



Aaron Nelson, AICP Director of Planning and Zoning  
Lisa Sankey, Planner  
Breanna Siegler, Office Manager

[www.westfargond.gov](http://www.westfargond.gov)

West Fargo Planning & Zoning Commission Agenda  
Tuesday, August 12<sup>th</sup>, 2025 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- June 10<sup>th</sup>, 2025
- D. Commissioner Membership Introduction
  - 1. Welcome Morgan Forness as our new Extraterritorial Planning & Zoning Commissioner! We would also like to congratulate Dave Gust on his reappointment as a Commissioner!
- E. Regular Agenda
  - 1. Public Hearing- A25-8 Greenworks 1<sup>st</sup> Addition a request for Subdivision and Planned Unit Development at the SE corner of 40<sup>th</sup> Ave W and 15<sup>th</sup> St W for a retail nursery and landscaping services (a portion of Section 31, T139N, R49N)- Nelson (***continued from the June 10, 2025 meeting; withdrawn***)
  - 2. Public Hearing- A25-17 Sheyenne 2<sup>nd</sup> Addition a request for zoning change from R-2 to P for South Elementary School located at 117 6<sup>th</sup> Ave W and adjacent Southside playground (Block 35 Sheyenne 2<sup>nd</sup> Addition and Lot 1, Block 9 Southdale Addition)- Sankey
  - 3. Public Hearing- A25-19 Galvanizers Addition a request for subdivision at 1001 12<sup>th</sup> Ave NE ( a portion of the SE Quarter of the NW Quarter and portion of Government Lot 3, all in Section 4, T139N, R49W)- Sankey
  - 4. A25-18 Sterling Industrial Park 8<sup>th</sup> Addition a request for retracement plat at 632 13<sup>th</sup> St NE (Lot 4, Block 2 Sterling Industrial Park 1<sup>st</sup> Addition and Lot 5, Block 1 Sterling Park Industrial 2<sup>nd</sup> Addition)- Sankey
  - 5. A25-16 Bogey 4<sup>th</sup> Addition a request for right-of-way access at 475 12<sup>th</sup> Ave NE (Lot 1, Block 1 Bogey 4<sup>th</sup> Addition)- Sankey
- F. Non-Agenda Items
- G. Adjourn from Regular Agenda
- H. Discussion Agenda
  - 1. Proposed revisions to Title IV regarding landscaping



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West Fargo Planning & Zoning Commission Meeting Minutes  
Tuesday, June 10<sup>th</sup>, 2025 - 5:30 p.m.

Members Present: Mike Thorstad, Dave Gust, Matt Kopp, Kathi Schwan, Chris Wehri, Alyssa Ommen, Eric Dodds-virtual

Members Absent: None

Others Present: Aaron Nelson, Lisa Sankey, Katie Schmidt, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Coordinator

The meeting was called to order by Vice-Chair Thorstad at 5:30pm. Chair Dodds asked for approval of the order of the agenda. Commissioner Kopp motioned to approve; Commissioner Schwan seconded. No opposition. Motion passed.

Commissioner Schwan moved and Commissioner Wehri seconded a motion to approve the meeting minutes from May 13, 2025. No opposition. Motion passed.

Vice-Chair Thorstad agreed to chair the remainder of the meeting due to Chair Dodds attending virtually.

Vice-Chair Thorstad opened a public hearing for A25-8 Greenworks 1<sup>st</sup> Addition, a request for subdivision and planned unit development at the SE corner of 40<sup>th</sup> Ave W and 15<sup>th</sup> St W for a retail nursery and landscaping services (a portion of Section 31, T139N, R49N). This item was continued at the May 13, 2025, meeting. Vice-Chair Thorstad opened the floor for public comment. No public comment was brought forth. Vice-Chair Thorstad closed the public hearing and continued the item until the August 12, 2025, meeting. Commissioner Gust moved to approve the continuation and Commissioner Kopp seconded. No opposition. Continuation approved.

Vice-Chair Thorstad opened a public hearing for A25-10 Gateway West Addition, a request for a conditional use permit at 1950 Sheyenne Street to allow for an illuminated sign facing a residential district (Lot 8, Block 1 Gateway West Addition). Vice-Chair Thorstad asked for public comments. No public comment was brought forth. Vice-Chair Thorstad closed the public hearing. Commissioner Ommen motioned to approve the request with the conditions listed by staff. Commissioner Schwan seconded. Motion passed. No opposition.

Vice-Chair Thorstad opened a public hearing for A25-12 FMD- Mapleton Subdivision, a request for subdivision in Sections 3,9-11,13-15, 24-25 and 36, T139N, R50W (FMD-Mapleton Subdivision). Vice-Chair Thorstad asked for any public comment. Jason Benson, Executive Director for the FMD project



spoke and thanked the commission for their consideration. Vice-Chair Thorstad closed the public hearing. Commissioner Gust motioned to approve the request. Commissioner Kopp seconded. Motion passed. No opposition.

Vice-Chair Thorstad opened a Public Hearing A25-13 FMD- Warren First Subdivision, a request for subdivision in Section 1, T138N, R50W (FMD-Warren First Subdivision). Vice-Chair Thorstad asked for any public comment. No public comment was brought forth. Vice-Chair Thorstad closed the public hearing. Commissioner Gust motioned to approve the request. Commissioner Ommen seconded. Motion passed. No opposition.

Vice-Chair Thorstad opened a Public Hearing for A25-14 DMF 2<sup>nd</sup> Addition, a request for replat at 2245 & 2255 Rustad Lane E (Lot 3 and 4, Block 1 DMF Addition). Vice-Chair Thorstad opened the floor for public comment. No public comment was brought forth. Vice-Chair Thorstad closed the public hearing. Discussion held. Commissioner Kopp motioned to approve the request. Commissioner Schwan seconded. No opposition. Motion passed.

Vice-Chair Thorstad introduced A25-15 Section 26, T140N, R50W- a request for a conditional use permit at 2502 26<sup>th</sup> St. NW to operate a composting facility in an A: Agricultural Zoning District within the extraterritorial area (Section 26, R140N, R50W). Vice-Chair Thorstad opened the floor for public comment. Public comment was brought forth. Owners Hayden Thompson and Bridger Scaper spoke regarding the conditions listed by staff. The fourth condition allocates one enclosed composter, but they have received a grant that would allow a second composter that would fit under the current space allocated in the application. Discussion held with applicants. Morgan Forness spoke on behalf of the Larsen family property in opposition to this application. Vice-Chair Thorstad closed the public hearing. Discussion held. Commissioner Ommen moved to approve the request with the nine conditions listed by staff minus the fourth condition so that two composters would be allowed instead of one. Commissioner Wehri seconded. Commissioner Gust requested a condition about mitigating any smells if complaints are received. Commissioner Ommen modified motion to also include a number eleven as a method to mitigate nuisance abatement. Condition seven addresses nuisance mitigation to an extent. Motion carries with a 6-1 vote with Commissioner Gust voting nay.

Vice-Chair Thorstad opened the floor for non-agenda items. None were brought forth.

Vice-Chair Thorstad asked for a motion to adjourn from the regular agenda. Commissioner Schwan moved to adjourn. Commissioner Ommen seconded. No opposition. Motion passed. Vice-Chair Thorstad adjourned from the regular agenda at 6:23pm.

Vice-Chair Thorstad opened the discussion agenda. Director Nelson discussed the inclusion of a public comment section during Planning & Zoning Commission meetings after August 1, 2025, pursuant to Senate Bill 2180. An outline of the policy will be brought forth during the July 8, 2025, meeting.

Vice-Chair Thorstad adjourned from the discussion agenda.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A25-17		REZONING	
117 6th Ave W & Playground along the south side of 7 <sup>th</sup> Ave W			
Lot 35 Sheyenne 2nd Addition and Lot 1, Block 9 Southdale Addition, City of West Fargo, North Dakota			
Owner/Applicant: West Fargo School District		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Public Hearing:		08-12-2025	
City Commission Public Hearing & 1 <sup>st</sup> Reading:			
2 <sup>nd</sup> Reading:			

PURPOSE:
Rezone from R-2: Limited Multiple Dwellings to P: Public Facilities

STATEMENTS OF FACT:	
Land Use Classification:	G-4A Core-Retrofit Growth Area
Existing Land Use:	Elementary School and Playground
Current Zoning District(s):	R-2: Limited Multiple Dwellings
Zoning Overlay District(s):	n/a
Proposed Zoning District(s):	P: Public Facilities
Total area size:	±5.5 Acres
Adjacent Zoning Districts:	North – R-1: One & Two Family Dwellings; South – R-2: Limited Multiple Dwellings; East – P: Public Utilities; West – R-3: Multiple Dwellings
Adjacent street(s):	1 <sup>st</sup> Street (Collector Street); Sukut St (Local); 6 <sup>th</sup> Ave W (Local); 7 <sup>th</sup> Ave W (Collector)
Adjacent Bike/Pedestrian Facilities:	Sidewalks
Available Parks/Trail Facilities:	Herb Tintes Park to the east
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> <li>• The applicant submitted an application for rezoning an existing structure and adjacent playground to P: Public Facilities.</li> <li>• The school and playground, which have been in existence since the early 1950's, are considered permitted uses in the R-2: Limited Multiple Dwelling District.</li> <li>• The Public Facilities zoning district was adopted in 2000 to create a specific zoning district to promote development, maintenance, use and identification for land and structures for the City, Park and School Districts.</li> <li>• The applicant is proposing to rezone the properties to allow for additions and remodeling to the existing school, installation of new playground equipment and additional off-street parking.</li> </ul>

NOTICES:	
Sent to:	Public Hearing Notice Published in the Official Newspaper. Property owners within 150' and applicable agencies and departments

STAFF REPORT

Comments Received:

- A call was received in support of the rezoning.

**CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:**

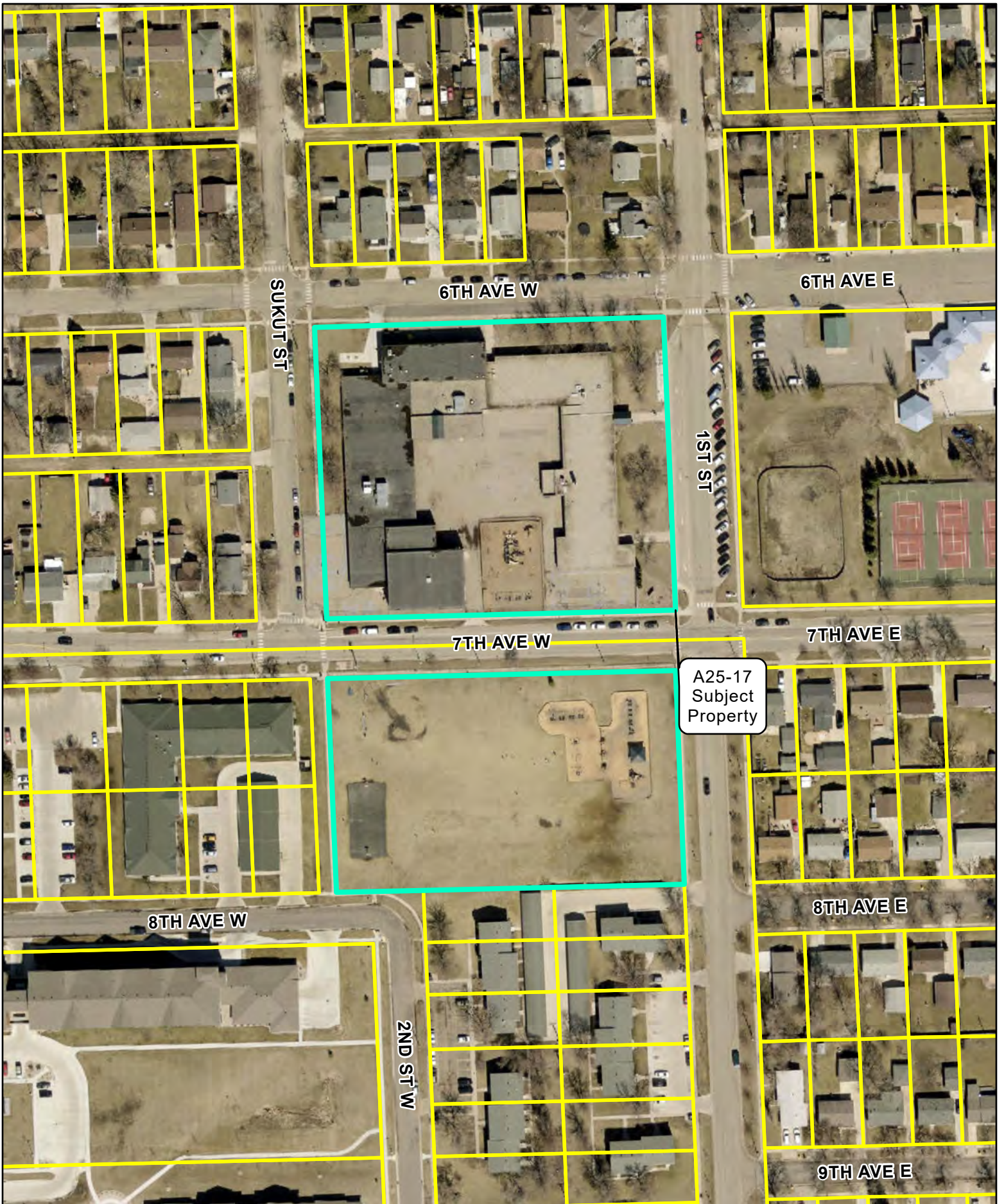
- The comprehensive plan encourages investing in older neighborhoods closer to the downtown area and an increased mix of uses through the rehabilitation of buildings and infrastructure being a priority.
- The Core - Retrofit Growth Sectors are areas that are mostly developed but still contain underutilized parcels. They were developed in a conventional, auto-oriented suburban pattern. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and a better-connected village core. Additional growth and development within West Fargo is most desirable within these areas due to the presence of existing infrastructure and proximity of services. The plan envisions that most mixed-use development in the next decades will occur in this growth sector.

