



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

12

Planning Division Staff Report

File Number	CAR07-00074 / Chapter 11-23 Landscape Ordinance
Applicant	City of Boise – Planning and Development Services
Public Hearing Date	February 13, 2008
Heard By	Design Review Committee
Planning Analyst	Josh Wilson
Reviewed By	Sarah Schafer

Table of Contents

Executive Summary	2
Background and Analysis	3
Reasons for the Decision	4
Proposed Ordinance	5

Attachments

Attachment 1 – Current version of the ordinance

Executive Summary

Description of Applicant's Request:

The City of Boise's Planning and Development Services Department requests approval of a comprehensive Zoning Ordinance Amendment to add Chapter 11-23 regarding standards for landscaping within the City of Boise.

Zoning Ordinance

11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-3-6 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. The recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.
- C. Maintain and preserve compatibility of surrounding zoning and development.

Failure of an application to meet these findings shall not prevent the request from being forwarded to the City Council for consideration after Commission review. Notice of the Commission's recommendation shall be included in the notice of the public hearing of the City Council.

On January 24, 2008, the City of Boise provided public notice by advertising in the Idaho Statesman the intent to hold a public hearing regarding the proposal to amend Title 11 of Boise City Code.

The following is a written report regarding the modification of the regulations and standards that will be discussed at the public hearing scheduled for February 13, 2008 at 6:00 pm.

Background and Analysis

The Landscape Ordinance was started years ago, and through changes in priorities and changes in staff the ordinance was dropped. Staff started revisiting the ordinance approximately one year ago and reconvened the sub-committee to complete the process of creating the attached document. The base of the document is the City of Meridian's landscape ordinance and modifications have been made to reflect the desires of the City of Boise.

Committee Members

Cornel Larson- Larson Architects
Thomas Zabala- ZGA Architects
Don Belts- Jensen Belts Landscape Architects
Tom South- South Landscape Architecture

City Staff Members

Johanna Bell- Public Works
Brian Jorgenson- Community Forestry
Josh Wilson- Design Review
Sarah Schafer- Manager, Design Review and Historic Preservation

Clarifications/ Modifications since the January 16, 2008 Worksession:

CCDC Concerns:

In the memo presented to the Design Review Committee at the worksession, CCDC presented a number of concerns regarding conflicts with the proposed ordinance and the City's adopted urban renewal plans. Staff has met with CCDC and integrated language into the ordinance which gives priority to the adopted urban renewal plans where conflicts arise. Staff also integrated language which addressed additional concerns throughout the ordinance. As a result of these changes, it is staff's belief that CCDC can now support the ordinance in its current form.

Stormwater Concerns from Boise City Public Works:

Boise City Public Works also had concerns about the interface between on-site stormwater facilities and required landscape areas as presented in the draft ordinance. Staff met with representatives from Public Works and modified the language in Chapter 10 to reflect the concerns expressed. Stormwater facilities are still discouraged within required landscape areas, but provisions have been included for difficult sites where there may be no other option due to site constraints and conditions. Additionally, restrictions on drain materials on the surface of facilities have been relaxed to allow 20% of the swale area. Staff will be attending a meeting of the Boise Stormwater Professional Advisory Committee on February 5, 2008 and will report on

the results of this meeting at the public hearing. Staff does not anticipate changes to the draft ordinance as a result of this meeting and believes that Boise City Public Works staff supports the ordinance in its current form.

Clean-up/ Typos:

Staff has included the language changes and corrected the typos indicated at the January 16, 2008 worksession. Changes of note include the addition of architects to the list of plan preparers, the maximum berm slope allowed, and a reference to drip irrigation.

Recommendation

Staff recommends that the Design Review Committee recommend approval to the Planning and Zoning Commission of the zoning ordinance amendment proposed by staff and supported by the Landscape Ordinance Committee.

Reason for the Decision

The adoption of the proposed zoning ordinance amendment is not in conflict with the goals, objectives and policies of the *Boise City Comprehensive Plan or the Design Review Guidebook* and will not impact the delivery of public facilities and will maintain a sufficient transportation system. Furthermore, the adoption of the proposed zoning ordinance amendment will provide standards that will create a clear and concise guideline to landscaping within the City of Boise that is user friendly, fair and will allow compatible development to occur while preserving and maintaining the public health, safety and welfare of individuals within the City of Boise.

PROPOSED ORDINANCE LANGUAGE**LANDSCAPE ORDINANCE
SECTIONS 1-12**

SECTION 1:	PURPOSE & INTENT
SECTION 2:	DEFINITIONS
SECTION 3:	LANDSCAPE PLAN
SECTION 4:	MINIMUM DESIGN STANDARDS & INSTALLATION
SECTION 5:	IRRIGATION
SECTION 6:	STREET BUFFERS
SECTION 7:	PARKING LOTS
SECTION 8:	BUFFERS BETWEEN LAND USES
SECTION 9:	TREE PRESERVATION
SECTION 10:	STORMWATER INTEGRATION
SECTION 11:	INSTALLATION
SECTION 12:	LANDSCAPE MAINTENANCE

SECTION 1. PURPOSE AND INTENT

The purpose of this Chapter is to establish requirements for the design, installation and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive and safe environments according to recognized design and urban forestry principles; that encourage water conservation landscapes and storm water integration into landscape design; and that conserve, protect and promote the natural identity and environment of the City.

