

1 By: Valerie Therrien
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13
14

15 FAIRBANKS NORTH STAR BOROUGH

16 ORDINANCE NO. 2007-04

17
18 AN ORDINANCE ESTABLISHING A LANDSCAPE REVIEW BOARD, ADDING A NEW
19 SECTION TO CHAPTER 18.48 TO PROVIDE FOR A SPECIAL LANDSCAPE AREA
20 OVERLAY ZONE, AMENDING 18.54.060 ZONING PERMIT REQUIREMENTS TO
21 INCLUDE LANDSCAPING, AND AMENDING 1.04.050 TO ADD A VIOLATION OF THE
22 ZONING PERMIT AND LANDSCAPING REQUIREMENTS TO THE FINE SCHEDULE
23
24
25

26 WHEREAS, appropriate community planning assists and advances the goals of a
27 growing, thriving community; and
28

29 WHEREAS, community planning efforts that include landscaping requirements in
30 selected areas will help attract and expand economic development by protecting and
31 showcasing the unique scenic beauty of our community; and
32

33 WHEREAS, landscaping requirements can help both protect existing property
34 values and encourage future residential and business investment in our community; and
35

36 WHEREAS, landscape buffering can help minimize conflict in a growing
37 community between residential and commercial uses; and
38

39 WHEREAS, landscaping helps project a positive community image to our
40 residents and visitors.
41

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42 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North
43 Star Borough:

44
45 Section 1. This ordinance is of a general and permanent nature and shall be
46 codified.

47
48 Section 2. The Fairbanks North Star Borough Code of Ordinances is amended
49 by adding the following new section to Chapter 18.48 Overlay Designations:
50 18.48.110 SLA--Special Landscape Area

51 A. Purpose. This designation is intended to protect and enhance the
52 borough's economic and aesthetic resources thereby promoting the public health, safety
53 and general welfare of the citizens and contributing to the quality of life by encouraging
54 a high level of design and responsible development in the Fairbanks North Star
55 Borough. The designation accomplishes this purpose by requiring buffering of
56 residential areas from commercial uses, and setting minimum standards for street
57 parking lot screening, perimeter parking lot screening, interior parking lot screening and
58 trash and garbage area screening.

59 B. Regulations and Standards.

60 1. Scope and applicability.

61 The boundaries of this overlay zone shall be as described in a zoning map
62 approved by the assembly. Property included in this overlay zone shall be subject to
63 the regulations and standards imposed in this chapter. The overlay zone designation
64 requirements shall apply to the construction of a new parking lot, expansion of an
65 existing parking lot or a surface improvement to an existing parking lot.

66 2. Exemptions.

67 (a) Individual residential lots with fewer than four dwelling units
68 located on the lot .

69 (b) Property of which the principle use is the sale of vehicles is
70 not required to comply with the prescriptive method but must use one of the other
71 methods.

72 (c) Property located within the City of Fairbanks, as long as their
73 landscaping ordinance is in effect.

74 3. Landscape plan. Where a landscape plan is required by this
75 designation, the plan shall include:

76 (a) The common name of each plant used;

77 (b) The number, height and diameter of each plant;

78 (c) The locations where different plant types will be used;

79 (d) The locations, size and type of vegetation to be preserved in
80 their natural state;

81 (e) Location of any retaining walls and fences;

82 (f) Location of existing or proposed utilities and easements of
83 record;

