

### 6:2.3. Alternative Landscape Compliance.

A) *Applicability.* The landscape requirements are intended to set minimum standards for quality development and environmental protection. Conditions associated with individual sites may, under certain circumstances, warrant approval of alternative methods of compliance where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present, the Business and Development Services Director shall have authority to adjust the requirements of this chapter as provided in subsection (C) below.

Alternative plants, materials, location, or installation methods may be justified due to natural conditions, such as streams, wetlands, natural rock formations, topography, easements, lot configuration, and other physical conditions related to the site. A landscape architect or landscape designer may also propose an Alternative Landscape Plan as a method to provide a less traditional plan while still providing an appropriate level of landscape quality that meets the intent of the various requirements of this Ordinance.

B) *Submittal Requirements.* The applicant shall submit to the Business and Development Services Director a written explanation as to the need for an Alternative Compliance approval and explain how the proposed landscape plan meets or exceeds the landscape requirements outlined in this section. The proposed landscape plan shall clearly indicate any and all areas for which Alternative Compliance is requested. The plan shall also show all existing site features and any newly proposed features, if applicable.

C) *Allowable Deviations.* The Business and Development Services Director is authorized to approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards as outlined in this section. *Unless otherwise specifically permitted by this ordinance, the landscape requirements of a specific standard shall not be reduced by more than twenty-five (25) percent. Requests to reduce standards beyond what is authorized under this section will require a variance from the Board of Appeals.*

D) *Considerations and Hardships.* The Business and Development Services Director may consider Alternative Compliance for the following reasons:

1. The topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
2. The existing site has space limitations or is unusually shaped and full landscape compliance would affect adherence to required off-street parking, loading, or accessibility requirements.
3. Additional environmental quality improvements would result from the alternative compliance.
4. Safety considerations make alternative compliance desirable.
5. An alternative compliance proposal meets the intent and purpose of the Landscape Ordinance in a manner that is equal to or better than compliance with the regulation contained in code.

E) *Special Consideration for Alternative Compliance related to Infill, Change of Use or Adaptive re-use of an existing site where no exterior improvements are required for occupancy of an existing building and the site in its present state is ninety (90) percent or more impervious.*

1. *Transition Buffers.* Buffer widths may be reduced by fifty (50) percent with the installation of a six (6) foot tall, opaque privacy fence or wall with the finished face of the fence or wall facing towards the adjacent property. The finished fence or wall shall be planted with evergreen trees and /or large evergreen shrub species spaced every eight (8) feet on center. These plantings shall be located within a seven (7) foot wide planting area along the exterior of the fence facing the adjacent property. *This alternative may not be used when the existing parking area exceeds the minimum number of off-street parking spaces required for the development.*

2. Parking lot and Vehicular Use Landscaping. The requirement for plantings in interior islands may be reduced up to thirty (30) percent.
  3. Alternative Street Tree requirements, Planting Strip Width. The required ten-foot wide planting strip for street trees may be reduced if one (1) or more of the following objective standards apply:
    - An existing sidewalk, building(s) and/or other permanent infrastructure prevents its installation. In no case shall the planting strip be less than five feet wide or the planting area be less than two-hundred (200) square feet per large maturing tree, or one-hundred fifty (150) square feet per small maturing tree.
    - A subsurface structure is used to allow for an aerated area of two-hundred (200) square feet per tree. Construction detail must be provided.
    - An adopted streetscape plan, corridor plan, and/or neighborhood plan calls for a different standard and the development complies with this standard.
- F) Decision. The Business and Development Services Director shall review the performance of the Alternate Compliance plan. The purpose of this review shall be to determine if the alternate plan meets the intent and purpose of this section. This determination shall take into account the land use of adjacent property, the amount and species of plant material, its arrangement and coverage of the lot; the level of screening and the mature height, spread and canopy of the plantings. Upon justification of these findings, a decision of approval or denial shall be rendered.
- G) Appeals. Appeals to a denial of an Alternative Compliance Landscape Plan by the Business and Development Services Director shall be submitted and reviewed by the Building and Zoning Board of Appeals through the Variance procedures outlined in Section 4:1.3.4, *Board Actions to a Variance Required*.