

## Chapter 20.76

## SCREENING AND TREES

Sections:**Part I. Screening**

20.76.010 Council Findings Concerning the Need for Screening Requirements.

20.76.020 General Screening Standard.

20.76.030 Compliance With Screening Standard.

20.76.040 Descriptions of Screens.

20.76.050 Table of Screening Requirements.

20.76.060 Flexibility in Administration Required.

20.76.070 Combination Uses.

20.76.080 Subdivisions.

20.76.090 Special Screening Requirements.

**Part II. Shading**

20.76.100 Council Findings and Declaration of Policy on Shade Trees.

20.76.110 Required Trees Along Dedicated Streets.

20.76.112 Protection of Street Trees.

20.76.120 Retention and Protection of Significant Trees.

20.76.124 Shade Trees on Lots.

20.76.130 Shade Trees in Parking Areas.

**Part III. Maintenance**

20.76.140 Maintenance of Screening and Shading Elements.

**Part I. Screening**20.76.010 Council Findings Concerning the Need for Screening Requirements.

(a) The council finds that:

1. Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
2. Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
3. Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
4. The provisions of this part are necessary to safeguard the public health, safety, and welfare.

20.76.020 General Screening Standard.

(a) Every development shall provide sufficient screening so that:

- (1) Neighboring properties are shielded from any adverse external effects of that development;
- (2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

### 20.76.30 Compliance With Screening Standard.

- (a) Except as modified per [§20.76.090 \(Special Screening Requirements\)](#), the table set forth in [§20.76.050 \(Table of Screening Requirements\)](#), in conjunction with the explanations in [20.76.040 \(Descriptions of Screens\)](#) concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in [§20.76.020 \(General Screening Standard\)](#). However, this table is only intended to establish a presumption and should be flexibly administered in accordance with [§20.76.060 \(Flexibility in Administration Required\)](#).
- (b) The Table of Screening Requirements ([§20.76.050](#)) represent the allowed uses of the Tables of Permissible Uses ([§20.40](#)), and the screening type letter designations refer to types of screening as described in [§20.76.040 \(Descriptions of Screens\)](#). This table indicates the type of screening that is presumptively required between two uses. Where such screening is required, only the property under application for development is responsible for installing the screening. The use assigned this responsibility is referred to as the burdened use in [§20.76.050 \(Table of Screening Requirements\)](#), and the other use is the benefited use. To determine the type of screening a proposed new development must install, find the proposed use in the table to determine frontage landscaping and side/rear property lines.
- (c) If, when the analysis described in Subdivision (b) is performed, the burdened use is an existing use but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of [Chapter 20.32 \(Nonconforming Situations\)](#) of this Title.
- (d) Notwithstanding any other provision of this chapter, a multi-family development shall be required, at the time of construction, to install any screening that is required between it and adjacent existing uses according to the table set forth in [§20.76.050 \(Table of Screening Requirements\)](#).
- (e) Developments in the Old Town Business Districts 1, 2, and 3 shall be exempt from the screening requirements of [§20.76.050 \(Table of Screening Requirements\)](#) pertaining to screening along streets where the buildings abut the sidewalk.
- (f) Developments in the Old Town Residential District shall comply with the Old Town Residential Design Standards.

### 20.76.040 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in [§20.76.050 \(Table of Screening Requirements\)](#).

- (a) *Opaque Screen, Type A.* A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. The width shall be a minimum of five feet wide, but may be increased if, in the opinion of the permit-issuing authority, it is needed to better insulate or isolate uses; and in all cases be a minimum of ten feet along street frontages where required. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, native vegetation, drought-tolerant vegetation, vegetated LID facilities, or existing vegetation. Compliance of vegetative screens or native vegetation will be judged based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this

standard are included in the department of public works' construction standards and specifications.

- (b) *Semi-Opaque Screen, Type B.* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The width shall be a minimum of five feet wide, but may be increased if, in the opinion of the permit-issuing authority, it is needed to better insulate or isolate uses; and in all cases be a minimum of ten feet along street frontages where required. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, native vegetation, drought-tolerant vegetation, vegetated LID facilities, or existing vegetation. Compliance of vegetative screens or native vegetation will be judged based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in the department of public works' construction standards and specifications.
- (c) *Intermittent Screen, Type C.* A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The width shall be a minimum of five feet wide, but may be increased if, in the opinion of the permit-issuing authority, it is needed to better insulate or isolate uses; and in all cases be a minimum of ten feet along street frontages where required. The intermittent screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of native vegetation or existing vegetation. Compliance of vegetative screens or native vegetation will be judged based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The screen may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in department of public works' construction standards and specifications.

