

ARTICLE 15. LANDSCAPE AND SITE LIGHTING REGULATIONS

This Landscape Ordinance is adopted as a supplement to “The Zoning Ordinance of the City of Athens, Alabama,” under the zoning authority of the City in furtherance of the more general purposes set forth in said Zoning Ordinance.

§15.1. Intent and Purpose. The Council finds that Athens is blessed with a diverse cover of trees and vegetation and such cover is of general aesthetic value to the City and the ecological variety and richness of the City makes it a desirable place for residents, owners, and visitors; that the appearance of Athens from its public ways contributes environmentally and aesthetically to the growth and economic prosperity of the City; that Athens has been known as a “Tree City USA” and that the trees in the City are symbols of Athens’ pride in its heritage, both natural and historical; also, that the growth and development attracted to the City, because of its natural beauty, often requires the removal of trees and other plant material, thereby contributing to the depletion of a most valuable natural resource, therefore it is necessary to protect, preserve and restore this valuable asset. The City Council declares the purposes and intent of this Ordinance to be as follows:

- To aid in stabilizing the environmental and ecological balance by contributing to the processes of air purification, oxygen regeneration, shade and natural cooling, as well as groundwater recharge and stormwater runoff retardation by using natural drainage and infiltration systems, while simultaneously supporting noise, glare and heat abatement;
- To encourage the protection and preservation of existing trees and vegetation;
- To assist in providing adequate light and air and in preventing overcrowding of land;
- To provide visual buffering and enhance the character and beautification of the City;
- To safeguard and enhance property values and to protect public and private investment;
- To preserve, protect and restore the unique identity and environment of the City and preserve the economic base attracted to the City by such factors;
- To conserve energy; and to protect the public health, safety and general welfare;
- To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs;
- To partition large parking areas with planting islands and peninsulas and promote safer vehicle and pedestrian circulation within off-street parking areas and along rights of way;
- To establish minimum criteria for landscaping and lighting of off-street parking areas

§15.2. Application, Guarantees, and Maintenance.

15.2.1. Applicability. Except as otherwise provided, the landscaping requirements of [§15.3](#) shall apply to all land, public and private, located in the City zoning jurisdiction. Unless provided otherwise by this Article, none of the uses authorized in this Ordinance shall be issued a Certificate of Occupancy until such landscaping requirements are installed. However, none of these requirements shall apply to:

- A. Improvements or repairs to interior and exterior features of existing structures or buildings which do not result in expansions nor changes in the type of use
- B. A single-family detached dwelling or duplex located in a residential district, on its own legal lot.
- C. Properties in the B-4 District that have no off-street parking areas and where the buildings which lie upon the property fill the entire lot area (e.g. businesses around the downtown courthouse square area).

- 15.2.2. *Guarantees of performance.*** No Certificate of Occupancy shall be issued until the provisions of these regulations have been met or a performance bond or an irrevocable letter of credit has been posted in lieu of thereof. When circumstances preclude immediate planting, a Certificate of Occupancy may be granted after:
- A. The owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting; and
 - B. The property owner or developer posts a performance bond, or irrevocable letter of credit with the Department in an amount equal to 100 percent of the cost of the total required planting, including labor. Surety shall be made payable to the City of Athens. Landscaping must be completed and approved within six (6) months (180 calendar days) after a Certificate of Occupancy is issued in order to redeem the bond.
- 15.2.3. *Required maintenance.*** The owner, lessee, or his agent(s) shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.
- A. Ground cover shall be regularly maintained as necessary to prevent overgrowth during the spring and summer months, and all areas shall be kept free of debris and refuse during all seasons
 - B. Grass-type ground covers shall be kept in a healthy condition and shall not exceed six (6) inches in height.
 - C. Existing natural vegetation uses to meet buffer requirements may be preserved in a natural state; however, upon a determination of the Zoning Official that the condition of a buffer area constitutes a health or safety hazard, such condition shall be remedied by the owner per the recommendations of the Zoning Official.

§15.3. Landscaping Requirements.

15.3.1. *General Requirements.*

- A. The requirements of this Section are minimum standards, which may be exceeded.
- B. A minimum of six (6) percent of the total site area shall be landscaped in accordance with criteria outlined in this Section.
- C. To the extent practicable, native plant species should be used to meet the requirements of this Section.
- D. Landscaping of off-street parking areas shall conform to the criteria as set forth in this Ordinance and landscape plans for same shall be submitted for review and approval in accordance with the requirements of this Section.

