

## **SECTION 4. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS**

Subsection 1. Purpose. The purpose of this section of the Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration and decay; and to enhance the health, safety, and welfare of the residents of the community.

### Subsection 2. Dwelling Unit Restriction

- (A) No garage, tent, or accessory building shall, at any time, be used as living quarters, temporarily or permanently.
- (B) No basement or cellar, unless used as a portion of the living space of a dwelling which is affixed to the basement or cellar, or as an earth sheltered home, may be used as a residence or dwelling unit, either temporarily or permanently.
- (C) Except in the case of planned unit developments, no more than one (1) principal building shall be located upon a lot.

### Subsection 3. Platted and Unplatted Property

- (A) Any person desiring to improve property shall submit to the Building Inspector a survey of the premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information as required by this Ordinance.
- (B) All buildings shall be placed so that they will not obstruct future streets which may be constructed by the City.
- (C) Except where sanitary sewer has previously been provided to the lot, a lot of record existing upon the effective date of this Ordinance in a residential district, which does not meet the requirements of this Ordinance as to area or width may be utilized for single family detached dwelling purposes provided the measurements of the area or width are within sixty (60) percent of the requirements of this Ordinance.

### <sup>9</sup> Subsection 4. Accessory Buildings, Uses, and Equipment

- (A) An accessory building shall be considered an integral part of the principal building if it is connected directly to the principal building, or connected by a covered passageway.
- (B) Except for farm buildings, and buildings in the commercial, industrial and NRSF districts, no accessory building shall be erected or located within a side or front yard.
- (C) There shall be no more than two detached accessory buildings on any residential zoned lot. The area of all detached accessory structures shall not exceed one thousand four hundred (1,400) square feet and no one structure shall exceed one thousand (1,000) square feet. Additional structures and area may be allowed in the NRSF and LDSF Districts as a conditional use subject to the criteria in Section 4, Subsection 4.(G).

- (D) No accessory building shall be taller than the primary building. Taller buildings may be allowed in the NRSF and LDSF Districts as a conditional use subject to the criteria in Section 4 Subsection 4.(G).
- (E) All accessory buildings must use the same building materials as the principle building except when their floor area is less than two hundred (200) square feet. Other materials may be allowed in the NRSF and LDSF Districts as a conditional use subject to the criteria in Section 4, Subsection 4.(G).
- (F) Satellite dishes, television receiving antennas, and radio receiving antennas shall be a permitted accessory use within all zoning districts, provided that they meet the following conditions:
  - (1) Maximum Height: The dish or antenna shall not exceed fifteen feet (15') in height.
  - (2) Roof line: The dish or antenna shall not exceed twenty feet (20') above the roof line.
  - (3) Setbacks: No dish or antenna shall be located within the required front yard setback or required side yard setback abutting a street.
  - (4) Ground mounted satellite dishes, television antennas, or radio antennas shall be set back from all adjoining lots a distance equivalent to the height of the structure. Such structures shall be located ten feet (10') or more from any other building or structure and shall not be located within a utility easement.
  - (5) Roof Mount: When a satellite dish, television antenna, or radio antenna is located on the roof of a building, the applicant shall furnish the City Building Official with building plans and structural components of the satellite dish, television antenna or radio antenna displaying the means of securing the structure to the roof of a building. The Building Official must approve the building plans.
  - (6) Lightning Protection: Each satellite dish, television antenna or radio antenna shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.
  - (7) Conditional Use: Satellite dishes, television antennas or radio antennas which exceed height limitations specified herein may be allowed by conditional use permit.
- (G) Conditional Use Permit – NRSF and LDSF Residential Districts. The following criteria shall be used to evaluate applications for conditional use permits for accessory structures in residential districts. Additionally, conditional use permits shall be processed and evaluated according to the procedures listed in Section 20 of this Chapter.
  - (1) The accessory structure shall be architecturally compatible with the principle building and neighborhood setting. Elements to be considered and/or required for attaining compatibility may include, but are not limited to, the following:
    - (a) Depth of eave overhangs.
    - (b) Use of soffits and fascia material.

- (c) Color(s).
  - (d) Roofing material that matches the principal structure.
  - (e) Use of trim, wainscoting, windows, and lighting.
  - (f) Siding that matches the principal structure.
  - (g) Roof pitch.
- (2) Visibility of the structure shall be minimized as viewed from adjacent lots and rights-of-way. Through the use of topography, existing vegetation and/or proposed landscaping, the structure is adequately screened from adjacent lots and rights-of-way.
  - (3) Garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way.
  - (4) The structure shall be designed and placed on the site so as to minimize the perceived scale or size difference between the accessory structure and the primary structure and/or structures on adjacent parcels.
  - (5) Proposed grading and drainage plans are approved by the City Engineer.
  - (6) A balance is maintained through the size and scale of the proposed structure in relationship to all existing accessory and primary structures on the lot and within the neighborhood setting.

