

## Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

### Sections:

- 3.2.100 Purpose**
- 3.2.200 Landscape Conservation**
- 3.2.300 Landscaping**
- 3.2.400 Street Trees**
- 3.2.500 Fences and Walls**

### **3.2.100 Purpose**

The purpose of Chapter 3.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. The Chapter is organized into the following sections:

**Section 3.2.200 - Landscape Conservation** prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

**Section 3.2.300 - Landscaping** sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in Chapter 2, Land Use Districts, for specific types of development.

**Section 3.2.400 - Street Trees** sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

**Section 3.2.500 - Fences and Walls** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

### 3.2.200 Landscape Conservation

- A. Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.
- B. Significant Vegetation.** “Significant vegetation” means individual trees and shrubs within designated Willamette River Greenway and/or Riparian areas, in accordance with Chapter 3.7, and trees not within a Sensitive Lands area that have a caliper of 8 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Lane County, and plants listed by the City as prohibited street trees and landscape plants. Non-native, invasive plants include, but are not limited to: purple loosestrife, leafy spurge, yellow starthistle, puncture vine, gorse, scotch broom, and non-native blackberry.
- C. Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 4.2, Site Design Review, and Chapter 3.7, Sensitive Lands. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.
- D. Protection Standards.** Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner’s consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.
- E. Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent compaction, erosion, pollution, or landslide hazards.

**F. Exemptions.** The protection standards in “D” and “E” shall not apply to:

1. Dead or Diseased Vegetation. Dead or diseased significant vegetation may be removed through a Type I Land Use Review.
2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Chapter 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider.

### 3.2.300 Landscaping

**A. Applicability.** This Section shall apply to all new developments requiring Site Design Review. This section is not applicable to single-family or two-family dwellings.

**B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).

**C. Landscape Area Standards.** The minimum percentage of required landscaping equals:

1. Residential and Residential-Commercial Districts. 10% of the site. (*Note: Not applicable to detached single-family or two-family homes.*)
2. Central Business District. 0% of the site.
3. Community Commercial District. 10% of the site.
4. Commercial Tourist District. 15% of the site.
5. Commercial Tourist Limited District. 15% of the site.
6. Light Industrial District. 5% of the site.
7. Medium/Heavy Industrial District. 5% of the site.
8. Parks & Recreation District. 0% of the site.

*Note: A 0% minimum landscaping requirement does not override requirements within individual sections of this code. See 3.2.300E.*

**D. Landscape Materials.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically 3 or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required depending on the number and size of existing tree(s) protected.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

3. “Non-native, invasive” plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.
4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.
6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived by the City when existing trees protected within the front or street side yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.400, shall be landscaped with water tolerant, native plants, including native grasses.

**E. Landscape Design Standards.** All yards, parking lots, and required street tree planter strips that are required to meet the standards of this Section shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

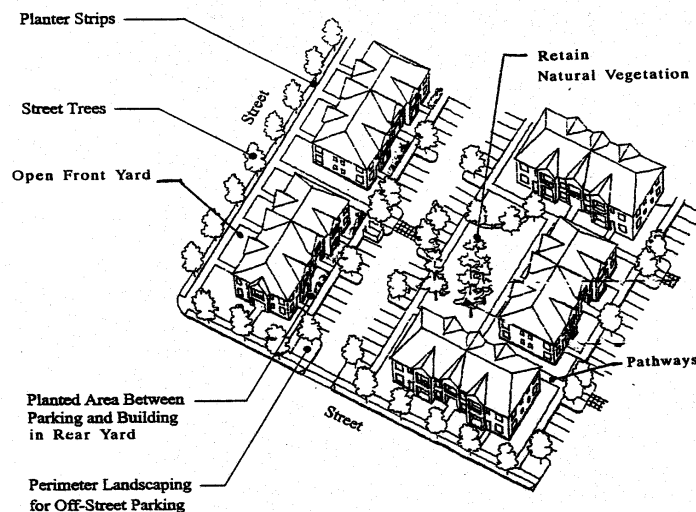
1. Yard Setback Landscaping. Landscaping in yards shall:
  - a. Provide visual screening and privacy within side and rear yards and from incompatible adjoining uses or busy streets;
  - b. Use shrubs and trees as wind breaks;