15.3.2. *Off-Street Parking Areas.*

- A. Any off-street parking area, or system of parking areas, shall be constructed in accordance with the landscape requirements contained within this Section.
 - 1) Perimeter landscaping is required for all such parking areas, except as specifically provided for shared parking areas in the P-TND and P-MU Districts
 - 2) Off-street parking areas with forty (40) or more parking spaces, or 12,000 or more square feet in area shall provide perimeter, frontage, foundation and interior landscaping. Foundation landscaping, as required under these regulations, may be offset by adding an equal amount of area to the interior landscaping.

- B. Any lawful, paved or unpaved off-street parking area, already existing at the effective date of this Section, may continue: 1) until the gross floor area (GFA) is increased or decreased by fifty (50) percent, 2) until a new additional structure is constructed on the property, or 3) until it is expanded by more than five (5) percent of its existing parking capacity as calculated pursuant to this Section at which time the entire off-street parking area must be brought into conformity with the requirements for new construction. See also [§11.4 Nonconforming Improvements](#).
 - C. Parking garages, and underground parking areas. Only perimeter landscaping is required for parking garages. Landscaping requirements for adjoining off-street parking areas at or near the grade of surrounding land will be calculated separately. Wholly underground parking areas are exempt from the landscaping requirements of these regulations but shall be subject to the lighting requirements of [§15.6](#).
 - D. Industrial Districts. In all developments occurring in industrial districts, off-street parking areas containing at least fifty (50) spaces shall comply with these requirements. If the industrial property abuts a Residential district, the buffer requirements of [§15.3.8 Parking Lot Buffer Area](#) and [§15.5 Buffers](#) shall also apply.
 - E. Loading Areas. Loading areas shall be considered part of the overall off-street parking area for calculating landscaping requirements and shall be screened in accordance with [§15.4 Screening](#), in which case landscaping provided as screening shall be counted toward the landscaping required herein, as appropriate.
- 15.3.3. Landscape Plan Requirements**. A detailed landscaping plan shall be required for all off-street parking areas. Said plan shall be submitted with the Site Plan and be approved as a part of the Site Plan review process before issuance of a Building Permit. Such plan, when required, shall indicate and include the following:
- A. The number of parking spaces;
 - B. The overall amount of off-street parking area;
 - C. A schedule of the dimensions and the total amount of square footage or linear footage of all foundation, frontage, perimeter and/or interior landscaping as detailed herein below;
 - D. General information, including:
 - 1) Date
 - 2) North arrow
 - 3) Scale of one (1) inch to no more than fifty (50) ft
 - 4) All property lines
 - 5) Locations of all existing and proposed easements and ROWs
 - 6) Existing and proposed topography drawn at maximum contour interval of five (5) ft and indicating drainage channels
 - 7) Zoning classifications of the subject property and all abutting properties
 - 8) Names, addresses, and telephone numbers of developers, architects, and property owners for whom the plan is designed
 - 9) Name and business affiliation of the person preparing the landscape plan
 - E. Construction information, including:
 - 1) The locations of buildings and off-street parking areas

- 2) Utility fixtures, including light poles, power poles, above-ground pedestals (low voltage) and pad-mounted (high voltage) fixtures
- 3) Underground electrical communications and television cables and conduits
- 4) Location of hose bibs, sprinkler systems, meters, control boxes, etc.
- 5) Square footage of off-street parking areas and intended surface treatments
- 6) The total amount, in square feet, of interior landscaping in peninsulas, islands, etc.

F. Landscaping details, including:

- 1) Locations, dimensions and treatments of all frontage and interior landscaping areas
- 2) A schedule and proposed location of all new *and* existing plants proposed for landscaping, including:
 - a) Size (caliper and height, container size, etc.)
 - b) Condition (bare-root, balled and burlapped, container-grown or pre-existing, etc.) and intended treatment (move, remove or save) of existing trees three (3) inches or larger in caliper
 - c) Common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grass

15.3.4. *Frontage Landscaping.* For any off-street parking area, frontage landscaping according to these standards must be provided within the property lines between the off-street parking area and public ROW. Planting areas existing in the public ROW or on adjoining property shall not count toward the required frontage landscaping area.