Subsection 5. Home Occupations. The following standards shall apply to this use:

- (A) No more than 25% of the total floor area of the dwelling shall be used for the home occupation.
- (B) No articles for sale shall be displayed so as to be visible from any street, nor shall any outside storage of materials or equipment be permitted.
- (C) The occupation is to be conducted solely by members of the household residing on the premises.
- (D) No sign shall be allowed other than one (1) non-illuminated name plate not to exceed four (4) square feet in area.
- (E) The home occupation, if it involves visitation by clients on the premises, shall provide one (1) off street parking space, in addition to the parking spaces required for the residents of the dwelling.

Subsection 6. Drainage Plans. In the case of all developments involving multi-family dwellings, commercial uses, and industrial uses drainage plans shall be prepared and submitted to the City for approval.

Subsection 7. Height Regulations. The following building height regulations shall apply in residential, commercial, and industrial districts.

- (A) No structure in any district shall exceed three (3) stories or thirty-five (35) feet, whichever is less, unless a conditional use permit is authorized in the district to allow taller buildings.

- (B) The building height limits do not apply to chimneys or flues, church spires, belfries, cupolas and domes which do not contain usable space, elevator penthouses, flag poles, poles, cooling towers, towers and other structures for essential services, and wind energy conversion system towers other structures for essential services, radio and television antennas not exceeding twenty (20) feet above the roof, monuments, parapet walls extending not more than three feet (3') above the limiting height of the building, necessary mechanical and electrical appurtenances, and farm buildings.

Subsection 8. Off Street Parking Requirements

- (A) All applications for a building permit in all zoning districts shall be accompanied by a site plan drawn to scale indicating the location of off street parking and loading spaces in compliance with the requirements in this subsection. All site plans for single family homes must provide for location of a two (2) stall garage, whether or not such construction is intended.
- <sup>1</sup> (B) Each parking space shall be no less than nine (9) feet wide and twenty (20) feet in length, exclusive of access aisles. All driveways, parking, and vehicle circulation areas must have a surface of asphalt, concrete, or other equivalent material approved by the City Engineer, and shall be graded to drain.
- (C) The following minimum number of off-street parking spaces shall be provided:
  - (1) Single Family Dwelling units: two (2) spaces per unit.
    - Elderly Housing: 0.75 spaces per efficiency or one bedroom unit;  
1.5 spaces per two bedroom unit  
2 spaces per three bedroom unit,  
(or) as needed per market study or City staff analysis.
    - Townhouse, condominium, or duplex: two (2) spaces per unit and 0.5 spaces per unit for visitor parking.
    - Multi-family dwellings: 1.75 spaces per unit and 0.5 spaces per unit for visitor parking.
  - (2) Theaters, churches, or places of assembly: one (1) space per every five (5) seats, or as needed.
  - (3) Restaurants, bars, etc.: one (1) space for every three (3) three seats, or one (1) space for each one hundred (100) square feet of gross floor area, whichever is greater; or as needed.
  - (4) Service commercial shops and retail stores:
    - <sup>1</sup> (a) Less than or equal to 15,000 square feet net floor area: five (5) spaces per every 1,000 net square feet floor space.
    - <sup>1</sup> (b) Greater than 15,000 square feet net floor area: four (4) spaces per every 1,000 net square feet floor space, minimum; 4.5 spaces per every 1,000 net square feet floor space, maximum.

- <sup>1</sup> (c) Any spaces constructed in excess of the maximum may be allowed by conditional use permit and must be of a permeable surface to allow direct infiltration of stormwater into the soil.
- (5) Motels, hotels: one (1) space per sleeping unit, plus required spaces for banquet rooms, meeting rooms, restaurant, and retail shops; or as needed.
  - (6) Industrial / Manufacturing establishments: Five (5) spaces plus one (1) space per every two persons of maximum employment during any work period, or as needed.
  - (7) Wholesale, warehouses: one (1) space per every one thousand (1,000) square feet of warehouse/floor area, but no less than four (4); or as needed.
  - (8) Uses not mentioned, or identified "as needed:" The number of parking/loading spaces shall be determined by the City Engineer based upon the best information available.
  - (9) Shared or joint use of required parking spaces between uses on different lots within 300 feet of each other may be permitted by the City if the owners of the property agree to the sharing of spaces and it is demonstrated that the spaces will not be used by the two different uses at the same time. The applicants for shared parking shall make an application and have that application reviewed by the planning commission and approved by the City council.
  - (10) Off Street Loading. One (1) off street loading space shall be provided and maintained on the same lot for each commercial and industrial use requiring regular delivery of goods.
  - (11) Design and maintenance of off-street parking, dock, and traffic circulation areas shall be in accordance with City requirements. All such areas shall have an impervious surface, and shall be graded to drain. Exceptions to this requirement (impervious surface) will be considered based upon anticipated traffic usage and on-site runoff controls.

Subsection 9. Ingress and Egress - All lots shall front on and have ingress and egress by means of a public right-of-way.

