

ORDINANCE NO. 5928

**AN ORDINANCE TO AMEND THE FAIRBANKS LANDSCAPE
ORDINANCES, CODIFIED AS CHAPTER 10, ARTICLE XV, SECTIONS
10-435 THROUGH 10-441**

WHEREAS, the City's experience since adoption of the landscaping ordinances suggests that ordinances can be simplified without diminishing the positive effects; and

WHEREAS, the code needs to be updated to reflect the combination of the role of Landscape Review Board into the single Landscape Review and Appeals Commission,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code Chapter 10, Article XV, Fairbanks Landscape Ordinance, is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strikethrough~~ font]:

ARTICLE XV. FAIRBANKS LANDSCAPE ORDINANCE

Sec. 10-435. - Purpose.

The purpose of the Fairbanks Landscape Ordinance is to protect and enhance the community's economic and aesthetic resources consistent with the goals of the city's governing body thereby promoting the public health, safety and general welfare of the citizens ~~and contributing to the quality of life by encouraging a high level of design and responsible development in the City of Fairbanks.~~ The purpose of this article is to set minimum standards for street parking lot screening, perimeter parking lot screening, ~~interior parking lot screening~~ and trash and garbage area screening.

Sec. 10-436. Scope and applicability

A. *Minimum requirements.* The minimum requirements and standards set forth in this section shall apply to all public and private, commercial, industrial, religious, educational, institutional and multi family uses that are developed or expanded after January 1, 2004. For the purpose of this section, a building which undergoes a change of use as defined by the building code, shall comply with this ordinance. If a building covered by this ordinance expands its floor area, compliance with this ordinance is required on a pro-rata percentage basis, with a 15% minimum compliance, under the alternative design method (FGC 10-438C.3.). The Fairbanks Landscape Ordinance shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot. The intent of the landscape ordinance is to apply to provided parking, whether required by zoning ordinances, or provided for any other reason. Multiple residential buildings located on one lot shall also comply with all provisions of the Landscape Ordinance.

B. *Exemptions*

- (1) Property with one, two, and three family dwelling units located on individual lots are exempt from the provisions of the Fairbanks Landscape Ordinance.
- (2) Property of which the principle use is the sale of vehicles is not required to comply with the prescriptive method FGC 10-438C.1.
- (3) Property located within the area specified by Borough Code section 18.50.060(C)(12) (presently described as: First Avenue to Fifth Avenue, Noble Street to Barnette Street, and First Avenue to Third Avenue, Barnette Street to Wickersham Street, and as may be subsequently expanded), provided that, if a new parking lot is constructed within said area, compliance shall be with the alternative design method or the professional design method (FGC 10-438C.2. and C.3.). The City Landscape Manual will provide a map of this region of the City.

C. *Landscape Plan.* Where a landscape plan is required under this section, the plan shall include:

1. Plants to be used along with their location; ~~The common name of each plant used;~~
2. ~~The number, height and diameter of each plant;~~
3. ~~The locations where different plant types will be used;~~
4. ~~2.~~ The locations, size and type of vegetation to be preserved in their natural state;
5. ~~3.~~ Location of any retaining walls and fences;
6. ~~4.~~ Location of existing or proposed utilities and easements of record;
7. ~~5.~~ Location of all property lines including all streets which border the lot;
8. ~~6.~~ Location of any existing or proposed structures or parking areas;
9. ~~7.~~ North arrow and scale;
10. ~~8.~~ Site drainage and drainage patterns, unless shown on civil drawings.

D. *Approved Plant Materials.* The Building Department will publish a Landscape Manual, which shall include a list of approved plant and ground cover materials, ~~A list of approved plant and ground cover materials,~~ a map of the area described in Section 10-436B.(3), and general landscaping information, ~~will be set out in a Landscape Manual.~~ The Manual, ~~which will be revised as needed by the Landscape Review and Appeals Commission,~~ will be made available at the Building Department and on the Building Department website.

Sec. 10-437. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: [*Drafter's note: definitions in current ordinance are rearranged in*

alphabetical order]

Buffer landscape. Buffer landscape is a continuous landscape area which separates and partially obstructs the view of two separate zoning districts from one another. Buffer landscaping must provide year around screening. Buffer landscaping may include berms and approved decorative fences in conjunction with required trees and shrubs. ~~Decorative fences, when used as a buffering element, shall be approved by the landscape review board.~~ The decorative fence shall have a minimum height of seven feet. A chain link fence does not meet the intent of a decorative fence.

~~*Interior parking lot screening.* Interior parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of the parking lot. Under this definition, interior parking lot shall consist of all on-site parking spaces including access roadways and parking aisles; interior parking lot screening does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.~~

Parking lot surface improvement. Existing parking lots which are upgraded with a paved or chip and asphalt surface.