Objectives:

A. Aesthetics: Enhance the landscape character of the City through the following objectives:

1. Enhance the streetscapes along the City's public rights-of-way with an emphasis on trees;
2. Enhance the appearance of parking and automobile sales lots, loading docks and service areas from public rights-of-way and adjacent properties; and minimize the amount of asphalt area by use of interior landscape planters;
3. Define and separate vehicular and pedestrian traffic areas with use of landscaping;
4. Screen objectionable and higher intensity uses from lower intensity uses;

5. Encourage the incorporation of open space in ways that harmonize and enhance the natural and built environment;
 6. Enhance the appearance of structures;
 7. Enhance the visual qualities of the City through use of seasonal color, including flowers and fall color.
- B. Environmental Quality: Improve environmental quality through the beneficial effects of landscaping, which include:
1. Air purification, oxygen regeneration, wind reduction, groundwater recharge, storm water retention/detention, water quality and permeable land surface maintenance;
 2. Mitigation of the urban heat island effect through evapotranspiration and the creation of shade; and the reduction of heat and glare through biological filtering;
 3. Conservation of native plant communities, significant vegetation and natural features;
 4. Reduction of soil erosion caused by storm water runoff;
 5. Furnishing habitat for species not otherwise found in urban environs; and,
 6. Minimization of fire danger through improved design and maintenance.
- C. Water Conservation: Conserve potable and nonpotable water resources through:
1. The use of Water Conservation principles;
 2. The use of site-specific plant material matched to the soil type and microclimate;
 3. The conservation of indigenous plant communities;
 4. The promotion of landscapes that require minimal supplemental irrigation; and,
 5. The establishment of minimum standards for the selection, installation and maintenance of landscape materials, and for site grading and irrigation systems.
- D. Horticultural Sustainability: Design, install and maintain landscapes suited to local soil, climatic, and on-site conditions for improved plant growth, survivability and maintenance.
- E. Human Values: Make the City more attractive through the physical and psychological benefits of landscaping that softens the visual harshness of urban development, by

stimulating pride in the City's natural areas, and by protecting the public safety and general welfare by promoting crime prevention through environmental design.

- F. Land Values and Investment: Safeguard and enhance the value of land and public and private investment through incorporation of landscaping into development which is an important factor in attracting economic development.
- G. Balance between Cost to Property Owners and Benefits to Residents and Public: The City recognizes that landscaping can be a significant expense to businesses and property owners. At the same time, the benefits of landscaping are far reaching, including improving the livability of residential neighborhoods, enhancing the appearance and customer attraction of commercial areas, increasing property values and reducing air and noise pollution. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer, and the right of City residents to live, work, shop and recreate in pleasant, healthy and attractive surroundings.
- H. Improved Design: Create an awareness of regional plant communities, soils and practices that contribute to water and energy efficiency, and encourage innovative, long-range and cost-conscious approaches to landscape design.
- I. Administration and Enforcement: Establish procedures for the administration of revised landscape regulations and provide knowledgeable staff review and assistance. Provide efficient and timely review of plans and enforcement of requirements and ensure fairness and due process.
- J. Comprehensive Plan: Implement the goals, objectives and policies of the Boise City Comprehensive Plan.
- K. Maintenance: Promote an attractive and healthy environment by encouraging proper maintenance standards. Maintenance shall include watering, care and operation of irrigation systems, weeding, pruning, mowing, litter removal, pest control and removal/repair of vandalism as necessary to maintain a neat and orderly appearance.
- L. City Adopted Urban Renewal Plans: Implement the goals, objectives and policies of the city adopted urban renewal plans.

SECTION 2. DEFINITIONS

Alteration	A modification of a building or structure that is not classified as ordinary repair.
------------	--

Alteration, Major	For purposes of this ordinance, a major alteration shall include work performed that includes, but is not limited to, façade remodels that affect 75% or more of the total wall surface on the street facing facades and/or facades facing a residential use or zone. Remodels may include, but are not limited to, wall and roofline modulation, addition of new materials and forms, changes in fenestration and fascia changes.
Alteration, Minor	For purposes of this ordinance, a minor alteration shall include work performed that includes, but is not limited to, façade remodels that affect less than 75% of the total wall surface on the street facing facades and/or facades facing a residential use or zone. Remodels include, but are not limited to the items listed under Alteration, Major above.
ANSI A300	The American National Standard for Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices. This is a document offering basic performance standards for tree pruning, published in 1995 by the American National Standards Institute (ANSI) or the same as amended from time to time.
Berm	A landform designed to provide visual interest, screen undesirable views and/or decrease noise.
Biofiltration Swale	A long gently sloped vegetated ditch to remove pollutants from storm water.
Bonding	Procedure required by the City to allow occupancy of a building before all improvements have been completed. In addition to bonds, the City may accept Letters of Credit, Cashiers Checks or Money Orders.
Buffer	Land area with landscape plantings and other components, such as, but not limited to, berms, fences and walls, that are used to visibly separate one use from another or to shield or block noise, lights or other nuisances.
Caliper	A measurement of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six (6) inches above the ground for all trees up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

Certificate of Occupancy,
Final

Certifies that the structure was in compliance with the various ordinances of the City regulating building construction or use at the time of issuance.

Certificate of Occupancy,
Temporary

A document issued by the Planning and Development Services Department allowing occupancy of a building before all improvements have been completed. In order to obtain temporary occupancy, bonding is typically required for incomplete items.

Change of Use

For purposes of this ordinance, a change in use shall mean the act of changing the occupancy of a building or property from a use that is specifically listed as an "Allowed Use" in the Boise City Zoning Ordinance to a different use that is specifically listed as a "Allowed Use " in the Boise City Zoning Ordinance. An occupancy change involving a "Conditional Use" would need to comply with the Conditions of Approval required under the application process. A change of use occurs whenever:

(A) The occupancy of a single-tenant building or a multi-tenant building changes from the most recent existing use to a different use; or

(B) The most recent previously existing use of a building or land has been abandoned, by cessation of active and continuous operations during a period of twelve (12) consecutive months, and either the same type of use is proposed to be re-established or a different use that did not exist on the property is proposed to be established.