Subsection 10. Visibility at Intersections and Driveways - In any residential district on any corner lot, no fence or accessory structure or planting shall rise over two and one-half (2 1/2) feet in height above the level of the public sidewalk within twenty (20) feet of any corner, so as to interfere with traffic visibility across the corner. No fence or wall or shrub planting of more than two and one-half (2 1/2) feet in height above the level of the public sidewalk shall be erected on any interior lot within ten (10) feet of the front property line where it will interfere with traffic visibility from a driveway.

Subsection 11. Solar Energy Systems.

- (A) Solar energy systems shall be a permitted use in all zoning districts, provided that the system is in compliance with all applicable zoning regulations and building codes.
- (B) Solar energy systems may be exempted from setback, height, and lot coverage restrictions in all districts by a variance.

- (C) The use of solar energy systems is subject to the restraints of the zoning regulations contained in this chapter and any existing vegetation.
- (D) The effect of trees on the solar access of surrounding development shall be minimized to the greatest possible extent in selecting tree species and locating trees on public lands and along roadways. Whenever possible, every effort shall be made to avoid shading existing or proposed solar collectors.
- (E) Reasonable care should be taken to protect the opportunity for the utilization of solar energy systems at all locations available.
- (F) The City shall take affirmative actions to the extent possible to preserve solar access for all existing and future development.
- (G) The City does encourage the use of private easements and restrictive covenants as a means to protect access to sunlight.

<sup>1</sup> Subsection 12. Performance Standards, Building, Site Design, Landscaping, and Screening.

12.1. Building Performance Standards:

(A) General Building Standards:

- (1) Building Design and Materials: Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of neighboring properties.

(B) Exterior Material Requirements:

- <sup>1</sup> (1) Commercial, Industrial, and other Non-residential Buildings: Face brick, masonry block, decorative or split face block, architectural steel and metals, wood, stone, glass, stucco, EIFS, architectural concrete and pre-cast panels shall be acceptable as the major exterior wall material when they are incorporated into an overall design of the building. Unadorned smooth pre-stressed concrete panels and/or non-decorative, smooth concrete block may be used if architectural features are incorporated. All materials shall be color impregnated, with the exception that architectural concrete pre-cast panel systems may be painted. This paragraph shall also apply to all remodeling, or expansion of existing buildings that require a building permit.

Residential Buildings: Face brick, stone, cultured stone, cementitious siding, vinyl siding, steel/metal siding, wood, stucco, synthetic stucco, and decorative or split face block.

- (2) Light gauge, unfinished sheet metal or unfinished metal shall not be used as exterior materials. This restriction shall apply to all principal structures, and to all accessory buildings. Roofs which are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs which are generally parallel with the first floor elevation are not subject to these material limitations.

- (3) All building and roofing materials shall meet current accepted industry standards and tolerances, and shall be subject to review and approval by the City Engineer and Building Official for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the applicant shall submit to the City product samples, building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials. Building and roofing materials not specifically approved in this Section may be allowed by a Conditional Use Permit only after it is demonstrated that the proposed material is equal to or better than approved materials. The long-range maintenance of the proposed material shall be incorporated as a condition of the approval.
- (4) Garages, accessory structures, screen walls and exposed area of retaining walls shall generally be of a similar type, quality and appearance as the principal structure; or shall otherwise enhance the appearance of the site/building.

(C) Building Mechanical Screening.

- (1) The ground level view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure, or screened by the use of parapet walls. Wood fencing shall not be used for screening such equipment.
- (2) Ground mechanical equipment shall be screened from contiguous properties and adjacent streets by landscaping, or a screen wall shall be provided to be compatible with the architectural treatment of the principal structure.

- <sup>1</sup> (D) Lighting. Exterior site and building lighting shall utilize ninety (90) degree cutoff shielded fixtures to prevent ambient light pollution and light and glare from spilling over to adjacent properties.

12.2 Site Design Standards:

- (A) Objective: To ensure that the development is appropriate to a growing urbanized location, and to establish and maintain aesthetic coherence among developments, and to minimize impairment of water bodies due to storm water runoff. City staff will review site plans to assure that:
- (1) Major buildings and entrances are oriented toward perimeter streets for visibility and access.
  - (2) Internal circulation within the site is designed to allow ease of access among buildings by vehicles and pedestrians.
  - (3) Service areas are oriented away from perimeter streets.
  - (4) On-site storm water treatment and retention are provided as required by the City Engineer, and may be utilized as part of the landscape plan.
  - (5) Access/egress locations are as approved by the City Engineer.

- (6) Driveway widths are no wider than thirty-two (32) feet, and shall include a concrete apron to a minimum of five (5) feet behind the curb line, or edge of pavement.
- <sup>11</sup> (7) Signage is in accordance with the provisions of Chapter 1500, Section 27.
- (8) Outside storage of materials, equipment, unused vehicles, truck trailers, or products is not permitted unless authorized by Conditional Use Permit.

12.3. General Landscaping Standards.

(A) Maintenance.