**RECOMMENDATIONS:**

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances.

Attachments:



- Aerial Map
- Zoning Map
- Applicant's site plan illustrating proposed improvements



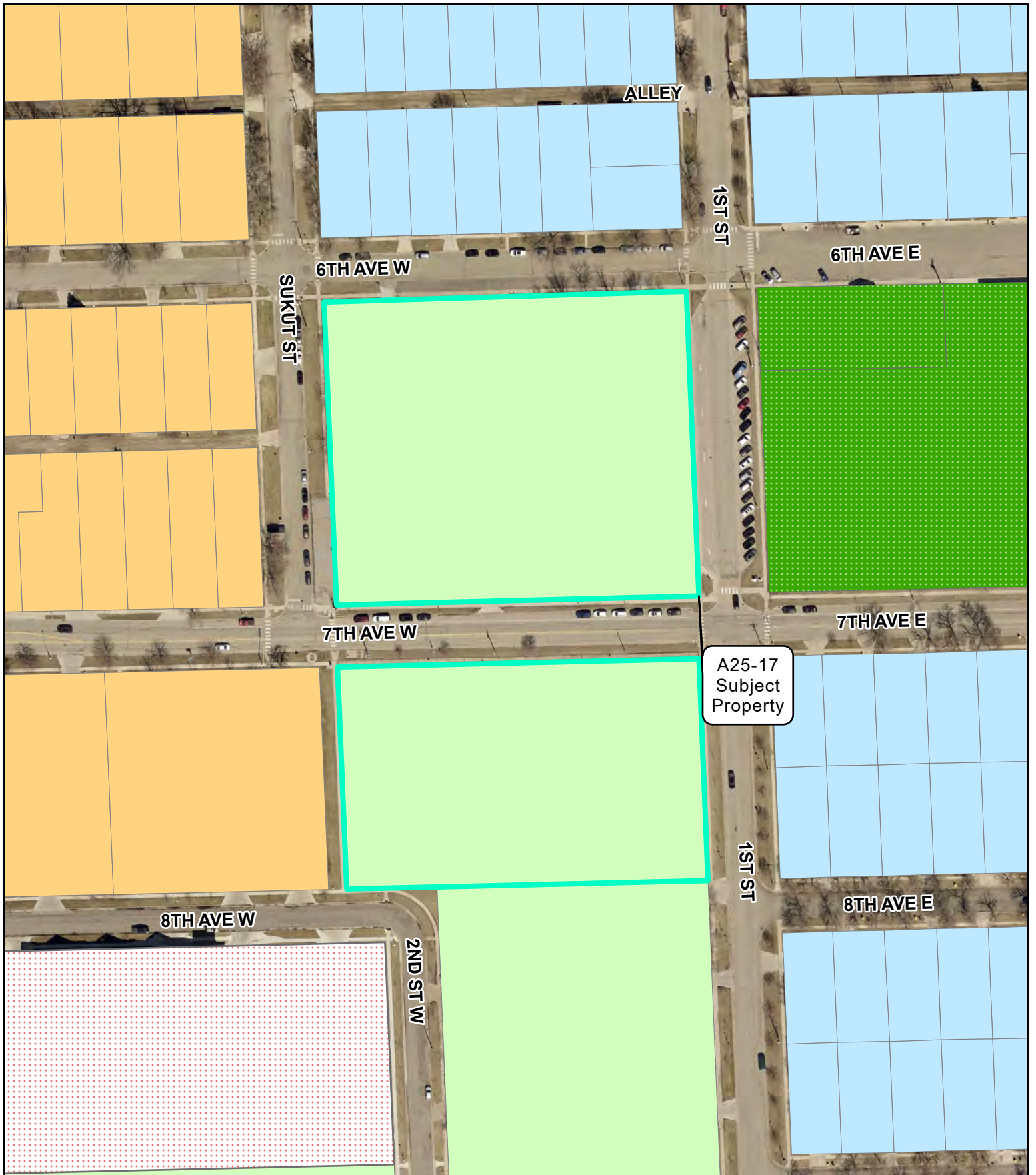
A25-17  
Subject  
Property



### Features

-  Agenda Zone
-  Lots





A25-17  
Subject  
Property

**West Fargo Zoning**

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential





CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A25-19	SUBDIVISION
Galvanizers Addition	
1001 12 <sup>th</sup> Ave NE (a portion of the SE¼ NE¼ and a portion of Government Lot 3, all in Sect. 4, T139N, R49W)	
Owner: City of Fargo (Jim Gilmour) Applicant: Brian Pattengale, Houston Engineering	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	08-12-2025
City Commission:	

**PURPOSE:**

Subdivide portion of unplatted parcel into one lot.

**STATEMENTS OF FACT:**

Land Use Classification:	G-3: Employment Growth Sector
Existing Land Use:	Vacant/Well Monitoring Equipment/Snow Storage
Current Zoning District(s):	M: Heavy Industrial
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	11.9 Acres
Total area size:	11.9 acres
Adjacent Zoning Districts:	M: Heavy Industrial
Adjacent street(s):	12 <sup>th</sup> Avenue NE (Arterial); 12 <sup>th</sup> Street NE (future local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	5% dedication required or fee-in-lieu for undeveloped parcels

**DISCUSSION AND OBSERVATIONS:**

- The applicant is proposing to subdivide a portion of an undeveloped parcel into one lot for sale and development.
- The lot will be sold to an adjacent property owner to the south along 7<sup>th</sup> Avenue NE who operates an existing manufacturing business.
- Eighty feet of right-of-way dedication is being platted for 12<sup>th</sup> Street NE.
- A 30-foot, temporary turnaround easement is noted on the south side of 12<sup>th</sup> Street NE.
- Although right-of-way is being platted for 12<sup>th</sup> St NE, there is no intention by the applicant to request public infrastructure improvements for 12<sup>th</sup> St NE at this time and is intended for future development.
- The submitted area plan shows the potential for a future road lining up with 11<sup>th</sup> Avenue NE on the west side of 9<sup>th</sup> Street NE, connecting with 12<sup>th</sup> Street NE. The area plan is not official and has been submitted for reference purposes only.

STAFF REPORT

- The City’s subdivision ordinance requires 5% public dedication for industrial development. The Park District has indicated there is no need for land within the subject property and requests payment in-lieu of land dedication.
- A public dedication agreement will be needed to outline the terms of the dedication, prior to City Commission approval.

**NOTICES:**

Sent to: Public notice published in the Forum and sent to applicable agencies and departments

Comments Received:

- No comments received to-date.

**CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:**

- The proposed application is consistent with the City plans and ordinances.

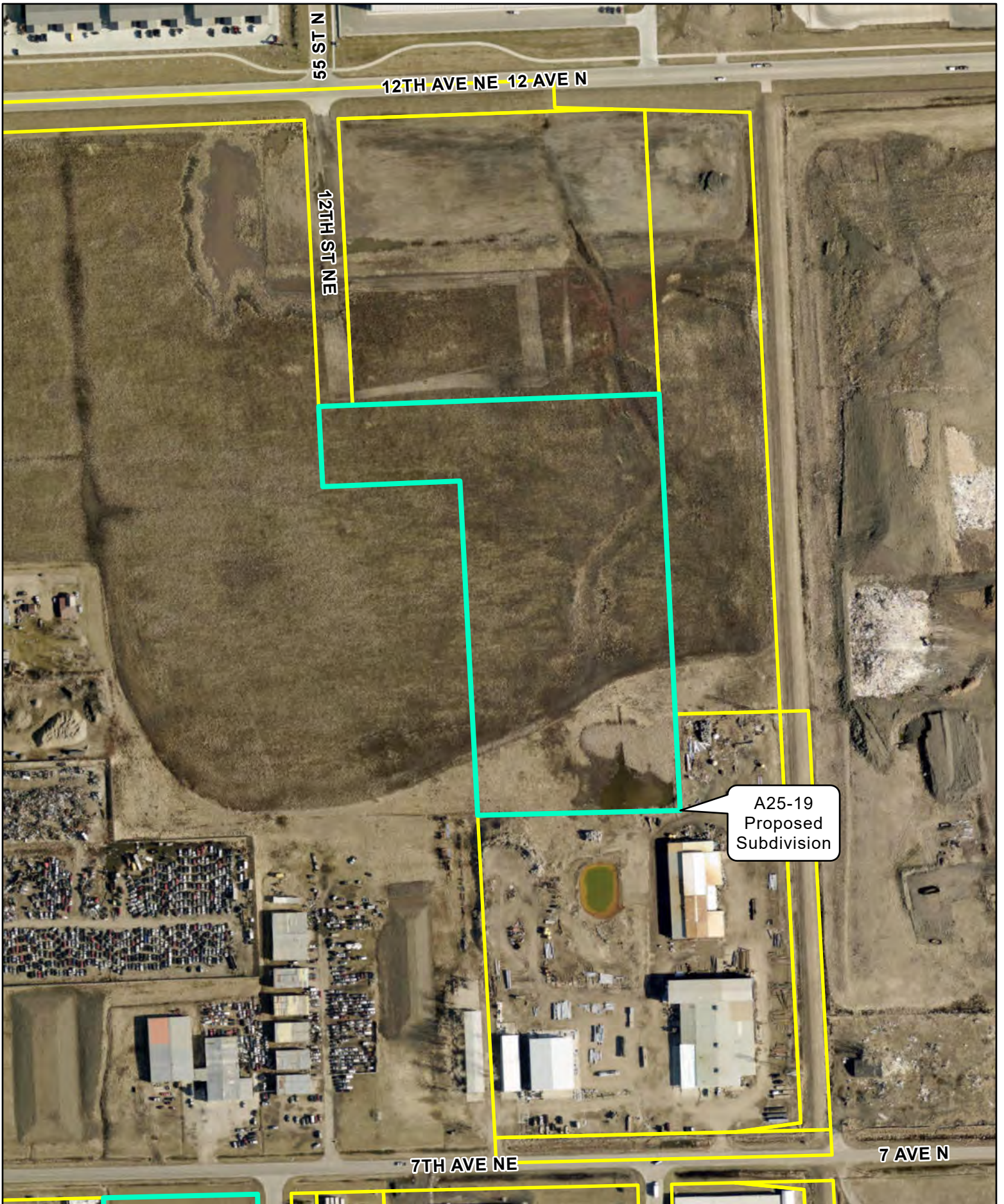
**RECOMMENDATION:**

It is recommended that the City approve the proposed Subdivision on the basis that it is consistent with City plans and ordinances subject to the following:

1. A public dedication agreement will be needed to outline the terms of the dedication, prior to City Commission approval

Attachments:



- Aerial map
- Zoning map
- Preliminary Plat
- Area Plan for reference purposes illustrating potential future road



A25-19  
Proposed  
Subdivision



### Features

-  Agenda Zone
-  Lots





12TH AVE NE

A25-19  
Proposed Subdivision

7TH AVE NE

**West Fargo Zoning**

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
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- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
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- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential

