

**APPENDIX ONE – K  
LAND USE CODE**

**LANDSCAPING,  
BUFFERING AND  
CLEARING  
REGULATIONS**

**CITY OF BRANSON  
COMPREHENSIVE PLAN  
2003**

## CHAPTER 450: LANDSCAPING, BUFFERING, AND CLEARING REGULATIONS

### SECTION 450.010: PURPOSE AND AUTHORITY

A. *Purpose.* The purpose of this landscaping and buffering regulation is:

1. To provide good visual appeal to buildings and paved areas through the use of trees, shrubs and plants.
2. To encourage areas of established native forest to be preserved within a project/development site and to properly protect preserved areas during construction.
3. To encourage, fund and staff a City program to replant trees and vegetation lost to land development activity and to fund acquisition of forest preserves.
4. To preserve healthy environmental condition by providing shade, air purification and oxygen generation, ground water recharge, stormwater runoff retardation, and noise, glare and heat abatement through preservation of areas of native forest and installation of landscape.
5. To buffer uncomplimentary land use.
6. To require timely replacement of landscape components lost after installation.

B. *Authority.* The provisions of this Chapter shall be administered by the Director of Building Regulations. (CC 1988 §440.010; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

### SECTION 450.020: LANDSCAPE PLAN

A. *Application.* Landscaping consisting of trees, shrubs, ground cover, and screening as deemed applicable shall be required for any new construction or expansion of existing uses. Hereafter, all plans submitted in support of a final development or building permit shall include a landscape plan and include screening where appropriate.

B. *Information Required.* All plans submitted for approval of a landscape plan shall have the following information included:

1. North point and scale.
2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
3. The location, size and surface of materials of all structures and parking areas.
4. The location, size and type of all above ground and underground utilities and structures within property notation, where appropriate, as to any safety hazards to avoid during landscape installation.
5. Complete and accurate botanical and common names of each plant material, the number and location of trees or plants to be placed, the size at planting and areas to receive seed

or sod. The size, grading and condition shall be specified according to the American Association of Nurserymen Standards.

6. An estimated count and approximate location of all existing trees, six (6) inches caliper or larger measured at four and a half (4½) feet above ground level on sites that are proposed for removal and the location of planned requirements. In lieu of this count, the developer may use forty (40) trees per acre.
7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
8. Location of hose connections and other water sources.
9. The location, size and type of required screening methods as required in Section 450.060.
10. Any proposed retaining walls, indicating location, size and material to be used in the construction of the wall.
11. Regarding the landscaping plan, single-family dwellings need only supply a plan that supplies a count of the number of trees to be removed, six (6) inches in diameter and larger measured at four and one-half (4½) feet above the ground, and meet the residential landscape design requirements under Section 450.040, Subsection (3), with proposed plantings as in Subsection B(7) above, and meeting the General Standards of Section 450.030. (CC 1988 §440.020; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

#### **SECTION 450.030: GENERAL STANDARDS**

The following criteria and standards shall apply to landscape materials and installation:

1. *Quality.* All trees and shrubs used in conformance with the provision of this Article shall have well-developed leaders and tops, and roots characteristic of the species, cultivar or variety and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
2. *Coverage.* Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate.
3. *Trees.* Trees referred to in this Section shall be a species common to or adapted to this area of Missouri and on a tree list provided by the Director of Planning and Development. Caliper measurements shall be taken six (6) inches above grade. Trees shall have the following characteristics:
  - a. Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of at least two (2) inches at time of planting.

- b. Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under-story trees shall have a caliper width of at least one and one-half (1½) inches at time of planting.
  - c. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a caliper width of at least one (1) inch at time of planting.
  - d. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen or conifer trees shall be at least four (4) feet high at time of planting.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three (3) feet high within one (1) year after time of planting.
  5. *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after time of planting.
  6. *Lawn grass.* Grass areas may be sodded, plugged, spragged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
  7. *Credit for existing trees.* Any trees preserved on a site in required landscaping areas and meeting the specification in this Section may, at the discretion of the Director, be credited toward meeting the tree requirements of any landscaping provision of Section 450.040. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this Section.

<i>Existing Tree</i>	<i>Size*</i>	<i>Credit**</i>
Canopy	2 inches–3 inches	1
	3 inches–6 inches	2
	>6 inches	3
Understory	1.5 inches	1
	3 inches–6 inches	2
	>6 inches	3
Ornamental	1 inches–2 inches	1
	2 inches–5 inches	2
	>5 inches	3
Evergreen	5–8 feet	1
	8–12 feet	2
	>12 feet	3

\*Size in inches is the diameter of the tree measured four and one-half (4½) feet above grade.