- (1) All yards, open spaces and landscaped areas on developed or undeveloped lots or parcels must be kept free from accumulations of garbage, trash, refuse, debris and other unsightly or nuisance creating materials.
- (2) All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Turf shall be mowed, and maintained at a length not exceeding 6-inches (6").
- (3) All required landscaping shall be replaced if the planting dies or is otherwise removed.
- (4) Boulevard areas adjacent to streets and alleys shall be maintained by the adjacent property owner, to the curb line or edge of roadway.
- (5) The landscape plan and its maintenance plan shall be part of the Certificate of Occupancy. No Certificate of Occupancy shall be issued without approval of a landscape plan. In the event that weather conditions prohibit the installation of such landscaping, a deposit or irrevocable letter of credit, in the amount to be determined by the City Engineer, shall be submitted to the City as security for completion of the improvements. Following completion of the landscaping improvements, the City shall release the deposit less an administrative fee reflecting the City's cost related to monitoring and completion of the improvements. The City reserves the right to expend the deposited funds to insure completion of the improvements. Failure to implement the approved landscape plan within six months of the issuance of a Certificate of Occupancy shall be cause for revocation of the Certificate of Occupancy.

(B) General Requirements:

- (1) All exposed ground areas on a lot or parcel surrounding a principal or accessory structure that are not devoted to drives, sidewalks, patios and parking lots shall be covered with sod, or other approved ground cover, or other landscape materials as required or allowed herein. Ground cover exceptions may be permitted in an approved site plan for:
  - (a) Seeding of future expansion areas as shown on approved site plans;



(b) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material;

<sup>1</sup> (c) Planting beds shall be mulched with four (4) inches of hardwood mulch.

(2) The required percentage total lot area that must be landscaped is:

(a) Industrial Districts: 15%

(b) B-2 Commercial District: 10%

(c) Residential Districts (other than R-1): 25%

(d) Variation from these percentages will be considered in conjunction with review of the overall site plan, where the variations do not detract from the appearance of the site and conformance with the objectives of this section.

<sup>1</sup> (3) Where landscaping is proposed within a public right-of-way, or drainage and/or utility easement, then a conditional use permit shall be secured which sets forth the terms and conditions for removal and replacement of such landscaping if work is necessary within the easement area.

(C) Design Standards. Landscaping plans described above shall be prepared based on the following design standards. The evaluation and approval of landscape plans shall also be based on these design standards.

(1) The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings for example shall generally be complemented by larger scaled plants. Landscaping of larger areas, such as required yards, shall be accomplished by both horizontal landscaping elements, such as planting beds, and vertical landscaping elements, such as trees, berms and fences.

(2) Plant material shall be selected for its form, texture, color and concern for its ultimate growth.

(3) The landscape plan shall include a mix of deciduous and coniferous trees, shrubs flowers, berms, and ground covers as deemed appropriate to a complete quality landscape treatment of the site.

(4) Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

(5) Detention/retention basins and ponds shall be landscaped. The landscaping shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other planting materials.

<sup>1</sup> (D) Slopes and Berms

- (1) Final slope grades with a ratio of 3:1 or steeper will not be permitted without special landscaping treatment such as terracing, retaining walls, or reinforced ground covers. All berms shall be planted with sod or other ground cover to prevent erosion.
- (2) Earthen berms and existing topography shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening from adjacent residential or other uses.
- (3) Berms shall be designed to allow for maintenance, mowing and adequate drainage.
- (4) The elevation and horizontal ground location of any berms shall be varied in order to mimic a natural topographical feature.

(E) Off-street parking areas that contain thirty (30) or more stalls shall provide interior landscaping as follows:

- (1) The interior landscaping shall constitute at least five (5) percent of the area of the parking lot. Area devoted to perimeter landscaping is not considered as any part of interior landscaping.
- (2) The minimum width of landscape islands is eight (8) feet.

<sup>1</sup> (3) Islands shall be bounded by concrete curbing, unless islands are used as part of a low impact design stormwater management system.

<sup>1</sup> (4) Islands shall be planted with trees and sod, or other approved ground cover.

(F) Buffering and Screening Requirements.

- (1) Off-street parking areas with four (4) or more stalls, and truck dock/delivery areas, shall be buffered by perimeter landscaping. Such landscaping shall consist of a combination of ground cover, trees, shrubs and/or appropriate screening devices. The screening shall be at least 80 percent opaque within two years and not less than six feet in height.

<sup>1</sup> (2) Trees, hedges, or other vegetative materials shall provide at least fifty (50) percent screening capacity throughout the year to a height of at least eight (8) feet.

- (3) When adjacent to a residential area, all off-street parking areas with four or more stalls shall be screened from all sides adjacent to the residential property. The screening shall be at least eighty (80) percent opaque within two years and not less than six (6) feet in height

- (4) Where a development is adjacent to a residential area, there shall be a landscaped protective strip established as a buffer zone in the yard that is adjacent to the residential area.