Class I, II, III Trees

The classes of trees are defined for the purposes of this ordinance by the Tree Selection Guide, published by the Community Forestry Unit of the Boise Parks & Recreation Department (latest edition). Generally, Class I trees reach a mature height of no more than 30 feet, Class II trees mature to a height of no more than 60 feet, and Class III trees mature to 60 feet or greater in height.

Clear Vision Triangle or

Clear Sight Triangle	An area at a street intersection, street and railroad intersection, or street and driveway intersection where the height of structures, vegetation, fences, walls or other features are restricted by local jurisdictional ordinances and policies so that the view of the driver is not impeded. Local jurisdictions may include, but are not limited to, the Ada County Highway District, Idaho Transportation Department and Boise City.
Common Lot	A lot separate from individual building lots. All street buffers, buffers between incompatible land uses, and open space must be on a common lot, owned and maintained by all residents or business-owners within a subdivision.
Common Open Space	Land area exclusive of street rights-of-way and street buffers, except for right-of-way specifically dedicated for landscaping within a subdivision. Open space may include trees, natural environmental features, playgrounds, water features, swimming pools, community centers, and recreational facilities..
Frontage	The front of the lot, measured along the street from side property line to side property line. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
Gateway Street	A major corridor of entry into the City of Boise as identified in the Comprehensive Plan and Zoning Ordinance that creates an initial impression of the City for visitors. Gateway streets are subject to enhanced design standards pertaining to landscaping, architecture and signage.
Girdling	Damaging or removing the bark and cambium layer around a tree trunk in a manner that usually kills the tree.
Gross Land Area	The total area of the land being developed, exclusive of required street buffers and buffers between incompatible land uses. The calculation for required open space in residential subdivisions and multi-family residential development is based on the gross land area of the land being developed.
Hardship	An unusual situation on the part of an individual property owner which will not permit that owner to enjoy the full utilization of their property as is enjoyed by others in the community. A hardship can exist only when it is not self-created.

Head-to-Head Spacing	Placement of sprinkler heads in a rectangular pattern such that one sprinkler head sprays to the next (spacing is 50% of the sprinkler's spray diameter.)
Higher Intensity Use	When the purpose or activity for which a piece of land or its buildings is designed, arranged or intended results in a greater degree of measurable noise, odor, light, vibration or other potential public nuisance than an adjacent property, it shall be deemed a higher intensity use.
Impervious Surface	A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. Surfaces may include, but are not limited to, compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.
Infill Site	Any lot or parcel within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill sites. An infill site may be vacant or occupied. Where "infill" status is used as a criterion for an entitlement or permit, redevelopment or improved utilization of occupied land shall be permitted, provided other applicable standards, policies, and objectives are met or supported.
Landscaping	Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
Matched Precipitation Rates	Sprinklers that are designed to work together on the same irrigation valve to deliver an equivalent rate of water application, regardless of the arc of the nozzle being used.
Micro-Pathway	

or Micro-Path	A pathway providing access by way of a short travel link between points of destination. The length of a micro-pathway is generally less than 250 feet, or two lot depths.
Mitigation	An action that will moderate or alleviate the actual or potential loss of benefits provided to a site and its immediate vicinity such as, but not limited to, removal of existing trees and landscaping.
Mulch	A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots, and the growth of weeds.
One Year Warranty	The length of time that plant material must be guaranteed from the date of occupancy or substantial completion.
Parking Lot Overlay	Any re-surfacing of existing parking lot areas with asphalt or other permanent material.
Parking Lot Replacement	Removal of the existing parking surface done for the purpose of improvement or repair.
Parkway	A landscaped area located between the edge of a street section or curb and a sidewalk dedicated to separate pedestrian and vehicular traffic.
Planning Director	The Planning Director of the Boise City Planning Division of the Planning and Development Services Department charged with the administration of the City's planning and zoning documents. This definition includes the Planning Director's designated representative that is generally referred to as the Planning Staff.
Re-striping (Parking lot)	Any change in the configuration, size or distribution of existing painted stripes designed to create spaces for motorized vehicles.
Soil stabilization	The state of having sufficient vegetation and gradual slopes to prevent soil erosion and sedimentation onto adjacent features such as sidewalks, driveways, parking areas, lawns, or water bodies.
Triangular spacing	Placement of sprinkler heads in an equilateral triangular pattern. The distance between heads in each row must be head-to head spacing as per the definition in this section.

Topping “Rounding” or any other term that can be described as severe cutting back of limbs within a tree crown to buds, stubs or laterals not large enough to assume a terminal role or as defined in ANSI A300. Other common terms for topping include stubbing, heading, heading-back, stubbing off, tipping, lopping or roundover. All forms of topping are prohibited by this ordinance.

For trees not within street right-of-way: Alternative pruning techniques to achieve specific horticultural or aesthetic effects may be used if approved by Boise City Forestry. Examples include pleached alley, pleached bosque, espalier, and pollarded canopy.

Unimproved natural features Natural features including, but not limited to, existing wetlands, rock outcroppings, groves of trees and other naturally occurring features on a property. Such natural features may be left undeveloped in their natural state and may be counted as open space with approval of the Planning Director.

SECTION 3. LANDSCAPE PLAN

3.1 Applicability

A landscape plan is required for all commercial, industrial, office, substandard lot, and multi-family developments, alterations and additions to buildings or parking lots, or changes in use, as set forth in Sections 3.1.1, 3.1.2 and 3.1.3 below. The landscape plan may be required as part of an application for a Design Review Permit, Conditional Use Permit, Variance Permit, Zoning Certificate or Certificate of Appropriateness. The landscape plan may be on the same site plan used to show parking layout, setback compliance, etc. Landscaping as per the approved plan must be completed prior to issuance of a Final Occupancy Permit for development proposals.