\*\*To receive credit, trees must be located in the landscape area. Each credit may be used in lieu of the planting of one (1) tree. Existing tree must satisfy the requirements of Section 450.030.

- a. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species located anywhere on the site may, at the discretion of the Director, be credited as three (3) in computing the minimum requirements in landscaping areas.
- b. Existing trees which are preserved and receive credit shall be marked on the landscape plan and the amount of credit shall be indicated. Any trees which receive credit and are later removed shall be replaced with the number of trees for which credit was received.
- c. Existing trees that are to receive credit for preservation shall be protected during construction as follows. The conditions shall also apply to existing trees included in natural forest area preserved section.
  - (1) A temporary fence shall be constructed around the root zone of each tree to be preserved prior to any grading or construction on the property.
  - (2) No heavy equipment shall be used or stored within the area enclosed by the temporary fence.
  - (3) No building materials or soil shall be stored within the area enclosed by the temporary fence.
  - (4) Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used as soon as roots one (1) inch or greater in diameter are encountered, except that in the vicinity of trees less than six (6) inches in diameter at four and one-half (4½) feet above grade, tunneling shall be used under the entire canopy. Tunneling must occur below the main lateral level of roots or at least two (2) feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels to the same compactness as before removal. Fertilizer shall be added to the backfill in tunnels.
  - (5) Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence and at least one (1) foot away from the tree bole (trunk) for each one (1) foot of depth of the cut.
  - (6) No grading shall be done that impounds water during wet periods or increases the drainage rate so that water tables are lowered.
  - (7) Fill may be placed within the area enclosed by the temporary fence provided the fill material consists of good topsoil, high in organic matter and of loamy texture, and does not exceed six (6) inches of depth. (CC 1988 §440.030; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

**SECTION 450.040: MINIMUM REQUIREMENTS FOR OFF-STREET AND VEHICULAR USE AREAS**

The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. *Interior landscaping.* For sites containing parking and vehicular use areas totaling fifteen (15) or more parking spaces or the gross area is six thousand (6,000) or more square feet, a minimum of ten percent (10%) of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Five percent (5%) of the landscaped interior shall be located at the street wall (any building facing a street) to the street wall line (street line). These plantings may be grouped in such a way as to provide visual relief to those building elevations the public views of the project. Additional criteria shall apply to the interior of parking and vehicular use areas:
  - a. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
  - b. There shall be a minimum of two (2) understory trees or ornamental tree one (1) canopy tree planted for each fifteen (15) parking spaces or six thousand (6,000) square feet of parking or vehicular use area, or fraction thereof. For every tree planted in the required ten percent (10%) area, four (4) shrubs shall be planted, the planted areas may be sodded or mulched.
  - c. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.
2. *Perimeter landscaping.*
  - a. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
  - b. Perimeter landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees, or in this area, in lieu of one (1) tree, eight (8) shrubs (measured at eighteen (18) inches after planting) or eight (8) perennial bed plantings (measured at one (1) gallon size at planting) will meet the landscape requirements. Where a perimeter landscape area is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4)

shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground cover.

- (1) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five (5) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.
  - (2) Necessary accessways from the public right-of-way shall be permitted through all landscaping.
3. Residential landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per hundred (100) linear feet of street frontage. Where this street frontage is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs are encouraged to be clustered and or used for foundation plantings to allow for the best landscape design. (CC 1988 §440.040; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

**SECTION 450.045: EXEMPTION FOR ZONE D (DOWNTOWN)**

Due to the unique nature of those properties located in the "D" Zoning District, the Director of Planning and Development may allow a buyout of the perimeter and interior landscape requirements as set forth in Section 450.040. This buyout shall be at the rate of one hundred fifty dollars (\$150.00) per tree and seventy-five dollars (\$75.00) per shrub. These are the actual costs that would be incurred by the City for the installation of such plantings. (CC 1988 §440.041; Ord. No. 94-114 §1, 9-26-94; Ord. No. 98-041, 4-13-98)