#### 20.76.050 Table of Screening Requirements.

See Table 20.76-1: Screening Requirements.

#### 20.76.060 Flexibility in Administration Required.

- (a) The Council recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in [§20.76.030 Compliance With Screening Standard](#), the permit-issuing authority may permit deviations from the presumptive requirements of [§20.76.050 \(Table of Screening Requirements\)](#) and may either require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in [§20.76.020 \(General Screening Standard\)](#) without imposing unnecessary costs on the developer.
- (b) Without limiting the generality of Subsection (a), the permit-issuing authority may modify the presumptive requirements for:
- (1) Non-residential developments located adjacent to nonconforming residential uses in non-residential zoning districts,

- (2) Non-residential uses located adjacent to other similar uses within the same zoning district,
  - (3) Any development where it is found that the presumptive requirement would cause a nuisance or sight distance problem.
  - (4) Where Type A screening is required along a street, if the office or other similar non-intensive portion of the use is placed between the street and the intensive portion of the use, then only Type B screening is necessary between that non-intensive portion and the street.
  - (5) Whenever a building is located adjacent to or within 5 feet of a street right-of-way, as encouraged by the Development Design Guidelines, and the applicant includes windows intended to provide pedestrian visibility into the establishment, then the screening requirement may be modified by requiring only low growing vegetation so as not to block such visibility.
- (c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in [§20.76.050 Table of Screening Requirements](#), it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in [§20.76.020 General Screening Standard](#) and the reasons for allowing or requiring the deviation.
  - (d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that a presumption established by [§20.76.050 Table of Screening Requirements](#) is erroneous, it shall initiate a request for an amendment to the Table of Screening Requirements in accordance with the procedures set forth in [Chapter 20.96](#), Amendments.

#### 20.76.070 Combination Uses.

- (a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in [§20.76.050 \(Table of Screening Requirements\)](#) interpreted in the light of [§20.76.060 \(Flexibility in Administration Required\)](#). The developer shall be required to install the strictest form of screening required by any one of these principal uses.
- (b) When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in [§20.76.020 \(General Screening Standard\)](#).

#### 20.76.080 Subdivisions.

- (a) When non-residential, undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing such screening shall be determined in accordance with the other requirements of Part I of this chapter.
- (b) When residential, undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall be required to install any perimeter screening required.

20.76.090 Special Screening Requirements.

- (a) Due to the potential for significantly worse adverse impacts between the following non-compatible uses, in addition to the other requirements of this chapter a 30-foot wide landscaped screen shall be maintained along common boundaries between the below listed districts or uses.
  - (1) All uses within all residential and industrial zoning districts adjacent to Interstate 5, State Route 9, State Route 530, and State Route 531 east of 67<sup>th</sup> Avenue NE shall maintain said screen along said roads.
  - (2) Wherever any non-residential zoning district abuts a residential zoning district, all uses within the non-residential district shall maintain said screen along common boundaries. For the purposes of this section, where a road separates the zoning districts, the properties are not considered to abut.
- (b) The screen shall consist of visual obstructions from the ground to a height of at least 30 feet at maturity; including evergreen trees planted at least three deep. This screen is intended to minimize all visual and noise contact between uses and to create a strong impression of visual separation. The screen may be composed of planted or existing vegetation, and the retention of existing significant trees that are not prone to windthrow is strongly encouraged. Compliance of planted or natural vegetative screens will be judged based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen must be opaque in all seasons of the year. At maturity, there should not be any unobstructed openings to a height of 10 feet.
- (c) The permit-issuing authority may approve averaging of buffer widths to prevent denial of all reasonable use of property.

