

Requested by: Planning
Introduced: November 27, 2006
Public Hearing: December 11, 2006
Amended: December 11, 2006
Adopted: December 11, 2006

Vote: Cox, Holler, Koskela, Menard and Metiva in favor; Ewing opposed

**CITY OF WASILLA
ORDINANCE SERIAL NO. 06-47(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC CHAPTER 16.33, LANDSCAPING STANDARDS, AND AMENDING WMC 16.04.070, DEFINITIONS, WMC 16.08.015, SITE PLAN--AS-BUILT SURVEY, WMC 16.16.050, GENERAL APPROVAL CRITERIA, AND WMC 16.24.040, PARKING.

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Adoption of chapter.** WMC 16.33, Landscaping Standards, is adopted to read as follows:

Chapter 16.33

Landscaping Standards

16.33.010 Purpose.

The purposes of the landscaping standards in this chapter are to stabilize soils, reduce dust and erosion, protect natural vegetation, sustain wildlife and fish, protect shorelines, reduce run-off, facilitate groundwater recharge, reduce noise, enhance the community's environment and visual character, provide attractive and functional separation and screening between uses, and to attract visitors and tourists to the city for the economic benefit of everyone in the community.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

16.33.020 Required landscaping.

A. Except as provided in B of this section, every administrative approval, use permit and conditional use permit approved under this title shall be conditioned upon compliance with an approved landscaping plan that conforms to the requirements of this chapter.

B. Administrative approvals, use permits and conditional use permits for the following are exempt from A of this section:

1. A single family dwelling and accessory uses on a lot containing no more than one dwelling unit.

2. All uses located within the Wasilla Municipal Airport.

16.33.030 Landscaping standards.

A. Landscaped area. No less than five percent of the total lot area shall be devoted to landscaping. All landscaped areas shall be covered with native vegetation, trees, shrubs, lawn seeding areas or wildflower seeding areas. Landscaped areas shall be located to define, soften, and/or screen the appearance of buildings and off-street parking areas.

B. Minimum planting. A minimum of six newly planted trees and 12 newly planted shrubs shall be provided per acre of required landscaped area on a lot.

C. Alternative landscaping features. The planner may permit the substitution of alternative landscaping features such as hanging baskets, flower boxes, barrels, pedestrian plazas, fountains, walkways, furnishings such as benches, retention ponds, catch basins, or bio swales for part of the landscaped

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

area required under A of this section.

D. Shoreline Protection Area. Native vegetation shall be preserved, and there shall be no clear cutting or placement of fertilizer, in any area of a lot that is within seventy-five feet (75') of the mean high-water mark of any body of water, including a lake, stream or river. The area within a lot that complies with the requirements of this subsection shall be treated as part of the landscaped area that is required under A of this section.

E. Parkway Landscaping. Any area in the right-of-way of a public street or highway that is located between the lot line and roadway pavement, curb or sidewalk, that is disturbed or devoid of landscaping, and that is covered with topsoil and planted with ground cover, trees or shrubs meeting city specifications shall be treated as part of the landscaped area that is required under A of this section.

F. Utility easement landscaping. Landscaping within public utility easements is encouraged but shall be limited to topsoil, seed, flower plantings, small shrub plantings or native vegetation.

G. Screening or buffering shall be provided between lots as follows:

1. Screening or buffering shall be located on any lot line where there is no building wall on the lot line and where the lot line separates:

a. A commercial use from a residential use;

b. An industrial use from a residential use;

c. A public use from a residential use, or

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

d. A single family or duplex residential use from a multi family residential use.

2. Screening may consist of a fence, a berm, or fence constructed on top of a berm, having a total height of not less than six feet (6'). A berm used to provide screening shall be constructed entirely on the lot that is the subject of the application, and shall not interrupt natural drainage courses. To ensure privacy between buildings of different heights, tree plantings may be required to make screening more effective.

3. An area of native vegetation located adjacent to the lot line on the lot that is the subject of the application, that is at least twenty-five feet (25') deep, and which has a screening effect equivalent to a fence or berm, may be substituted for a fence or berm required under this subsection

H. Seeded Areas. All seeded areas shall be covered with topsoil to a minimum depth of four inches (4") after compaction, and shall be sown with either wildflower seed mix or lawn seed mix. Seed mixtures used for ground cover shall not contain seeds from invasive species as defined in USDA pamphlet R10-TP-130B, Selected Invasive Plants of Alaska 2004.