**SECTION 450.050: REQUIREMENTS FOR SEWER EXTRA-TERRITORIAL AREAS AND VOLUNTARILY ANNEXED AREAS**

In areas beyond the City limits, where the owner/developer of such property that has not been cleared enters into an agreement with the City for provision of sewer, water or other City services and in areas voluntarily annexed for whatever reason into the City after the date of enactment of this Chapter, the landscaping requirements shall be as set forth in Section 450.040 multiplied by a factor of two (2). Any areas, as outlined above, shall be exempt from the requirements of Section 450.070. However, should the owner/developer of any such areas desire to be governed by Section 450.070 the provisions of Sections 450.030 and 450.040 shall be applied without a multiplying factor. (CC 1988 §440.050; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

**SECTION 450.060: BUFFERING AND SCREENING REQUIREMENTS**

- A. *Application.* All plans submitted in support of a final development plan, building permit or special use permit shall include a detailed drawing of applicable screening methods. Such drawing may be included as part of the landscape plan. No buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.

B. *Trash Bin Screening.* All multi-family residential projects, mobile home parks, and all commercial, office and industrial projects shall include on the landscape plan a detailed drawing of enclosure and screening methods to be used in connection with trash bins, storage yards, parking lots and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such bin.

C. *Buffering Requirements By Zoning Classification.*

1. At the time of development of property zoned "C" Commercial, a minimum of a one hundred (100) foot buffer shall be provided along all rear and side property lines which are common to property zoned "R-1", "R-2", and "R-3". When a new structure and/or development is proposed in a "C" Commercial Zoning District, which directly abuts a one-family, two-family, or multiple-family dwelling district, the proposal shall be submitted to the Planning and Zoning Commission for their decision in accordance with Section 405.090. All required buffers shall include planted screening pursuant to Section 450.060(E).
2. At the time of development of property zoned "R-3", a minimum of a twenty-five (25) foot buffer shall be provided along all rear and side property lines which are common to property zoned "R-2" and "R-1". All required buffers shall include planted screening pursuant to Section 450.060(E).
3. At the time of development of property zoned "R-2", a minimum of a twenty (20) foot buffer shall be provided along all rear and side property lines which are common to property zoned "R-1". All required buffers shall include planted screening pursuant to Section 450.060(E).
4. These requirements are in addition to those of Section 450.040. However, when circumstances prevent appropriate installation of landscape to satisfy both requirements, the Director of Planning and Development may relax requirements as he/she sees fit.

D. *Parking Lot Screening—Rear And Side Yards.* Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side or rear yard which abuts a residential lot by acceptable screening standards as specified in Subsection (G).

E. *Screening Standards.* A screen shall consist of a screen wall, fence, earth berm, and densely planted evergreens to effectively restrict fifty percent (50%) to seventy-five percent (75%) of the view to adjoining property to a height of not less than eight (8) feet.

F. *Screen Types—Definitions.* For the purposes of this Section the following terms shall be deemed to have the meaning indicated below:

*BERMS:* A berm screen constructed of earthen materials shall not exceed a slope steeper than two and one-half (2½) feet horizontal to one (1) foot vertical. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide topsoil stabilization. Berms shall not exceed eight (8) feet in height.

*FENCE—OPEN:* An open weave or mesh type fence, constructed of wood or other approved materials shall be not less than six (6) feet in height, nor more than eight (8) feet.

*FENCE—SOLID:* A solid fence shall not be less than six (6) feet in height, nor more than eight (8) feet and shall be constructed of wood and other approved materials.

*WALLS:* A wall screen consisting of concrete, stone, brick, tile or similar type of approved solid masonry material shall be not less than six (6) feet in height, nor more than eight (8) feet.

G. *Screen Design.*

1. *Height.* Where there is a difference in elevation on opposite sides of the screen within ten (10) feet of the screen the height shall be measured from the highest elevation.
2. *Sight triangle.* On a corner lot in any district, no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the intersection clear sight triangle as shown in the City of Branson Design Criteria for Public Improvement projects.

H. *Existing Screening.* No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property, which directly abuts a residentially zoned property, without first submitting and obtaining approval for a landscaping plan, which plan provides for replacement screening conforming to all provisions of this Section. (CC 1988 §440.060; Ord. No. 95-99 §1, 9-11-95; Ord. No. 97-009 §515.060, 4-28-97; Ord. No. 98-041, 4-13-98)

**SECTION 450.070: TREES REMOVED FOR LAND DEVELOPMENT AND PRESERVATION OF TREES AND NATURAL FOREST**

A. *Preservation Of Trees And Natural Forest.* Any person or persons who files an application to change the land use of a piece of property must preserve and properly protect an area of natural vegetation during the development and construction of the project. An inventory of all trees six (6) inches and greater in diameter must be shown on the landscape plan.