- (5) Every off street loading area visible from a residential area, and visible from any public street, shall be screened.
- (6) To the extent possible, all trash handling, recyclable material containers and equipment, except those containers used on a temporary basis for a construction or disposal activity, shall be screened (to a sufficient height) from eye-level view by all adjoining properties and all streets. Refuse or recyclable material containers shall be located within rear or interior side yards. No refuse or recyclable material containers shall be located within any front or corner side yard.
- <sup>1</sup> (7) Screening of outdoor storage areas is required. When used, walls or fences must provide for full visual screening of storage areas, as viewed from residential districts. Outdoor storage areas are required to have a Conditional Use Permit.
- (8) The buffer zone shall contain no structures and shall not be used for off-street loading or outdoor storage, but may be used for parking in accordance with the parking setback and screening requirements of this section, and the Zoning District.

(G) Fences, Walls and Landscape Screens/Buffers.

- (1) Screens/buffers shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines where possible.
- (2) The outside base of a wall or fence shall be landscaped if the wall or fence fronts on a public street or is adjacent to a Residential area.
- (3) No fence, wall, landscape screen or other screening device shall be permitted to encroach on any public right-of-way or infringe on any vision triangle, except with prior approval of the City Engineer.
- <sup>1</sup> (4) The materials used for constructing the wall or fence shall be specified in the site plan and shall be subject to approval by the City Council.
- <sup>1</sup> (5) A wall, fence or vegetative screening may occupy part of the required yard; but no hedge or berm, located in the front yard, shall be more than two and one-half (2-1/2) feet in height.
- <sup>1</sup> (6) See also Subsection 18, below, for additional fencing requirements.

<sup>1</sup> (H) Maintenance Requirements.

- (1) The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.
- (2) Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.
- (3) Areas left in a natural state and vegetative screening area shall be properly maintained in an attractive and well kept condition.

(4) Diseased, dying or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.

<sup>1</sup> (I) Minimum Plant Size Requirements. All plants must at least equal the following minimum size:

	<u>Potted/Bare Root or Balled &amp; Burlapped</u>
(a) Shade Trees	2-1/2 inch diameter trunk
(b) Ornamental Trees	1-1/2 inch diameter trunk
(c) Evergreen Trees	6 feet height
(d) Tall Shrubs & Hedge Material	3 - 4 feet height
(e) Low Shrubs	24 - 30 inches height
(f) Spreading Evergreens	18 - 24 inches height

<sup>1</sup> (J) Approved plant material for boulevards/parkways/traffic islands and suggested plant material for screening and individual yards.

<b>DECIDUOUS TREES</b>		
<u>Common Name</u>	<u>Botanical Name</u>	<u>Comments</u>
Red Sunset Maple	Acer rubrum 'Franksred'	Red fall color, broad columnar form showy red flowers
Emerald Queen Norway Maple	Acer platanoides 'Emerald Queen'	Yellow fall color, fast growth, attractive form
Royal Red Maple	Acer platanoides 'Royal Red'	Rich purple foliage all summer, straight trunk, dense shade.
River Birch (clump)	Betula nigra	Blush gray branches, winter interest, orange-red fall color.
Northern Catalpa	Catalpa speciosa	Large heart-shaped foliage, yellow fall color, fast growth, showy white flowers
Autumn Blaze White Ash	Fraxinus Americana 'Autumn Blaze'	Purple fall color, oval form.
Black Cherry	Prunus serotina	Fragrant white flowers, yellow-orange fall color.
Swamp White Oak	Quercus bicolor	Yellow fall color, dark green leaves.
Bur Oak	Quercus macrocarpa	Rounded open form, drought tolerant, leaves persist through winter
Pin Oak	Quercus palustris	Pyramidal form, leaves persist through winter, red fall color.
Northern Red Oak	Quercus rubra	Red fall color, dark glossy green leaves, fastest oak grower.
Redmond Linden	Tilia americana 'Redmond'	Bright yellow fall color, pyramidal form.
Greenspire Linden	Tilia cordata 'Greenspire'	Fragrant, creamy yellow followers, pyramidal form

**CONIFEROUS TREES**

<u>Common Name</u>	<u>Botanical Name</u>	<u>Comments</u>
Eastern Redcedar	Juniperus virginiana	Densely pyramidal evergreen, tolerant poor conditions.
Norway Spruce	Picea abies	Largest and fastest growing evergreen.
Black Hills Spruce	Picea glauca densata	Strong pyramidal form evergreen, tolerant of light shade.
Austrian Pine	Pinus nigra	Dark green needles, drought and cold tolerant, vigorous.

**ORNAMENTAL TREES**

<u>Common Name</u>	<u>Botanical Name</u>	<u>Comments</u>
Autumn Brilliance	Amelanchier x grandiflora	Bright red-orange fall color, white fragrant flowers, red fruit.
Serviceberry	‘Autumn Brilliance’	
Pagoda Dogwood	Cornus alternifolia	Yellow-red fall color, dark green summer foliage.
Gray Dogwood	Cornus racemosa	Purplish fall color, white flower and fruit, gray bark, winter interest.
Crimson Cloud Hawthorn	Crateagus laevigata	Bright red flowers, glossy red fruit persists into winter, thornless.
American Plum	Prunus Americana	Yellow-red fruit, yellow fall color.
Newport Plum	Prunus cerasifera ‘Newport’	Fragrant pink flowers, reddish purple foliage with red tips.
Amur Chokecherry	Prunus maacke	White flowers, golden bark, winter interest
Ivory Silk Lilac	Syringa reticulata ‘Ivory Silk’	Creamy white fragrant flowers, dense deep green foliage.

