3 WHERE LANDSCAPE MATERIALS REQUIRED. This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas and perimeter landscaping for non-compatible land use areas.

17.31 Perimeter Landscaping Requirements. Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The landscaping shall be provided either in easements in certain zones (Section 17.311) or adjacent to vehicular use areas (Section 17.312).

17.311 Property Perimeter Requirements.

17.3111 Where Easement Required. A landscape easement shall be required as a buffer between non-compatible zones and between particular non-compatible land uses. Such easement shall be located adjacent to all common boundaries except street frontage, unless otherwise specified. The following situations shall require landscape easements:

(a) When any RESIDENTIAL zone ADJOINS any MHP zone. The landscape easement shall also be located along street frontage.

(b) When any RESIDENTIAL or MHP zone ADJOINS a BUSINESS or INDUSTRIAL zone. This standard does not apply to any property within the Downtown Overlay District.

(c) When any RESIDENTIAL or MHP zone ADJOINS a FREEWAY, EXPRESSWAY or RAILROAD.

(d) When ANY PROPERTY BOUNDARY, including street rights-of-way, ADJOINS a UTILITY SUBSTATION, JUNK YARD, LAND FILL, SEWAGE PLANT, or similar use. For utility substations the landscape easement may be located adjacent to the enclosure.

(e) When ANY STREET right-of-way ADJOINS any B-2 ZONE. The landscape easement shall be located along street frontage. This standard shall not apply to any property within the Downtown Overlay District.

(f) When any BUSINESS or INDUSTRIAL zone ADJOINS lots less than ten (10) acres in size and containing an existing residence in an AGRICULTURAL zone.

17.3112 Average Width of Easement. The minimum average width of required landscape easements shall be ten (10) feet with three (3) feet as the least dimension for items 17.3111 (a), (b), (c), (d), except for utility substations the minimum width shall be five (5) feet. For item 17.3111 (e) the minimum width shall be three (3) feet; up to twenty five percent (25%) of easement length may be paved for building entrance, sidewalk to door. In all cases to determine the required area of landscape easement, multiply required average width by length of common boundary.

17.3113 Trees. Required landscape easements of five (5) feet average width or greater shall contain a minimum of one (1) tree per forty (40) feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped.

17.3114 Planting, Hedge, Fence, Wall or Earth Mound. Required landscape easements (except for item 17.3111 (e)) shall contain a continuous planting, hedge, fence, wall or earth mound six (6) feet in height. Two staggered rows of evergreen trees planted within a minimum ten (10)-foot landscape easement at a distance not to exceed twenty (20) feet between trees center to center and a minimum of five (5) feet high at planting may be substituted when a continuous six-foot (6') high planting, hedge, fence, wall or earth mound and one (1) tree for each forty (40) feet of linear boundary is required by this ordinance. Staggered evergreen trees may not replace a required continuous six-foot (6') high or eight-foot (8') high **solid** wall or fence. For item 17.3111 (b), outdoor storage areas or storage yards for manufactured products, materials to be used in manufacturing, wholesale commodities, automobiles and trucks shall require a solid wall or fence with a minimum height of six (6) feet within the landscape easement which shall also be located along common boundaries with any street frontage across from a residential, or mobile home park zone. For item 17.3111 (d), junk yards, salvage and scrap iron yards shall require a solid wall or fence with a minimum height of eight (8) feet.

17.3115 Grass and Ground Cover. Grass or ground cover shall be planted on all portions of the landscape easement not occupied by other landscape material. In the B-2 Zone the required landscape easement may contain sections reserved for seasonal flowers.

17.312 Vehicular Use Area (VUA) Perimeter Requirements. A vehicular use area (VUA) is any open or unenclosed area containing more than one thousand eight hundred (1,800) square feet of area and/or used by six (6) or more vehicles of any type, whether moving or at rest, including but not limited to parking lots or areas, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph and intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

17.3121 Where Easement Required. A landscape easement shall be required as a buffer between non-compatible land uses. Standards for VUA

landscaping for all properties within the Downtown Overlay District shall be established in Article 21. In any case where both a VUA landscape easement and a property perimeter landscape easement (Section 17.311) would be required by these regulations, only the property perimeter landscape easement shall be required. The following situations shall require landscape easements:

(a) When ANY PROPERTY in any RESIDENTIAL or MHP zone ADJOINS ANY VUA on any adjacent property. The landscape easement shall be located along portion of VUA that faces building on adjacent property. Standards in Article 21 shall apply to all properties within the Downtown Overlay District.