The number of the existing trees protected (as outlined in Section 450.030) on the site and shown on the landscape plan tree inventory shall be one (1) for each two hundred fifty (250) square feet of impervious surface.

If a person or persons preserve(s) at least twenty percent (20%) of his/her total project area as Natural Forest, then they would qualify to be exempted from Section 450.070(B) and Section 450.070(C). A site plan must be submitted and approved identifying the area(s) to be protected and measures to protect areas from damage during construction (as outlined in Section 450.030(7)(c)) will be required to be approved by the Planning Administrator or his/her designated official. If a person or persons preserve(s) at least twenty percent (20%) of his/her total project area as natural forest, they will not need to provide a tree inventory.

Natural forest shall be defined as a biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater.

B. *Replacement Of Trees Removed For Development.* Existing trees six (6) inches and greater in diameter measured at four and one-half (4½) feet above the ground that are removed from the site must be replaced with one (1) tree of like kind, of minimum size as outlined by Section 450.030(3).

- C. *Payment For Trees Being Removed.* Payment to the City in the amount of fifty dollars (\$50.00) per tree shall be made prior to the issuance of a landscaping or land disturbance permit. A refund of payment for trees removed will only occur if those trees are replaced in accordance with the standards set forth in Section 450.070(B). Refunds will be made on a tree-by-tree basis after the issuance of a certificate of occupancy. Any unrefunded fees collected under this Subsection will be used by the City for the purpose of obtaining, replanting and maintaining trees and vegetation on public land, and for acquisition of natural forest land preserves.
- D. *Certificate For Exemption From Tree Replacement Requirements.* Upon inspection of the land development project where preservation of trees six (6) inches and greater and natural forest (Section 450.070(A)) allows for exemption of tree replacement, a certificate of credit will be issued and recorded on the final plat for an amount equal to the number of trees of six (6) inches or greater in diameter measured at four and one-half (4½) feet above the ground removed from the site multiplied by fifty dollars (\$50.00). Should future development in that site require removal of trees in the preserved area the certificate of credit shall abate and credited funds shall become due and payable in full to the City within thirty (30) days of tree removal.
- E. *Removal Of Trees.* No person shall cause, permit, or allow removal of a tree on property that is under his/her ownership without issuance of a landscaping or building permit. No trees six (6) inches and greater in diameter measured at four and one-half (4½) feet above ground shall be removed prior to issuance of a landscaping or building permit, and receipt of payment for trees removed as outlined in Section 450.070(C). If a tree is removed without first obtaining a permit or is intentionally killed by means of grading, grubbing, placement of fill, or other unacceptable construction methods, the following fees per tree shall be added to the building permit, or if no building permit is issued, tree fees immediately become due and payable to the City of Branson and enforceable at law. Sizes should be measured four (4) inches above ground.

6 inches to 8 inches	\$100.00
8 inches to 10 inches	200.00
10 inches to 12 inches	300.00
12 inches to 14 inches	450.00
14 inches to 16 inches	600.00
Over 16 inches	750.00

This fee shall be in addition to the tree removal charged in Section 450.070 (C) above.

Subject to approval by the Planning Administrator or his/her designated official, trees that are standing dead or severely damaged by termites, lightning, or other acts of God and are removed as a safety precaution are exempt from replacement requirements in Sections 450.070 (C) and (E).

- F. *Clearing Of Land--Time Limit.* Where land is cleared through issuance of a signed permit issued by the City of Branson and construction does not begin within three (3) months from the date of clearing permit issuance, the owner shall be required to replant the cleared property to its original natural state based on tree counts and other information originally submitted to the City of Branson. A three (3) month extension of the above limit may be issued at the discretion of the Director of Planning and Development or his/her designated

official. (CC 1988 §440.070; Ord. No. 95-99 §1, 9-11-95; Ord. No. 96-24 §1, 2-26-96; Ord. No. 97-025 §515.070, 8-11-97; Ord. No. 98-041, 4-13-98)