3.1.1 Areas with Approved Streetscape Plans

Where streetscape standards have been approved by the City of Boise for the streets bordering a project site, and there is a difference between the approved streetscape standards and the requirements of this ordinance, the approved streetscape standards shall govern the streetscape elements of the project. The following streetscape plans are hereby recognized by this ordinance as approved streetscape plans:

- A. Downtown Boise Streetscape Standards and Downtown Boise Elements of Continuity
- B. Westside Downtown Framework Master Plan: Design Standards- Streetscape Character Types and Street Design Elements

3.1.2 Uses/Buildings

- A. New Development – All new developments as outlined above shall provide landscaping in accordance with the requirements of this ordinance.
- B. Expansions to Existing Buildings – The requirements of this ordinance shall apply to the expansion of existing buildings when the project increases 50% or more in gross square footage or more than 10,000 gross square feet.
- C. Alterations – The requirements of this ordinance shall apply to alterations as follows:
 - 1. For buildings under 2,500 gross square feet, or for improvements that do not structurally alter the building (such as, but not limited to painting, awnings, replacement of doors, windows and roof material), the applicant/owner shall replace, repair and fix existing landscaping to previous approval standards.
 - 2. For minor alterations as defined in Section 2 of this ordinance, the applicant/owner shall replace, repair and fix existing landscaping to previous approval standards and provide perimeter landscaping as required under Section 7.
 - 3. For major alterations as defined in Section 2, the applicant shall comply with all requirements of this ordinance.
- D. Change of Use – When the use of a building or property changes as defined in Section 2, the requirements of this ordinance shall not be imposed unless one or more of the following circumstances apply:
 - 1. An expansion or alteration to the building/lot is being proposed as per Item B or C above.
 - 2. The property never complied (or no longer complies) with the ordinance requirements in existence at the time of approval or conditions of approval at the time of construction.

3.1.3 Existing Parking Lots

- A. Re-striping or overlays: The applicant/owner shall replace, repair and fix the existing landscaping to previous approval standards.
- B. 0-25% expansion or replacement of the parking lot: The applicant/owner shall replace, repair and fix the existing landscaping to previous approval standards.

- C. 26-50% expansion or replacement of the parking lot: The applicant/owner shall replace, repair and fix the existing landscaping to previous approval standards and provide perimeter landscaping as required under Section 7.
- D. 51% - 100% expansion or replacement of the parking lot: The applicant/owner shall comply with all requirements of this ordinance.

3.1.4 Waivers

If the location of existing buildings or other structures prevents conformance with the requirements of Sections 3.1.1 and/or 3.1.2, or its implementation would create non-conformity of parking standards or other special circumstances, the Planning Director may grant a waiver based on the following findings:

1. That the requirements of Section 3.1.1 and/or 3.1.2 are not feasible due to existing development or circumstances regarding the property.
2. That granting a waiver will not have a detrimental effect on adjacent properties.
3. That granting a waiver will not be in conflict with past approvals that required landscape improvements.

A letter requesting a waiver, and reasons therefore, shall be submitted at the time of application. Decisions of the Planning Director may be appealed to the Design Review Committee within ten (10) calendar days from the date of the decision in accordance with Chapter 3 of the Zoning Ordinance.

3.2 Alternative Compliance

3.2.1 Purpose

The purpose of this process is to provide for alternative means in which to meet the intended purposes of the landscape requirements when explicit compliance is not feasible or the alternative means is superior to what is required. The regulations of this section are intended to encourage creative solutions to land use problems. The city recognizes that some specific requirements of this title do not anticipate all possible situations. Further, the city recognizes that there may be land use proposals that conform to the purpose, intent, and objectives of the regulations in this title but were not anticipated in the specific regulations. This section sets forth an alternative method of compliance in the event of these situations.

3.2.2 Applicability

Requests for alternative compliance are allowed only when one or more of the following conditions exists:

- A. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- B. The site involves space limitations or an unusually shaped lot;
- C. Safety considerations make alternative compliance desirable;
- D. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;
- E. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other site designs that promote walkable and mixed use neighborhoods; or
- F. Additional environmental quality improvements would result from the alternative compliance.

3.2.3 Process

The applicant shall request alternative compliance in conjunction with the submittal of a Conditional Use Permit or Design Review application or upon the determination that the development does not comply with the specific provisions of this title. The request will be considered by the same approval body as the base application.

The request shall specify:

- A. The specific requirements that are proposed to be modified;
- B. The reasons for the modification; and
- C. A demonstration of how the alternative means for compliance meets the requirements' intended purpose.

3.2.4 Standard

The proposed alternative means for compliance with the specific requirements shall demonstrate that the alternative provides an equal or superior means of meeting the intent and purpose of the regulation.

3.2.5 Required Findings

In order to grant approval for an alternative compliance, the director shall determine the following:

- A. Strict adherence or application of the requirements is not feasible; or
- B. The alternative compliance provides an equal or superior means for meeting the requirements; and
- C. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

3.3 Submittal Requirements

All landscape plans shall comply with the requirements for size, scale, number of copies and contents as detailed in the application form.

3.4 Landscape Plan Preparation

All landscape plans shall be prepared by an architect, landscape architect, landscape designer working as a professional in this field or qualified nurseryman.

SECTION 4. MINIMUM DESIGN STANDARDS & INSTALLATION

4.1 Approved Plant Material

Requirements:

For tree plantings in the public right-of-way, the requirements of Title 9, Chapter 16, Boise Tree Ordinance shall be met.