(b) When ANY PUBLIC OR PRIVATE STREET right-of-way or access road (except freeways) ADJOINS any VUA (except loading and unloading areas in the B-2 Zone). The landscape easement shall be located along portion of VUA facing a public or private street, unless otherwise excepted. Standards in Article 21 shall apply to all properties within the Downtown Overlay District.

VUAs on adjacent properties may be consolidated if not precluded by required property perimeter easements, and if both properties are owned and being processed by the same owner.

17.3122 Width of Easement. The minimum width of required landscape easements shall be three (3) feet where vehicles do not overhang. Where vehicles overhang, the easement shall provide for a minimum dimension of four (4) feet to all trees from VUA curbs or wheel stops. (see Section 17.33)

17.3123 Trees. All required landscape easements (except for street frontage easements in the B-2 Zone) shall contain a minimum of one (1) tree per forty (40) feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped. Required planting for all properties within the Downtown Overlay District shall be established in Article 21.

17.3124 Planting, Hedge, Fence, Wall or Earth Mound. All required landscape easements (except for vehicular sales facilities and service stations)

shall contain a continuous planting, hedge, fence, wall, or earth mound a minimum of three (3) feet in height. For vehicular sales facilities and service stations the required easement shall contain one (1) low shrub per ten (10) feet, or fraction thereof, along the landscape easement. Required planting for all properties within the Downtown Overlay District shall be established in Article 21.

17.3125 Grass and Ground Cover. Grass or ground cover shall be planted on all portions of the landscape easement not occupied by other landscape material. In the B-2 Zone, the landscape easement may contain sections reserved for seasonal flowers.

PROPERTY PERIMETER REQUIREMENTS (17.311 illustrated)

	A	B	C	D
	WHEN...	ADJOINS...	LANDSCAPE EASEMENT of this average width required, with 3' min. width	CONTAINING this material, to achieve opacity required
1	MHP zoned property	Residential zoned property, including across intervening streets or alleys	10' adjacent to all common boundaries, including street or alley frontage	1 tree per 40' of linear boundary plus continuous 6' high planting, hedge, fence, wall, or earth mound
2	Residential or MHP zoned property	Freeway, expressway, or railroad	10' adjacent to freeway, expressway, or railroad right-of-way	Same as 1D above
3	Business or industrial zoned property, other than items 5, 5a or 6 below	Residential or MHP zoned property, except across intervening streets or alleys and lots in Agricultural zones containing less than 10 acres with an existing residential use	10' adjacent to all common boundaries, except street or alley frontage	Same as 1D above
4	Building in B-2 zone	Street right-of-way, except alleys	3' adjacent to all common boundaries of building and street frontage, except alleys	Any combination of decorative shrubs, trees, flowers; up to 25% of length may be paved for building entrance walks
5	Outdoor storage areas or yards	Residential or MHP zoned property, including across streets or alleys	10' adjacent to all common boundaries, including street or alley frontage	1 tree per 40' of linear boundary plus continuous 6' high solid wall or fence
5a	Outdoor storage areas or yards	Any zone	Not applicable	6' high continuous solid wall or fence
6	Utility substation, junk yard, landfill, sewage plant, or similar use	Any property boundary, including any street or alley right-of-way	10' adjacent to all common boundaries, except only 5' for utility substations measured adjacent to the enclosure	Same as 1D above, except that junk yards, salvage/ scrap iron yards shall require a continuous solid wall or fence 8' high

VEHICULAR USE AREA PERIMETER REQUIREMENTS (17.312 illustrated)

A **vehicular use area** (VUA) is any open or unenclosed area containing more than 1,800 SF of area or used by 6 or more vehicles of any type, whether moving or at rest.