- A. Frontage landscaping shall consist of a landscaped area or areas along all abutting public ROWs.
 - 1) Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs and suitable groundcover per full fifty (50) lf of the frontage strip (less access ways)
 - 2) Shrubs are optional in areas where a berm at least three (3) ft in height is used.
 - 3) Trees and shrubs shall be well-distributed, though not necessarily evenly spaced.
 - 4) The planting strip shall be protected by a curb, wheel stop, or similar barrier to prevent damage from vehicles and maintenance equipment.
- B. Frontage landscaping at driveways and street intersections shall be designed and maintained in accordance with the provisions for sight distance in the City of Athens Traffic Circulation Standards. In all other cases, frontage landscaping shall begin behind the edge of the public ROW rather than the edge of the pavement, unless they are the same.
- C. Access ways through frontage or perimeter landscaping areas, between off-street parking areas and public ROW, shall conform to the access spacing requirements in the City of Athens Traffic Circulation Standards and the following standards:

| Table 15-1: Type of Access way | |
|---------------------------------------|----------------------|
| One-Way | Two-Ways |
| Maximum width: 30 ft | Maximum width: 35 ft |

The width of access ways may be subtracted from the frontage or perimeter dimension used in determining the number of plant materials required.

D. Frontage landscaping shall average at least five (5) ft in depth.

15.3.5. Foundation Landscaping.

A. Foundation landscaping shall require a landscaped bed with an average depth of five (5) ft along the front of the primary structure, except as follows:

- 1) Within the B-4 District, foundation landscaping shall not be required. Instead, the landscaping that would otherwise be provided at the building front is substituted by landscaping, such as tree wells, between the sidewalk (at the building front) and the street. Installation of such landscaping within the ROW shall not be the responsibility of the property owner but that of the City or authority designated by the City.
- 2) Within shopping centers and similar business areas developed in a compact, pedestrian-oriented pattern (e.g. developed with zero side setbacks), these foundation landscaping requirements may be waived where trees and other landscaping are provided between the sidewalk (at the building front) and the street, access drive, or parking area the building(s) fronts. In such cases, trees shall be spaced no more than forty (40) ft on center within tree wells having a minimum dimension of five (5) in any direction. Tree wells shall be in accordance with Paragraph C immediately below.

B. The bed shall contain shrubs or other greenery spaced properly for plant size at maturity.

C. The bed shall contain mulch or ground cover, other than turf grass, and be protected by some barrier to prevent damage from vehicles and maintenance equipment.

D. Greenery shall be well distributed though not necessarily evenly spaced.

15.3.6. Interior Landscaping. Interior landscaping requirements shall be provided in the form of planting islands and/or peninsulas and shall be in addition to frontage landscaping, foundation landscaping and/or perimeter landscaping.

A. For off-street parking areas containing forty (40) or more parking spaces or 12,000 or more square feet, the minimum area of required interior landscaping shall be determined using the total square footage of the Parking and Vehicular Use Area (PVA) in accordance with the following formula:

$$\text{Min. Interior Landscape Area} = \frac{\text{Total PVA Area (sf)} \times [1.826 + (0.00435 \times \text{total no. of parking spaces planned})]}{100}$$

However, the amount required shall never be greater than four (4) percent of the total parking area for parking areas containing 500 or more parking spaces.

- B. To count toward the total interior landscape requirements, each island or peninsula shall be at least 150 sf in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be 1,000 sf.
- C. Islands and peninsulas must be at least seven (7) ft in their least dimension, measured from back-of-curb to back-of-curb.
- D. Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practical in order to subdivide large expanses of parking areas; to regulate traffic flow; to protect pedestrians; and to permit access by emergency vehicles. When practical, islands and/or peninsulas shall be evenly distributed between the circulation drives and parking rows to channel traffic safely around the parking areas and to separate parking rows.
- E. The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per 200 sf of landscaped area. Each island or peninsula shall contain at least one (1) tree.