**DECIDUOUS SHRUBS**

<u>Common Name</u>	<u>Botanical Name</u>	<u>Comments</u>
Crimson Pygmy Barberry	Berberis thunbergii ‘Crimson Pygmy’	Orange-red fall color, deep red foliage, compact habit.
American Hazelnut	Corylus americana	Mounded form, adaptable, edible nuts.
Dwarf Burning Bush	Euonymus alatus ‘compactus’	Bushy and compact form, brilliant scarlet fall color.
Kalmanum St. Johnswort	Hypericum kalmanum	Mounded form, yellow flowers, blue-green foliage
Star Magnolia	Magnolius kobus stellata ‘Royal Star’	Dark green foliage, white flowers, yellow-bronze fall color.
Miniature snowflake	Phladelphus ‘Miniature	Prolific white flowers, fragrant, dwarf habit.
Mockorange	Snowflake’	
Golden Mockorange	Phladelphus coronarus ‘Aureus’	Compact habit, white flowers, showy scarlet fruits.
Dwarf European Cranberrybush	Viburnum opulus ‘Nanum’	White fragrant flowers, fast growth.

### CONIFEROUS SHRUBS

<u>Common Name</u>	<u>Botanical Name</u>	<u>Comments</u>
Savin Juniper	Juniperus Sabina	Blue-green foliage, compact growth habit
Broadmoor Juniper	Juniperus Sabina ‘Broadmoor’	Dense mound form, rich green foliage.
Arcadia Juniper	Juniperus Sabina ‘Compacta’	Rich green foliage, semi-spreading form.
Russian Cypress	Microbiota decussate	Low densely branched evergreen, bronze winter color.
Birds Nest Spruce	Picea abies “Nidiforms”	Dwarf spruce, Hardy, dense foliage.
Taunton Spreading Yew	Taxus x media ‘Taunton’	Good winter hardiness.

### PERENNIALS & GROUNDCOVERS

<u>Common Name</u>	<u>Botanical Name</u>
Sherwood Gladiator Daylilly	Hemerocallis ‘Sherwood Gladiator’
Lupine	Lupinus sp.
Switchgrass	Panicum virgatum
Rugosa Rose	Rosa rugosa sp.
Yarrow	Achillea millefolium
Bleeding Heart	Dicentra spectabilis
Purple Coneflower	Echinacea angustifolia
Liatris	Liatris pycnostachya
Daffodil	Narcissus sp
Poppy	Papaver sp
Autumn Joy Sedum	Sedum ‘ Autumn Joy’
Blue Fescue	Festuca glauca
Stello d’Oro Daylilly	Hemerocallis ‘Stello d’Oro’
Petite Delight Bee Balm	Monarda ‘Petite Delight’
Petite Wonder Bee Balm	Monarda ‘Petite Wonder’
Creeping Phlox	Phlox subulata

#### 12.4 Conformance and Enforcement-New Construction

- (A) Where compliance is not possible due to site conditions, then compliance shall be achieved by a Conditional Use Permit, which establishes the achievable level of and schedule for compliance, and the terms and conditions related thereto. Non-compliance shall exist where compliance is not achieved, and a Conditional Use Permit has not been secured. Noncompliance shall also exist where the terms and conditions of a Conditional Use Permit are violated. Non-compliance shall be subject to the provisions of Article 1500, Section 22, ENFORCEMENT AND PENALTIES.
- (B) No variances shall be granted with respect to the requirements set forth herein. Exceptions shall be made only via a Conditional Use Permit. Requests for a Conditional Use Permit shall not be based solely upon financial considerations, but shall only be based primarily upon the physical inability to achieve conformance with the requirements of this Ordinance at the subject site. The Planning Commission shall determine whether a Conditional Use Permit may be issued or denied, and shall forward its recommendation to the City Council for action.

12.5 Conformance and Enforcement - Existing Sites

- (A) It is the City's intention to secure general compliance with the performance standards set forth herein, to the extent conformance is achievable. A schedule for evaluation of existing sites will be established by the City Council. Upon site review, and where compliance is lacking, then a Conditional Use Permit will be negotiated with the property owner. The Conditional Use Permit shall establish the level of compliance to be achieved, and the schedule for completion of compliance related activities.
- (B) Non-compliance shall exist where compliance is not achieved, and a Conditional Use Permit has not been secured, or when the property owner does not cooperate as set forth in 14.5.A, above. Non-compliance shall be subject to the provisions of Article 1500, Section 22, ENFORCEMENT AND PENALTIES.
- (C) No variances shall be granted with respect to the requirements set forth herein. Exceptions shall be made only via a Conditional Use Permit. Requests for a Conditional Use Permit shall not be based solely upon financial considerations, but shall be based primarily upon the physical inability to achieve conformance with the requirements of this Ordinance at the subject site. The Planning Commission shall determine whether a Conditional Use Permit may be issued or denied, and shall forward its recommendation to the City Council for action.