- c. Retain natural vegetation;
  - d. Define pedestrian pathways and open space areas with landscape materials;
  - e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
  - f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
  - g. Use a combination of plants for year-long color and interest;
  - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.
2. Parking areas.
- a. A minimum of 10 percent of the total surface of all parking areas as measured around the perimeter of parking spaces and maneuvering areas shall be landscaped. Such landscaping shall consist of trees and shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h above. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.
  - b. Parking area landscaping shall consist of at minimum:
    - 1) Trees: 1 tree for every 3,000 square feet of paved vehicular use area evenly distributed throughout site;
    - 2) Landscaping between street and parking area within 50 feet of street: A landscape strip at least 7 feet in width is required between a street and parking area. It may be pierced by pedestrian and vehicular accessways. Strips shall be planted with low shrubs to form a continuous screen at least 30 inches high and maintained not to exceed 42 inches high or a masonry wall; and shall contain 1 canopy tree every 30 linear feet as measured along street lot line and living plant materials covering 75% of required landscape area within 3 years;
    - 3) Perimeter parking area landscaping: All parking areas shall provide perimeter Landscape strip at least 7 feet in width along perimeter of parking lot. Must include 100% site obscuring 6 foot fence or wall against interior lot lines of residential districts, or 50% site obscuring 6 foot fence (chain link with slats and vegetation) against interior lot lines of adjoining commercial or industrial properties; and
    - 5) Planting islands: Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45

feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
  - a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a 7 foot wide landscape strip shall be located parallel to the street to provide visual buffering. The 7 foot wide landscape strip shall include either an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within 1 year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover to provide 75% vegetative cover. All landscaping shall be irrigated.
  - b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot wide landscape buffer with a curbed edge may fulfill this requirement.

**Figure 3.2.300E General Landscape Areas (Typical)**



c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing areas shall be screened from view from all public streets and adjacent Residential districts. Garbage areas and/or containers shall be screened on all sides regardless of their location on the property. When these or other areas are required to be screened, such screening shall be provided by:

- 1) A decorative wall (i.e., masonry or similar quality material),
- 2) An evergreen hedge,
- 3) An opaque fence complying with Section 3.2.500, or
- 4) A similar feature that provides an opaque barrier.

Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1, Access and Circulation. (See Section 3.2.500 for standards specific to fences and walls.)

d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence; however, the owner may install one at his or her discretion.

**F. Maintenance and Irrigation.** Irrigation is required for all required commercial, industrial or multi-family landscape areas. The use of drought-tolerant plant species is encouraged. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Backflow devices shall be required for all irrigation systems.

### 3.2.400 Street Trees

Street trees shall be planted for all developments that are subject to Subdivision, Master Plan or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

- A. Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:
1. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas, except where limited by available space or except in section 4.
  2. Use low-growing trees for spaces under low utility wires.
  3. Select trees that can be “limbed-up” to comply with vision clearance requirements.
  4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
  5. Use species with similar growth characteristics on the same block for design continuity.
  6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
  7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
  8. Select trees for their seasonal color if desired.
  9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
  10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
- B. Caliper Size.** The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

**C. Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Selected street tree species should be low maintenance and not interfere with public safety. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. If preexisting utility easements prohibit street trees within the sidewalk, required trees may be located in the front yard setback or within other required landscape areas as approved by the approval body.

**D. Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

**E. Street Tree List.** See the following list for appropriate street trees. The developer may plant a tree species not included on this list when approved by the Community Development Director.

**Table 3.2.400(F) TREES APPROVED FOR STREET TREE PLANTING**

*\*\*THE SPACING OF STREET TREES WILL BE ON AVERAGE 30 FEET ON CENTER, EXCEPT IN SPECIAL PLANTING DESIGNATED OR APPROVED BY A LANDSCAPE ARCHITECT.*

Class I Ultimate height to thirty feet; for use where planter strip is less than four feet, or where there are overhead wires.

List of Acceptable Trees for Class I

Flowering Ash	Glorybower	Shadbush
Bitter Cherry	Goldenrain tree	Shantung Maple
Chitalpa	Lavelle Hawthorne	Silver Bell
Flowering Dogwood	Japanese Lilac	Tartarian Maple
Eastern Redbud	Amur Maple	Trident Maple
Franklin	Paperbark Maple	

Class II Ultimate height thirty-one to fifty feet, for use where planter strip is four to eight feet.