N

0
150
300

US Feet



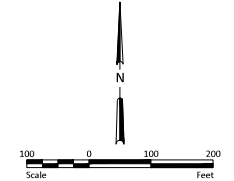


# 12TH AVENUE INDUSTRIAL ADDITION

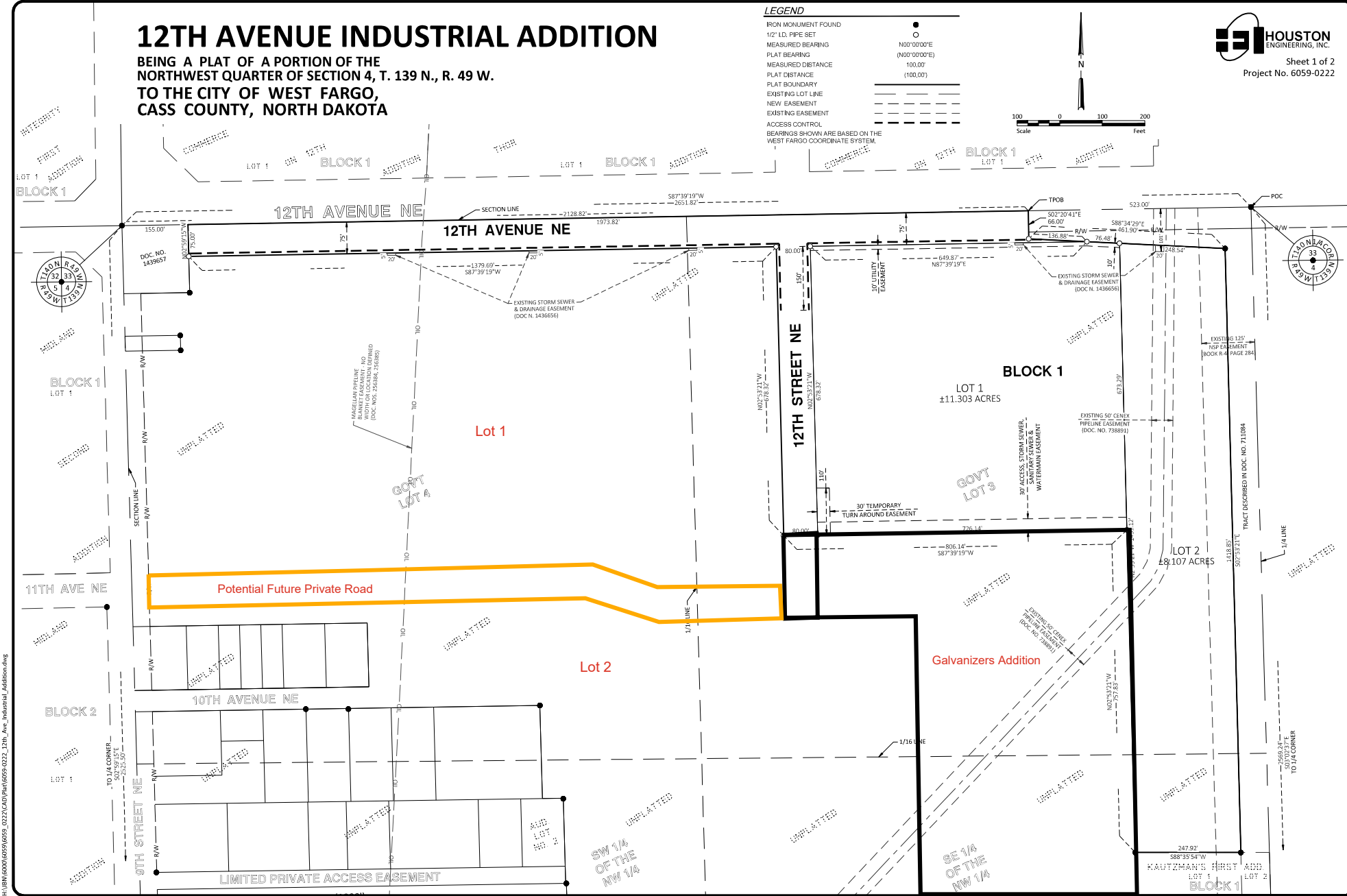
BEING A PLAT OF A PORTION OF THE  
NORTHWEST QUARTER OF SECTION 4, T. 139 N., R. 49 W.  
TO THE CITY OF WEST FARGO,  
CASS COUNTY, NORTH DAKOTA

### LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- MEASURED BEARING
- PLAT BEARING (N00°00'00"E)
- MEASURED DISTANCE
- PLAT DISTANCE (100.00)
- PLAT BOUNDARY
- EXISTING LOT LINE
- NEW EASEMENT
- EXISTING EASEMENT
- ACCESS CONTROL
- BEARINGS SHOWN ARE BASED ON THE WEST FARGO COORDINATE SYSTEM.



**Houston Engineering, Inc.**  
Sheet 1 of 2  
Project No. 6059-0222



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STAFF REPORT

A25-18		COMBINATION/RETRACEMENT PLAT	
Sterling Industrial Park 8 <sup>th</sup> Addition			
632 13 <sup>th</sup> St NE (Lot 4, Block 2 of Sterling Industrial Park 1 <sup>st</sup> Addition & Lot 5, Block 1 of Sterling Industrial Park 2 <sup>nd</sup> Addition)			
Owner: Freightex Leasing Services, LLC Applicant: Cole Neset, Neset Land Surveys		Staff Contact: Lisa Sankey	
Planning & Zoning Commission:		08-12-2025	
City Commission Final Plat Approval:			

**PURPOSE:**

Combination of two existing platted lots into one.

**STATEMENTS OF FACT:**

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	M: Heavy Industrial
Zoning Overlay District(s):	None
Proposed Lot size(s) or range:	2.52 Acres
Adjacent Zoning Districts:	M: Heavy Industrial
Adjacent street(s):	7 <sup>th</sup> Avenue NE (Minor Arterial); 13 <sup>th</sup> Street NE (Local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	n/a

**DISCUSSION AND OBSERVATIONS:**

- The applicant is proposing to combine two previously subdivided lots.
- Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:
  1. No additional right-of-way is required or being established.
  2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
  3. Lots to be combined are contiguous and under common ownership.
- The owner intends to continue to utilize the property for semi-truck parking.
- The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes.
- With retracement plats there are no street right-of-way dedication or park dedication requirements.
- A public hearing is not required, though the applicant must plat the property according to platting standards and the plat must be reviewed by the Planning and Zoning and City Commissions.

STAFF REPORT

**NOTICES:**

Sent to: Applicable agencies and departments

Comments Received:

- None to date.

**CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:**

- The proposed application is consistent with the City plans and ordinances.

**RECOMMENDATIONS:**

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances.

- Aerial map
- Zoning map
- Preliminary Plat
- Site Plan



7TH AVE NE

13TH ST NE

5TH AVE NE

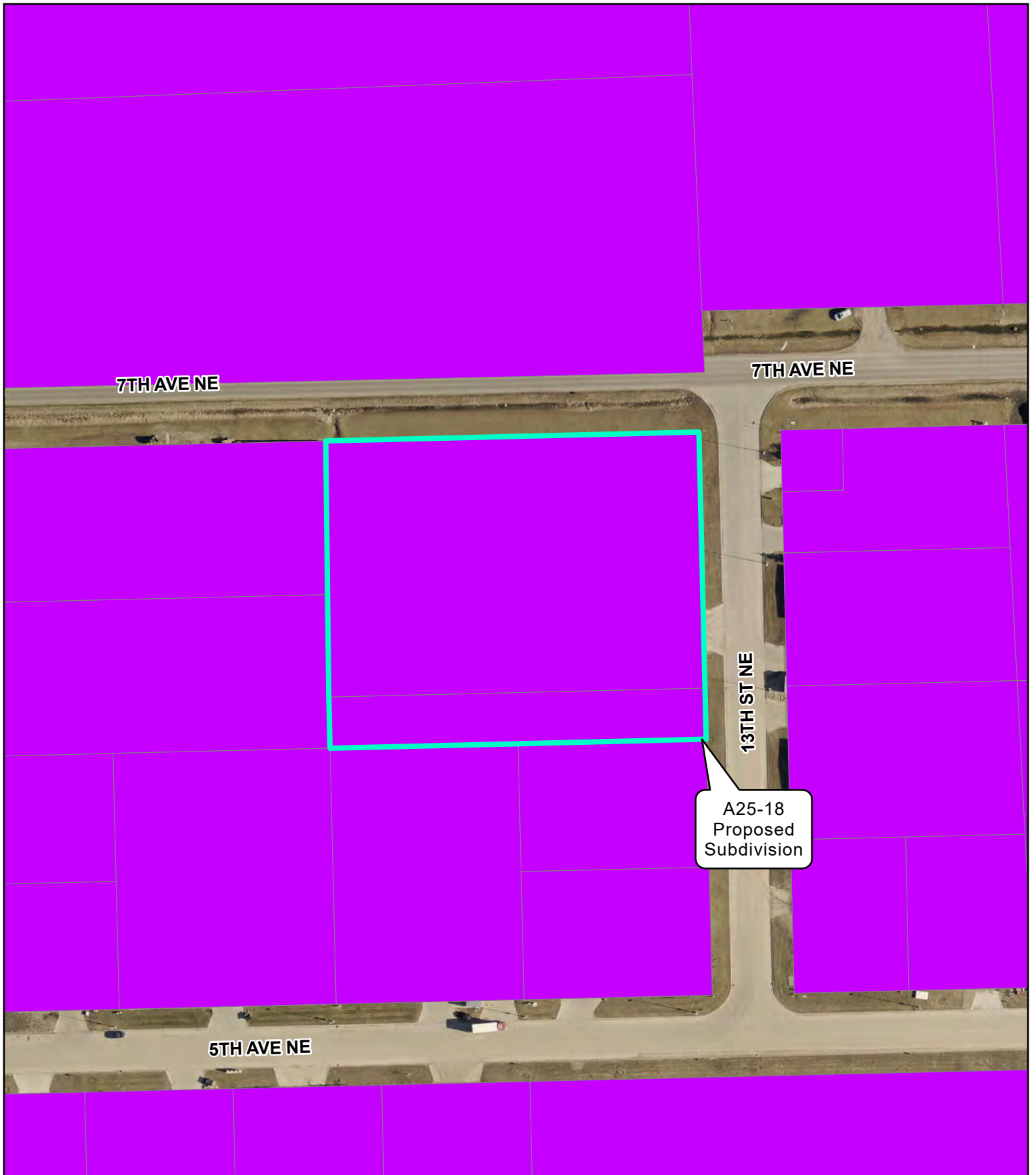
A25-18  
Proposed  
Subdivision



### Features

- Agenda Zone
- Lots





7TH AVE NE

7TH AVE NE

13TH ST NE

A25-18  
Proposed  
Subdivision

5TH AVE NE

**West Fargo Zoning**

- A: Agricultural
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N

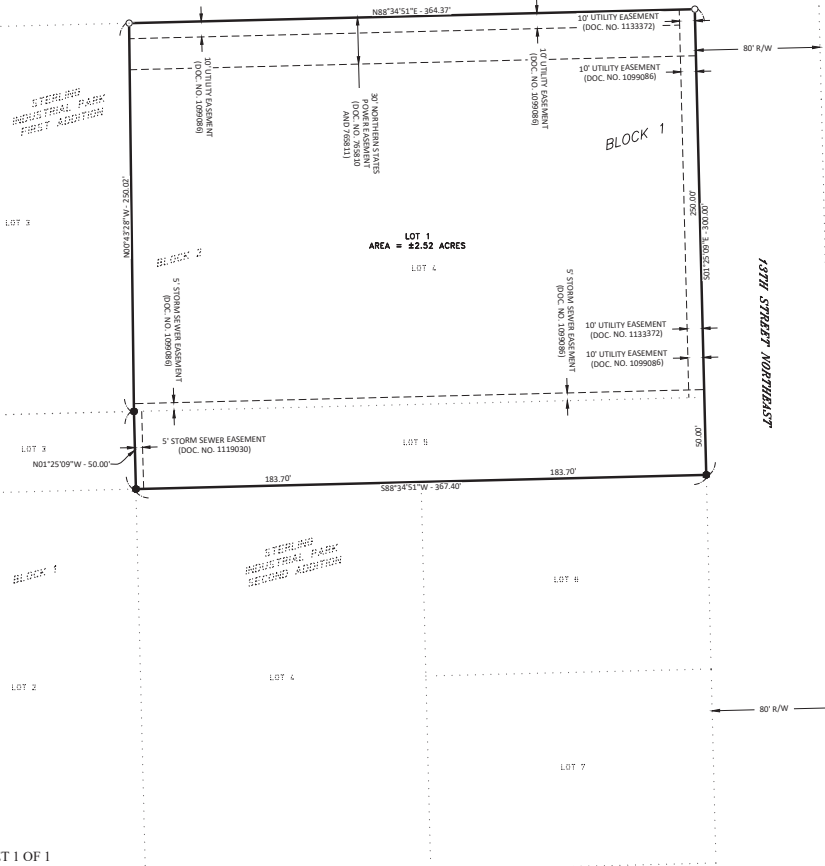
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US Feet

# STERLING INDUSTRIAL PARK EIGHTH ADDITION

A REPLAT OF LOT 4, BLOCK 2, OF STERLING INDUSTRIAL PARK FIRST ADDITION, AND LOT 5, BLOCK 1,  
OF STERLING INDUSTRIAL PARK SECOND ADDITION  
WEST FARGO, CASS COUNTY, NORTH DAKOTA

7TH AVENUE NORTHEAST



**OWNER'S CERTIFICATE**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT FRIGHTEX LEASING SERVICES, LLC, IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF "STERLING INDUSTRIAL PARK EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 4, BLOCK 2, OF STERLING INDUSTRIAL PARK FIRST ADDITION, AND LOT 5, BLOCK 1, OF STERLING INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF COLE A. NESET, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

SAID STERLING INDUSTRIAL PARK EIGHTH ADDITION CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS 2.52 ACRES, MORE OR LESS, AND IS SUBJECT TO RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD, IF ANY.