12.6 Conditional Use Permits.

Conditional Use Permits, as referenced herein, shall apply only to this Subsection 14.

12.7 Conformance And Enforcement - City Council

The provisions of this Subsection 13 shall be enforced as directed by the City Council.

Subsection 13. Water Consumption. No use shall be allowed in Dundas that consumes more than 1,300 gallons of water per acre per day unless specifically authorized by the City Council.

<sup>19</sup> Subsection 14. Fences.

(A) Permit Required.

- (1) Zoning Permit. A permit shall be required for all fences, three (3) feet to six (6) feet in height and located within ten (10) feet from a property/boundary line.
- (2) Building Permit. A building permit shall be required for all fences over six (6) feet in height or as otherwise may be stated in the Building Code.
- (3) Exceptions. Subject to the other provisions stated within this section, the following shall not require a permit:
  - (a) Any fence less than three (3) feet in height.
  - (b) Any maintenance, upkeep, and/or repair of fences.
  - (c) Any underground electric pet fencing.
  - (d) Permitted animal enclosures meeting required setbacks.

- (e) Any patio, trash container, or utility screen located at least five (5) feet from a property line and with a length of less than thirty-two (32) feet.
- (f) Any permanent garden or landscape fencing located at least five (5) feet from the property line. However, such garden and landscape fencing must be less than three (3) feet in height and located within the parameters of the distinct garden and/or landscaping area.
- (g) Any temporary/portable snow fencing.
- (h) Any temporary/portable construction/safety fencing related to a permitted project.
- (i) Any temporary/portable soil erosion fencing. However, all erosion fencing associated with a construction project shall be completely removed upon issuance of a final certificate of occupancy.
- (j) Any temporary/portable special event fencing located within non-residential districts. Special event fencing located within residential districts may require an interim use permit as determined by the City.

(B) Reserved.

(C) Application Requirements and Site Inspections.

- (1) All fence permit applications shall include a certificate of survey and/or site map, drawn to scale, showing/labeling the following:
  - (a) Property address and/or legal description (if platted).
  - (b) Fronting street(s) and street names.
  - (c) Property lines and property line dimensions.
  - (d) Proposed fence type.
  - (e) Proposed location of the fence and distance from property lines.
  - (f) Existing objects and/or structures located near the proposed fence.
- (2) Before a site inspection is conducted by the designated City official, the following items shall be located on site and clearly marked with paint, flags, stakes, and/or laths:
  - (a) Property corners. The Zoning Administrator may require the owner of the property upon which a fence exists, or any applicant wishing to construct a fence, to establish the boundary lines of the property by a survey thereof to be made by any licensed land surveyor.
  - (b) Boundary lines.
  - (c) Proposed fence location.

(D) Location.

- (1) Placing of Fences in Easements.
  - (a) Private fences shall not extend into any public easement except by means of an encroachment agreement approved by the City. The approval or denial of such an agreement shall be solely within the discretion of the Zoning Administrator and City Engineer. Said encroachment agreement shall also be recorded with the County Recorder's Office.



- (b) The City or any utility company having authority to use the easement shall not be liable for repair or replacement of fences in the event that they are moved, damaged, or destroyed by virtue of the lawful use of the easement.
- (c) Any fence placed in a drainage easement shall not adversely affect drainage or create debris buildup.
- (d) All fence applicants and/or property owners are responsible for verifying that no conflict exists with utilities prior to installation.

(2) Fence Setbacks.

- (a) Fences shall be placed on the boundary line between properties or maintain a five (5) foot setback.
- (b) When placing a fence on the property line, the property owner wishing to build the fence shall provide an agreement, in writing, that adjoining property adjoining agrees that such fence may be erected on the division line of the respective properties.
- (c) Private fences adjacent to wetlands shall be set back in accordance with all applicable wetland buffer regulations.

(E) Height.

- (1) Measurement. Height shall be measured from ground level elevation to the top of the fence.
- (2) Residential Fences.
  - (a) Side and Rear Yards: Fences located within a side or rear yard shall not exceed six (6) feet in height.
  - (b) Yards Adjacent to Streets: Fences exceeding four (4) feet in height shall not be erected within a required front yard setback or side yard setback adjacent to a street.
  - (c) Through Lots: On through lots fences six (6) feet in height may be permitted five (5) feet from the right-of-way that the lot does not derive access from provided no other lot on the block is permitted to access from said right-of-way. Otherwise, the standards for front yards shall be met.
  - (d) Irregular Lot: In the case of an irregular shaped lot/parcel, the Zoning Administrator shall determine the most appropriate fence height and type based on the requirements stated in this section.
- (3) Nonresidential Fences: In business and industrial zones, fences may not exceed seven (7) feet in height above the ground level.

(F) Fence Types.