List of Acceptable trees for Class II

Claret Ash	Chinese Scholar	Crimson	Hedge Maple
European Ash	Chinese Elm		Red Maple
Green Ash	American Hornbeam		Schwedleri Norway Maple
Modesto Ash	King Norway Maple		Forest Green Hungarian Oak
Oregon Ash	Columnar Norway Maple		Westminister Globe Oak
Tupelo			

Class III Ultimate height fifty-one feet and above, for use where planter strip is greater than six feet.

List of Acceptable Trees for Class III

White Alder	Douglas Fir	Northern Red Oak
Blue Ash	Gingko (Male Only)	Pin Oak
White Ash	Western Hemlock	Red Oak
White Birch	Japanese Zelkova	Scarlet Oak
American Birch	Katsura	Shumard Oak
Columnar European Beech	Kentucky Coffee Tree	Swamp White Oak
European Beech	London Plane	White Oak
Bald Cypress	Norway Maple	Willow Oak
Atlas Cedar	Sugar Maple	Oregon Myrtle
Deodar Cedar	Sycamore Maple	Pecan
Western Red Cedar	Burr Oak	
Common Hackberry	English Oak	

Trees Recommended for Riparian Soils\*\*

Red Alder	American Elm	Oregon Oak Red Oak
Green Ash	Little Leaf Linden	White Oak
Oregon Ah	Big Leaf Maple	Sweetgum
White Ash	Red Maple	Tupelo
Western Catalpa	Silver Maple	Gingko (Male Only)
Bald Cypress	Sugar Maple	Hawthorne
Box Elder	Sycamore Maple	Western Hemlock

*\*Riparian soils are soils that are considered “flooded” or “wet land” sites.*

*\*\*Above trees are tolerant of riparian soils, but can be used in other soil conditions as well.*

Trees Recommended for right-of-way use

*\*RIGHT-OF-WAY TREES ARE MAXIMUM 35 FEET IN CANOPY SPREAD DUE TO POSSIBLE UNDERGROUND UTILITIES, RIGHT-OF-WAY TREES ARE SUBJECT TO REVIEW BY COMMUNITY DEVELOPMENT DEPARTMENT; SEE RECOMMENDATIONS FOR PLANTING*

<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Flowering Ash	Claret Ash	White Alder
Bitter Cherry	European Ash	White ‘paper’ Birch
Chitalpa	Oregon Ash	Common Hackberry
Flowering Dogwood	Columnar Norway Maple	Male Gingko
Eastern Redbud	Hedge Maple	Sugar Maple
Franklin	Tupelo	
Glorybower	Forest Green Hungarian Oak	
Goldenrain tree		
Lavelle Hawthorne		
Amur Maple		
Paperbark Maple		
Shantung Maple		
Tartarian Maple		
Trident Maple		
Shadbush		
Silver Bell		
Japanese Lilac		

### 3.2.500 Fences and Walls

Construction of fences and walls shall conform to all of the following requirements:

**A. General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district (Chapter 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. If a fence is approved for greater than 6 feet in height, a building permit is also required. Any wall over 4 feet in height (measured from the bottom of the footing to the top of the wall) shall require a building permit and appropriate design from a licensed engineer. Fences must be located on private property. Fences and walls proposed on public right-of-way or public easements shall be subject to land use review approval.

#### **B. Dimensions.**

1. Except as provided under subsections 2 and 3, below, the height of fences and walls within a front yard setback shall not exceed 4 feet as measured from the grade closest to the street right-of-way.
2. A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.
3. No fence or wall may exceed 6 feet in height. Exceptions to this standard may be approved through a variance, master planned development or site design review.
4. One arbor, gate, or similar garden structures not exceeding 10 feet in height and 25 square feet in ground coverage, and has an entrance with a minimum clearance of 36 inches in width and 80 inches in height is allowed within each yard abutting a street, provided that it is not within a clear vision triangle.
5. Walls and fences to be built for required buffers shall comply with Section 3.2.300.
6. Fences, walls and hedges shall comply with the vision clearance standards of Section 3.1.200.

**C. Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

#### **D. Materials.**

1. Permitted fence and wall materials: wood; metal; bricks, stone; concrete block; stucco, or similar masonry; and non-prohibited evergreen plants.

2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than 8 feet. Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B Variance (Chapter 5.1.400).
3. Retaining walls constructed of brick or masonry exceeding 4 feet in height (as measured from bottom of footing to top coping) shall be subject to building permit review and approval by the City Building Official. Design of such walls shall be certified by a licensed architect or engineer.