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- 84 (g) Location of all property lines including all streets which
85 border the lot;
86 (h) Location of any existing or proposed structures or parking
87 areas;
88 (i) North arrow and scale;
89 (j) Site drainage and drainage patterns; unless shown on civil
90 drawings.
- 91 4. Approved plant materials. The Landscape Review Board shall
92 adopt and publish a landscape manual, which shall include a list of approved plant and
93 ground cover materials and general landscaping information. The manual may be
94 revised as needed and made available at the planning department and on the borough
95 web site.
- 96 C. Landscape design standards.
- 97 A. The following areas of a lot shall be developed and maintained in
98 accordance with the landscape standards set forth hereinafter using only approved
99 plant and ground cover materials:
- 100 1. Street parking lot screening;
101 2. Perimeter parking lot screening;
102 3. Interior parking lot screening;
103 4. Trash and garbage areas; and
104 5. Buffer landscape (when required).
- 105 D. General design standards.
- 106 1. Plant material shall be true to name, variety and size and shall
107 conform to all applicable provisions of the American Standards for Nursery Stock, latest
108 edition.
- 109 2. All plant material shall be healthy, of a suitable type for the site
110 conditions being used in and hardy to the projects area.
- 111 3. All single stem deciduous trees shall be a minimum of one inch
112 diameter measured six inches from the ground level. For multi-stemmed trees each
113 stem shall be one inch caliper.
- 114 4. Evergreen trees shall be a minimum of five feet in height unless
115 specified elsewhere in the ordinance.
- 116 5. Natural vegetation which is sufficient to meet the intent of the
117 standards set out in this ordinance may be retained in place of all or part of any required
118 landscaping. Existing trees shall be credited toward the landscape requirements on a
119 1:1 basis.
- 120 6. Shrubs shall be a minimum of 18 inches at planting.
- 121 7. The planting of grass and annual flowers alone does not constitute
122 landscaping in the context of this ordinance.
- 123 8. Multiple residential dwelling units (apartments and condominiums)
124 with fewer than 12 units shall provide landscaping consisting of one approved tree for
125 each dwelling unit. If exterior off street parking is provided, the trees shall be located

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126 and maintained to provide parking lot screening. If parking is provided within the
127 building the required trees may be placed any where on site. Trash and garbage
128 screening is required.

129 9. Storage, warehouse and industrial uses which occupy the major
130 floor area of a building need only comply with the street parking lot screening
131 requirements. Trash and garbage screening is required.

132 10. Sight triangle areas at street intersections shall be maintained as
133 required by this Title and as specified in the landscape manual.

134 11. All required landscape planting beds shall be protected from
135 vehicular damage in accordance with the guidelines as set forth in the Landscape
136 Manual.

137 12. New development which is constructed adjacent to a structure
138 listed on the National Register or listed as a Local Historic Site shall provide buffer
139 landscape in addition to parking lot screening regardless of the location of parking
140 spaces.

141 13. Each street or interior lot screening requirement shall be separately
142 evaluated.

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

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

151 16. Buffer landscaping shall be provided between a residential zoning
152 district (Rural Estate through Multiple-Family Residential/Professional Office) and any
153 adjacent non-residential zoning districts. Buffer landscaping may also be required
154 pursuant to conditions set forth by a conditional use permit. When required, buffer
155 landscaping shall be provided between lot lines, and buildings in addition to parking lot
156 screening requirements. Required buffer landscaping shall be approved by the
157 Landscape Review Board. It is not the intent of this ordinance to require buffer
158 landscaping between permitted uses within the same zoning district.

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

163 E. Technical design standards. One of the following three design methods
164 shall be used in order to comply with the landscaping requirements and standards
165 imposed in this Chapter.

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

169 a. Street parking lot screening may either be continuous,
170 discontinuous or a combination of both. Street parking lot screening shall be provided
171 contiguous with each common street frontage which abuts a lot. Screening shall be
172 provided based on the planting of one deciduous tree or evergreen tree per each 25
173 lineal feet of street frontage or fraction thereof. In addition one approved shrub shall be
174 planted for each required tree. Trees and shrubs may be planted anywhere along the
175 street frontage provided: a) the total number of required trees and shrubs are planted;
176 b) each required tree is provided with a minimum planting bed of 25 square feet with no
177 dimension less than 5 feet; c) a planting bed consists of at least one tree; and d) the
178 distance between planting beds and open street areas may not exceed 90 lineal feet.

179 b. Perimeter parking lot screening may be continuous or
180 discontinuous as required by this section. Perimeter parking lot screening shall be
181 provided on the basis of planting one deciduous tree or evergreen tree for each 35
182 lineal feet of interior lot frontage or fraction thereof. In addition one approved shrub
183 shall be planted for each required tree. Trees and shrubs may be planted anywhere
184 along the interior lot line frontage provided: a) the total number of required trees and
185 shrubs are planted; b) each required tree is provided with a minimum planting bed of 25
186 square feet with no dimension less than 5 feet, c) a planting bed consists of at least one
187 tree; and d) the distance between planting beds and open interior lot areas may not
188 exceed 120 lineal feet.