Perimeter parking lot screening. Perimeter parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.

Screen. A method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be 75 percent opaque.

Street parking lot screening. Street parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right-of-way and a parking lot.

Trash and garbage areas. Trash and garbage areas are exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.

Sec. 10-438. Landscape design standards.

A. The following areas of a lot shall be developed and maintained in accordance with the landscape standards set forth hereinafter:

1. Street parking lot screening;
2. Perimeter parking lot screening;
- ~~3. Interior parking lot screening;~~
- 4 3. Trash and garbage areas;
- 5 4. Buffer landscape (when required).

B. General design standards.

- ~~1. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.~~
- 2 1. All plant material shall be healthy, of a suitable type for the site conditions being used in and hardy to the projects area. **Specifications will be listed in the Landscape Manual.**
- ~~3. All single stem deciduous trees shall be a minimum of one inch diameter measured six inches from the ground level. For multi-stemmed trees each stem shall be one inch caliper.~~
- ~~4 3.~~ Evergreen trees shall be a minimum of five feet in height unless specified elsewhere in this article.
- ~~5 4.~~ Natural vegetation which is sufficient to meet the intent of the standards set out in this article may be retained in place of all or part of any required landscaping. Existing trees shall be credited toward the landscape requirements on a 1:1 basis.
- ~~6 5.~~ Shrubs shall be a minimum of 18 inches at planting.
- ~~7. The planting of grass and annual flowers does not constitute landscaping in the context of this article.~~
- 8 2. Multiple residential dwelling units (apartments and condominiums) with fewer than 12 units shall provide landscaping consisting of one approved tree for each dwelling unit. If exterior off street parking is provided, the trees shall be located and maintained to provide parking lot screening. If parking is provided within the building the required trees may be placed anywhere on site. Trash and garbage screening is required.
- 9 3. Storage, warehouse and industrial uses which occupy the major floor area of a building need only comply with the street parking lot screening requirements. Trash and garbage screening is required.
- ~~10 4.~~ Sight triangle areas at street intersections shall be maintained as required by Title 18 of the Fairbanks North Star Borough Code of Ordinances and as specified in the Landscape Manual.
- ~~11 5.~~ All required landscape planting beds shall be protected from vehicular damage in accordance with the guidelines as set forth in the Landscape Manual.
- ~~12 6.~~ New development which is constructed adjacent to existing registered historical structures shall provide buffer landscape in addition to parking lot screening regardless of the location of parking spaces.

~~13~~ 7. Each street ~~or interior lot screening~~ requirement shall be separately evaluated.

~~14~~ 8. Trees and shrubs shall not be planted under or over primary power lines, gas lines, communication cables or within water and sewer utility easements unless pre-approved in writing by the utility owner. Trees and shrubs shall not be planted in a public road right-of-way unless an encroachment permit or letter of non objection has been issued by the controlling agency.

~~15~~ 9. Trash and garbage areas including dumpsters shall be provided with approved screening on at least three sides. Screening shall be provided such that the trash and garbage areas cannot be viewed from adjacent streets.

~~16~~ 10. Buffer landscaping shall be provided between a residential zoning district and all other zoning districts as defined by title 18 of the Fairbanks North Star Borough Code of Ordinances. Buffer landscaping may also be required pursuant to conditions set for by a conditional use permit issued by the Fairbanks North Star Borough Department of Community Planning. When required, buffer landscaping shall be provided between lot lines, and buildings in addition to parking lot screening requirements. ~~Required buffer landscaping shall be approved by the Landscape Review Board.~~ It is not the intent of this article to require buffer landscaping between permitted uses within the same zoning district.

~~17~~ 11. The maximum allowable slope for required planting beds shall not exceed 3:1. A steeper slope may be approved provided an approved retaining system is constructed. The retaining system must provide a slope no greater than 3:1 for the entire required width of the tree planting area. (Reference Landscape Manual)

C. Technical design standards. One of the following three design methods shall be used to comply with the Fairbanks Landscape Ordinance.

