

Article 13: Screening and Trees

Part 1. Screening

Section 304: County Commission Findings Concerning the Need for Screening Requirements

The County Commission finds that:

- (1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
- (2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
- (3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
- (4) The provisions of this article are necessary to safeguard the public health, safety, and welfare.

Section 305: General Screening Standard

(a) Every development shall provide sufficient screening so that:

- (1) Neighboring properties are shielded from any adverse external effects of that development; and
- (2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 306: Descriptions of Screens

The following three basic types of screens are hereby established:

(1) *Opaque Screen, Type A.* A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstruction from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

(2) *Semi-Opaque Screen, Type B.* A screen that is opaque from the ground to a height of three

feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

(3) *Broken Screen, Type C.* A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

Section 307: Flexibility in Administration Required

(a) The County Commission recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, the permit issuing authority may require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 305 without imposing unnecessary costs on the developer.

(b) Without limiting the generality of Subsection (a), the permit issuing authority may modify the presumptive requirements for:

- (1) Commercial developments located adjacent to residential uses in commercial zoning districts;
- (2) Commercial uses located adjacent to other commercial uses within the same zoning district,

Section 308: Subdivisions

When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing such screening shall be determined in accordance with the other requirements of Part 1 of this article.

Sections 309 through 313: reserved

Part 2. Shading

Section 314: County Commission Findings and Declaration of Policy on Shade Trees

(a) The Commission finds that:

Adopted on December 14th, 2000
Effective on January 1st, 2001

- (1) Trees are proven producers of oxygen, a necessary element for human survival,
- (2) Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe,
- (3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems,
- (4) Trees have an important role in neutralizing wastewater passing through the ground from the surface to ground water tables and lower aquifers,
- (5) Trees, through their root systems, stabilize the ground water tables, and play an important and effective part in soil conservation, soil erosion, and flood control,
- (6) Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of reducing noise levels and glare, and breaking of human developments on the land, particularly parking areas, and
- (7) For the reasons indicated in Subdivision (6), trees have an important impact on the desirability of land and therefore on property values.

(b) Based upon the findings set forth in Subsection (a), the Commission declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the county's jurisdiction to protect certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of development.

Section 315: Required Trees Along Dedicated Streets

Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in Article 14, the developer shall either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 70 feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E.

Section 316: Retention and Protection of Large Trees

(a) Every development shall retain all existing trees 18 inches in diameter or more unless the retention of such trees would unreasonably burden the development.

(b) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 18 inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within 12 feet (measured from the center of the trunk) of any tree 18 inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(c) The retention or protection of trees 18 inches in diameter or more as provided in Subsections (a) and (b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

(d) If space that would otherwise be devoted to parking cannot be so used because of the requirements of Subsections (a) or (b), and, as a result, the parking requirements set forth in Article 18 cannot be satisfied, the number of required spaces may be reduced by the number of spaces ■lost• because of the provisions of Subsections (a) and (b), up to a maximum of 15 percent of the required spaces.

Section 317: Shade Trees in Parking Areas

(a) Vehicle accommodation areas that are required to be paved by Section 295 must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E.

(b) Each tree of the type described in Subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.

(c) No paving may be placed within 12 . feet (measured from the center of the trunk) of any tree retained to comply with Subsection (a) shall be located so that they area surrounded by at least 200 square feet of unpaved area.

(d) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhand of three feet, six inches.

Sections 318 and 319: reserved