LOT 1  
 ARCH SIMONSON, VICE PRESIDENT  
 FRIGHTEX LEASING SERVICES, LLC  
 OWNER OF LOT 1, BLOCK 1  
 STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH SIMONSON, VICE PRESIDENT OF FRIGHTEX LEASING SERVICES, LLC, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF FRIGHTEX LEASING SERVICES, LLC.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

**SURVEYOR'S CERTIFICATE**

LOT 2  
 I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS STERLING INDUSTRIAL PARK EIGHTH ADDITION, A REPLAT OF LOT 4, BLOCK 2, OF STERLING INDUSTRIAL PARK FIRST ADDITION, AND LOT 5, BLOCK 1, OF STERLING INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

COLE A. NESET,  
 REGISTERED LAND SURVEYOR  
 NO 15-7513  
 STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

**WEST FARGO CITY COMMISSION APPROVAL**

LOT 1  
 THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

BERNIE L. DARDIS  
 PRESIDENT, BOARD OF CITY COMMISSIONERS

DUSTIN T. SCOTT  
 CITY AUDITOR

STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, AND DUSTIN T. SCOTT, CITY AUDITOR OF THE CITY OF WEST FARGO, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

**SURVEY INFORMATION**

DATE OF SURVEY: JUNE 2025  
 BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE  
 SYSTEM, DECEMBER 1992  
 UNIT: US SURVEY FEET

**CITY OF WEST FARGO PLANNING COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

ERIC C. DODDS  
 CHAIR

STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ERIC C. DODDS, WEST FARGO PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF THE CITY OF WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

**CITY OF WEST FARGO ENGINEERING DEPARTMENT APPROVAL**

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

JERROLD F. WALLACE  
 CITY ENGINEER

STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JERROLD F. WALLACE, WEST FARGO CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

**CITY OF WEST FARGO ATTORNEY APPROVAL**

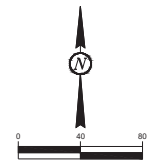
I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME, AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

KATE J. SCHMIDT  
 WEST FARGO CITY ATTORNEY

STATE OF NORTH DAKOTA )  
 ) JSS  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KATE J. SCHMIDT, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME AS CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA



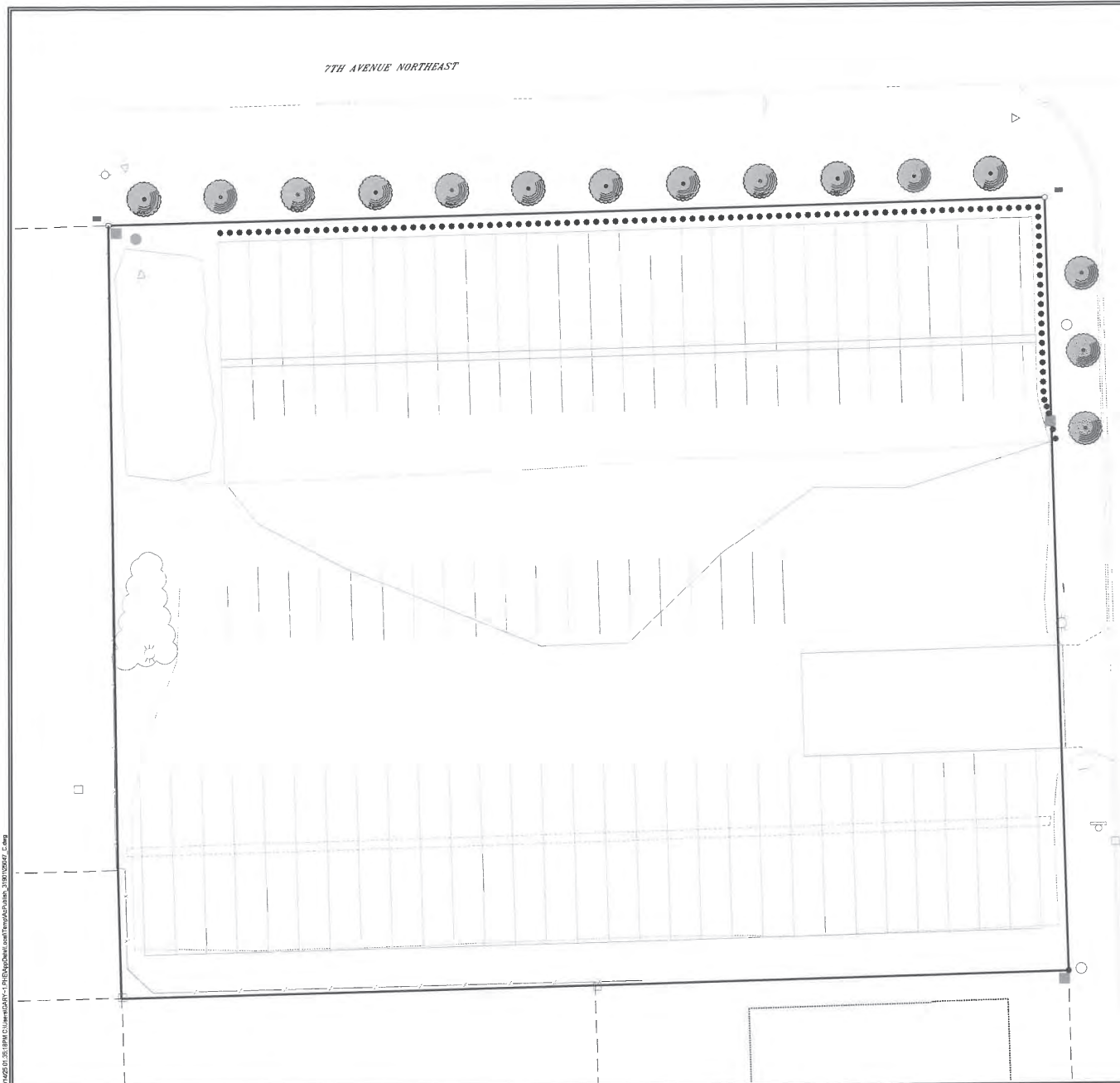
SHEET 1 OF 1



5TH AVENUE NORTHEAST

DW025 14-271098AZ, Sheet 1 of 1, 2025, Project 10004, LOWRY PROJECTS 4.2, LRP0047, Minnesota West Fargo LLC/land/Minnesota West Fargo, CA, Commissioning





7TH AVENUE NORTHEAST

13TH STREET NORTHEAST

LANDSCAPING LEGEND				
SYMBOL	TYPE OF PLANT MATERIAL	PLANTING SIZE	PLANT UNITS PER EACH	# PLANTS EACH
	LARGE DECIDUOUS TREE	1.5 TO 3-INCH CALIPER - >30 FOOT MATURE HEIGHT	10	15
	PERENNIAL PLANTS	2 GALLON	1	110

LANDSCAPING REQUIREMENTS		
OPEN SPACE REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
1 PLANT UNITS PER 1,000 SF	109,840SF OF LOT / 1,000 = 110 PLANT UNITS	110 PERENNIAL PLANTS
STREET TREE REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
1 TREE PER 30 LF	365' OF 7TH AVE NE FRONTAGE $\frac{30}{100} = 1.2$ STREET TREES 95' OF 13TH ST NE FRONTAGE $\frac{30}{100} = 3$ STREET TREES	15 LARGE DECIDUOUS TREES
PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
ROW OF SHRUBS OR PERENNIAL PLANTS SPACED NO GREATER THAN 2.4 FEET APART TO CREATE A CONTINUOUS ROW AT MATURITY	PARKING LOT PERIMETER PLANTINGS BETWEEN PROPERTY LINE & OFF-STREET PARKING AREAS	110 PERENNIAL PLANTS

- LANDSCAPING NOTES:
1. AT THE TIME OF PLANTING TREES SHALL HAVE A MIN. OF 2" CALIPER TRUNK.
  2. ALL STREET TREES SHALL HAVE A MINIMUM 3' RADIUS MULCH RINGS INSTALLED AT THE TIME OF PLANTING. THIS SHALL NOT APPLY TO TREES WITHIN THE SITE.
  3. CONTRACTOR SHALL PROVIDE A 1 YEAR WARRANTY ON ALL LANDSCAPE MATERIAL TO INCLUDE WORKMANSHIP FOR INSTALLATION FROM DATE OF FINAL ACCEPTANCE.
  4. CONTRACTOR TO COORDINATE WITH MECHANICAL REGARDING LANDSCAPING IN AND AROUND AIR INTAKE OR EXHAUST UNITS.
  5. CONTRACTOR TO ALLOW 5' CLEARANCE FROM UNDERGROUND UTILITY PIPING TO PLANTINGS.
  6. ALL OTHER PLANTING / LANDSCAPE REQUIREMENTS PER FRANCHISE REQUIREMENTS.
  7. ALL TREES SHALL BE APPROVED BY CITY FORESTER.

**LOWRY**  
ENGINEERING  
5508 EAST AVENUE SOUTH, SUITE A  
FARGO, NORTH DAKOTA 58104

REVISIONS

FREIGHTEX WEST FARGO  
632 13TH STREET NE  
WEST FARGO, ND 58078

**NOT FOR  
CONSTRUCTION**

LE JOB #	25047
PROJECT DATE:	07/15/2025
CHECKED BY:	SAS
DRAWN BY:	GLP
APPROVED BY:	SAS



CALL BEFORE YOU DIG  
NORTH DAKOTA  
UTILITIES UNDERGROUND LOCATION SERVICE  
1-800-795-0555

LANDSCAPING PLAN  
**L-1**

07/15/25 10:25 AM C:\Users\glp\OneDrive\Documents\25047\25047.dwg

STAFF REPORT

A25-16 ACCESS REQUEST	
Bogey 4 <sup>th</sup> Addition	
475 12th Ave NE (Lot 1, Block 1 of Bogey 4th Addition)	
Applicant/Owner: Daniel Hazer	Staff Contact: Lisa Sankey
Planning & Zoning Commission:	08-12-2025
City Commission:	

**PURPOSE:**

Request an existing right-in/right-out access be converted into a full access onto a minor arterial roadway.

**STATEMENTS OF FACT:**

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Salvage Yard
Current Zoning District(s):	M: Heavy Industrial
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Total area size:	9.67 Acres
Adjacent Zoning Districts:	North – M: Heavy Industrial South – M: Heavy Industrial West – M: Heavy Industrial East – M: Heavy Industrial
Adjacent street(s):	12 <sup>th</sup> Ave NE (Minor Arterial)
Adjacent Bike/Pedestrian Facilities:	Shared-use path along north side of 12 <sup>th</sup> Ave
Available Parks/Trail Facilities:	Not applicable
Park Dedication Requirements:	Not applicable

**DISCUSSION AND OBSERVATIONS:**

- Section 2-0119 of the City Ordinances requires City Commission approval upon recommendation of the Planning & Zoning Commission for access to arterial and collector roadways.
- The applicant currently has a driveway onto 12<sup>th</sup> Avenue NE, which is a right-in/right-out access point due to an existing raised center median at this location.
- The applicant is requesting removal of the center median along 12<sup>th</sup> Avenue NE to provide a full access for property located along the south side of a minor arterial street. The applicant had originally proposed a three-quarters access; however, due to lack of median width to accommodate the geometry necessary for a three-quarters access, a full access is being proposed.
- Standard spacing of driveways and intersections along arterial streets in developing areas is 660 feet with a minimum spacing of 330 feet.
- The access point in question is approximately 350 feet from the nearest driveway or intersection.
- Staff has reviewed the request, which meets minimum spacing requirements as currently outlined within the subdivision ordinance.
- While staff does not have concerns with the removal of the median to allow full access at this time, future traffic volumes and conditions may warrant reinstallation of a raised median at some point in the future. As such, staff recommends that approval of the applicant’s request be conditioned on the following:

STAFF REPORT

- The applicant waives the right to protest any future decision by the City to reinstall the raised median and/or to otherwise restrict access if conditions warrant.
- The applicant waives the right to protest any costs for such improvements that may be assessed in accordance with the City's infrastructure funding policy.
- Costs associated with the removal of the median will be the responsibility of the applicant.
- Only that portion of the median located across from, and east of, the existing driveway would be removed. At least 100 feet of raised median will remain on the east side of the adjacent railroad crossing. All such work is required to be completed by a contractor licensed with the City and will require reviewed and approval of a Right-of-Way Permit by the City Engineering Department.

**NOTICES:**

Sent to: Applicable agencies and departments

Comments Received:

- None to date.