I. Landscaping required under this title shall be placed in a manner that does not interfere with the installation, maintenance or repair of any public utility, restrict pedestrian or vehicular traffic, or obscure traffic control signs or devices.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

16.33.040 Guaranty of required landscaping.

A. The granting of an application for a use including a structure having a gross floor area greater than 5,000 square feet shall be conditioned upon the applicant furnishing a guaranty for the provision of any required landscaping. The guaranty shall be equal in amount to the estimated cost of the required landscaping, and shall be in one of the following forms:

1. A cash deposit in escrow with a responsible financial institution authorized to do such business in the state, under an escrow agreement that provides the deposit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and will be released to the city if the city certifies that the applicant has not completed the required landscaping.

2. A surety bond from a company authorized to do such business in the state, payable to the city if any required landscaping is not completed, posted either by the applicant or a contractor obligated by written contract to the applicant for construction of all the required landscaping.

16.33.050 Land clearing restrictions.

A. No lot with an area equal to or greater than 7,200 square feet may be cleared of native vegetation, except as permitted in this subsection.

1. After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat: roads and road rights-of-way, and water, sewer and utility easements. To assure the health and survival of trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

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a. Mechanical injuries to roots, trunk, and branches;

b. Injuries by chemical poisoning;

c. Injuries by grade changes;

d. Injuries by excavations; and

e. Injuries by paving.

2. After the issuance of a permit for a use of a lot under this title, up to seventy percent (70%) of the lot area may be cleared for development, with the clearing of any larger area being subject to prior commission approval.

3. As required for wildfire protection by any agency having jurisdiction.

B. The entire area of vegetation cleared from a lot contrary to the requirements of subsection A of this section shall be replaced with ground cover within 12 months. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter.

16.33.060 Maintenance

The owner of a lot shall maintain continuously all landscaping and natural vegetation on the lot that is required under this title. Maintenance shall include the replacement of dead or substantially damaged trees and shrubs with an equal number of healthy trees or shrubs. When landscaping that is part of an approved landscaping plan is removed, disturbed or damaged, or is not maintained, in violation of this title, in addition to any other remedy under this title the city may require the lot owner to replace the landscaping on the lot consistently with the current provisions of this title.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

16.33.070 Waivers or modifications

A. The commission may waive or modify a requirement in this title concerning the density, location or height of landscaping as provided in this section.

1. Pre-application Conference. The applicant shall schedule a pre-application conference with the planner to review the proposed waiver or modification.

2. Application and Site Plan. After the pre-application conference, the applicant shall submit an application for the waiver or modification to the planner with the appropriate application fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

3. Public Hearing. The commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.

4. Decision. The commission may approve an application only if the commission finds that the application meets all of the following standards:

a. Either (i) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (ii) compliance with the

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

landscaping requirements of this title will have an adverse effect on other property.

b. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;

c. The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;

d. The waiver or modification will not significantly affect adjacent property or water bodies; and

e. The waiver or modification is consistent with the spirit and intent of this chapter.

* Section 3. Amendment of section. WMC 16.04.070, Definitions, is amended by adding the following definitions:

“Berm” means a vegetated, raised earthen barrier.

“Clear cutting” means the removal of all vegetation from the land, including native trees and shrubs.

“Fence” means a sight-obscuring barrier constructed of wood, metal, fiberglass or masonry, or a combination thereof.

“Ground cover” means any landscaping treatment intended to prevent the growth of invasive species and/or provide erosion control. Ground cover may include lawn or low growing plants, which grow in a spreading fashion to form a more or less solid mat of vegetation.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

“Height” means vertical distance of a tree or shrub from the ground level, or as measured from the top of the root ball, to the tip of the highest branch.

“Maintenance” means the care of landscape improvements or natural vegetated areas, including watering, mowing, fertilizing, raking, pruning and replacing dead materials as necessary to keep the vegetation in a healthy and attractive condition.

“Mulch” means dead vegetative matter used as a ground cover to retard weed growth, control erosion or conserve moisture, for example, bark mulch placed over weed fabric.