	A	B	C	D
	WHEN...	ADJOINS...	LANDSCAPE EASEMENT of this average width required, with 3' min. width	CONTAINING this material, to achieve opacity required
7	Vehicular use area (VUA) on any property	Neighboring property in residential or MHP zone	3', where vehicles do not overhand, and 4' min. to all trees from VUA curbs or wheel stops, adjacent to buildings on neighboring property	1 tree per 40' of VUA boundary, plus continuous 3' high planting, hedge, fence or wall; or 3' high continuous earth mound in minimum 10' wide easement
8	Vehicular use area, except loading/ unloading areas in B-2 zone	Public or private street right-of-way	Same as 7C above	Same as 7D above, except for vehicular sales lots & service stations, continuous 3' high element may be replaced by 1 low shrub per 10' of boundary

17.313 Who Provides Easement. The landscape easement and material required adjacent to any street under Section 17.312 shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscaping easement and materials (a) may be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner; or (b) generally shall be placed on the activity listed after the word "adjoins" in the relationships listed under sections 17.3111 and 17.3121; or (c) may be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Administrator as a public record; or (d) shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of 17.3111 (c). (see Section 17.33)

17.314 Requirements Conflicts. Whenever a parcel or activity falls under two or more of the categories listed in Section 17.3111 or 17.3121, only one category (that with the most stringent requirement) will be enforced.

17.315 Easement Conflicts. The required landscape easement may be combined with a utility or other easement as long as all of the landscape requirements can be fully met, otherwise, the landscape easement shall be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape easement more than two and one-half (2 ½) feet, and wheel stops or curbs will be required.

17.316 Existing Landscape Material. Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this article.

17.317 Landscaping at Driveways and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways or alleys with streets. The sight triangle shall comply with the current edition of the "AASHTO – A Policy on Geometric Design of

Highways and Streets" and be approved by the City and/or County Engineer.

The provisions of this section shall not be deemed to increase minimum building setback lines as per Article 8; prohibit any necessary retaining wall; nor reduce street intersection sight standards of the Public Improvement Specifications.

VEHICULAR USE AREA INTERIOR REQUIREMENTS (17.32 illustrated) (Owensboro & Whitesville, and Urban Service Area)

Vehicular Use Areas containing at least 30,000 SF but less than 50,000 SF shall provide interior landscaping, except in industrial zones. The minimum total area shall be 3% of the area bounded by the perimeter of the paved area, not including access drives from the street. . **Vehicular use areas** containing 50,000 SF or greater shall provide interior landscaping, except in industrial zones. The minimum total area shall be 5% of the area bounded by the perimeter of the paved area, not including access drives from the street. The total may be divided among islands, peninsulas or medians within VUA boundaries, or may be achieved using the qualifying perimeter area (QPA) as defined below.

Qualifying Perimeter Area (QPA) outside of VUA boundaries may be used, but must be within 15' of the VUA boundary to satisfy distribution requirements below. QPA is counted at half value, therefore twice as much area is required to equal the value of islands, peninsulas or medians within the VUA boundary. Required VUA perimeter easements and materials cannot be counted as QPA.

Minimum Size. Each interior landscape area shall be a minimum of 64 SF with 4' minimum dimension to all trees from curbs or wheel stops where vehicle parking spaces overhang.

Distribution Requirements. Number, shape and maximum size of landscape areas is at owner's discretion, however, all portions of the VUA must be within at least 150' of a landscaped island, peninsula, median, or qualifying perimeter area.

Trees and other plant materials. One (1) tree is required for each 250 SF of total required interior landscape area. Remember that qualifying perimeter area has been doubled to equate with islands, peninsulas and medians. Required trees may be scattered among the landscape areas provided. The surface of these areas shall be landscaped with low shrubs, grass or other ground cover plants.

For additional details see text of Article 17.

17.32 Interior Landscaping for Vehicular Use Areas. (Owensboro, Whitesville and Urban Service Area only) Any open vehicular use area containing at least thirty thousand (30,000) square feet of area (except in industrial zones) shall provide "interior" landscaping in addition to the previously required "perimeter" landscaping.

17.321 Landscape Area. (*Owensboro, Whitesville and Urban Service Area only*) For vehicular use areas containing at least thirty thousand (30,000) square feet but less than fifty thousand (50,000) square feet a minimum of three (3) square feet of landscaped area shall be provided for each one hundred (100) square feet of vehicular use area; and may be located in islands, peninsulas or medians within vehicular use area boundaries. For vehicular use areas containing fifty thousand (50,000) square feet or greater, a minimum of five (5) square feet of landscaped area shall be provided for each one hundred (100) square feet of vehicular use area; and may be located in islands, peninsulas or medians within vehicular use area boundaries.