- 15.3.7. *Perimeter Landscaping.*** Perimeter landscaping shall be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing on adjoining property shall not count toward the required perimeter landscaping area. Adjacent plants should blend with the existing plantings so as not to detract from the existing plantings.
- A. Perimeter landscaping areas shall be a minimum depth of five (5) ft, excluding walkways, measured perpendicularly from the adjoining property to the back-of-curb of the parking area.
 - B. Excluded from this requirement are those perimeters bordering national or state owned wildlife preserves; navigable waterways; jurisdictional wetlands as defined by the U.S. Army Corps of Engineers; floodways; or other perimeters as approved by the Commission on an individual basis.
 - C. Perimeter landscaping shall include at least an average of one (1) tree and six (6) shrubs for full fifty (50) lf of perimeter requiring perimeter plantings (less access ways)
 - 1) Shrubs are optional in areas where a berm at least three (3) ft in height is used.
 - 2) Trees and shrubs shall be well distributed, though not necessarily evenly spaced.
 - D. In the case of landscape materials that may conflict with underground or overhead utilities, the required plant materials in the area of conflict may be moved and added to other areas of the site.
- 15.3.8. *Parking Lot Buffer Area.*** All landscaped buffer areas required under these regulations shall consist of a solid unbroken visual screen eight (8) ft high within two (2) years of planting and in sufficient density to effectively reduce the transmission of noise and to afford protection to the residential districts from glare of head lights, blowing paper, dust and debris, and visual encroachment.
- A. Parking lots having at least fifty (50) and no more than 100 spaces and abutting any Residential district, including planned developments, shall have a parking lot buffer area at least ten (10) ft in depth between the legal lot and the abutting residentially zoned property.
 - B. Parking lots having more than 100 spaces and abutting any Residential district, including planned developments, shall have a landscaped buffer area at least twenty (20) ft in depth between the legal lot and the abutting residentially zoned property.
 - C. Where a buffer is required by this Subsection, the perimeter landscape requirement will be waived along the properly buffered side of the property.
 - D. Alternately, the parking lot buffer may be reduced by twenty-five (25) percent, as provided for land use buffers in [§15.5.2](#), when a wall or opaque fence is installed as a part of the buffer, and where such wall/fence meets the requirements of said Subsection.
- 15.3.9. *Credit for Existing Plant Material.*** If all other landscaping requirements are met, each existing tree meeting the following criteria may count, at the option of the owner, for two (2) trees required in the same type of landscaping (i.e. interior, perimeter or frontage) if:
- A. It has a minimum caliper of three (3) inches
 - B. It is not one of the following species hereby determined to be unacceptable for parking lot landscaping (these are to be considered nuisance trees):
 - 1) Large trees: Box Elder, Silver Maple, Catalpa, Sycamore, Cottonwood, True Poplars, Native Elms (American, Winged, Cedar, Slippery, and September Willows), Tree of Heaven, Colorado Blue Spruce, Red Spruce, Live Oak, Laurel Oak

- 2) Medium trees: Camphor, Cut Leaf European Birch, Eastern White Pine, Willows, Sassafras, Siberian Elm, Princess Tree (Paulownia), Silk Tree (Mimosa), Chinaberry, Yellowwood, Mulberry, Bradford Pears
 - 3) Small trees: Sumac
- C. It is at least five (5) ft from the nearest planned curb and is within a planned planting area of at least 150 sf;
 - D. It has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury.
 - E. It is indicated on the landscaping plan as a “tree to be saved”; and
 - F. It is situated so that it can be incorporated into planned landscaping areas, islands or peninsulas with minimal grade cut or fill and/or compaction and it is protected during all phases of construction by a durable physical barrier preventing vehicles, equipment, materials and activities from disturbing the existing area that is to become part of the planned landscaping area.

15.3.10. Plant Materials and Installation Requirements.

- A. Trees and shrubs. Native plant species should be used where practical. In addition to any existing trees allowed under “Existing Plant Materials”, all trees and shrubs planted in required landscaped areas shall:
 - 1) Trees: Be of species other than those determined by these regulations as unacceptable for parking lot landscaping.
 - 2) Trees and Shrubs: Conform to the minimum size standards based on the most recent American Standard for Nursery Stock, ANSI Z60.1, published by the American Association of Nurserymen and approved by the American National Standards Institute.
 - a) Trees and shrubs shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by a durable physical barrier preventing vehicles, equipment, materials and activities from damaging the plantings.
 - b) Trees shall be spaced no closer than ten (10) ft apart to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirements may be closer than ten (10) ft apart.
- B. Ground cover. Grass and other permanent ground cover shall be installed and maintained on all parts of each landscaped area. Ground cover may include shrubs and low-growing plants such as liriopse, English ivy (*Hedera helix*), periwinkle (*Vinca minor*) and similar materials. Native plant species should be used where practical. Ground cover may also include non-living organic materials such as bark or pine straw and inorganic material such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area at maturity.
- C. Erosion and runoff. Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.