“Native vegetation” means dense stands of forest including trees and shrubs that are naturally occurring in the Matanuska-Susitna Valley.

“Shrub” means a woody plant that has many small branches from its base and is not tree-like and is a minimum of two feet in height.

“Tree” means a woody plant, usually with one trunk, with a minimum height of eight feet.

* **Section 4. Amendment of section.** WMC 16.08.015.C.14, Site plan—As-built survey, is amended as follows:

14. A site plan, other than for a single-family dwelling and accessory uses on a lot containing no more than one dwelling unit, or for a use located within the Wasilla Municipal Airport [OR A DUPLEX], shall include a landscape plan showing the following:

a. The location and dimensions of each landscaped area, describing the type and quantity of landscaping that will be placed in each landscaped area.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

showing the areas where native vegetation will be either removed or retained, and complying with the requirements of Section 16.33.030;

b. The areas of the site that are to be excavated or filled, the proposed finished grades and contours, drainage directions and any control structures to be installed [IDENTIFICATION AND PERCENTAGE OF NATIVE VEGETATION

RETAINED;

B. BUFFERING FEATURES, SUCH AS VEGETATIVE SCREENING, BEDS AND/OR FENCING;

C. PROPOSED LOCATION OF TREES AND SHRUBS; AND

D. TREE AND SHRUB LIST].

* **Section 5. Amendment of section.** WMC 16.16.050A.15, General approval criteria, is amended as follows:

15. Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and maintenance of landscaping, and any landscaping plan that is required for the proposed use under this title.

The approving authority also may condition approval on the provision of the following:

a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.

b. Adequately sized, located and screened trash receptacles and areas.

[A RECLAMATION OR LANDSCAPING PLAN MAY BE REQUIRED BY THE PLANNER OR COMMISSION AS A CONDITION OF APPROVAL OF ANY

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

MULTIFAMILY, COMMERCIAL OR INDUSTRIAL USE. THE PURPOSE OF THE RECLAMATION OR LANDSCAPING PLAN INCLUDES THE CONTROL OF DUST, SOIL EROSION, STORM WATER RUNOFF AND SILTATION WHICH OTHERWISE WOULD BE GENERATED ON THE LOT AND AFFECT THE SURROUNDING AREA. THE COMMISSION MAY ADOPT CITY LANDSCAPING STANDARDS THAT ESTABLISHES THE TYPE OF VEGETATION AND ACCEPTABLE METHODS TO BE USED FOR COMPLIANCE. THE OWNER(S) OF THE PROPERTY SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE LANDSCAPING TO ALLOW THE ESTABLISHMENT OF THE PLANTED MATERIALS AND STABILITY OF OTHER PHYSICAL IMPROVEMENTS SUCH AS EARTHEN BERMS. THE PLANNER OR COMMISSION MAY REQUIRE A BOND AND/OR A MAINTENANCE GUARANTEE PURSUANT TO SECTIONS 16.28.040 AND 16.28.050. THE PLANNER OR COMMISSION SHALL NOT IMPOSE REQUIREMENTS INCONSISTENT WITH THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL ENTITY, BUT MAY IMPOSE MORE STRINGENT REQUIREMENTS AND MAY WORK WITH THE APPLICANT TO REACH A SATISFACTORY COMPROMISE WITH ANY OTHER GOVERNMENTAL ENTITY. IF A SUITABLE PLAN IS ALREADY IN EXISTENCE, THE PLANNER MAY FIND THAT PLAN FULFILLS THE REQUIREMENTS OF THIS SECTION. THE PLAN SHALL CONTAIN ELEMENTS AS MAY BE REQUIRED BY THE LANDSCAPING STANDARDS ADOPTED BY THE COMMISSION AND MAY IN ANY EVENT INCLUDE ANY OR ALL OF THE FOLLOWING:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

A. A GRADING AND SITE PLAN, INDICATING THE AREAS EXCAVATED OR FILLED, THE PROPOSED FINISHED GRADES AND CONTOURS, DRAINAGE DIRECTIONS AND ANY CONTROL STRUCTURES TO BE INSTALLED;

B. THE METHODS TO BE EMPLOYED FOR RECLAMATION OF THE SITE DURING AND AFTER THE ACTIVITY ALONG WITH A TIME TABLE FOR COMPLETION;