17.3211 Minimum Area. (*Owensboro, Whitesville and Urban Service Area only*) The minimum landscape area permitted shall be sixty-four (64) square feet with a four (4) foot minimum dimension to all trees from curbs or wheel stops where vehicles overhang.

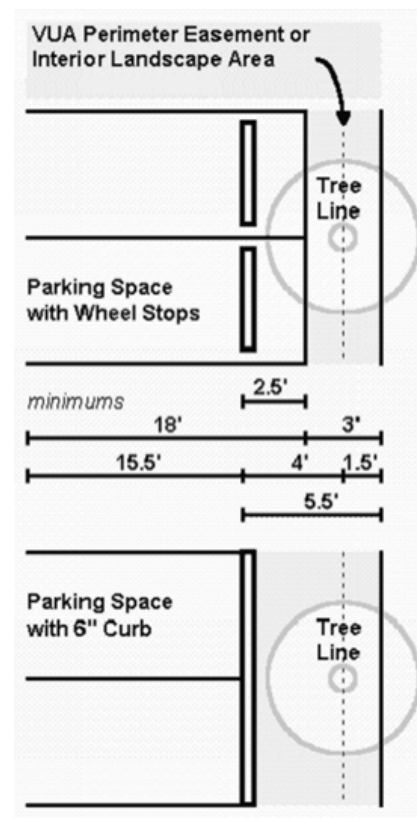
17.3212 Distribution. (*Owensboro, Whitesville and Urban Service Area only*) The number, shape and maximum size of landscape islands, peninsulas or medians shall be at the discretion of the owner; however, all portions of such vehicular use area shall be located no further than one hundred fifty (150) feet from a landscaped island, peninsula or median.

17.3213 Perimeter Area/ Interior Area Trade-off. (*Owensboro, Whitesville and Urban Service Area only*) "Qualifying perimeter landscape area" may be used instead of part or all of the required interior landscape area. Such trade-offs shall require the provision of two (2) square feet of qualifying perimeter landscape area for every one (1) square foot of required interior area eliminated. Qualifying perimeter landscape area shall be part of the subject property, with no portion of it being more than fifteen (15) feet from vehicular use area boundaries, and it shall include no area where materials are located that are used in meeting property perimeter requirements or vehicular use area perimeter requirements of this ordinance. All portions of the resulting vehicular use area shall be located no further than one hundred fifty (150) feet from a landscaped island, peninsula, median or qualifying perimeter area

17.322 Minimum Trees and Other Plant Material. (*Owensboro, Whitesville and Urban Service Area only*) A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof of total required landscape area located in islands, peninsulas, medians or qualifying perimeter area. Trees should have a clear trunk of at least five (5) feet above the ground, where visibility could be a problem, and the remaining area shall be landscaped with shrubs, grass or ground cover.

17.323 Vehicle Overhang. (*Owensboro, Whitesville and Urban Service Area only*) Parked vehicles may hang over the interior landscaped area no more than two and a half (2 1/2) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area. (see Section 17.33).

17.33 Dimensional Standards Where Vehicles Overhang Landscape Areas. The dimensional standards depicted in the following illustration shall be utilized for VUA Perimeter Landscape Easements and VUA Interior Landscape Areas where vehicles overhang.



17.4 LANDSCAPE MATERIALS. The landscaping materials shall consist of the following:

17.41 Walls and Fences. Walls shall be constructed of natural stone, brick, or artificial materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood, vinyl or other solid approved material. Chain link fencing will be permitted only if covered with wood strips, vinyl strips or other approved material or plant material. In industrial zones there shall be no height limitation on walls or fences. In all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards, and an eight (8) foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of eighty percent (80%).