189 c. Interior parking lot screening. In addition to the street and
190 perimeter parking lot screening requirements, as specified above, interior parking lot
191 screening is required and shall apply to all parking lots with more than 75 parking
192 spaces. The intent for interior parking lot landscaping is to break up the large interior
193 expanse of the parking lot. Interior parking lot landscaping shall be provided with one
194 planting bed area for every 25 parking spaces. The minimum planting area shall be not
195 less than 80 square feet with no dimension less than eight feet. A minimum planting
196 bed shall consist of two trees and one shrub. Planting beds may be consolidated
197 however a minimum of two separate planting beds shall be provided. Interior parking lot
198 landscaping may also be provided based on 2 percent of the total area of the parking
199 lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as
200 specified above.

201 d. Buffer landscape. When required shall provide year around
202 screening and shall consist of the following: A continuous planting bed shall be
203 provided. The planting bed width shall be an average of ten feet with a minimum width
204 of not less than eight feet. Two rows of trees shall be provided and shall be planted at
205 average intervals no greater than ten feet on center. The trees shall have a minimum
206 diameter at planting of one and one half inches in diameter and shall be a minimum of
207 eight feet in height. No more than 50 percent of the trees shall be deciduous. An

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208 approved man made decorative fence may substitute for one row of trees and the
209 planting bed may be reduced to a minimum width of eight feet.

210 2. Professional design method. A landscape plan, prepared and
211 sealed by a licensed landscape architect registered in the State of Alaska or a
212 professional with similar expertise in landscaping as determined by the Landscape
213 Review Board, which is equivalent to the Prescriptive design method shall be
214 considered as meeting the intent of the landscape ordinance. All landscape plans
215 which utilize the professional design method shall be reviewed and approved by the
216 Landscape Review Board.

217 3. Alternative compliance method. Project conditions associated with
218 individual sites may justify approval of alternative methods of compliance with the
219 landscape design requirements. Conditions may arise where normal compliance is
220 impractical or impossible, such as facilities that sell vehicles, or where maximum
221 achievement of the borough's objectives and goals can only be obtained through
222 alternative compliance. Such landscape plans shall be reviewed and approved by the
223 landscape review board on a case-by-case basis.

224 F. Plan submittal and inspection requirements.

225 1. A preliminary landscape plan shall be submitted to the planning
226 department in conjunction with the zoning permit application. A performance bond or
227 suitable guaranty shall be posted until such time as the landscaping is completed and
228 approved. The amount of the bond or guaranty shall be as determined by the
229 Landscape Review Board or according to a schedule adopted annually by the Board
230 based on amount of linear feet subject to landscaping requirements.

231 2. A final and complete landscape plan shall be submitted to the
232 planning department for final approval upon completion of construction. The landscape
233 review board shall perform an inspection of the property following submission of the
234 final and complete landscape plan and notify the planning department whether the
235 property complies with all required landscape standards.

236 G. Maintenance.

237 It shall be the duty of the owner of the property to maintain all required
238 landscaping. If required landscaping dies, becomes damaged or destroyed, re-
239 landscaping of those areas or landscaping elements shall be re-planted in an approved
240 manner.

241 Section 3. 18.06.010 Definitions shall be amended to add the following
242 definitions in the correct alphabetical order:

243 Buffer landscape. Buffer landscape is a continuous landscape area which
244 separates and partially obstructs the view of two separate zoning districts from one
245 another. Buffer landscaping must provide year around screening. Buffer landscaping
246 may include berms and, approved decorative fences in conjunction with required trees
247 and shrubs. Decorative fences, when used as a buffering element, shall be approved
248 by the Landscape Review Board. The decorative fence shall have a minimum height of
249 7 feet. A chain link fence does not meet the intent of a decorative fence.

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

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

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

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

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

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

269

270 Section 4. 18.54.060, Zoning permits, is amended as follows:

271

272 A. Generally. The requirement of obtaining a zoning permit is deemed
273 necessary and appropriate. A review of the zoning permit application ensures the
274 development's conformance with the regulations and provisions of this title and other
275 ordinances.

276 B. Requirements. Before any excavation, construction, relocation or
277 installation is started for a new use, a zoning permit shall be obtained by the owner, or
278 his/her authorized representative, of any land in both the incorporated and
279 unincorporated areas of the borough. The zoning permit application shall include the
280 necessary information and be submitted in accordance with the standards and
281 procedures as adopted by the borough and as required in this title and other
282 ordinances.

283 1. Except for conditional uses, changes made to any land or use in
284 the GU-1 district and outside any designated Special Landscape Area overlay zone do
285 not require a zoning permit.

286 2. The clearing or grading of a lot does not require a zoning permit.