Guidelines:

The publication titled *Tree Selection Guide* by the Community Forestry Unit of the Boise Parks & Recreation Department (latest edition) is hereby adopted by this reference as the list of approved and recommended trees for on-site planting. The publication categorizes the trees by size as Class I, Class II or Class III trees, and coniferous trees. Copies of the publication are available at the Community Forestry Unit of the Boise Parks & Recreation Department.

The publication titled *StormWater Plant Materials, A Resource Guide* by the Boise City Public Works Department is recommended as a guidebook for plant selection, establishment and

maintenance for storm water facilities. Copies of the publication are available at the Public Works Department.

The City recognizes that new plant varieties are being produced every year and will consider other species not listed in the above publications or species which are more disease resistant, pest resistant, or drought tolerant.

4.2 Prohibited Plant Material

The plants listed under "Trees not permitted for Rights-of-Way Property Planting" in the *Tree Selection Guide* are prohibited from being planted along any street or within any parking lot regulated by this ordinance.

4.3 Minimum Plant Sizes

The following are minimum plant sizes for all required landscape areas:

Shade Trees:	2 inch caliper minimum
Ornamental Trees:	2 inch caliper minimum
Evergreen Trees:	6 foot height minimum
Woody Shrubs:	2 – 5 gallon pot minimum as approved

4.4 Tree Species Mix

When five (5) or more trees are to be planted to meet the requirements of any portion of this ordinance, including street trees, street buffers, parking lot landscaping and other landscape guidelines, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. See the table below:

<u>Required Number of Trees</u>	<u>Minimum Number of Species</u>
5-10	2
11-30	3
31-50	4
50+	5

Note: When the total number of trees is greater than 10, one species cannot amount to more than 40% of the total.

4.5 Plant Quality

All plant material installed pursuant to this Ordinance shall meet or exceed the minimum federal standards as regulated by ANSI Z60.1, American Standard for Nursery Stock.

4.6 Planting Standards

All trees, shrubs, and other plant material shall be planted using accepted nursery standards as published by the American Association of Nurserymen (latest edition) including hole size, backfilling, fertilization, and maintenance.

4.7 Mulch

An organic mulch such as bark or soil aid shall be applied to all planting areas for moisture retention, weed control and moderation of soil temperatures. Impermeable plastic weed barrier is prohibited under the mulch, because it restricts water and oxygen to the roots. Gravel/rock mulch is allowed only on a case by case basis as part of the approved landscape plan. In cases where rock mulch is utilized, natural colors shall be used and patterning of the materials is discouraged.

4.8 Curbing

All planting areas that border driveways, parking lots and other vehicle use areas shall be protected by curbing, wheel stops or other approved protective devices. Such devices shall be a minimum of thirty (30) inches from all tree trunks to prevent cars from damaging tree trunks.

4.9 Utilities

The following standards apply to the planting of trees near existing utilities and to trenching for new utilities near existing trees:

A. Overhead Utilities

Only approved Class I trees in the Recommended Plant List may be planted under any overhead utility wires.

B. Underground Utilities

All trees shall be planted outside of any easement that contains a City water or sewer main, unless written approval is obtained from the City Engineer. If any utility easement precludes trees required by this ordinance, the width of the required buffer shall be increased to accommodate the required trees.

C. Trenching

New underground utilities shall stay outside of the dripline of existing trees if trenched, or be tunneled a minimum of three (3) feet below existing grade within the tree's dripline. The guiding principle is that no root two (2) inches or larger shall be cut. Note: This requirement is for placement of new utilities and does not affect the City's ability to access existing utilities for repair and maintenance.

4.10 Erosion Control

Soil and slope stabilization shall result from the landscape installation, and shall be in accordance with City of Boise Storm Water Management and Discharge Control Ordinance and Construction Site Erosion Control Ordinance.

4.11 Berms

Berm slopes shall not exceed 3:1 (horizontal: vertical).

4.12 Water Efficiency

The landscape plan shall provide for water efficient landscaping as follows:

A. Lawn Areas

Where appropriate and on sites where other landscape options can be incorporated, large expanses of lawn are discouraged due to its high water consumption.

B. Mulch

Mulches shall be organic and broad uses of gravel/rock mulch are restricted as per Section 4.8. Gravel does not retain water, reflects heat, and causes greater stress on trees and shrubs. Organic mulch retains water for a longer period of time for plants.

C. Irrigation

Irrigation systems shall be designed for water efficiency as regulated by Section 5 of this Ordinance.

D. Native Plants

Native and other low-water-use plants are encouraged.

SECTION 5. IRRIGATION

5.1 Irrigation Required

All landscape areas regulated by this Ordinance shall be served with an automatic underground irrigation system.

5.2 Performance Specifications

An appropriate backflow prevention device shall be provided as required by City Ordinance. The irrigation system shall be designed to provide 100% coverage with head to head spacing or triangular spacing as appropriate. Sprinkler heads irrigating lawn or other high-water-demand areas should be circuited so that they are on a separate zone or zones from those irrigating trees, shrubs, or other reduced-water-demand areas. Sprinkler heads shall be adjusted to reduce overspray onto impervious surfaces such as sidewalks, driveways, and parking areas. Drip irrigation systems should be incorporated where appropriate to promote the efficient watering of landscape areas.

5.3 Irrigation Water

Use of nonpotable irrigation water is required when determined to be available and adequate. If city potable water is used, a separate water meter is recommended so the owner can avoid paying sewer fees for irrigation water. Potable water shall not be used as a primary irrigation water source on non-residential lots with more than ½ acre of landscaping. Year round water availability is also required by connecting to city potable water or an on-site well as a secondary source.