<b>Table 20.76-1 Screening Requirements</b>		
<b>Use</b>	<b>Frontage Landscaping</b>	<b>Side and Rear Property Lines</b>
<b>Agricultural</b>		
Commercial Greenhouse On-Premises Sales	N/A	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<b>Aviation Related Sales and Service Operations</b>		
Aviation Fuel Sales Aircraft Painting and Body Work Aircraft Repair and Maintenance, Not Including Substantial Body Work Aircraft Sales or Rentals Aircraft Sales with Installation of Aircraft Parts or Accessories (Propellers, Tires, Mufflers, etc.) Aircraft Wash	Type B	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
<b>Cultural, Social or Fraternal Uses</b>		
Art Gallery or Center Library Museum, Social Club Fraternal Clubs and Lodges Union Halls Similar Uses.	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<b>Educational</b>		
Colleges, Universities, Community Colleges Training Facility	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
Commercial Nursery Schools/ Day Care Center		
Elementary Schools		
Secondary/High School		
Trade School, Vocational School		
<b>Industry, Manufacturing, Processing, Repairing, Renovating, Assembly of Goods, Merchandise or Equipment</b>		
Brewery, Distillery, Craft Beverage Production with or without Tasting Room or Restaurant (No Drive-Thru Services)	Type B	Type A –All Neighboring Properties
Operations Conducted Entirely Within Fully Enclosed Building and Primarily Consists of Business Done with Walk-In Trade		
Operations Conducted Entirely Within Fully Enclosed Building and Primarily Consists of Business Done without Walk-In Trade		
Operations Conducted Entirely Within or Outside Fully Enclosed Building.		

Use	Frontage Landscaping	Side and Rear Property Lines
<b>Institutional Residence, Care, or Confinement Facilities</b>		
Hospitals	Type B	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
Medical Clinics		
Dental Clinics and Offices		
Institutions (Other than Halfway Houses) for Confined Mentally Ill Persons		
Nursing Care Institutions		
Intermediate Care Institutions Handicapped or Infirm Institutions Childcare Institutions		
Penal and Correctional Facilities		
<b>Marijuana Production, Processing, and Retail</b>		
Marijuana Production Marijuana Processing	Type B	Type A – All Neighboring Properties
Marijuana Retail	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<b>Motor Vehicle Related Sales and Service Operations</b>		
Car Wash	Type B	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Electric Vehicle Infrastructure		
Fuel Sales		
Painting and Body Work with No Storage of Vehicles Repair and Maintenance. Not Including Substantial Body Work, and No Storage of Vehicles Vehicle Sales and Rental or Mobile Home Sales Vehicle Sales with Installation of Motor Vehicle Parts or Accessories (Tires, Mufflers, etc.)		
Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards, and Automobile Recycling Facilities		
Towing Operations	Type A	Type A – All Neighboring Properties
<b>Office</b>		
Government Office Buildings Health Care Facility Industrial or Manufacturing On-Site Office Research and Development Technology Other Similar Uses	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<b>Open Air Markets and Horticultural Sales</b>		
Horticultural Sales with Outdoor Display Temporary (Seasonal) Farmer's Market	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties

Use	Frontage Landscaping	Side and Rear Property Lines
<b>Personal Services</b>		
Banks with Drive-Thru Windows	Type B	Type A – All Neighboring Residential
Dry Cleaner / Laundromat Travel Agencies		Type B – All Other Neighboring Properties
Salon / Barber Shop / Beauty Shop / Tanning Studio: Art, Music, Dance	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<b>Professional Services</b>		
Attorney / Legal Services Clinics of Physicians or Dentist Consultant Funeral Home Insurance / Stockbroker Other Similar Uses	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
Crematorium	Type A	Type A –All Neighboring Properties
<b>Public and Semi-Public Facilities</b>		
Airport Military Reserve, National Guard Centers	Type A	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Bus Station, Train Station	Type B	Type A –All Neighboring Properties
Post Office	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Civil Defense Operation Fire Stations Police Stations Rescue Squad, Ambulance Service	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Temporary Mobile or Modular Structures Used for Public Services (Mobile Classrooms, Civic Services, Public Health Centers, Emergency Response Centers, etc.)	The Primary Use of the Building Determines the Screening Type	