- (1) Residential Fences: Residential fences constructed along a property boundary line shall be sturdy fencing constructed of low maintenance materials that are residential in nature, such as vinyl coated chain link, steel, aluminum, wrought iron, vinyl, composite, wood, or other similar materials determined acceptable by the Zoning Administrator.
- (2) Fencing Materials: All fences must be constructed in a substantial, workmanlike manner and of materials reasonably suited for the purpose for which the fence is proposed to be used.
- (3) Barbed Wire Fences: No barbed wire fences shall be allowed in the residential zoning districts, unless the City Council has approved a site plan which includes barbed wire fencing for security purposes. In the commercial and industrial districts, the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district.
- (4) Razor Wire and Electric Fences: All razor wire and electric fences are prohibited.
- (5) Swimming Pool Fences and Barriers: Swimming pools or spas secured with a code compliant safety cover as determined by the building official are exempt from the following requirements:
  - (a) All permanent swimming pools, including in ground pools and aboveground pools with rigid walls, shall be completely surrounded by a fence or wall not less than four (4) feet in height, and with openings, holes, or gaps no greater than four (4) inches in either vertical or horizontal direction. The fence shall be of a type not readily climbed by children. A building or accessory building may be used as part of such enclosure. An aboveground pool with a wall greater than four (4) feet in height does not require a fence if the wall cannot be readily climbed by children and the pool can be secured while not in actual use.
  - (b) All gates or doors to such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use.

(G) General Regulations.

- (1) No fence shall be installed so as to obstruct a required clear view at street intersections.
- (2) Fences shall be installed with the finished side facing neighboring properties.

- (3) All boundary fences shall be constructed so as to leave adequate clearance between the ground level and the bottom of the fence in order that the yard/landscaping lying directly under the fence can be easily trimmed and maintained.
  - (4) Temporary/portable fencing shall be allowed without a permit as follows:
    - (a) Snow fences for the purpose of controlling drifting snow provided the fence is four feet in height or less, not within five (5) feet of any side or rear property line, or placed within the public right-of-way. Such fencing shall not be placed prior to November 1 and shall be removed by April 1.
    - (b) Erosion control fences are allowed without a permit in all districts in conjunction with a permitted activity necessitating such fencing.
    - (c) Fencing of a temporary nature for the protection of excavation and construction sites and/or for the protection of plants or trees during excavation and construction may be allowed without a permit when associated with permitted activities.
  - (5) The City is not liable for any damage caused to private fencing while maintaining or clearing nearby public roads, trails, sidewalks, or other public infrastructure.
  - (6) It is the responsibility of all fence owners to keep both sides of their fence(s) in good repair and appearance and not in a condition of disrepair, danger, or that constitutes a public or private nuisance. Any fence shall be considered a public nuisance if it does not comply with the following:
    - (a) All fences shall comply with associated regulations relating to nuisances and blight stated in this Code.
    - (b) All fences shall be firmly fastened and anchored in order that the fence is not leaning or otherwise in a stage of collapse.
    - (c) All fences shall be maintained in sound and good repair and free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence. All fences shall be free from any defects or condition which makes the fence hazardous.
    - (d) All exterior wood surfaces of any fence, other than decay resistant woods, shall be protected from the elements by paint or other protective surface covering or treatment, which shall be maintained in good repair to provide the intended protection from the elements.
    - (e) No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish.
- (H) Special Purpose Fences. Fences for special purpose and fences differing in construction, height, or location, may be permitted in any district, only by issuance of a conditional use permit and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

<sup>1</sup> Subsection 15. Low Impact Development. Low impact development (LID) is a comprehensive approach rather than a technique. The idea behind LID is to develop a site so that post-development runoff conditions mimic or imitate pre-settlement runoff. The premise of LID is that stormwater is an asset and necessary element in the natural environment and it should not be managed for “disposal.” The approach emphasizes the integration of site design and planning techniques in order to design the built environment so that it remains a functioning part of an ecosystem, rather than existing apart from it. Key principles of design include:

- Preserve Open Space and Minimize Land Disturbance;
- Protect Natural Systems and Processes (drainage ways, vegetation, soils, sensitive areas);
- Re-examine the Use and Sizing of Traditional Site Infrastructure (lots, streets, curbs, gutters, sidewalks) and Customize Design to Each Site;
- Incorporate Natural Site Elements (wetlands, stream corridors, mature forests) as Design Elements; and
- Decentralize and Micromanage Storm Water at its Source.

(A) The City of Dundas encourages innovative site design to reduce the environmental impacts of development. Low Impact Development strategies include but are not limited to:

- (a) Reduced street width
- (b) Use of pervious pavements
- (c) Use of bio-retention/rainwater gardens and/or infiltration swales within yards and along roads, parking lots and within parking lots
- (d) Amending/restoring soils to increase infiltration
- (e) Preserve existing vegetation and open space
- (f) Constructing wetlands for stormwater treatment
- (g) Disconnecting impervious surfaces
- (h) Installing green roofs

(B) To encourage the use of these strategies, the city offers bonus densities as negotiated through a PUD.