17.42 Earth Mounds. Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

17.43 Plants. All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

17.431 Quality. Plant materials used in conformance with the provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

17.432 Deciduous Trees. Trees which normally shed their leaves in the fall should be species having an average mature crown spread of greater than fifteen (15) feet in Daviess County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. At vehicular use area intersections, a ten (10) foot clear wood requirement will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliber (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliber) of at least 1 3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works, such as willows, sycamores, box elders, or silver maples (water maples), shall not be planted closer than fifteen (15) feet to such public

works, unless the tree root system is completely contained in a barrier, for which the minimum interior containing dimension shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

17.433 Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliber of one and one-half (1 1/2) inches and a minimum spread of three (3) feet immediately after planting.

17.434 Shrubs and Hedges. Shall be at least two (2) feet for Section 17.312, and three (3) feet for Section 17.311, in average height or spread when planted and shall conform to opacity and other requirements within four (4) years after planting.

17.435 Vines. Shall be at least twelve (12) to fifteen (15) inches high at planting and are generally used in conjunction with walls or fences.

17.436 Grass or Ground Cover. Grass (of common mixtures of Fescue, Bluegrass, and Rye) shall be planted in species normally grown as permanent lawns in Daviess County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used. When complete sodding or seeding is not used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, mulch, sand, and similarly approved materials.

17.44 Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period,

whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to refuse a building occupancy permit and/or will subject those in violation to established fines and penalties of the Zoning Ordinance.

17.5 PLAN SUBMISSION AND APPROVAL.

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Zoning Administrator. The Zoning Administrator shall follow the requirements of this Article in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any development plan required by the OMPC. Such "combination plans", however, shall first be submitted to the Zoning Administration for its approval or disapproval of the landscape portion of the plan.

17.51 Plan Content. The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimension all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.), water outlets, landscape material, (tree, wall, fence, hedge, or earth mound locations); (b) typical elevations and/or cross sections as may be required; (c) title box with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning classification; and (d) a performance bond or certificate of deposit whenever required to insure proper installation of landscape materials with complete cost of all work certified by landscape contractor, with the bond amount to include the accurate cost plus no more than fifty percent (50%) and the bond to be released upon satisfactory completion of the work as determined by the public agency that holds the bond.

17.52 Building Permit. Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved; and no occupancy permit shall be issued until the landscaping is completed, as certified by an on-site inspection by the Zoning Administrator, unless a performance bond or certificate of deposit has been posted. It shall be unlawful to occupy any premises

