

## Chapter 17.57

### LANDSCAPING

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17.57.010 Purpose and intent. ~~The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs.~~ **The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:**

- A. **Promote McMinnville as a community that cares about its appearance.**
- B. **Promote the enhancement of its urban forest and tree canopy.**
- C. **Encourage the preservation of existing trees.**
- D. **Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.**
- E. **Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.**
- F. **Unify development and enhance and define public and private places.**
- G. **Provide guidelines and standards that will:**
  - a. **Reduce soil erosion and the volume and rate of discharge of storm water runoff.**
  - b. **Aid in energy conservation by shading structures from energy losses caused by weather and wind.**

- c. Mitigate the loss of natural resources.
- d. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
- e. Provide for the creation of safe, attractively landscaped areas adjacent to public streets.
- f. Require the planting of street trees along the City's rights-of-way.
- g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- h. Provide shade, and seasonal color.
- i. Reduce glare, noise and heat.

It is further recognized that good landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

17.57.030 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, he shall submit, for the Landscape Review Committee, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
  - 1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
  - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within ~~ten~~ **30 (thirty)** working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence

shall not be necessary for action to be taken on the plans. A failure to review within ~~ten~~ **30 (thirty)** working days shall be considered as approval of the plan;

- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (~~or Director of Parks and Recreation~~) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City;
- E. All completed landscape projects shall be inspected by the ~~Director of Parks and Recreation~~ **Planning Director or their designee**. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, **as determined by the Planning Director or their designee**, as long as they do not alter the character and aesthetics of the original plan. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.030:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained, the general area with the number of trees involved may be given in lieu of listing and locating each tree;

- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. **The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;**
- G. All of the information on the plot plan for the building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
  - 1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
  - 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
  - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
  - 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
  - 5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition;

however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.

a. ALC (additional <u>lot coverage</u> )	X	% of landscaping required	X	Total lot area
ELC (existing lot coverage)				

b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. **Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.** (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);

- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.065 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments. (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Central business district. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

~~17.57.080 Plan review committee. All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.~~

- ~~A. The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of three five members and two alternate members. At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three year terms for each alternate member. The terms shall be computed from the first Tuesday in January 1978. The Council shall designate the alternate members as first and second alternates. Thereafter, The review committee members appointed and in place as of January 1, 2017 shall finish their appointed term. The Council shall appoint or reappoint members as existing terms expire, and the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members;~~

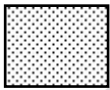
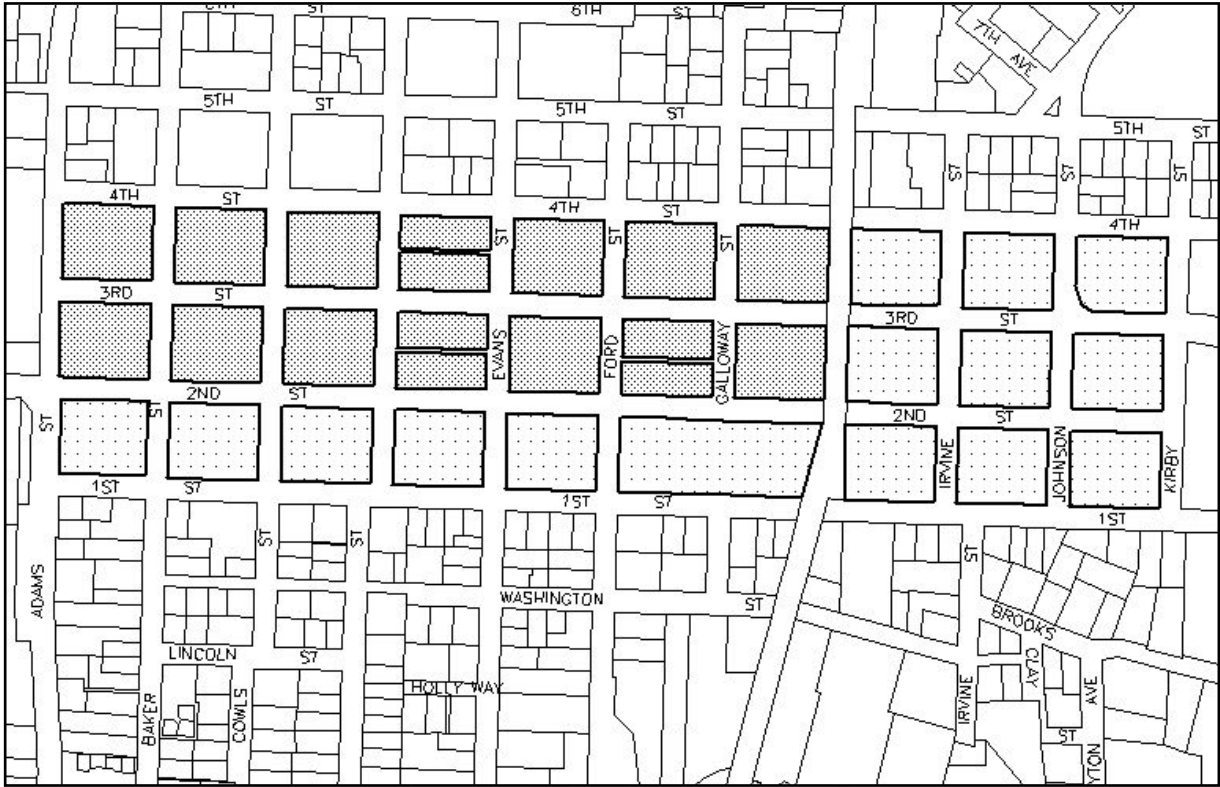
~~B. A majority of the active Landscape Review Committee members shall constitute a quorum. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

17.57.090080 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.400090 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

# REDUCED LANDSCAPING REQUIREMENTS



No Required Landscaping



One-Half Required Landscaping