1. *Prescriptive design method.* Street parking lot screening, perimeter parking lot screening, ~~interior parking lot screening~~ and trash area screening shall be provided with landscaping as follows:

a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street Parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: a) the total number of required trees and shrubs are planted, b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, c) a planting bed consists of at least one tree, and d) the distance between planting beds and open street areas may not exceed 90 lineal feet.

b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: a) the total number of required trees and shrubs are planted, b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, c) a planting bed consists of at least one tree, and d) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

~~e. Interior parking lot screening. In addition to the street and perimeter parking lot screening requirements, as specified above, interior parking lot screening is required and shall apply to all parking lots with more than 75 parking spaces. The intent for interior parking lot landscaping is to break up the large interior expanse of the parking lot. Interior parking lot landscaping shall be provided with one planting bed area for every 25 parking spaces. The minimum planting area shall be not less than 80 square feet with no dimension less than eight feet. A minimum planting bed shall consist of two trees and one shrub. Planting beds may be consolidated however a minimum of two separate planting beds shall be provided. Interior parking lot landscaping may also be provided based on two percent of the total area of the parking lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as specified above.~~

~~d-c.~~ Buffer landscape. When required shall provide year around screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of ten feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than ten feet on center. The trees shall have a minimum diameter at planting of one and one-half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An approved man made decorative fence may substitute for one row of trees and the planting bed maybe reduced to a minimum width of eight feet.

2. *Professional Design Method.* A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska, which is equivalent to the **prescriptive design method described in the Landscape Manual** criteria set forth in section 10-438(C)(1), shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed and approved by the **Building Department with any appeals going to the City of Fairbanks Landscape Review and Appeals Commission, as needed.**

3. *Alternative Compliance Method.* **Alternative plans will be considered because of project conditions related to the site, where compliance is impractical, or where compliance with the city's objectives can be achieved by another method.** Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where

~~maximum achievement of the City's objectives and goals can only be obtained through alternative compliance.~~ Such landscape plans shall be reviewed and approved by the Building Department with any appeals to the Landscape Review and Appeals Commission on a case-by-case basis.

Sec. 10-439. Plan submittal and inspection requirements.

A preliminary landscape plan shall be submitted to the building department in conjunction with the required building permit application and related construction documents. A final and complete landscape plan shall be submitted to the building department for review and approval before the final inspection is conducted. A certificate of occupancy shall not be issued until all landscaping has been completed by the contractor or developer and inspected and approved by the building department or Landscape Review and Appeals Commission. In the event landscaping is not completed due to planting season restrictions, a temporary certificate may be issued but shall expire within one year of such certificate. If a temporary certificate of occupancy is issued, a performance bond or suitable guaranty shall be posted with the City of Fairbanks until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be equivalent to one percent of the total cost of the construction project up to one million dollars or shall be equal to one-half of one percent of the total construction cost if the total construction costs exceed \$1,000,000.00.

Sec. 10-440. Maintenance

It shall be the duty of the owner of the property to maintain all required landscaping as required by the Fairbanks Landscape Ordinance. If required landscaping dies, becomes damaged or destroyed, re-landscaping of those areas or landscaping elements shall be re-planted in an approved manner.

Sec. 10-441. Enforcement, appeals and penalties

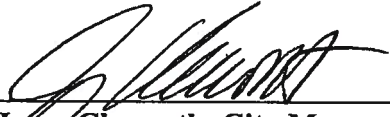
1. The City of Fairbanks Building Department in conjunction with the Landscape Review and Appeals Commission shall enforce the requirements of this section and shall be responsible for performing the necessary inspections to determine if the required landscaping has been installed according to the approved landscape design.

~~2. A Certificate of Occupancy shall not be issued until the landscape requirements are met as shown on the approved landscape design plans and given final approval by either the building department or Landscape Review and Appeals Commission unless a performance bond is secured in the amount of the estimated cost of the landscaping as approved by the Landscape Review and Appeals Commission or in accordance with section 10-439. Occupancy of any building prior to the issuance of a temporary or final Certificate of Occupancy shall be unlawful.~~

32. Any applicant denied a building permit or issued a stop work order due to non compliance of the landscape ordinance or who wishes to appeal a decision of the building official may appeal to the Landscape Review and Appeals Commission. The appeal shall be made in writing and submitted within one week upon rejection from the building

official. If an applicant, owner or developer wishes to appeal a decision of the Landscape Review and Appeals Commission, they shall appeal to the City Council acting as a Board of Adjustment. The appeal shall be in writing and fully state the reason or reasons for the appeal. The appeal shall be accompanied by a copy of the landscape design submitted to the Landscape Review and Appeals Commission.

SECTION 3. That the effective date of this Ordinance shall be the 12th day of October, 2013.

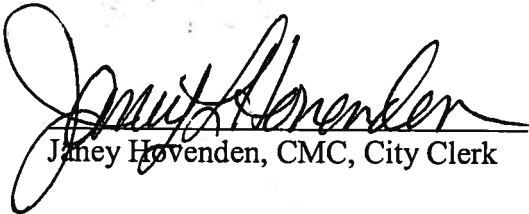


Jerry Cleworth, City Mayor


AYES: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley
NAYS: None
ABSENT: None
ADOPTED: October 7, 2013

ATTEST:

APPROVED AS TO FORM:



Janey Hovenden, CMC, City Clerk



Paul J. Ewers, City Attorney