

ORDINANCE NO. 2 , 2008

**AN ORDINANCE AMENDING PORTIONS OF SECTIONS 151.32 AND 151.34
OF THE CODE OF ORDINANCES PROVIDING PARKING AND
LANDSCAPE/SCREENING REGULATIONS**

WHEREAS, the Community Development Department, with a combined sub-committee from the Planning Commission and Environmental Advisory Commission, has completed a review of the parking and landscape sections of the Land Usage Code to incorporate environmentally sensitive regulations governing parking requirements and landscape, screening standards, and definitions relative to such standards; and

WHEREAS, the sub-committee recommendations are consistent with the Environment and Sustainability strategies adopted by City Council in the August 2007 revisions to the Comprehensive Community Plan, which strategies recommended the adoption of best management practices to better control and improve stormwater quality; and

WHEREAS, the Planning Commission has reviewed proposed changes to the Code and has recommended to Council that such amendments be adopted; and

WHEREAS, Council did hold a public hearing upon such amendments on December 17, 2008 and hereby finds that such Code changes will meet the stated objectives of the Comprehensive Community Plan.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Sections 151.32 and 151.34 of the Code of Ordinances are hereby amended to include the attached revised regulations including parking

standards, stormwater management in parking areas, and landscape regulations governing parking lot construction and maintenance. Such amendments are adopted as a part of this Ordinance as if fully restated herein.

SECTION 2. Section 150.03 of the Code of Ordinances is hereby amended to include the attached revised definitions governing environmental standards in the Land Usage Code.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: March 4, 2009

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director

Green Space: An area that is permanently set aside in a natural, undisturbed or revegetated condition and will not be developed with any impervious cover and/or structures.

Impervious Cover: Any surface in the urban/suburban landscape that cannot effectively absorb or infiltrate rainfall.

Open Space: An area that is permanently set aside for public use and may be used for passive or active recreation, stormwater management, landscaped areas and other similar uses.

Stream Buffer: A vegetated area bordering a stream which exists or is established to protect a stream system.

Compost Heap: A pile of organic materials kept under controlled conditions so that the original raw materials are transformed by decay and degradation into compost.

Environmental Conservation Area: A tract of land that has been awarded protected status in order to ensure that natural features or biota are safeguarded.

Landscape Area: A portion of property where the surface of the ground has been purposely planted, cultivated and maintained to create an aesthetic effect, which includes, but is not limited to lawn grass, ornamental grass, bushes, trees, flowers or other vegetation and surface covering, such as gravel, rocks, shale, bark mulch, soils and paving stones, but does not include weeds or noxious weeds.

Rain Garden: A landscaping feature that is planted with native perennial plants and is used to manage stormwater runoff from impervious surfaces such as roofs, sidewalks, parking areas, etc.

Rain Barrel: A barrel used as a cistern to hold rainwater.

Stormwater Best Management Practice (“Stormwater BMP”): a structural or non-structural technique designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities. Examples include rain gardens, bio-retention areas, filter strips, swales, and other progressive environmental methods.

**Chapter 151.32
Off-Street Parking and Loading Regulations**

151.3201	Purpose.	151.3209	Parking design standards.
151.3202	Parking facilities required.	151.3210	Regulations for access drives.
151.3203	Units of measure.	151.3211	Off-street loading requirements.
151.3204	Off-street parking standards.	151.3212	Improvement and maintenance standards.
151.3205	Allowance for shared parking.	151.3213	Parking lot landscaping and screening.
151.3206	Specific standards for the Old Montgomery District.	151.3214	Development plan review.
151.3207	Off-street waiting spaces for drive-thru facilities.		
151.3208	Parking spaces for persons with disabilities.		

§ 151.3201 PURPOSE.

Off-street parking regulations are established to achieve, among others, the following:

- (a) To relieve congestion so streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by separating parking areas and extensive car movements in the vicinity of pedestrian ways;
- (c) To protect adjoining residential neighborhoods from on-street parking;
- (d) To establish reasonable controls on the amount of impervious surface coverage on a property;
- (e) To provide for the effective management of stormwater runoff from off-street parking; and
- (f) To promote the general convenience, welfare and prosperity of residential, business, and service developments which depend on off-street parking facilities.

§ 151.3202 PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be provided prior to the occupancy of any building or use. Parking facilities shall be provided for the entire building or use, in accordance with the regulations contained in this Chapter whenever:

- (a) A building is constructed or a new use is established.
- (b) The use of an existing building is changed to a use requiring more parking facilities.
- (c) An existing building is altered and there is an increase in seating capacity, floor area of the building, or number of employees.

All off-street parking facilities or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation and shall not be reduced below the required size as long as the principal use remains, unless an equivalent number of spaces are provided for said use in another approved location.

§ 151.3203 UNITS OF MEASURE.

In computing the number of parking spaces required by this Code, the following rules shall apply:

(a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(b) Seats. The number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities.

(c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees or contract workers on any two successive shifts.