Use	Frontage Landscaping	Side and Rear Property Lines
<b>Recreation, Amusement, Entertainment - Indoor</b>		
Bowling Alleys, Skating Rinks, Indoor Tennis and Squash Courts, Billiards and Pool Halls, Indoor Athletic and Exercise Facilities, and Similar Uses	Type C	Type A – All Neighboring Residential Type C– All Other Neighboring Properties
Movie Theaters Seating Capacity Less than 300 Movie Theaters Unlimited seating capacity		
Indoor Automobile and motorcycle racing tracks	Type A	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
<b>Recreation, Amusement, Entertainment - Outdoor</b>		
Athletic Fields, Tennis Courts, Swimming Pools, Miniature Golf Courses, Water Slides, Skateboard Parks, Parks, Swimming Pools,	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Coliseums, stadiums, and all other facilities designed to seat or accommodate simultaneously more than 1,000 people	Type A	Type A –All Neighboring Properties
Drive-in movie theaters		
Outdoor Entertainment Venue or Amphitheater		
Golf Course, Par 3 Golf Course, Driving Range, and Similar Uses	Type B	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
<b>Religious</b>		
Religious Assembly – Principle	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
Religious Assembly – Accessory	The Primary Use of the Building Determines the Screening Type	
<b>Residential</b>		
Mobile Home	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear	N/A – Other Neighboring Residential Type A – All Other Neighboring Properties
Single-Family Apartment Above Permitted Non-Residential Use (only one)		
Single-Family Residence, Detached		
Cottage Housing	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear	Type B – Neighboring Single-Family Residential Only.
Mobile Home Park		N/A – Other Neighboring Residential Type A – All Other Neighboring Properties

Use	Frontage Landscaping	Side and Rear Property Lines
<b>Residential</b>		
Accessory Dwelling Unit	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard	Type C – Neighboring Single-Family Residential Only. N/A – Neighboring Residential
Duplex		Type A – All Other Neighboring Properties
Multi-Family Rowhouses Multi-Family Townhouses Multi-Family Triplex	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard	Type B – Neighboring Single-Family Residential Only. N/A – Other Neighboring Residential Type A – All Other Neighboring Properties
Multi-Family Apartments Multi-Family Conversions Multi-Family Fourplex Multi-Family Garden Apartments Multi-Family Use Above a Permitted Non-Residential Use (Mixed Use)	Type C	Type B – Neighboring Single-Family Residential Only. N/A – Other Neighboring Residential Type A – All Other Neighboring Properties
<b>Residential Homes Emphasizing Special Services, Treatment, or Supervision</b>		
Adult Family Homes (6 or fewer adults) Halfway houses Homes for handicapped or infirm Nursing care, intermediate care homes Permanent Supportive Housing Special Needs Childcare homes Transitional Housing	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard	N/A – Other Neighboring Residential Type A – All Other Neighboring Properties
In-Home Child Day Care	The Primary Residential Use of the Building Determines the Screening Type	
<b>Residential Rooms for Rent Situations</b>		
Rental of Room within a Single-Family Residence	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard	Type A –All Neighboring Properties
Boarding houses Rooming houses		
Emergency Housing Emergency Shelter		
Tourist homes and other temporary residences renting by the day or week		
Hotels, motels, and similar businesses or institutions providing overnight accommodations	Type C	Type A –All Neighboring Properties

Use	Frontage Landscaping	Side and Rear Property Lines
<b>Restaurants, Bars, Night Clubs</b>		
Carry-Out and Delivery Service; No Drive-Thru Service; Consumption Outside Fully Enclosed Building	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Carry-Out and Delivery Service; Drive-Thru Service; Service or Consumption Outside Fully Enclosed Building		
Establishments Offering Adult Entertainment		
Gambling Establishments		
No Substantial Carry-Out or Delivery Service; No Drive-Thru Service; Service or Consumption Inside or Outside Fully Enclosed Building		
<b>Retail Trade</b>		
Convenience Stores General Mercantile Principal Use Sales / Rentals Incidental to a Non-Retail Principal Use Wholesale Sales	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Distribution Center		
Home Occupation	The Primary Residential Use of the Building Determines the Screening Type	
Mobile Sales and Delivery	The Surrounding Properties Determine Any Required Screening and Any Drive – Thru Aisles Require Screening	
<b>Services and Enterprises Related to Animals</b>		
Kennel Pet Grooming/Pet Store Veterinarian	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
<b>Soil Processing, Mining, or Quarrying Operations</b>		
Soil processing, mining, quarrying operations, including on-site sales of product	Type A	Type A –All Neighboring Properties
<b>Solid Waste Facilities (Publicly or Privately Owned)</b>		
Biosolid Recycling Sanitary Landfill Solid Waste Recycling Center Solid Waste Transfer Station	Type A	Type A –All Neighboring Properties