SECTION 6. PERIMETER BUFFERS

6.1 Purpose

Landscape buffers are required in order to unify and improve the visual quality of the streetscape, to soften the impact of parking lots, loading areas and other vehicle or service areas from the street and adjacent properties, and to prevent two adjacent lots from becoming one large expanse of paving. Perimeter buffering requirements do not hinder the ability to provide vehicular access between lots, nor does it prohibit developments from using common parking or loading areas where there are shared access and parking agreements approved by the city.

6.2 Street Buffers

6.2.1 Applicability

Landscape street buffers shall be required for all residential, office, commercial and industrial developments. Street buffers shall not be required in the C-5 (Central Business) zone in circumstances where a landscape buffer would prevent the placement of a proposed building at the allowed zero foot (0') front or street side setbacks. For single family subdivisions, buffers shall be as required by the Subdivision Ordinance.

6.2.2 Location

All required buffers shall be located beyond any street right-of-way and shall be maintained by the owner upon whose property the buffer lies. All street buffers shall be measured from the property line (after dedication of any right-of-way) and not from the sidewalk or curb.

6.2.3 Size

Landscape buffer widths along streets shall be based on the required street parking setbacks of the underlying zone. The buffer width shall be measured as the soil surface area of the planter. Subdivisions shall comply with the Subdivision Ordinance.

6.2.4 Street Trees

All required landscape street buffers shall be planted with trees and shrubs, lawn or other vegetative groundcover, with a minimum density of one (1) tree per forty lineal feet (40'). If this calculation results in a fraction of .5 or greater, round up to an additional tree. If the calculation results in a fraction of less than .5, round the number down. Species shall be selected from the Boise City Tree Selection Guide, and shall be selected in accordance with the site conditions, such as, but not limited to width of planter and presence of overhead wires. Class I trees are discouraged within street buffers except where justified. Clustering is allowed, however, trees shall be spaced no closer than 80% of the average mature width of the trees, as noted under Section 7.2.8.

6.2.5 Downtown (Central Business District) and Areas Governed by Adopted Plans.

In the Downtown (Central Business District) area, or other areas of the City that are governed by adopted urban design plans or neighborhood plans, the spacing requirements may be modified in order to conform to those standards.

6.2.6 Conifers Along Streets

Coniferous trees are allowed along streets only within planting areas that are 20 feet in width or greater subject to approval by the Design Review Committee or Planning and Zoning Commission. The Committee or Commission may modify this section if it is determined that the trees are necessary for providing a screen between incompatible uses and will not have any

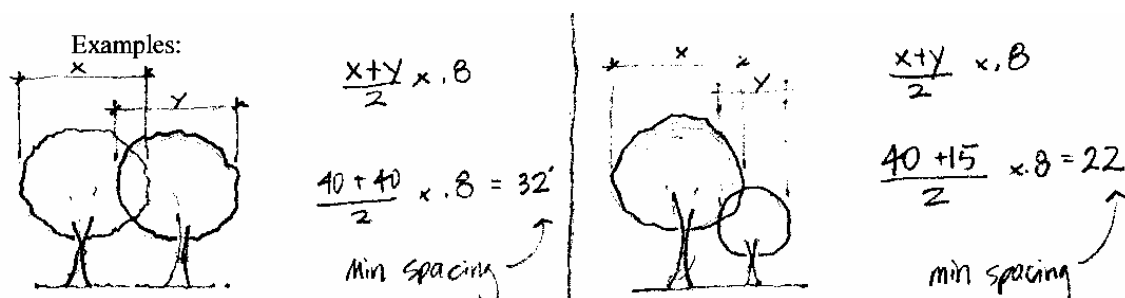
negative impacts on adjacent roadways, sidewalks or clear vision triangles.

6.2.7 Tree Permits within Street Rights-of-Way

In addition to required zoning approvals, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State rights-of-way must obtain a permit from Boise Community Forestry at least one week in advance of such work (Title 9, Chapter 16, Boise City Code).

6.2.8 Tree Spacing Alternatives

For design flexibility, trees may be grouped together or spaced evenly as desired. However, trees shall be spaced no closer than 80% of the average mature width of the trees, as demonstrated in the following examples:



6.2.9 Tree Wells

Tree wells shall be a minimum of thirty six (36) square feet in size.

6.2.10 Parkways & Detached Sidewalks

Where detached sidewalks are desired by an applicant and are not otherwise regulated under the Zoning Ordinance or by adopted urban design plans/neighborhood plans (such as, but not limited, the Pedestrian – Commercial (PC) zone, River Street-Myrtle Street Urban Design Plan, Westside Downtown Urban Renewal Plan, Capitol Boulevard Special Design District, or the Ustick Concept Master Plan) the parkway widths shall be 10' for Class I and III trees and 8' for Class II trees as measured from the inside of the sidewalk to the inside of the curb.

6.2.11 Landscaping within Right-of-Way

If the unimproved street right-of-way is greater than thirteen (13) feet from edge of pavement to edge of sidewalk or property line, and road widening project is not in the Ada County Highway

District (ACHD) 5-year funded plan, developer shall maintain a ten (10) foot wide gravel shoulder and landscape the remainder with lawn or other vegetative groundcover. This will require a license agreement between the property owner and ACHD.

6.2.12 Stormwater Detention

Stormwater swales may be incorporated into the buffer as provided for in Section 10.

6.3 Side and Rear Perimeter Buffers

6.3.1 Applicability

Side and rear landscape buffers shall be required for all residential, office, commercial and industrial developments. For single family subdivisions, buffers shall be as required by the Subdivision Ordinance.

6.3.2 Location

All required side and rear buffers shall be located within the property and shall be maintained by the owner upon whose property the buffer lies.

6.3.3 Size

Landscape buffer widths shall be based on the required parking setbacks of the underlying zone. The setback shall be measured as the soil surface area of the planter. Single family residential subdivisions shall comply with the Subdivision Ordinance.