C A DESCRIPTION OF ALL ROADS, PARKING AREAS AND BUILDINGS AND A SITE MAP SHOWING THE LOCATIONS OF ALL IMPROVEMENTS WHICH WILL BE BUILT;

D. A DESCRIPTION OF ANY KNOWN RECLAMATION REQUIREMENTS OF ANY OTHER GOVERNMENTAL ENTITY, AND A COPY OF ANY RECLAMATION PLAN UNDER DEVELOPMENT OR AN EXISTENCE FOR THE ACTIVITY;

E. ALL MAPS SHALL BE SUBMITTED AT AN ACCURATE SCALE DETERMINED BY THE PLANNER AND EXTEND BEYOND THE SITE AREA. THE SCALE REQUIREMENTS AND ANY CONTOUR INTERVALS MAY BE ADJUSTED BY THE PLANNER TO FIT THE CIRCUMSTANCES;

F. THE DESIGN AND CONTENTS OF THE LANDSCAPING AND A DESCRIPTION AND SITE PLAN OF THE NUMBER, TYPE AND VARIETY OF PLANTS, SHRUBS OR TREES TO BE USED;

G. STORAGE. A FENCED STORAGE AREA FOR COMMON USE, ADEQUATE TO STORE BOATS, TRAILERS, SNOWMOBILES, RECREATIONAL VEHICLES OR OTHER ITEMS MAY BE REQUIRED.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

H. TRASH RECEPTACLES. ADEQUATELY SIZED, LOCATED AND SCREENED TRASH RECEPTACLES AND AREAS MAY BE REQUIRED.]

* **Section 6. Amendment of section.** WMC 16.24.040.D.4, Parking, is amended as follows:

4. **Landscaping.**

a. **A [WHERE] parking or storage area[S ARE] in a residentially zoned lot or adjacent to [CONTIGUOUS WITH] a residentially zoned lot [LINE, THE AREA] shall be screened by a wall, fence[,] or [BY] landscaping designed to screen the view of the parking or storage area from the residential area. The screen shall have a minimum height of 3.5 feet and shall be maintained in good condition [SUBJECT TO STREET INTERSECTION VISIBILITY REQUIREMENTS. LANDSCAPED BUFFERS AT LEAST TWENTY FEET WIDE ALONG ALL LOT LINES ADJOINING RESIDENTIAL ZONED LAND ARE REQUIRED FOR ALL INDUSTRIAL OR COMMERCIAL USES].**

b. Each parking lot containing ten (10) or more parking spaces shall include around its perimeter a planting bed having a minimum width of ten feet (10'). A planting bed located adjacent to a street shall contain trees, shrubs, flowers, boulders, mulch and fences. Any fence in a planting bed located adjacent to a street shall be set back at least three feet (3') from the lot line to allow room for plantings on the street side of the fence. A planting bed that is not adjacent to a street shall contain plantings that will attain an average height of two feet (2') within two (2) years of planting, and that are grouped to allow for seeded snow storage areas.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

c. Each parking lot containing more than forty (40) parking spaces also shall include landscaped islands covering not less than fifteen percent (15%) of the total area of the parking lot. A landscaped island shall contain trees, shrubs, flowers and mulch and shall be protected with mounding and boulders or curbs.

* **Section 7. Amendment of section.** WMC 16.24.040.D, Parking, is amended by adding paragraph 11 as follows:

11. Fences and landscaping at the intersection of a parking lot driveway with a street shall not obscure a sight triangle.

* **Section 8. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on December 11, 2006.

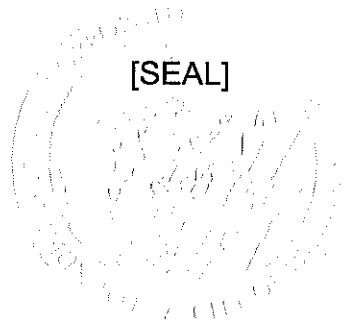


DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk



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**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: Ordinance Serial No. 06-47 on Landscaping standards

Agenda of: November 27, 2006
Originator: Community and Economic Development

Date: November 20, 2006

Route to:	Department	Signature/Date
	Police Youth Court, Dispatch, Code Compliance	
	Culture and Recreational Services Library, Museum, Sports Complex	
	Public Works & Recreation Facility Maintenance	
X	Finance, Risk Management & MIS Purchasing	
X	Deputy Administrator Planning, Economic development, Human Resources	<i>S. Hule 11-20-06</i>
X	City Clerk	<i>DMK</i>