Use	Frontage Landscaping	Side and Rear Property Lines
<b>Storage and Parking</b>		
Aircraft Parking or Storage	Type A	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of lot,		
Warehouse Storage Facility		
<b>Utility Facilities</b>		
Electrical Community or Regional Facility Electrical Neighborhood Facility	Type A	Type A –All Neighboring Properties
<b>Wireless Communication Facilities</b>		
Commercial Antennas 50 feet tall or less Commercial Antennas more than 50 feet tall and receive-only earth stations Commercial Monopole I Commercial Monopole II Commercial Macro Facilities Commercial Micro Facilities Commercial Mini Facilities Non-Commercial Towers and Antennas 50 feet tall or less Non-Commercial Towers and Antennas more than 50 feet tall and receive-only earth stations	Type A	Type A –All Neighboring Properties

## Part II. Shading

### 20.76.100 Council Findings and Declaration of Policy on Shade Trees.

- (a) The council finds that:
- (1) Trees are proven producers of oxygen, a necessary element for human survival,
  - (2) Trees appreciably reduce the ever-increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe,
  - (3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems,
  - (4) Trees have an important role in neutralizing stormwater passing through the ground from the surface to ground water tables and lower aquifers,
  - (5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control,
  - (6) Trees are 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, and
  - (7) For the reasons indicated in Subsection (6), trees have an important impact on the desirability of land and therefore on property values.
- (b) Based upon the findings set forth in Subsection (a), the council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the city's planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this chapter, to require the planting of new trees in certain types of developments.

### 20.76.110 Required Trees Along Dedicated Streets.

Along both sides of all newly created, widened, or improved streets that are constructed in accordance with the public street standards set forth in [Chapter 20.56](#) (Streets & Sidewalks), the developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works' Standards and Specifications. It is a violation of this Title to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip. When the developer plants trees pursuant to this section, the developer shall choose trees that meet the standards set forth in the Department of Public Works' Design Standards and Specifications.

### 20.76.112 Protection of Street Trees.

Unless specifically authorized by the City's Responsible Official, no person shall damage any street tree, attach any rope, wire, nails, advertising posters, or other contrivance to any street tree; allow any gaseous, liquid or solid substance which is harmful to trees to come into contact with them; set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any street tree; excavate any ditches, tunnels, trenches or lay any drive within a radius of 10 feet of any street tree; deposit place or store any materials which may impede the free passage of water and fertilizer to the roots of any street tree.

### 20.76.120 Retention and Protection of Significant Trees.

- (a) Every development shall retain all existing significant trees and significant stands of trees, with a diameter at breast height (dbh) of at least eight inches for deciduous trees and at least twelve inches dbh for evergreen trees, unless the retention of such trees would unreasonably burden the development or in the opinion of the permit-issuing authority cause a significant safety problem.
- (b) No excavation or other subsurface disturbance may be undertaken within the critical root zone (CRZ) where feasible, which may extend outside of the drip line of existing tree branches, of any of the trees regulated by subsection (a), and, except for street trees, no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half feet (measured from the center of the trunk) of any tree eighteen inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
- (c) The retention or protection of significant trees and significant stands of trees as provided in subsections (a) and (b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
- (d) When significant trees or significant stands of trees are present on a site for which a land use permit is submitted, the applicant shall provide a tree survey, showing size, type, and location of all significant trees and stands of trees. Critical root zones shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent. Any significant trees removed because their retention would unreasonably burden a development shall be replaced with five-gallon-sized native species at a ratio of three to one. If the replacement trees are to be planted on building lots, the developer shall provide adequate protection from damage during construction, or planting shall occur after construction, in which case a planting plan and security shall be provided to ensure their planting.
- (e) If it is physically impossible to replant all replacement trees on-site, then the applicant may mitigate the loss of trees by either planting trees on public property within the city as approved by the community development director, and/or paying a mitigation fee into the city's tree mitigation in-lieu fund. This fee shall be set forth in the city's fee resolution and equal the cost of the trees and planting labor.
- (f) If any significant tree identified to be protected pursuant to this section is removed or damaged to the extent that its ability to survive is seriously threatened, without the city's prior written consent, the loss shall be remedied pursuant to [Section 20.28.040\(c\)](#) (penalties and remedies for violations), with the understanding that each tree so removed or damaged shall be counted as a separate violation.
- (g) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b), and, as a result, the parking requirements set forth in [Chapter 20.72](#) (Parking) cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections (a) and (b), up to a maximum of fifteen percent of the required spaces.