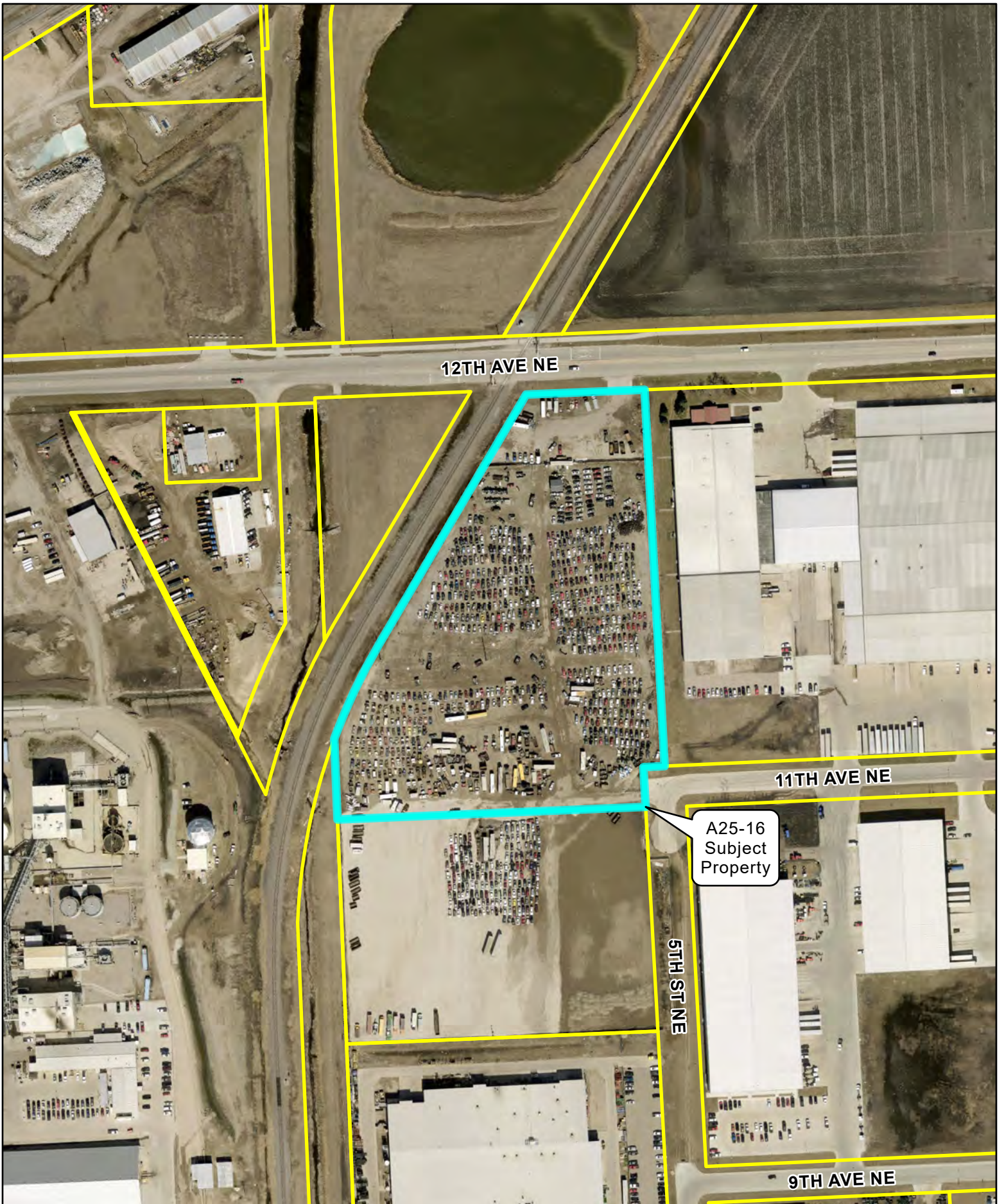
**RECOMMENDATION:**

It is recommended that the City approve the proposed access onto 12<sup>th</sup> Ave NE as the proposal complies with applicable ordinances with the following condition:

1. The applicant enters into an agreement with the City in which the applicant waives the right to protest any future decision by the City to reinstall the raised median and/or to otherwise restrict access if conditions warrant, and waives the right to protest any costs for such improvements that may be assessed in accordance with the City's infrastructure funding policy.

Attachments:

- Aerial Map
- Zoning Map
- Applicant's site plan, illustrating proposed access location.



12TH AVE NE

11TH AVE NE

A25-16  
Subject  
Property

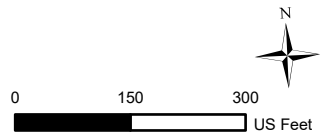
5TH ST NE

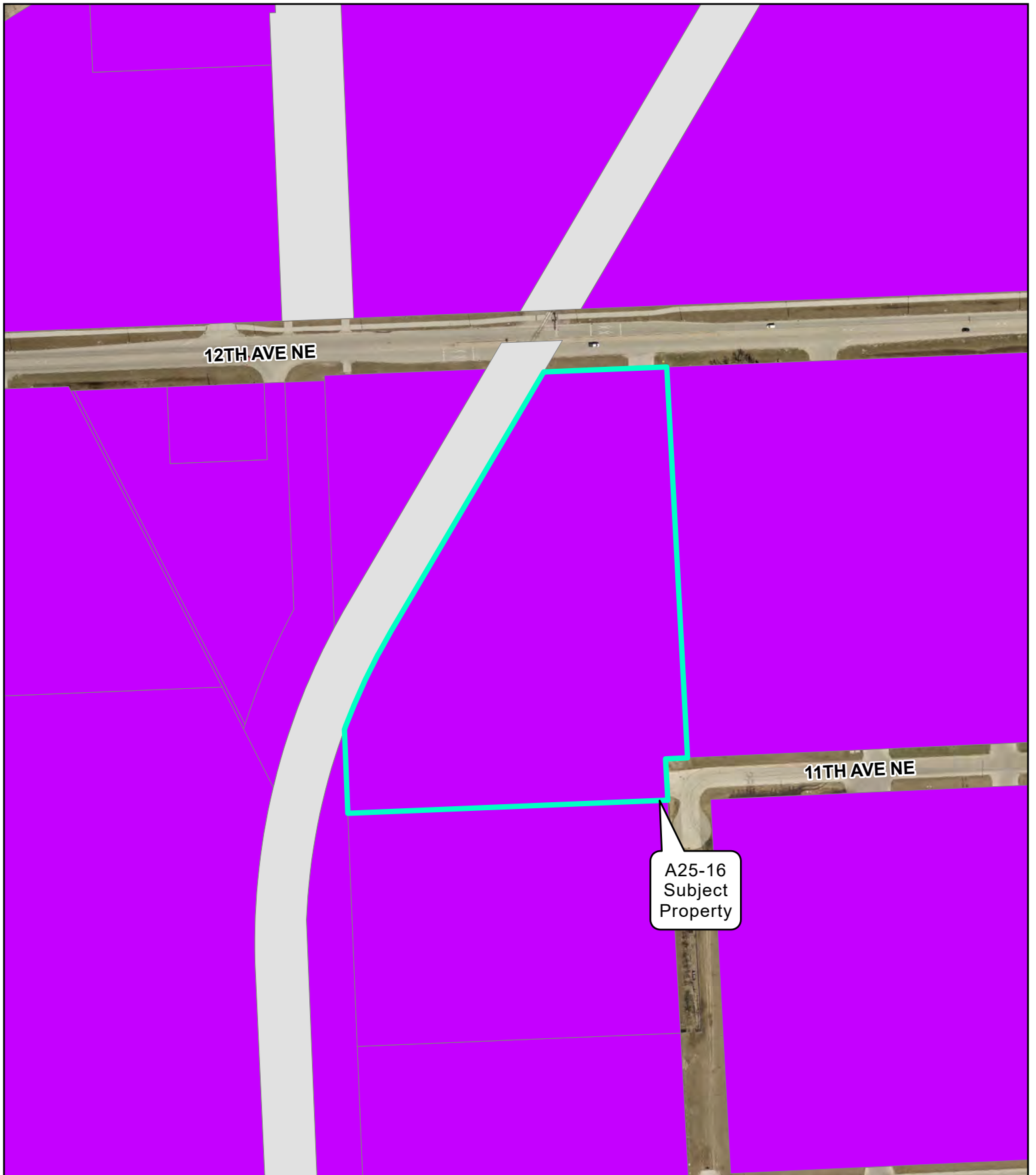
9TH AVE NE



### Features

 Agenda Zone  Lots





12TH AVE NE

11TH AVE NE

A25-16  
Subject  
Property

**West Fargo Zoning**

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

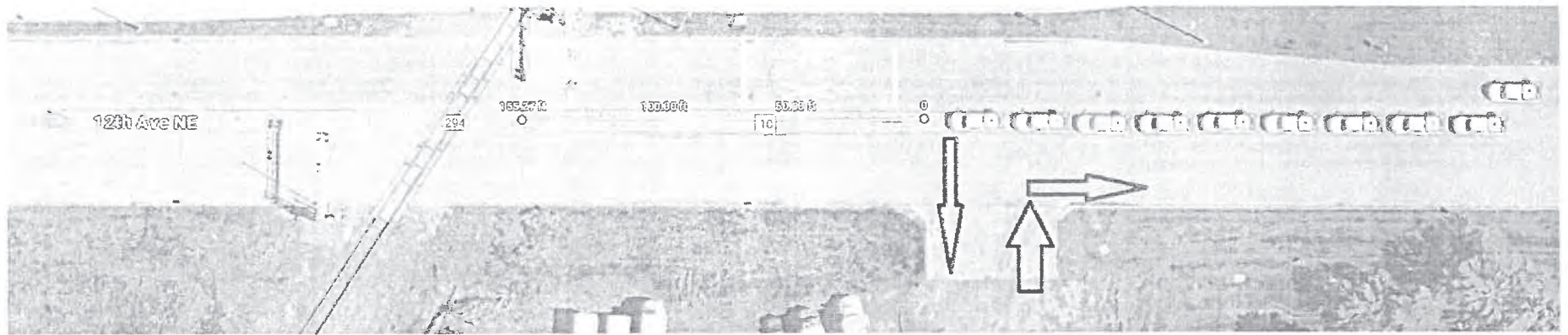
- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential

N

0
150
300

US Feet



## MEMORANDUM

**TO:** Planning & Zoning Commission  
**FROM:** Aaron Nelson, Planning Director *AN*  
**MEETING DATE:** August 12, 2025  
**SUBJECT:** Discussion on Proposed Revisions to Landscaping Standards

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### Overview

Staff is proposing amendments to the landscaping standards in Title IV of the City Ordinances. These changes are intended to address concerns raised about landscaping requirements for industrial properties located within Corridor Overlay zoning districts, while also making targeted refinements to improve flexibility and clarity in the code.

At the August 12 meeting, staff will provide an overview of proposed updates to the Landscaping standards. This is a discussion only item and no action is requested.

### Background

The City recently approved several new additions to the Sandhills industrial development located along the north side of Interstate 94, west of 26<sup>th</sup> St NW. The owner of several of these lots adjacent to the interstate has raised concerns regarding the amount of landscaping vegetation required for new development.

The City's landscaping ordinance requires new development to install trees, shrubs, and/or perennials (vegetation) at the time of development. The amount of vegetation required is calculated based on 1) the zoning district and 2) the total area of the lot. Properties within corridor overlay districts, such as the CO-I (Interstate Corridor Overlay) district, are required to have the most vegetation. While such required vegetation is common within commercial or office park developments, highly landscaped yards are not typical within industrial areas which often require larger buildings and more surface area for outdoor storage and large-vehicle circulation.

Staff concurs with the concerns raised. While the intent of the landscaping regulations and corridor overlay districts are to promote attractive and desirable development patterns, staff

also recognizes the need to prevent such regulations from creating an excessive burden on commercial activity and economic development.

The proposed edits primarily seek to ease required vegetation for industrial development. Staff is also considering additional minor refinements to the overall landscaping standards, with the overarching goal of increasing development flexibility while continuing to promote attractive and desirable development.

## **Summary of Proposed Updates**

### Open Space Landscaping.

- Separate Corridor Overlay districts from base zoning districts for purpose of determining required number of Plant Units.
  - The purpose is to reduce landscaping requirements for certain properties located within Corridor Overlay districts—primarily industrial properties.
- Remove requirement that 70% of landscaping be placed in front or street-side yards.
  - The purpose is to provide property owners with greater flexibility with their site design.

### Parking Lot Perimeter Landscaping.

- Replace prescriptive perimeter landscaping requirements with a more flexible system based on Plant Units.
  - The purpose is to allow property owners to design their own perimeter landscaping as opposed to restricting owners to only a handful of options.

### Parking Lot Island Landscaping.

- Allow shrubs and perennials in lieu of trees within islands, when necessary.
  - The purpose is to provide property owners with greater flexibility and options in the type of vegetation placed within parking lot islands in cases where space for trees is encumbered.

### Buffer Yards

- Clarify when and where buffer yards are required, including updates to applicability, exceptions, and language used to describe development types.
  - The purpose is to further clarify and fine-tune when and where buffer yards are required to create a separation between land-uses.

**Attachment:** Draft proposed amendments

4-449-A. LANDSCAPING STANDARDS. Source: Ord. 1249, Sec. 13 (2024)

1. Purpose. The purpose of this Landscaping section, through the preservation, protection, maintenance, and planting of trees and other plant materials, is to:
  - a. Help reduce the city's impact on the environment.
  - b. Enhance green space within the city.
  - c. Provide shade and wind breaks to reduce extreme weather.
  - d. Mitigate flood hazards, erosion, and storm water runoff. Trees can help in the stabilization of soil and replenish groundwater supplies.
  - e. Reduce the heat island effect that is generated by hardscape such as asphalt parking lots by requiring organic ground cover and shade.
  - f. Provide buffers and screens against noise, air pollution, and unsightly and incompatible land uses.
  - g. Absorb carbon dioxide and supply oxygen in our atmosphere, which is an essential ecological function in the preservation of human and animal life. Trees can provide a haven for birds which, in turn, assist in the control of insects.
  - h. Help aid in energy conservation.
2. Applicability.
  - a. New Development
    - (1) All new development (including reconstruction and expansion) shall be required to provide landscaping, screening, and buffering in accordance with the standards of this section, unless otherwise exempt by this code.
    - (2) When an expansion or redevelopment of a building on a lot requires the removal of required landscaping, that landscaping shall be replaced elsewhere on the lot.
  - b. Exceptions
    - (1) Single- and Two-Family Residential. Single-family, twin home, and two-family residential uses are not required to meet the landscaping requirements of this section. However, such development is required to provide street trees in accordance with this section, as well as ground cover for all areas of the lot that are not covered by improvements.