15.3.11. Installation Requirements and Recommendations.

- A. Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.
- B. When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.

- C. The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be 150 ft, except where built-in irrigation systems are provided.
- D. Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this Ordinance.
- E. Hedges, walls, and berms, though not required, are recommended to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitates mowing shall have a slope not greater than (1) one ft of rise per three (3) ft of run.
- F. The use of permanent broad-area mulch beds is recommended to increase absorption of surface water; retard erosion, runoff, and stream siltation; protect tree roots and stems; and foster tree health.
- G. Landscaping shall be designed at maturity to be compatible and not to interfere with existing and planned overhead and underground electrical, communications, and television cables and conduits; public water supply lines; and storm and sanitary sewer lines.
- H. Planting dates recommended by the City are shown in [Table 15-2](#). During off-season planting periods, developers may defer installation of landscaping until the next in seasonal planting opportunity through a performance bond subject to [§15.2.2](#).

| Table 15-2: Recommended Planting Dates | |
|---|---|
| Type of Plant Materials | Normal Planting Dates |
| Non-Container Grown Deciduous | October 1 to April 1 |
| Non-Container Grown other | October 1 to April 1 |
| Container Grown | Year round if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond. |

§15.4. Screening. Screening is intended to provide both visual and physical separation of conflicting uses on-site and between adjacent properties. Screening shall be designed to be compatible with the surrounding environment and shall not dominate the view. For the purposes of this section, “fences” and “walls” shall have the same meaning.

15.4.1. Uses Requiring Screening.

- A. Garbage collection, including dumpsters, recycle bins and/or refuse handling areas;
- B. Service entrances, maintenance areas or utility structures associated with a building or development;
- C. Water meters, gas meters, electric meters and air conditions/mechanical units;
- D. Loading docks or spaces;
- E. Outside runs for veterinary clinics, animal shelters, and kennels;
- F. Outdoor storage of materials, stock and equipment; and
- G. Any other uses for which screening may be required by the Commission.

15.4.2. Safety Provisions. Screening shall not compromise safety by obstructing any required clear sight triangle, by blocking access to any above-ground, pad-mounted transformer (minimum

clear distance required by the utility company shall be provided), nor by impeding or diverting the flow of water in any drainage way.

- 15.4.3. *Design Requirements.*** Fences, when used as screening, shall not be permitted within any right-of-way, City easement, or any easement in which such fences are not specifically permitted, and shall be designed in accordance with the following requirements.
- A. Fences, when used as required screening, shall be of masonry, ornamental metal, vinyl, durable wood, or a combination thereof. Untreated wood, chain-link (without vinyl coating), plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.
 - B. Solid fences shall not create a stockade appearance. This can be accomplished through one or a combination of the following:
 - 1) Adding an evergreen screen on the exterior side of the fence;
 - 2) Using supports of a different material that are visible on both sides of the fence; and
 - 3) By undulating the plan of the fence. Fences over 100 ft in length should have no more than fifty (50) percent of their length in a straight line, unless the entire fence is set back five (5) ft or more from the lot line, with evergreen planting in such setback.
 - C. Fences fronting on public thoroughfares shall have masonry columns spaced no greater than fifty (50) ft oc.
 - D. The minimum height for screening shall be that which is sufficient to visually separate the uses and shall also meet the following standards:
 - 1) Fences located in a required front, rear, or side yard shall not exceed six (6) ft in height. The minimum height needed is preferred.
 - 2) Fences used to screen service or loading areas shall not exceed eight (8) ft in height.
 - 3) Fences used to screen dumpsters shall be at least two (2) ft higher than the container.
 - 4) Berms used for required screening shall be a minimum height of four (4) ft with a maximum slope of three to one (3:1). Berms in excess of four (4) ft shall have a maximum slope of four to one (4:1) measured from the lot line.
 - 5) Shrubs used for required screening shall be evergreen; at least thirty (30) inches high when installed; spaced closely together so as to create a hedge, but not farther than five (5) ft oc; and be shrub species that shall attain an average normal growth height of five (5) ft to six (6) ft within four (4) years. Berms shall be landscaped and stabilized to prevent erosion
 - 6) Trees used for required screening shall be evergreen and at least six (6) ft in height at installation.
 - E. Dumpsters, trash refuse, and recycling containers shall be set on concrete pads sized as recommended by the disposal company and screened by the combination of opaque fence or masonry wall and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access. Such containers shall be located behind the front building line; and other such considerations shall be given to a location where the containers can be adequately screened from public view. Enclosures provided for eating establishments shall be sized to accommodate the storage of grease containers.
 - F. Mechanical equipment on roofs or on site shall not be visible from public ROWs or adjacent properties and shall be totally screened. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical

equipment installed on site shall be adequately screened by plant materials and/or fences and shall blend in with site landscaping.