### 20.76.124 Shade Trees on Lots.

- (a) Each new or existing lot within the City shall maintain a minimum number of trees on-site, as specified in Subsection (b). This section shall be enforced at the time that any land use or building permit is issued. If fewer than the required trees exist on a lot for which a land use or building permit is applied, the granting of the permit shall be conditioned on the planting of trees to meet the requirements of this section.
- (b) The minimum number of required trees depends on the Zoning District in which the site falls, as follows:
  1. Residential Ultra Low Capacity, Residential Low Capacity, Residential Moderate Capacity, Residential Medium Capacity, and Old Town Residential – 2 trees per lot.
  2. All other zoning districts – The tree requirement is satisfied by compliance with [§20.76.020 \(General Screening Standard\)](#), [§20.76.090 \(Special Screening Requirements\)](#), [§20.76.110 \(Required Trees Along Dedicated Streets\)](#), and [§20.76.130 \(Shade Trees in Parking Areas\)](#).
- (c) If street trees are present or are required to be installed as part of a development or building permit, said street trees may count toward one of the trees required by Subsection (b).
- (d) Non street trees required per this section shall be a native species, have a minimum 1.5-inch diameter at breast height (dbh), and attain a minimum height of 25 feet at maturity. Standards for street trees are found in [§20.76.110 \(Required Trees Along Dedicated Streets\)](#).
- (e) At least one of the required trees should be planted near the rear property line of the lot. The intent of this regulation is to create rows of trees behind and between rows of houses, thus affording privacy and creating a forested view of the community when seen from ground level.
- (f) The permit-issuing authority may relax or waive the requirements of this section if it can be demonstrated that the intent of the section is met through existing vegetation, that placement of trees on the site is physically unfeasible, or for valid urban forest management reasons.

### 20.76.130 Shade Trees in Parking Areas.

- (a) Vehicle accommodation areas that are required to be paved by [§20.72.060 \(Parking Area Surfaces\)](#) must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 8 inches in diameter. When the developer plants trees to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in the Department of Public Works' Design Standards and Specifications.
- (b) Landscaping within vehicle accommodation areas shall meet the requirements of §20.46 (Design) and the Development Design Standards.
- (c) Each tree of the type described in Subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.
- (d) Except as noted in Subsection (d), no paving may be placed within 2½ feet (measured from the center of the trunk) of any tree retained to comply with Subsection (a), and new trees planted to comply with Subsection (a) shall be located so that they are surrounded by at least 200 square feet of unpaved area.
- (e) Pervious paving (grasscrete, metal grating, etc.) may be used within 2½ feet of a tree if (i) the parking lot is designed so that no significant run-off from the paved areas drains into the area around the base of the tree(s) and (ii) barriers are placed in such a manner as to prevent vehicles from damaging such trees.

- (f) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches.
- (g) Vegetation shall be planted and maintained to prevent obstruction of driver visibility of pedestrians and other vehicles.

### **Part III. Maintenance**

#### **20.76.140 Maintenance of Screening and Shading Elements.**

All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standard:

1. All plant material shall be maintained with respect to pruning, trimming, mowing, watering, insect control, and fertilizing to maintain a healthy growing condition, create an attractive appearance, and to accomplish the purpose for which it was required.
2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months with the plants indicated on the approved landscape plan.
3. All screening and shading elements shall be maintained reasonably free of weeds and trash.
4. All screening and shading elements located within public rights-of-way shall be maintained by the abutting property owner.