- (2) Agricultural District. Agricultural uses within the “A” zoning district shall not be required to provide landscaping.
- (3) Parking Lots.
  - (a) The requirements of this section do not apply to parking lot re-stripping and repaving where there is no expansion of the parking area.
  - (b) When a parking lot is being expanded to an extent 50 percent or more of the lot’s surface area prior to expansion, or at least 50 percent more parking spaces are being added, whichever is less, landscaping as described in this section shall be required.
  - (c) For parking lot expansions of less than 50 percent, only the parking lot area being added shall be required to meet the standards of this section. For example, if a parking lot is expanded in an area not adjacent to a street, no Parking Lot Perimeter landscaping is required, and only the expanded area shall be subject to the Parking Lot Island landscaping standards of this section.
  - (d) Expansions are measured cumulatively, so that separate expansions adding up to a 50 percent or greater increase within five years shall be required to meet the landscaping requirements of this section.
- (4) DMU District. Development within the “DMU” zoning district shall not be required to provide landscaping in accordance with this section.
- (5) Improvements & Repairs
  - (a) Improvements or repairs to existing development that do not increase the existing floor area on the lot by more than 1,000 square feet or 10 percent, whichever is greater, shall not be required to provide landscaping in accordance with this section.
  - (b) Expansions are measured cumulatively, so that separate expansions adding up to more than 1,000 square feet or 10 percent (whichever is greater) within five years shall be required to meet the landscaping requirements of this section.
- (6) Change in Use. Changes in use that do not require more parking spaces or a more intensive zoning than the previous use shall not be required to provide landscaping in accordance with this section.

3. Landscape Plan Required.

- a. A landscape plan shall accompany all development applications and/or building permit requests that require landscaping pursuant to this section, and shall include the minimum information specified by the City.
- b. No building permit shall be issued until a landscape plan is submitted and approved by the City Planner.
- c. No certificate of occupancy shall be issued for any building or structure until all landscaping shown on the approved landscape plan has been installed. The City Planner may approve a deferral of up to eight months, on account of adverse weather conditions. If a property owner requests a deferral, the request shall be accompanied by a proposed schedule for completion of installation.
- d. A temporary certificate of occupancy may be issued when a deferral has been approved by the City Planner.

4. General Standards.

a. Plant Material & Installation

- (1) All plant materials shall be living plants suitable for USDA Plant Hardiness Zone 4.
- (2) Artificial plants are prohibited.
- (3) All trees and shrubs shall be planted in good condition. All plant materials to be installed shall be nursery-grown and root-pruned stock, free of insects, weeds, disease, debris, and defects.
- (4) Plant materials used to satisfy the requirements of this section shall meet the size requirements of the Plant Material Size Table, below:

Plant Material Size Table

Type of Plant Material	Min. Size at Time of Planting	Mature Size
Large Deciduous Tree <sup>[1]</sup>	1-inch caliper width	>30 feet tall
Large Evergreen Tree <sup>[1]</sup>	3.5 feet tall	>30 feet tall
Small Deciduous Tree <sup>[1]</sup>	1-inch caliper width	12 to 30 feet tall
Small Evergreen Tree <sup>[1]</sup>	2.5 feet tall	12 to 30 feet tall
Shrub	2 gallon container size	>3 feet tall
Perennial Plants <sup>[2]</sup>	1 gallon container size	>2.5 feet tall

[1] Smaller caliper/height trees for certain species may be acceptable upon approval of the City Planner.

[2] Perennial plant materials shall not exceed twenty percent (20%) of the open space requirement

- (5) Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in

swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used.

- (6) Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the City.
- (7) The maximum slope of any landscaped berm shall be 2:1.

b. Maintenance.

- (1) The property owner and tenant shall be jointly and severally responsible for maintenance of all required landscaping. This maintenance requirement shall carry with the land and shall be the responsibility of any subsequent owners and tenants of the property. It is the responsibility of the owner to notify any subsequent owners of the property of this responsibility.
- (2) Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City.
- (3) The Tree Topping of trees is prohibited.

c. Administrative approval for practical landscaping improvements.

- (1) The City Planner has authority to allow flexibility to the requirements of this section to enable:
  - (a) Flexibility concerning the location of landscaping to allow for landscaping to be focused in buffer areas adjacent to conflicting land uses, entrance areas, or other areas of increased visibility.
  - (b) Flexibility concerning irregular, narrow, or shallow lots.
  - (c) Flexibility to approve alternative planting plans that include aesthetic design elements and hardscapes that complement the plant material such as public art, fountains, plazas, courtyards, and front yard/entrance statements.

- (2) The City Planner has authority to allow flexibility to the Buffer Yard standards of this section when any of the following circumstances are found to exist:
  - (a) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of the required Buffer Yard.
  - (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
  - (c) The required Buffer Yard would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
- (3) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, Buffer Yards shall be reserved as required by this section. However, to achieve the intent of this section, the City Planner may require an alternative location and design for required screening and plantings.
- (4) When property lines abut an adjacent jurisdiction, the City Planner shall determine the specific Buffer Yard requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City.

5. Open Space Landscaping.

- a. Relationship to Other Landscaping Standards. Landscaping provided to meet the Boulevard Tree or Buffer standards of this section may not be counted towards meeting a development's Open Space Landscaping requirements. Parking Lot Landscaping, however, may be counted towards meeting a development's Open Space Landscaping requirements.
- b. Plant Units Required.
  - (1) Commercial, Office, & Residential Districts. Within commercial, office, and residential zoning districts (C, C-OP, HC, R), at least three (3) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.
  - (2) Mixed-Use, and Public Districts. Within mixed-use, and public zoning districts (EMU, P), at least two (2) plant units shall be provided for each 1,000 square feet of lot area or fraction thereof.
  - (3) Industrial Districts. Within industrial zoning districts (LI, M), at

least one (1) plant unit shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.

- (4) Corridor Overlay Districts. Within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R), one (1) additional plant unit shall be provided for each 1,000 square feet of lot area or fraction thereof, in addition to the plant units required by Subsections 1-3, above. Where multiple overlay districts overlap, only one (1) additional plant unit is required.

- c. Plant Unit Equivalency. The following table provides a breakdown of plant unit equivalencies.

<i>Type of Plant Material</i>	<i>Equivalent Plant Units</i>
Large Deciduous Tree	10
Large Evergreen Tree	10
Small Deciduous Tree	5
Small Evergreen Tree	5
Shrub	2
Perennial Plants	1

Existing mature trees may be counted as double the equivalent plant units noted in the table above, so long as the mature tree has a current caliper width of more than 7 inches for a large tree or more than 4 inches for a small tree, and meets all other applicable standards of this section.

- d. Plant Unit Calculation. On-site wetlands, stormwater ponds, natural preservation areas, and outdoor recreation facilities (sports fields, tracks, playgrounds, etc.) may be excluded from the lot area square-footage value used to calculate required plant unit.

6. Parking Lot Perimeter Landscaping.

- a. Applicability. Parking Lot Perimeter Landscaping is required along all off-street parking and vehicle circulation areas that are located within 30 feet of public street rights-of-way.
- b. Location. Parking lot perimeter landscaping shall be located between adjacent street rights-of-way and all parking/vehicular circulation areas.
- c. Parking Lot Perimeter Landscaping:
- (1) A minimum of 15 Plant Units per 50 linear feet of parking lot perimeter frontage shall be provided.
  - (2) Trees and any other vegetation used for parking lot perimeter landscaping may also be counted towards Open Space plant unit minimum standards. In no case shall parking lot perimeter landscaping be required to exceed the required number of Open

Space plant units.

- (3) Parking lot screening elements such as berms, masonry pony walls, or decorative metal fencing may be used in lieu of required parking lot perimeter vegetation, if approved by the City Planner in accordance with Section 4-449-A-4.c.

7. Parking Lot Island Landscaping.

- a. Applicability. All parking lots with 20 or more parking spaces shall provide landscape islands as described in this subsection.
- b. Landscape Islands.
  - (1) One interior landscape island shall be provided for every twenty (20) continuous parking spaces, and a terminal island shall be provided at both ends of each row of parking. There may not be more than twenty (20) continuous parking spaces (40 back to back) in a continual row without providing an island or peninsular landscaping. See Figure 1.
  - (2) Interior and terminal landscape islands shall be no less than six feet wide and no shorter than the length of the adjacent parking space(s).

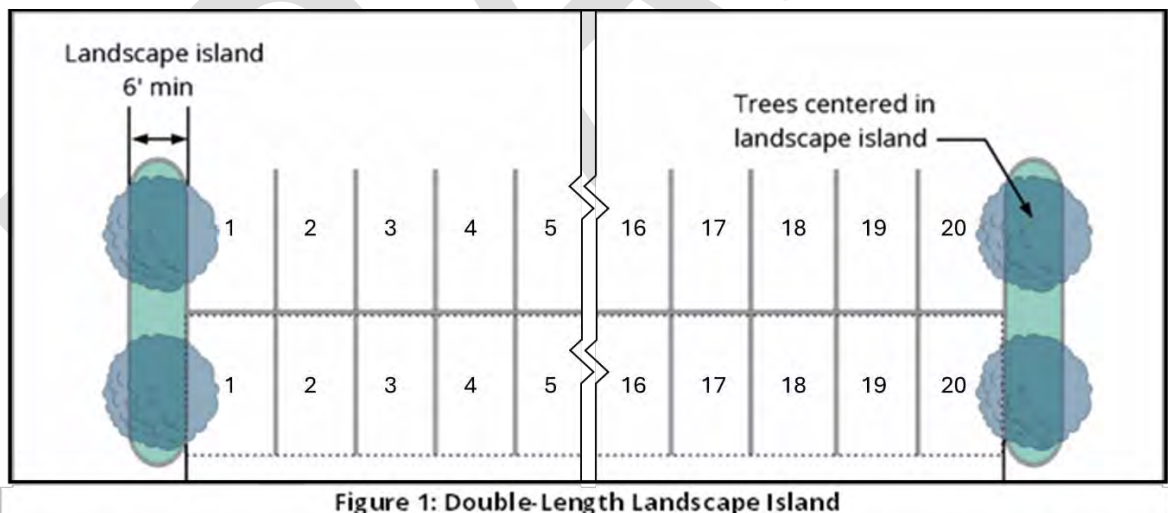


Figure 1: Double-Length Landscape Island

- (3) Each landscape island adjacent to the length of one parking space shall contain at least one tree surrounded by at least 90 square feet of permeable surface area.
- (4) Each double-length landscape islands adjacent to the length of two parking spaces shall provide at least two trees. Trees in double length islands shall be planted no less than 15 feet apart. Each tree shall have a minimum permeable surface area of 90 square feet.

- (5) Trees and any other vegetation planted within parking lot landscape islands may be counted towards Open Space plant unit minimum standards.
- (6) Any remaining surface area of the island shall be covered with living plant material or other approved ground cover, such as mulch, pea gravel, river rock, or similar landscaping material.
- (7) In cases where light poles, stormwater retention, or similar infrastructure hinders the placement of a tree within the landscape island, shrubs and/or perennials may be planted in lieu of a tree.

8. Boulevard Trees.

- a. Coordination with Other Plans. Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the City Forester.
- b. Permit Required. The City Forester's office reviews and approves all proposed boulevard tree plantings and removals. Prior to installation or removal of a boulevard tree, an application must first be submitted and approved by the City Forester's office.
- c. Minimum Requirements. The City Forester shall have final approval of proposed boulevard tree plans, species, and placement, and may approve variances from these minimum requirements where conditions necessitate.
  - (1) Species of Trees.
    - (a) Boulevard trees shall be chosen from the City's Approved Plant List, as maintained by the City Forester.
    - (b) Boulevard trees shall be single-stem trunks with a straight vertical line.
    - (c) Evergreen trees shall not be planted as boulevard trees.
    - (d) Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and/or the fruit is considered a nuisance or high maintenance, as determined by the City Forester.
  - (2) Number of Trees.
    - (a) In residential areas, one boulevard tree shall be planted every twenty-five (25) feet within boulevards. In all other areas, one boulevard tree shall be planted every thirty (30) feet

within boulevards, unless the City Forester determines otherwise.

- (b) If the branches of a boulevard tree at mature height would interfere with overhead powers lines, ornamental trees may be planted at a rate of two ornamental trees for every one required canopy tree. The substitution and placement of ornamental trees shall be reviewed and approved by the City Forester.