G. Outdoor storage shall be effectively controlled according to the following requirements:

- 1) Storage operations, except for live, vegetative products, shall be limited to the inside of buildings unless completely screened and covered, with the exception of any use engaged in the sale or lease of vehicles or farm machinery. Such uses are not required to have products under roof or fully screened; however, perimeter planting strip requirements for parking areas shall also apply to outdoor storage areas.
- 2) Outdoor storage areas are prohibited in required front yards.
- 3) Uncovered and unscreened areas used for storage of live, vegetative products shall be designated on the Site Plan submitted for any required approval.
- 4) Screening and planting buffers shall be a minimum of six (6) ft high or two (2) ft taller than the material or equipment to be screened, whichever is greater.
- 5) Loading berths shall be within the building or concealed by means of a screening wall of material similar to and compatible with that of the building.
- 6) Service areas shall be screened from public view from residential districts and thoroughfares by a site design that orients service areas away from such views. If such design cannot be achieved, masonry walls, evergreen trees, evergreen shrubs, berms, or any combination of these, shall provide a six (6) ft tall barrier between the service area and the area from which the view is to be screened.

§15.5. Buffers. Buffers shall be provided in accordance with the requirements of [Tables 15-3](#) and [15-4](#) and as described in this Section. In cases where buffers are required or deemed necessary for the protection and/or separation of uses on abutting lots, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the reviewing authority in individual cases. For the purposes of this Section, “fences” and “walls” shall have the same meaning, but shall not include the term “retaining wall”.

15.5.1. General Requirements.

- A. 100 percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when the new use is developed abutting an existing more intensive use developed prior to the adoption of these standards and for which no buffer is in place. In this case, the new use shall be responsible for providing a minimum of fifty (50) percent of the required buffer.
- B. Whenever the proposed use abuts an existing use on a property that is designated for another use within the Comprehensive Master Plan, the approving authority may modify the required buffer in accordance with the projected use.
- C. Whenever the proposed use abuts an existing use in a district in which such neighboring use is nonconforming, the approving authority may modify the required buffer in accordance with the type(s) of use permitted by the nonconforming use’s zoning classification or projected by the Comprehensive Master Plan, whichever is less.
- D. Whenever the proposed use abuts a vacant property, the buffer required shall be based on the zoning of the abutting property or the use projected by the Comprehensive Master Plan, whichever is less.
- E. If the use relationships between two (2) abutting lots changes so that a lesser buffer would be required, the width of the buffer may be reduced accordingly.

- F. If the required buffer abuts a public alley, up to one-half (1/2) of the alley width may be counted toward the buffer width requirement.
- G. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required buffers.
- H. Where desirable and upon receipt of a written agreement between the affected property owners, the Commission may permit a pedestrian accessway along a wall provided as part of a required buffer, to allow access to and from an abutting residential use.

15.5.2. *Design Requirements.*

- A. Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicated that land to be set aside for the required full buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Parks and Recreation Department.
- B. In accordance with the following standards, the width of a required buffer may be reduced by up to fifty (50) percent if a wall together with landscaping (including trees) is used and up to twenty-five (25) percent if a berm together with landscaping is used:
 - 1) Any wall shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof, as may be approved by the reviewing authority. No more than twenty-five (25) percent of the wall surface shall be left open, and the finished side of the wall shall face the abutting property. Chain-link fencing with plastic, metal, or wooden slats shall not be permitted.
 - 2) Walls shall be a minimum of six (6) ft high and shall avoid a stockade appearance. This can be accomplished through any or a combination of the following methods: adding an evergreen hedge on the finished side of the wall, using supports of a different material or by undulating the plan of the wall. Walls over 100 lf shall have no more than fifty (50) percent of their length in a straight line, unless the entire wall is set back five (5) ft or more from the lot line, with evergreen planting provided within such setback.
 - 3) Berms shall be a minimum of four (4) ft in height with a maximum slope of three to one (3:1). Berms in excess of six (6) ft in height shall have a maximum slope of four to one (4:1) as measured from the exterior lot line. Berms shall be landscaped and stabilized to prevent erosion.