6.4 Parking Lot/Vehicular Use Area Buffers

If an interior side or rear lot line is adjacent to a parking lot or other vehicular use area, such as, but not limited to, vehicle sales areas, truck and bus parking areas and driveways the following standards shall apply.

6.4.1 Landscaping

The perimeter landscape strip shall be planted with one (1) tree per forty lineal feet (40'). If this calculation results in a fraction of .5 or greater, round up to an additional tree. If the calculation results in a fraction of less than .5, round the number down. Species shall be selected from the Boise City Tree Selection Guide.

For design flexibility, trees may be grouped together or spaced evenly as desired. However, trees shall be spaced no closer than 80% of the average mature width of the trees, as noted under Section 6.2.8 above.

6.4.2 Exceptions

Where two properties have a shared access and parking agreement that has been approved by the city, the above setback requirements may be waived.

SECTION 7. PARKING LOTS

7.1 Internal Landscaping

Interior parking lot landscaping shall be required on any parking lot with twelve (12) spaces or more.

A. Planter Size

Landscape planters shall be a minimum of eight feet (8') in width for Class I & II trees and ten feet (10') in width for Class III trees. Dimensions are measured inside curbs.

B. Parking Spaces

No linear grouping of parking spaces shall exceed ten (10) in a row, without an internal planter island.

C. Parking Lot Layout

Interior landscaping shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area so as to prevent cross-space driving. Interior landscape planters shall be spaced as evenly as feasible and at the ends of rows of parking throughout the lot to consistently reduce the visual impact of long rows of parked cars.

D. Trees Required

Each interior planter that serves a single row of parking spaces shall be landscaped with at least one (1) tree and shall be covered with low shrubs, lawn, or other vegetative groundcover. Each interior planter that serves a double row of parking spaces shall have at least two (2) trees and shall be covered with low shrubs, lawn, or other vegetative groundcover. Deciduous shade trees must be pruned to a minimum height of eight (8) feet above the adjacent parking areas. Evergreen trees are prohibited in interior planters.

E. Lights Prohibited

Light poles and fixtures shall be located outside of landscape planters which contain trees as required by this Ordinance.

F. Industrial Exclusion

Industrial parking, storage, and loading areas are specifically excluded from the interior landscape requirements, but shall still be required to meet all perimeter and right of way landscape and screening requirements.

SECTION 8. BUFFERS BETWEEN DIFFERENT LAND USES

8.1 Purpose

The landscape requirements in this section are intended to ensure incompatible, adjoining land uses are adequately protected and are provided an appropriate amount of land separation to conduct permitted uses without causing adverse impact.

8.2 Responsibility for Buffer Construction

The required buffer between different land uses shall be provided by the higher intensity use and shall be located on the building site of the higher intensity use, except as determined otherwise by the Planning Director after written request. If a lower intensity use is proposed adjacent to an existing higher intensity use with no buffer, the lower intensity use must provide the required buffer.

8.3 Buffer Required

Land use buffers shall be required along contiguous property lines between dissimilar uses such as industrial and commercial; commercial and office; or office and residential. The buffers are required along the entire contiguous property line. If incompatible land uses are across a public street from one another, the street buffer requirements of Section 6 apply. This section shall not apply to mixed use projects on contiguous properties in the C-5 (Central Business) and PC (Pedestrian Commercial) zones.

8.4 Size

The minimum buffer width between land uses is based on the required street parking setbacks of the underlying zone. The buffer width shall be measured as the soil surface area of the planter.

8.5 Buffer Materials

The materials within the required buffer between incompatible land uses are regulated as follows:

A. Mix of Materials

All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative groundcover. Fences, walls and berms may also be incorporated into the buffer area.

B. Barrier Effectiveness

The required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty percent (60%) or more of the vertical surface is closed and prevents the passage of vision through it. Trees may be spaced closer as necessary to achieve this goal.

C. Buffer Walls

Where existing or proposed adjacent land uses cannot be adequately buffered with plant material(s), the City may require inclusion of a wall, *fence*, or other type of screen that mitigates noise and/or unsightly uses. If a wall or fence at least six (6) feet tall is provided, the planting requirement may be reduced to at least one tree per forty lineal feet (40'), plus shrubs, lawn, or other vegetative groundcover must be provided within the buffer area, in lieu of the requirements of subsection B.

D. Chain-link Fencing

Chain-link fencing does not qualify as a screening material; therefore the buffer must still be landscaped as per subsection B, even if a chain-link fence is provided.

8.6 Pedestrian Access

Landscaping and screens shall not eliminate pedestrian access from residential development to abutting commercial districts and vice versa.

8.7 Existing Partial Buffers

If all or any part of the buffer has been provided on the adjacent property, the proposed use must provide only that amount of the buffer which has not been provided on the adjacent property, subject to Staff approval.

8.8 Relationship to Perimeter Requirements

All buffers between different land uses may include any required perimeter landscape strips (see Section 6.3) when calculating the minimum width of the buffer.

8.9 Buffers along Pathways

All commercial, industrial, and office developments shall provide a five (5) foot wide minimum buffer adjacent to any existing or planned pathways in the City's Comprehensive Plan or Park System Master Plan. The buffer shall be planted with a minimum of one (1) tree per forty lineal feet (40').

SECTION 9. PRESERVATION OF EXISTING TREES**9.1 Purpose**

This section is intended to preserve existing healthy desirable trees four (4) inch caliper or greater from destruction during the development process.

9.2 Site Design

Site plans shall make all feasible attempts to accommodate existing trees four (4) inch caliper or greater within their design.

9.3 Landscape Plan

All existing trees greater than four (4) inch caliper shall be shown on the landscape plan. Indicate whether each tree is to be retained or removed and include an assessment by an approved Arborist of the health of the trees. Include on the plan a description of how existing trees to be retained are to be protected during construction as per Section.