287 3. Construction activities as described in Section 301(b) of the
288 Uniform Building Code do not require a zoning permit.

289 C. Issuance. The department of community planning shall complete the
290 review of a zoning permit application within five business days of the time of
291 submission, or within fifteen business days of the time of submission if the property is

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292 located in the Special Landscape Area. The department shall not approve a zoning
293 permit application until it is satisfied that the proposed development meets the
294 regulations and provisions of this title and other ordinances. A zoning permit shall not
295 be issued for property located within the Special Landscape Area unless a preliminary
296 landscape plan is submitted, approved and a performance bond or other guaranty is
297 obtained in accordance with section 18.48.110 F. If approved, the department shall
298 issue the zoning permit allowing construction to commence.

299 D. Any applicant denied a zoning permit due to non-compliance of the
300 landscaping requirements may appeal to the landscape review board. The appeal shall
301 be made in writing and submitted within one week upon rejection of the zoning permit.
302 If an applicant, owner or developer wishes to appeal a decision of the landscape review
303 board, they shall appeal to the board of adjustment using the appeal procedure and
304 process provided in this Title. In addition to the other requirements of an appeal under
305 this Title, the appeal shall be accompanied by a copy of the submitted landscape
306 design.

307
308 Section 5. Title 2 of the Fairbanks North Star Borough Code of Ordinances is
309 amended to add the following Chapter:

310
311 Chapter 2.105 Landscape Review Board

312
313 2.105.010 Board—Established.

314 A. There is created a landscape review board consisting of five members,
315 serving without compensation, to be appointed by the mayor subject to confirmation by
316 the borough assembly.

317
318 2.105.020 Terms and Qualifications.

319 A. The membership of the board shall, if possible, consist of three architects,
320 landscape architects or other individuals with expertise in landscaping. Of the five
321 members first appointed, one shall be appointed for one year, two for two years, and
322 two for three years; thereafter, appointments to the commission shall be for three years
323 except where an interim appointment is necessary to complete the term of a
324 commissioner who resigns or dies while in office.

325 B. The landscape review board shall be available to meet and render a
326 decision upon five days public notice.

327
328 2.105.030 Duties, powers and responsibilities.

329 The landscape review board shall have the following duties, powers and
330 responsibilities:

331 A. Act when requested in an advisory capacity to the borough assembly on
332 landscaping and urban beautification matters.

333 B. The power necessary to perform all tasks legally required to be performed

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334 by the board subject to the applicant's right of appeal to the board of adjustment.

335 C. Advise owners of private property in relation to beautification of such
336 property when anyone contemplating the erection of any building or the making of any
337 improvement submits the plans and designs or sketches thereof to the commission for
338 advice and suggestions for which no charge shall be made by the commission.

339 D. Cooperate with other borough boards and commissions to promote plans
340 and programs aesthetically compatible with policies and programs of the board.

341 E. Make recommendations to the planning commission and assembly
342 regarding the designation and placement of property within the Special Landscape Area
343 overlay zone.

344 F. Adopt and subsequently amend a Landscape Manual.

345 2.105.040 Appeals. Decisions of the landscape review board shall be appealed
346 to the board of adjustment using the appeal procedure and process provided in Title 18.

347

348 Section 6. The FNSBC Section 1.04.050 is amended by adding a violation of
349 landscaping requirements and zoning permits to the fine schedule as follows:

350

351 1.04.50 Fine Schedule

352

<u>CODE SECTION</u>	<u>OFFENSE</u>	<u>PENALTY/FINE</u>	<u>MANDATORY WARNING REQUIRED</u>
<u>18.54.060</u>	<u>Failure to Obtain a Zoning Permit</u>	<u>\$300.00</u>	<u>Yes</u>
<u>18.48.110</u>	<u>Failure to Comply with Landscaping Requirements</u>	<u>\$300.00</u>	<u>Yes</u>

353

354 Section 6. Effective date. This ordinance shall be effective at 5:00 p.m.
355 on the 30th borough business day following its adoption.

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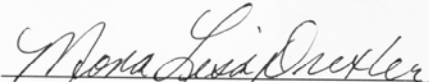
357

PASSED AND APPROVED THIS 14th DAY OF JUNE. 2007.



Luke Hopkins
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

358

359 Ayes: Foote, Winters, Musick, Therrien, Hopkins

360 Noes: Bartos, Beck, Frank, Rex

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