15.5.3. *Landscaping requirements.*

- A. Existing natural vegetation, which meets, in whole or in part, buffer planting requirements, may be applied toward the requirements of this Section. All plants shall be suitable for local planting conditions and the intended landscaping purposes (refer also to [§15.3.10 Plant Materials and Installation Requirements](#)). All exposed beds shall be maintained with mulch and shall be a minimum two (2) inches deep at installation.
- B. Required buffer landscaping shall be installed in accordance with [§15.3.11 Installation Requirements and Recommendations](#) except as provided otherwise in this Subsection.
- C. Shrubs shall be evergreen and at least thirty (30) inches tall at installation with an average height of five (5) to six (6) ft to be expected as normal growth within four (4) years. However, twenty-five (25) percent of the shrubs may vary from this standard. The permitted variations are that such shrubs:
 - 1) may be deciduous;

- 2) may be two (2) ft tall when planted, provided an average height of three (3) to four (4) ft is expected as normal growth within four (4) years; and
 - 3) When planted on a berm, may be of a lesser height, provided that the combined height of the berms and planting is at least six (6) ft after four (4) years.
- D. Deciduous trees shall have a minimum of two-and-one-half (2.5) inch caliper and be a minimum ten (10) ft in height at installation. At installation, evergreen trees shall be a minimum of six (6) ft in height and multi-stemmed trees shall be eight (8) ft in height.
- E. All landscaped areas shall be protected from vehicular encroachments by curbs, wheel stops, or other permanent barriers.
- F. Stormwater management and drainage controls required by the City Engineer shall be coordinated with landscaping improvements and integrated into the overall site design.

| Table 15-3 Minimum Buffer Requirements | | | | | | | | |
|--|--------------------------------|----------------------------|-----------------|---|---|--------|----------|---------------------|
| Developing Uses | Existing Abutting Uses | | | | | | | |
| | Residential | | Institutional | | | Office | Business | Parks and Greenways |
| | Detached dwellings | Townhouses or Multi-family | low/medium/high | | | | | |
| RESIDENTIAL | Type of Buffer Required | | | | | | | |
| Zero lot line dwellings | C | none | none | | | none | none | none |
| Townhouses and Multi-family | C | none | none | | | none | none | none |
| Manufactured home and Recreational vehicle parks | C | C | C | | | C | C | C |
| INSTITUTIONAL | | | | | | | | |
| Low intensity | C | C | none | | | none | none | C |
| Medium intensity | C | C | C | | | none | none | C |
| High intensity | B | B | B | | | none | none | C |
| OFFICE | | | | | | | | |
| Clinics/Offices up to 50,000 sf | C | C | C | | | none | none | C |
| Clinics/Offices greater than 50,000 sf | B | B | B | | | none | none | C |
| BUSINESS | | | | | | | | |
| Amusement; outdoor entertainment and retail | C | C | C | | | none | none | C |
| Retail, shopping centers, and restaurants up to 50,000 sf | B | B | C | | | none | none | C |
| Retail, shopping centers, and restaurants greater than 50,000 sf | B | B | C | | | none | none | C |
| INDUSTRIAL | | | | | | | | |
| Light Manufacturing | A | A | A | B | B | C | C | B |
| Warehousing and Storage | A | A | A | B | B | C | C | B |
| Other Light Industrial | A | A | A | A | A | B | B | B |
| Heavy Industrial | A | A | A | A | A | A | A | A |