9.4 Protection During Construction

Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction. The Boise City Community Forestry Division shall approve the protection fence(s) prior to construction. Construction, excavation, or fill occurring within the drip line of any existing tree may severely damage it. Any severely damaged tree shall be replaced in accordance with Subsection 9.6 of this Ordinance.

9.5 Construction within the Dripline of Existing Trees

Specific requirements for construction within the dripline of existing trees are as follows:

A. Paving

Whenever possible, impervious paving surfaces shall remain outside of the dripline of existing trees. When it is not possible, impervious surfaces shall be allowed at a distance from the trunk of a retained tree equal to the diameter of the tree trunk plus five (5) feet.

B. Grade Changes

Grade changes are discouraged within the dripline of existing trees and are subject to recommendation by the City Forester or an approved Arborist.

C. Compaction

Most of the damage to trees caused by machinery occurs to the root system through compaction of the soil. A rigid fence or barrier that encloses the entire area beneath the tree canopy shall be in place prior to construction and include appropriate signage prohibiting access.

D. Utilities

New underground utilities to be placed within the dripline of existing trees shall be installed as per Section 4.9.C of this Ordinance.

9.6 Mitigation Trees

Mitigation is required for all existing healthy desirable trees four (4) inch caliper or greater that are removed from the site with equal replacement of the total calipers lost either on site or off-site per recommendation of the City Forester. Example: two (2) 10-inch caliper trees removed may be mitigated with four (4) 5-inch caliper trees, five (5) 4-inch caliper trees, or seven (7) 3-inch caliper trees. Existing dead, dying, or hazard trees need not be mitigated for if they are removed. The Boise City Community Forestry Division or an approved Arborist shall certify any dead, dying, or hazard trees prior to removal.

9.7 Required Landscaping

Existing trees that are retained or relocated on site may count toward the required landscaping.

9.8 Incentives

The Planning Director may allow a reduction up to ten percent (10%) of the required parking spaces to accommodate existing trees. Approval of the reduction in required parking must be obtained in writing prior to submittal of plans.

SECTION 10. STORMWATER INTEGRATION**10.1 Purpose**

The City encourages the incorporation of vegetated, well-designed stormwater filtration swales into landscape areas where topography and hydrologic features allow. Such integrated site designs can improve water quality and provide a natural, effective form of flood and water pollution control. Landscape areas which incorporate stormwater swales shall be above and beyond the landscaping required by this Ordinance.

10.2 Design Guidelines

Below are requirements for designing a landscape area that integrates stormwater facilities. The Planning & Zoning and Public Works Departments should be involved in the initial design and determining the appropriateness of any site.

- A. Stormwater swales shall be vegetated with grass or other appropriate plant materials. Swales shall generally not be located in required landscape areas including along streets and side property lines, with the exception of industrial areas which typically do not have large amounts of landscaping required or as otherwise approved by Boise City Public Works and the Planning Director. Ponds and swales located in these areas that are aesthetically designed may be approved through the Alternative Compliance section of this ordinance. Documents for design of appropriate stormwater systems are available from Boise City Public Works.
- B. Gravel, rock, or cobble stormwater facilities on the surface of required landscape areas shall not exceed 20% of the surface area of the swale. Cobble may be incorporated into required landscape areas if designed as a dry creek bed or other design feature.
- C. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.
- D. Organic mulch shall not be used directly adjacent to the the flow path due to potential sediment clogging. Established plant material shall be installed adjacent to the flow path and infiltration area to aid in capturing sediment and reducing clogging.
- E. Open water ponds and holding areas with a permanent water level are not permitted in required landscape or buffer areas, except along Interstate-84. However, ponds that are aesthetically designed with special grading and vegetative features may be approved as provided for in the Alternative Compliance section of this ordinance.
- F. Slopes must be shallower than 3:1 (horizontal:vertical) for accessibility and maintenance.

- G. Additional information regarding stormwater system design is provided in the publications titled *Boise Stormwater Design Manual* and *StormWater Plant Materials, A Resource Guide*, which are available from Boise City Public Works.

SECTION 11. INSTALLATION

11.1 Certificate of Completion

A written certificate of completion shall be prepared by the landscape architect, landscape designer or qualified nurseryman responsible for the landscape plan upon completion of the landscape installation. The certificate of completion shall verify that all landscape improvements, including plant materials and sprinkler installation, are in substantial compliance with the approved landscape plan.

11.2 Installation Schedule

- A. All required landscaping, irrigation systems and site features shall be installed according to the approved landscape plan prior to issuance of a final certificate of occupancy.
- B. Private site improvements that are above and beyond the requirements placed on the development do not require completion prior to occupancy.

11.3 Extension of Time for Installation

The building official, upon recommendation of the director, may issue a temporary certificate of occupancy for a specified time period, not to exceed one hundred eighty (180) days when:

- A. Due to weather or other circumstances, the landscaping or other required site amenities cannot be completed; and
- B. The applicant has provided surety to the city for the required improvements.

SECTION 12. LANDSCAPE MAINTENANCE

12.1 Purpose

The regulations of this section are intended to ensure that all required landscaping is maintained in a healthy, growing condition at all times.

12.2 Applicability

The requirement for landscape maintenance applies in all districts where landscaping has been required.

12.3 Standards

- A. Responsibility: The property owner is responsible for the maintenance of all landscaping and screening devices required by this article.
- B. Topping Prohibited: Topping any street tree required by this article is prohibited.
- C. Tree Grates: Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
- D. Dead And Diseased Plant Materials: Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
- E. Inspections: All landscaping required by this subsection may be subject to periodic inspections by city officials to determine compliance or to investigate.