**SECTION 450.080: PERMITS, SECURITY, INSTALLATION AND MAINTENANCE**

- A. *Permit Required.* A permit shall be required for all landscaping plans submitted for approval. The rate of such permit shall be the same as that for a building permit.
- B. *Security Required.* Security in the form of cash, a performance bond, cashiers check, or irrevocable letter of credit equal to the cost of the landscaping shall be provided by the owner prior to issuance of a permit. Upon completion of the landscaping and with final approval by the Director of Planning and Development, or his/her designated official, the security will be returned to the permittee. Should the permittee fail to complete landscaping as required by the plan submitted and approved, the City of Branson shall use said security to complete the landscaping as required by the plan. Any excess funds from the security not used to complete the landscaping shall be returned to the permittee.
- C. *Landscaping In Place Prior To Occupancy Permit.* All landscaping and screening material, living and non-living, shall be healthy and in place prior to issuance of final occupancy permit. A temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting, provided a written agreement is executed between the City of Branson and the developer assuring that the planting will take place when the proper season arrives.
- D. *Maintenance.* The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all time, the landscaping required by this Article. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirements of this Section.

The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping.

Plant material which exhibits evidence of insects, pests, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.

All landscaping may be subject to periodic inspection.

Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this Chapter.

- E. *Burning.* No open burning of brush, timber and/or vegetation, except as permitted by Chapter 235, shall be allowed except by special permit issued by the Fire Official or his/her designee. (CC 1988 §440.080; Ord. No. 95-99 §1, 9-11-95; Ord. No. 97-052 §515.080, 10-13-97; Ord. No. 98-041, 4-13-98)

**SECTION 450.090: EXEMPTIONS FOR AGGREGATE LOT DEVELOPMENT**

- A. In subdivisions where some or all of the requirements of this Chapter have been met by the original developer, credit shall be extended for such improvements (on a prorata basis) to each parcel within the subdivision.
- B. Public road right-of-way and utility easements are exempt from the provisions of this Chapter.  
(CC 1988 §440.090; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

**SECTION 450.100: EXISTING DEVELOPED AREAS--NON-CONFORMANCE, COMPLIANCE REQUIRED**

As of the effective date of this Chapter, all property with existing development which is not in compliance with the provisions of this Chapter shall be considered non-conforming uses and allowed to continue so long as no building permit is issued for enlargement of a structure or building. At the time that such a permit is issued the following requirements shall be met:

- 1. No additional landscaping areas shall be required if existing buildings and structures are replaced with new buildings or structures with the same total floor space provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed.
- 2. No additional landscaped area shall be required if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
- 3. No landscaped area shall be required if:
  - a. The lot is enlarged by less than twenty-five (25%) percent of the existing lot or by less than twenty thousand (20,000) square feet, whichever is greater; or
  - b. The new floor area is enlarged by less than twenty-five percent (25%) of the existing floor area or by less than two thousand (2,000) square feet, whichever is greater.
- 4. One hundred percent (100%) of the landscape area required for the entire property by the zoning district after it exceeds the above thresholds.
- 5. Location of landscape areas shall be determined by the Director of Building Regulations as part of the site plan review.
- 6. Enlargement of the lot or floor area shall be cumulative, and when the above thresholds are reached, the required open space shall be provided.
- 7. The above thresholds shall also apply to the landscaping requirements in the "C" District.
- 8. If a landscaped area is required on the property, a six (6) foot solid wood fence, masonry/brick wall or evergreen hedge shall be provided if the minimum landscaped

area required is not provided as a result of the enlargement or replacement of floor area.  
(CC 1988 §440.100; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)

**SECTION 450.110: ENFORCEMENT, VIOLATION AND PENALTY**

- A. *Enforcement.* The provisions of this Chapter shall be enforced by the Director of Planning and Development.
- B. *Penalty.* Any person who violates, neglects, or refuses to comply with any provisions of this Chapter, any owner or general agent of a building or premises where a violation of any provision of the Chapter has been committed or exists; or the lessee or tenant of an entire building or entire premises where such violations have been committed or exist; or any contractor or craftsman who violates, neglects, allows to exist, or refuses to comply with any provisions of this Chapter; or the owner, general agent, contractor, lessee or tenant of any part of the building in which such violation has been committed, or exists, or who commits, takes part in or assists in such violations; shall upon conviction thereof, be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a period of not more than ninety (90) days, or by both fine and imprisonment. Each day that the violation is allowed to remain shall be considered a separate infraction.  
(CC 1988 §440.110; Ord. No. 95-99 §1, 9-11-95; Ord. No. 98-041, 4-13-98)