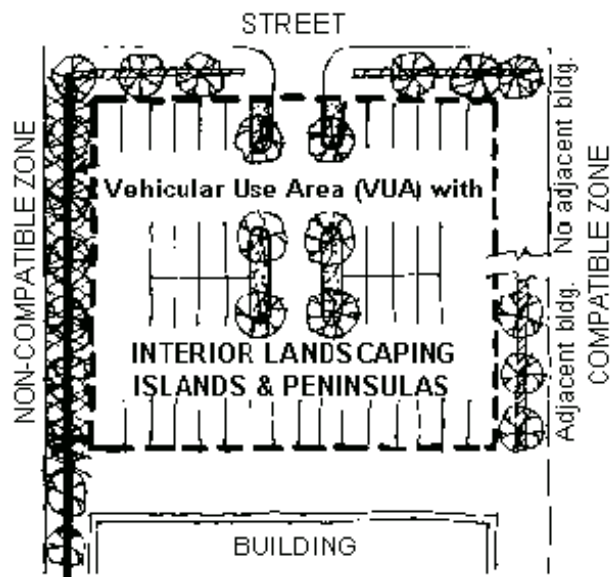
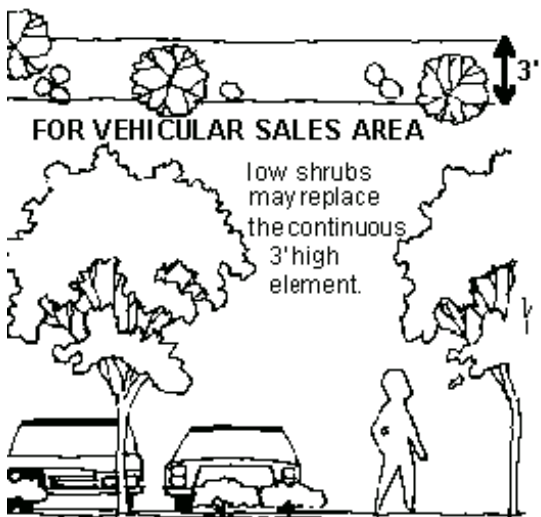
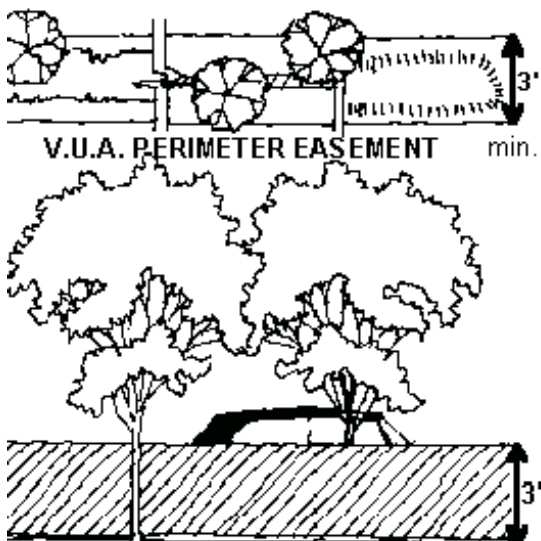
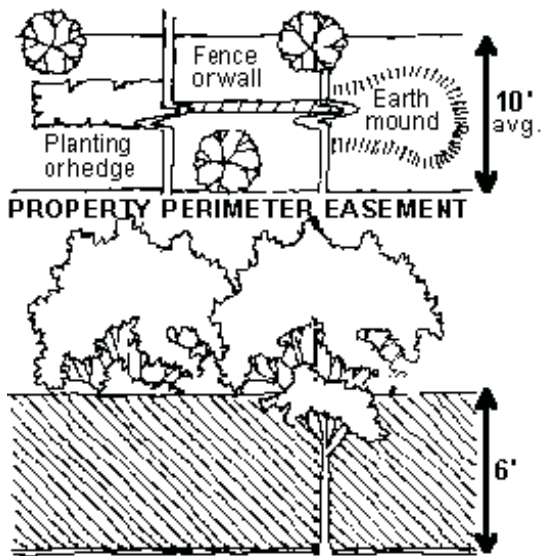
unless the required landscaping is installed or bond or certificate of deposit is posted in accordance with these requirements.

17.6 VARIANCES. Any landscape plan submitted to and disapproved by the Zoning Administrator because it does not meet the requirements of this article may be appealed within sixty (60) days of such action to the Board of Adjustment.

17.61 Reviewing Variance Requests. The Board of Adjustment in its review of variance requests, shall base its determinations on all of the following criteria:

1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land within the same zone.
2. The manner in which the strict application of this article would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
3. That unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this article.
4. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

17.7 PENALTIES FOR VIOLATIONS. Any person or entity who violates any of the provisions of this Zoning Ordinance adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined no less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates the Ordinance shall, upon conviction, be fined not less than one hundred (100) nor more than five hundred (500) dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.



Continuous element is 3' high



Continuous element is 6' high

Property perimeter easement
No additional V.U.A. easement required



Vehicular Use Area (V.U.A.) Boundary
for calculating interior landscaping

LANDSCAPE EASEMENTS GRAPHIC EXAMPLES

These sketches are provided for visual reference to the general requirements of Article 17. Refer to specific regulations for items not covered on this page.

PROPERTY PERIMETER EASEMENTS

When required are an average of 10' in width with a 6' high planting, hedge, fence, wall or earth mound; including one tree per forty feet of easement length. In the B-2 zone, the required easement is 3' in width, with a 3' high planting, hedge, fence or wall only required adjacent to parking lots.

VEHICULAR USE AREA PERIMETER EASEMENTS

Are required along streets and sides of VUAs facing buildings on adjacent properties in particular zones. The easement is a minimum of 3' in width where vehicles do not overhang. Where they overhang, the easement must provide a minimum dimension of 4' to all trees from curbs or wheel stops. Easements include a 3' high continuous element and, in all zones except B-2, one tree per forty feet of easement length. VUA easements may be eliminated when a property perimeter easement is required.

INTERIOR LANDSCAPING is required for VUAs 30,000 SF in area and over (except in industrial zone). 3% of the VUA must be landscaped, 5% in VUAs over 50,000 SF.