(3) Spacing of Trees.

- (a) New trees shall be planted at least twenty-five (25) feet from existing trees.
- (b) On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs.
- (c) Trees shall be planted at least twelve (12) feet from driveways and alleyways, unless otherwise determined by the City Forester.

(4) Size Requirements.

- (a) At time of planting, boulevard trees must be at least 1 inch in diameter.
- (b) The lowest branch on the tree cannot be over 9 ½ feet above the ground.

9. Buffer Yards.

a. Applicability. The requirement for Buffer Yards shall apply when:

- (1) Multi-family residential development of four (4) or more units is constructed on a parcel that shares a property line with either 1) a residential zoning district other than R-2 or R-3 or 2) an existing single- or two-family residential development.
- (2) Non-residential or mixed-use development is constructed on a parcel that shares a property line with any residential zoning district (R), or existing residential development, including multi-family development.

b. Exceptions.

- (1) These buffer yard requirements do not apply to development adjacent to residential uses that are located within a commercial or industrial zoning district. The residential development may install

screening fences and/or buffering at their discretion; however, existing or new non-residential development shall not be required to do so.

- (2) These buffer yard requirements do not apply to public infrastructure and utilities.
- (3) These buffer yard requirement do not apply to non-residential development within a residential zoning district (R) or Public Facilities (P) district.
- (4) The area of required buffer yard shall not be required to exceed ten percent (10%) of the site area or ten percent (10%) of the width of the site.

c. Screening and Buffering Along Shared Property Lines.

*(Table on following page)*

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<b>Buffering and Screening Requirements</b>		
<b>Type of Development</b>	<b>Adjacent to:</b>	<b>Minimum Buffer</b>
<b>Multi-Family Residential (4 or more units)</b>	Residential zoning districts other than R-2/R-3 or single-/two-family residential use <sup>[2]</sup>	Six-foot tall opaque screening fence <sup>[1]</sup> OR Ten-foot wide landscape buffer <sup>[3]</sup>
<b>Non-Residential or Mixed-Use</b>	R-2 or R-3 zoning districts or multi-family residential use <sup>[2]</sup>	Six-foot tall opaque screening fence <sup>[1]</sup> within a ten-foot wide landscape buffer <sup>[3]</sup> OR Fifteen-foot wide landscape buffer <sup>[3]</sup>
<b>Non-Residential or Mixed-Use</b>	Residential zoning districts other than R-2/R-3 or single-/two-family residential use <sup>[2]</sup>	Six-foot tall opaque screening fence <sup>[1]</sup> within a fifteen-foot wide landscape buffer <sup>[3]</sup> OR Twenty-foot wide landscape buffer <sup>[3]</sup>
<b>Industrial</b>	Any residential district or residential use <sup>[2]</sup>	Minimum eight-foot tall opaque screening fence <sup>[1]</sup> within a twenty-foot wide landscape buffer <sup>[3]</sup>
<b>NOTES</b> [1]: See subsection 4-441, <i>General Fencing and Screening Requirements</i> for additional information on fence standards. [2]: See above—requirements do not apply when the residential development is in a commercial or industrial zoning district. [3]: See landscape buffer requirements, below.		

d. **Buffer Planting Requirements.** In side- and rear-yard landscape buffers, for every thirty (30) linear feet of required buffer, evergreen trees shall be planted as follows, unless an alternative is approved by the City Planner:

- (1) **Ten-Foot Wide Buffer.** Two (2) large evergreen trees shall be planted at least ten (10) feet apart, interspersed with four (4) shrubs, plus ground cover.
- (2) **Fifteen-Foot Wide Buffer.** Three (3) large evergreen trees at least eight (8) feet apart, interspersed with eight (8) shrubs, plus ground cover.
- (3) **Twenty-Foot Wide Buffer.** Six (6) large evergreen trees, planted in a double row, with the planting offset so as to create a continuous screen, with each tree in the same row planted least eight (8) feet apart, plus ground cover.

## REDLINES

### 4-449-A. LANDSCAPING STANDARDS. Source: Ord. 1249, Sec. 13 (2024)

1. Purpose. The purpose of this Landscaping section, through the preservation, protection, maintenance, and planting of trees and other plant materials, is to:
  - a. Help reduce the city's impact on the environment.
  - b. Enhance green space within the city.
  - c. Provide shade and wind breaks to reduce extreme weather.
  - d. Mitigate flood hazards, erosion, and storm water runoff. Trees can help in the stabilization of soil and replenish groundwater supplies.
  - e. Reduce the heat island effect that is generated by hardscape such as asphalt parking lots by requiring organic ground cover and shade.
  - f. Provide buffers and screens against noise, air pollution, and unsightly and incompatible land uses.
  - g. Absorb carbon dioxide and supply oxygen in our atmosphere, which is an essential ecological function in the preservation of human and animal life. Trees can provide a haven for birds which, in turn, assist in the control of insects.
  - h. Help aid in energy conservation.
2. Applicability.
  - a. New Development
    - (1) All new development (including reconstruction and expansion) shall be required to provide landscaping, screening, and buffering in accordance with the standards of this section, unless otherwise exempt by this code.
    - (2) When an expansion or redevelopment of a building on a lot requires the removal of required landscaping, that landscaping shall be replaced elsewhere on the lot.
  - b. Exceptions
    - (1) Single- and Two-Family Residential. Single-family, twin home, and two-family residential uses are not required to meet the landscaping requirements of this section. However, such development is required to provide street trees in accordance with this section, as well as ground cover for all areas of the lot that are not covered by improvements.

- (2) Agricultural District. Agricultural uses within the “A” zoning district shall not be required to provide landscaping.
- (3) Parking Lots.
  - (a) The requirements of this section do not apply to parking lot re-striping and repaving where there is no expansion of the parking area.
  - (b) When a parking lot is being expanded to an extent 50 percent or more of the lot’s surface area prior to expansion, or at least 50 percent more parking spaces are being added, whichever is less, landscaping as described in this section shall be required.
  - (c) For parking lot expansions of less than 50 percent, only the parking lot area being added shall be required to meet the standards of this section. For example, if a parking lot is expanded in an area not adjacent to a street, no Parking Lot Perimeter landscaping is required, and only the expanded area shall be subject to the Parking Lot Island landscaping standards of this section.
  - (d) Expansions are measured cumulatively, so that separate expansions adding up to a 50 percent or greater increase within five years shall be required to meet the landscaping requirements of this section.
- (4) DMU District. Development within the “DMU” zoning district shall not be required to provide landscaping in accordance with this section.
- (5) Improvements & Repairs
  - (a) Improvements or repairs to existing development that do not increase the existing floor area on the lot by more than 1,000 square feet or 10 percent, whichever is greater, shall not be required to provide landscaping in accordance with this section.
  - (b) Expansions are measured cumulatively, so that separate expansions adding up to more than 1,000 square feet or 10 percent (whichever is greater) within five years shall be required to meet the landscaping requirements of this section.
- (6) Change in Use. Changes in use that do not require more parking spaces or a more intensive zoning than the previous use shall not be required to provide landscaping in accordance with this section.

3. Landscape Plan Required.

- a. A landscape plan shall accompany all development applications and/or building permit requests that require landscaping pursuant to this section, and shall include the minimum information specified by the City.
- b. No building permit shall be issued until a landscape plan is submitted and approved by the City Planner.
- c. No certificate of occupancy shall be issued for any building or structure until all landscaping shown on the approved landscape plan has been installed. The City Planner may approve a deferral of up to eight months, on account of adverse weather conditions. If a property owner requests a deferral, the request shall be accompanied by a proposed schedule for completion of installation.
- d. A temporary certificate of occupancy may be issued when a deferral has been approved by the City Planner.

4. General Standards.

a. Plant Material & Installation

- (1) All plant materials shall be living plants suitable for USDA Plant Hardiness Zone 4.
- (2) Artificial plants are prohibited.
- (3) All trees and shrubs shall be planted in good condition. All plant materials to be installed shall be nursery-grown and root-pruned stock, free of insects, weeds, disease, debris, and defects.
- (4) Plant materials used to satisfy the requirements of this section shall meet the size requirements of the Plant Material Size Table, below:

Plant Material Size Table

Type of Plant Material	Min. Size at Time of Planting	Mature Size
Large Deciduous Tree <sup>[1]</sup>	1-inch caliper width	>30 feet tall
Large Evergreen Tree <sup>[1]</sup>	3.5 feet tall	>30 feet tall
Small Deciduous Tree <sup>[1]</sup>	1-inch caliper width	12 to 30 feet tall
Small Evergreen Tree <sup>[1]</sup>	2.5 feet tall	12 to 30 feet tall
Shrub	2 gallon container size	≥3 feet tall
Perennial Plants <sup>[2]</sup>	1 gallon container size	≥2.5 feet tall

[1] Smaller caliper/height trees for certain species may be acceptable upon approval of the City Planner.

[2] Perennial plant materials shall not exceed twenty percent (20%) of the open space requirement

- (5) Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in

swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used.

- (6) Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the City.
- (7) The maximum slope of any landscaped berm shall be 2:1.

b. Maintenance.

- (1) The property owner and tenant shall be jointly and severally responsible for maintenance of all required landscaping. This maintenance requirement shall carry with the land and shall be the responsibility of any subsequent owners and tenants of the property. It is the responsibility of the owner to notify any subsequent owners of the property of this responsibility.
- (2) Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City.
- (3) The Tree Topping of trees is prohibited.

c. Administrative approval for practical landscaping improvements.

- (1) The City Planner has authority to allow flexibility to the requirements of this section to enable:
  - (a) Flexibility concerning the location of landscaping to allow for landscaping to be focused in buffer areas adjacent to conflicting land uses, entrance areas, or other areas of increased visibility.
  - (b) Flexibility concerning irregular, narrow, or shallow lots.
  - (c) Flexibility to approve alternative planting plans that include aesthetic design elements and hardscapes that complement the plant material such as public art, fountains, plazas, courtyards, and front yard/entrance statements.

- (2) The City Planner has authority to allow flexibility to the Buffer Yard standards of this section when any of the following circumstances are found to exist:
  - (a) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of the required Buffer Yard.
  - (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
  - (c) The required Buffer Yard would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
- (3) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, Buffer Yards shall be reserved as required by this section. However, to achieve the intent of this section, the City Planner may require an alternative location and design for required screening and plantings.
- (4) When property lines abut an adjacent jurisdiction, the City Planner shall determine the specific Buffer Yard requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City.

5. Open Space Landscaping.

- a. Relationship to Other Landscaping Standards. Landscaping provided to meet the Boulevard Tree or Buffer standards of this section may not be counted towards meeting a development's Open Space Landscaping requirements. Parking Lot Landscaping, however, may be counted towards meeting a development's Open Space Landscaping requirements.
- b. Plant Units Required.
  - (1) Commercial, Office, ~~& Residential, & Corridor Overlay~~ Districts. Within commercial, office, ~~and residential, and corridor overlay~~ zoning districts (C, C-OP, HC, R, ~~CO, CO I, CO R~~), at least ~~threefour~~ (43) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.
  - ~~(2) —~~ Mixed-Use, and Public Districts. Within mixed-use, and public zoning districts (EMU, P) ~~that are not within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning~~

~~(2)~~ districts (CO, CO-I, CO-R), at least two (2) plant units shall be provided for each 1,000 square feet of lot area or fraction thereof.

~~(3)~~ Industrial Districts. Within industrial zoning districts (LI, M) ~~that are not within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R)~~, at least one (1) plant unit shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.

~~(3)~~(4) Corridor Overlay Districts. Within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R), one (1) additional plant unit shall be provided for each 1,000 square feet of lot area or fraction thereof, in addition to the plant units required by Subsections 1-3, above. Where multiple overlay districts overlap, only one (1) additional plant unit is required.

c. Plant Unit Equivalency. The following table provides a breakdown of plant unit equivalencies.

<i>Type of Plant Material</i>	<i>Equivalent Plant Units</i>
Large Deciduous Tree	10
Large Evergreen Tree	10
Small Deciduous Tree	5
Small Evergreen Tree	5
Shrub	2
Perennial Plants	1

Existing mature trees may be counted as double the equivalent plant units noted in the table above, so long as the mature tree has a current caliper width of more than 7 inches for a large tree or more than 4 inches for a small tree, and meets all other applicable standards of this section.

~~d. Location of Plant Units. A minimum of seventy percent (70%) of the plant units required pursuant to this subsection shall be within front or street-side yards. In the EMU zoning district, said seventy percent (70%) requirement shall not apply.~~

~~e.d.~~ Plant Unit Calculation. On-site wetlands, stormwater ponds, natural preservation areas, and outdoor recreation facilities (sports fields, tracks, playgrounds, etc.) may be excluded from the lot area square-footage value used to calculate required plant unit.