| Table 15-4 Requirements by Type of Buffer and Site Acreage | | | | | | | | | | | | |
|--|-------------------|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-----------------|
| Type of Buffer | | Site Area (in Acres) | | | | | | | | | | |
| | | 1 or less | 1 ≥ 2 | 2 ≥ 3 | 3 ≥ 4 | 4 ≥ 5 | 5 ≥ 6 | 6 ≥ 7 | 7 ≥ 8 | 8 ≥ 9 | 9 ≥ 10 | greater than 10 |
| A | width (ft) | 40 | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 | 90 | 100 |
| | trees per 100 lf | 9 | 9 | 9 | 10 | 10 | 10 | 10 | 11 | 11 | 11 | 12 |
| | shrubs per 100 lf | 60 | | | | | | | | | | |
| B | width (ft) | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 | 70 | 75 |
| | trees per 100 lf | 6 | 6 | 7 | 7 | 8 | 8 | 9 | 9 | 10 | 10 | 11 |
| | shrubs per 100 lf | 40 | | | | | | | | | | |
| C | width (ft) | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 | 70 |
| | trees per 100 lf | 3 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 8 | 8 | 9 |
| | shrubs per 100 lf | 20 | | | | | | | | | | |

§15.6. Off-Street Parking Area Lighting Requirements.

15.6.1. *Applicability.* A detailed lighting plan shall be required for all off-street parking areas contained within a legal lot abutting any residential district, including Planned Development District(s); all off-street parking areas containing at least forty (40) spaces; and all off-street parking areas containing at least 12,000 sf of off-street parking. If required, said plan shall be submitted with the building construction plans or site plans.

15.6.2. *Lighting Plan Submission.* A lighting plan, when required, shall be prepared and submitted as follows:

- A. The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjacent properties. The lighting plan shall provide the following information:
 - 1) The type of lamp to be used in each fixture, including the manufacturer’s name and part number, lamp wattage, lumen output, and a copy of the manufacturer’s lamp specifications;
 - 2) Fixture heights measured from grade level and locations of the same;
 - 3) The type of fixtures, including the manufacturer’s name and model number; wattage and light loss factor meeting the standards in these regulations; a picture of the fixture; and the IES file name;
 - 4) Point-to-point photometric calculations at intervals of not more than ten (10) ft at grade level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of these regulations;
 - 5) The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and
 - 6) The seal of the qualified Alabama registered design professional.

15.6.3. *Installation and Approval.* All lighting requiring submission of a detailed plan shall be installed and approved prior to issuance of a Certificate of Occupancy. The registered design professional who sealed the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, heights of fixtures at the point of

attachment to poles or other structures, and any special requirements such as rotation, angle, shielding or positioning of critical poles and fixtures at property lines.

15.6.4. *Exterior Lighting Fixtures.* All exterior lighting fixtures shall be:

- A. Protected by a weather and vandal resistant covering;
- B. Located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding one (1) foot candle;
- C. When using flood lights, aimed so that they do not exceed an angle of forty-five (45) degrees out from the base of the pole or structure to which they are attached; and
- D. Installed thirty (30) ft or less in height unless the off-street parking area exceeds 25,000 sf; in such cases, installations exceeding thirty (30) ft, as measured from the finished grade to the bottom of the fixture may be used if it is demonstrated that all the requirements of these regulations can be met.

15.6.5. *Off-street Parking Area Lighting Standards.* Off-street parking area lighting shall be designed and installed in compliance with the following standards:

- A. Illumination requirements for off-street parking areas as measured at grade level shall comply with the light levels and uniformity ratios set forth in [Table 15-5](#).
- B. The highest horizontal illuminance area divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown in [Table 15-5](#). The maximum/minimum ratio must be calculated only for the area within the off-street parking area. Maximum light level at all ROWs and at property lines shall also be shown.
- C. Off-street parking area lighting meeting the standards of these regulations shall be utilized during all hours of operation between dusk and dawn.

| Table 15-5: Illumination Requirements | | |
|--|-------------------------|-----------------------------------|
| Type of Off-Street Parking Area | Min. Light Level | Max./Min. Uniformity Ratio |
| Non-residential and residential off-street parking areas | 1 foot candle | 10:1 |
| Parking garages and underground parking | 5 foot candles | 4:1 |
| Garage stairwells | 10 foot candles | NA |
| Garage rooftop surfaces | 1 foot candle | 10:1 |

§15.7. *Inspections and Notification of Violations.* The Zoning Official shall inspect all landscape plans for compliance with these regulations. The Building Official shall make inspections as necessary pursuant to these regulations and shall initiate appropriate action to bring about compliance therewith. Upon becoming aware of any violation of the provisions of these regulations, the Zoning or Building Official shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).

A current checklist generally reflecting the requirements of these regulations shall be devised and used in reviewing landscaping plans. Said checklist shall be made available to interested parties as a supplement to administration of these regulations.