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes or no

Funds Available yes no

Account name/number:

Attachments: Draft Ordinance 06-47

Planning Commission Resolution 06-24

SUMMARY STATEMENT:

Wasilla Municipal Code 2.60.010 directs the Planning Commission to periodically review the Land Development Code and make recommendations to the Council for amendments. In 2005, the Planning Commission evaluated the current City landscape standards they last revised in February 2002 and determined that the standards should be updated and adopted as part of Title 16.

The Planning Commission established a landscape standards focus group of eleven local citizens to assist in revising the current City landscape standards. This focus group met twenty-three times between June 28 to November 7, 2005 to draft revisions to the existing City landscape standards. The focus group presented their draft standards to the Wasilla Planning Commission at a December 13, 2005 work session.

The Planning Commission has reviewed and revised the draft landscape standards presented to them by the focus group during five work sessions conducted on January 24, April 27, June 13, June 22 and August 22, 2006.

Following their work sessions, a public hearing on the draft landscape standards was scheduled by the Planning Commission for September 26, 2006 and notice of the public hearing was published on September 9 and on September 20, 2006.

The Wasilla City Planning Commission held their public hearing on the draft revisions to the City landscape standards at their regular meeting of September 26, 2006. The Commission considered both written and oral testimony on the draft standards before voting to recommend the final draft of the revised landscape standards to the City Council for adoption as a part of Title 16.

The draft landscape standards approved by the Planning Commission were formatted into code ordinance form by the City Clerk before being sent to the City Attorney for his review. The Attorney has completed his review and made format revisions to ensure the draft code amendment is in compliance with existing sections of Title 16.

RECOMMENDATION:

The Wasilla Planning Commission respectfully recommends the City Council adopt the revised landscape standards attached as Wasilla Ordinance 06-47 as an amendment to Title 16 of the Wasilla Municipal Code.

Vote: Commissioners Sullivan-Leonard, Hamilton, Koskela, Elkins, Tucker and Hall in favor; Commissioner Buswell against.

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NUMBER 06-24**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING
ADOPTION OF LANDSCAPE STANDARDS AS PART OF THE WASILLA
MUNICIPAL CODE.**

WHEREAS, the Wasilla Municipal Code in section 2.60.010 directs the Planning Commission to periodically review the Land Development Code and make recommendations to the council for amendments; and

WHEREAS, the City of Wasilla Planning Commission evaluated the current City landscape standards and determined that the standards should be updated and adopted as part of Title 16; and

WHEREAS, the City of Wasilla Planning Commission established a landscape standards focus group of eleven local citizens to assist in revision the current City landscape standards; and

WHEREAS, the landscape focus group met twenty-three times from June 28, 2005 to November 7, 2005 drafting revisions to the current City landscape standards which were presented to the Wasilla Planning Commission at the December 13, 2005 Commission work session; and

WHEREAS, the Planning Commission has reviewed and revised the draft landscape standards presented to them by the focus group during five work sessions (January 24, 2006, April 27, 2006, June 13, 2006, June 22, 2006 and August 22, 2006); and

WHEREAS, the notice of the public hearing scheduled for September 26, 2006 on the draft revisions to the City landscape standards completed by the Planning Commission was advertised on September 9, 2006 and on September 20, 2006; and

WHEREAS, the Wasilla City Planning Commission held a public hearing on the draft revisions to the City landscape standards at their regular meeting of September 26, 2006 to take oral and written testimony regarding the draft revisions to the City landscape standards before approving the final draft of the revised landscape standards.

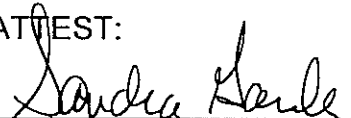
NOW THEREFORE BE IT RESOLVED that the Wasilla Planning Commission recommends the City Council adopt the revised landscape standards attached as Exhibit A as an amendment to Title 16 of the Wasilla Municipal Code

ADOPTED by the Wasilla Planning Commission on September 26, 2006.

APPROVED:


Stan Tucker, Chairman

ATTEST:


Sandra Garley, City Planner

[seal]