## 6. Parking Lot Perimeter Landscaping.

a. Applicability. Parking Lot Perimeter Landscaping is required ~~along for~~ all off-street parking and vehicle circulation areas that are located within 30 feet of public street rights-of-way.

b. Location. Parking lot perimeter landscaping shall be located between

adjacent street rights-of-way and ~~off street parking areas and all parking/vehicular circulation<sup>††</sup> areas, in accordance with the following table:~~

c. Parking Lot Perimeter Landscaping:

- (1) A minimum of 15 Plant Units per 50 linear feet of parking lot perimeter frontage shall be provided.
- (2) Trees and any other vegetation used for parking lot perimeter landscaping may also be counted towards Open Space plant unit minimum standards. In no case shall parking lot perimeter landscaping be required to exceed the required number of Open Space plant units.
- (†)3) Parking lot screening elements such as berms, masonry pony walls, or decorative metal fencing may be used in lieu of required parking lot perimeter vegetation, if approved by the City Planner in accordance with Section 4-449-A-4.c.

*(Table on following page)*

Parking Area Size Number of Spaces	Buffer- Width- Minimum (feet)	Minimum Planting/Screening Requirements <sup>[2]</sup>
1–50	4	Row of shrubs or perennial plants spaced no greater than 2-4 feet apart to create a continuous row at maturity.
	6	Masonry wall or decorative metal fence <sup>[3]</sup> (height between 2.5 and 3 feet) + 1 small tree or 6 shrubs/perennial grasses per 25 linear feet
	10	Berm (minimum height of 2.5 feet) + 1 small tree or 6 shrubs/perennial grasses per 25 linear feet
51–250	10	Masonry wall or berm, with minimum height of 2.5 feet + 1 tree and 3 shrubs, per 25 linear feet
	10	1 tree + 6 shrubs, per 25 linear feet
251+	15	Masonry wall or berm, with minimum height of 2.5 feet + 1 tree and 3 shrubs, per 25 linear feet
	15	1 tree + 6 shrubs, per 25 linear feet

**Notes:**

Vehicular circulation refers to any surfaces intended for motor vehicle use.

These are minimum standards. Use of additional planting/screening materials are encouraged to provide flexibility in design and visual interest.

Decorative metal fences must be wrought iron or similar in nature. Chain link fences are not considered a decorative metal fence.

7. Parking Lot Island Landscaping.

- a. Applicability. All parking lots with 20 or more parking spaces shall provide landscape islands as described in this subsection.
- b. Landscape Islands.
  - (1) One interior landscape island shall be provided for every twenty (20) continuous parking spaces, and a terminal island shall be provided at both ends of each row of parking. There may not be more than twenty (20) continuous parking spaces (40 back to back) in a continual row without providing an island or peninsular landscaping. See Figure 1.
  - (2) Interior and terminal landscapes islands shall be no less than six feet wide and no shorter than the length of the adjacent parking space(s).

*(Illustration on following page)*

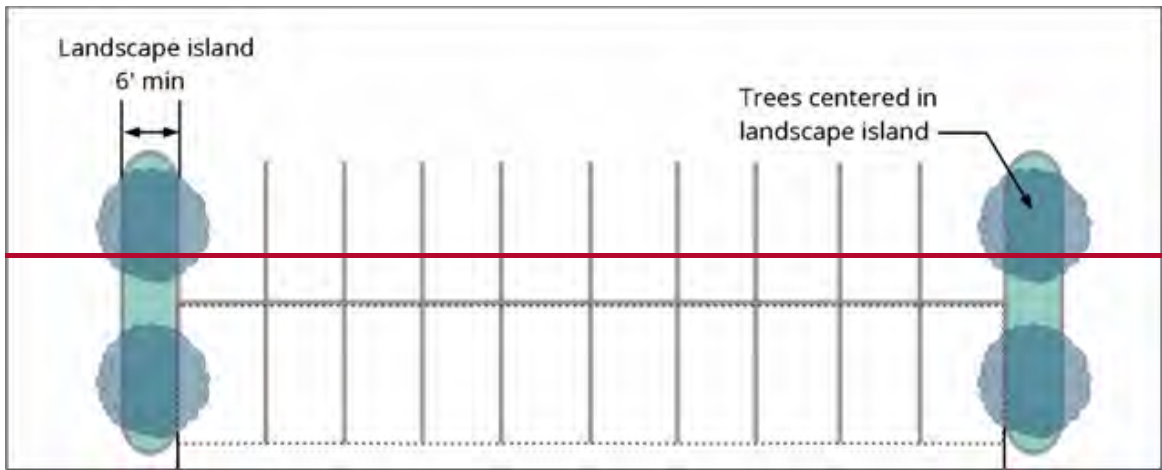


Figure 1: Double-Length Landscape Island

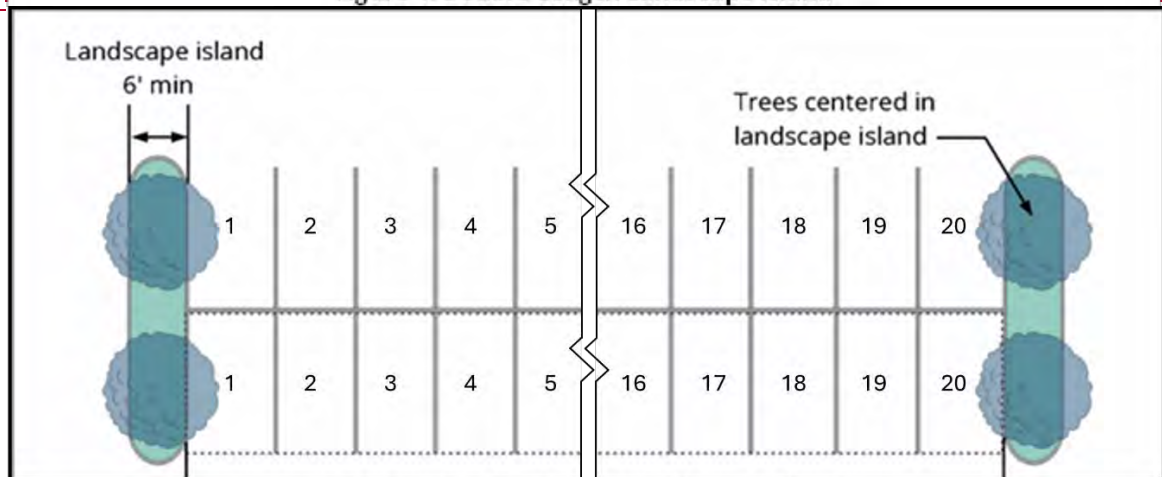


Figure 1: Double-Length Landscape Island

- (3) Each landscape island adjacent to the length of one parking space shall contain at least one tree surrounded by at least 90 square feet of permeable surface area.
- (4) Each double-length landscape islands adjacent to the length of two parking spaces shall provide at least two trees. Trees in double length islands shall be planted no less than 15 feet apart. Each tree shall have a minimum permeable surface area of 90 square feet.
- (5) Trees and any other vegetation planted within parking lot landscape islands may be counted towards Open Space plant unit minimum standards.
- (6) Any remaining surface area of the island shall be covered with living plant material or other approved ground cover, such as mulch, pea gravel, river rock, or similar landscaping material.
- (6)(7) In cases where light poles, stormwater retention, or similar infrastructure hinders the placement of a tree within the landscape island, shrubs and/or perennials may be planted in lieu of a tree.

8. Boulevard Trees.

- a. Coordination with Other Plans. Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the City Forester.
- b. Permit Required. The City Forester's office reviews and approves all proposed boulevard tree plantings and removals. Prior to installation or removal of a boulevard tree, an application must first be submitted and approved by the City Forester's office.
- c. Minimum Requirements. The City Forester shall have final approval of proposed boulevard tree plans, species, and placement, and may approve variances from these minimum requirements where conditions necessitate.

- (1) Species of Trees.
  - (a) Boulevard trees shall be chosen from the City's Approved Plant List, as maintained by the City Forester.
  - (b) Boulevard trees shall be single-stem trunks with a straight vertical line.
  - (c) Evergreen trees shall not be planted as boulevard trees.
  - (d) Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and/or the fruit is considered a nuisance or high maintenance, as determined by the City Forester.
- (2) Number of Trees.
  - (a) In residential areas, one boulevard tree shall be planted every twenty-five (25) feet within boulevards. In all other areas, one boulevard tree shall be planted every thirty (30) feet within boulevards, unless the City Forester determines otherwise.
  - (b) If the branches of a boulevard tree at mature height would interfere with overhead powers lines, ornamental trees may be planted at a rate of two ornamental trees for every one required canopy tree. The substitution and placement of ornamental trees shall be reviewed and approved by the City Forester.
- (3) Spacing of Trees.
  - (a) New trees shall be planted at least twenty-five (25) feet from existing trees.
  - (b) On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs.
  - (c) Trees shall be planted at least twelve (12) feet from driveways and alleyways, unless otherwise determined by the City Forester.
- (4) Size Requirements.
  - (a) At time of planting, boulevard trees must be at least 1 inch in diameter.

- (b) The lowest branch on the tree cannot be over 9 ½ feet above the ground.

9. Buffer Yards.

a. Applicability. The requirement for Buffer Yards shall apply when:

- (1) Multi-family residential development of four (4) or more units is constructed on a parcel that shares a property line with either 1) a single and two family residential zoning district other than R-2 or R-3(R-R, R-1E, R-L1A, R-1A, R-1B, R-1, R1-S, R-1SM), or 2) an existing single- or two-family residential development.
- (2) Non-residential or mixed-use development is constructed on a parcel that shares a property line with any residential zoning district (R), or existing residential development, including multi-family development.
- ~~(3) Industrial development is constructed on a parcel that shares a property line with any non-industrial zoning district.~~

b. Exceptions.

- (1) These buffer yard requirements do not apply to development adjacent to when residential uses that are located within development is constructed in a commercial or industrial non-residential zoning districts. The residential development may install screening fences and/or buffering at their discretion; however, existing or new non-residential development shall not be required to do so.
- ~~(2) These buffer yard requirements do not apply to public infrastructure and utilities.~~
- ~~(3) These buffer yard requirement do not apply to non-residential development within a residential zoning district (R) or Public Facilities (P) district.~~
- ~~(2)(4) The area of required buffer yard shall not be required to exceed ten percent (10%) of the site area or ten percent (10%) of the width of the site.~~

c. Screening and Buffering Along Shared Property Lines.

*(Table on following page)*

Buffering and Screening Requirements		
Type of Development	Adjacent to:	Minimum Buffer
<b>Multi-Family Residential (4 or more units)</b>	<del>Single and two family Residential zoning districts other than R-2/R-3 or single-/two-family residential development use</del> <sup>[2]</sup> <sup>[2]</sup>	Six-foot tall opaque screening fence <sup>[1]</sup> <del>+</del> <sup>[1]</sup> OR Ten-foot wide landscape buffer <sup>[3]</sup>
<b><u>Non-Residential or Mixed-Use</u></b>	R-2 or R-3 zoning districts or multi-family residential use <sup>[2]</sup>  <del>Single and two family residential district or development</del> <sup>[2]</sup> OR Multi family district	Six-foot tall opaque screening fence <sup>[1]</sup> <del>+</del> <sup>[1]</sup> <del>AND within a</del> ten-foot wide landscape buffer <sup>[3]</sup> OR Fifteen-foot wide landscape buffer <sup>[3]</sup>
<b><u>Non-Residential or Mixed-Use</u></b>	<del>Residential zoning districts other than R-2/R-3 or single-/two-family residential use</del> <sup>[2]</sup> Any residential district	Six-foot tall opaque screening fence <sup>[1]</sup> <del>+</del> <sup>[1]</sup> <del>within a</del> AND fifteen-foot wide landscape buffer <sup>[3]</sup> OR Twenty-foot wide landscape buffer <sup>[3]</sup>
<b>Industrial</b>	Any <del>non industrial district</del> residential district or residential use <sup>[2]</sup>	<del>Residential or Mixed-Use district:</del> Minimum eight-foot tall opaque screening fence <sup>[1]</sup> <del>+</del> <sup>[1]</sup> <del>within a</del> AND <del>+</del> twenty-foot wide landscape buffer <sup>[3]</sup> <del>Non-Residential district:</del> Six-foot tall opaque screening fence <del>+</del> <sup>[1]</sup> AND ten foot wide landscape buffer
<b>NOTES</b> [1]: See subsection 4-441, <i>General Fencing and Screening Requirements</i> for additional information on fence standards. [2]: See above <del>requirements</del> requirements do not apply <u>when the</u> residential development <u>is in a commercial or industrial</u> <del>non-residential</del> zoning districts. [2][3]: See landscape buffer requirements, below.		

d. Buffer Planting Requirements. In side- and rear-yard landscape buffers, for every thirty (30) linear feet of required buffer, evergreen trees shall be planted as follows, unless an alternative is approved by the City Planner:

- (1) Ten-Foot Wide Buffer. Two (2) large evergreen trees shall be planted at least ten (10) feet apart, interspersed with four (4) shrubs, plus ground cover.
- (2) Fifteen-Foot Wide Buffer. Three (3) large evergreen trees at least eight (8) feet apart, interspersed with eight (8) shrubs, plus ground

cover.

- (3) Twenty-Foot Wide Buffer. Six (6) large evergreen trees, planted in a double row, with the planting offset so as to create a continuous screen, with each tree in the same row planted least eight (8) feet apart, plus ground cover.