(d) Fractional Numbers. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(e) Parking for Mixed Uses. A building or group of buildings containing 2 or more uses, operating normally during the same hours, and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.

§ 151.3204 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 151.3204. For a use not specified in this Schedule, the Planning Commission shall apply the standard for a specified use that the Commission determines to be most similar to the proposed use.

Schedule 151.3204

Required Off-Street Parking Spaces

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Residential Uses				
Dwelling, single-family unit (detached or attached)	Each Unit	2 enclosed	No restriction	
Dwelling, two-family	Each Unit	2 enclosed	No restriction	
Dwelling, multiple	Each Unit	2 unenclosed	3 unenclosed	4 unenclosed
Bed and Breakfast	Each sleeping room/suite	1 + requirement for dwelling unit	1.50 + requirement for dwelling unit	2 + requirement for dwelling unit
Independent senior living facility	Each Unit	2	2.50	3
Assisted living/congregate	Each Unit	0.30 + 1 per employee on maximum shift	0.50 + 1 per employee on maximum shift	1 + 1 per employee on maximum shift
Nursing homes	Beds	0.33	0.50	1
Community Facilities/Schools				
Convention, exhibition or meeting hall (without fixed seats)	100 sq. ft. of Floor Area	1	1.30	1.60
Day care center (child and adult)	Per Employee	1 + 1 per 5 persons enrolled at capacity	1 + 1 per 4 persons enrolled at capacity	1 + 1 per 3 persons enrolled at capacity
Library, museum, art gallery or similar public building	100 sq. ft. of Floor Area	0.33 + 10 spaces for first 2,000 ft ²	0.65 + 10 spaces for first 2,000 ft ²	1 + 10 spaces for first 2,000 ft ²
Places of worship	Seats	0.33	0.40	0.50
Elementary or Junior High School	Each classroom	2 + 0.25 per seat in auditorium	2 + 0.33 per seat in auditorium	2 + 0.50 per seat in auditorium
High School	Every employee	0.50 + 0.25 per seat in auditorium + 0.10 per student	0.75 + 0.33 per seat in auditorium + 0.10 per student	1 + 0.50 per seat in auditorium + 0.10 per student
College, University	Every employee	0.50 + 0.25 per seat in auditorium + 0.25 per student	0.75 + 0.33 per seat in auditorium + 0.25 per student	1 + 0.50 per seat in auditorium + 0.25 per student

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Commercial/trade school (excluding outdoor activities)	Every employee	0.50 + 0.50 per student	0.75 + 0.75 per student	1 + 1 per student
Office, Professional, Medical Facilities				
Administrative, executive and professional offices, banking and financial institutions (excluding medical and dental)	100 square feet of Floor Area	0.29	0.45	0.57
Medical and dental offices and clinics	1,000 sq. ft. of Floor Area	5	6.50	8
Hospitals	Per Bed	2.50	3.50	4.50
Outpatient (Hospital)	Per exam/treatment room	1.50 + 1 per employee on maximum shift	2 + 1 per employee on maximum shift	2.50 + 1 per employee on maximum shift
Research or testing laboratory	100 square feet of Floor Area	0.25	0.33	0.40
Retail / Service Uses				
Retail sales or personal service establishments in completely enclosed buildings (except as otherwise specified below)	100 sq. ft. of Floor Area	0.40	0.5	0.66
Animal hospital or clinic; grooming facility (excluding open kennels or open runs)	100 sq. ft. of Floor Area	0.25 + 0.50 per employee	0.30 + 0.75 per employee	0.35 + 1 per employee
Funeral homes, mortuaries	100 square feet of Floor Area	2 + 1 for each vehicle maintained on the premises	3 + 1 for each vehicle maintained on the premises	4 + 1 for each vehicle maintained on the premises
Greenhouse, nurseries	100 square feet of Floor Area	0.25	0.30	0.35
Hotel, motel	Per room	1.20	1.35	1.50
Eating Establishments				
Restaurant – Sit down without drive-through	1,000 square feet of gross leaseable area	15	25	30
Restaurant – Sit down with drive-through	1,000 square feet of gross leaseable area	12	15	18
Restaurant – Carry-out only	1,000 square feet of gross leaseable area	5	6.25	7.50

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Automotive / Transportation				
Automobile, truck, trailer sales and rental	100 sq. ft. of Floor Area of sales room	0.25 + 1 space for every service stall in service area	0.38 + 1 space for every service stall in service area	0.50 + 1 space for every service stall in service area
Vehicle repair facility	Every service bay	2 + 1 for every employee	2.50 + 1 for every employee	3 + 1 for every employee
Car Wash	Each Employee	1	1	1
Gasoline Station	Each Employee	1	1	1 + applicable retail space
Entertainment / Recreation				
Bowling alley	Each Lane	4	5	6
Golf course (9 holes or more)	Each Green	8	9	10
Health, fitness facility	1,000 square feet of exercise area (includes locker and equipment rooms)	4	6	8
Indoor theater or auditorium (except school auditorium), sports arena, stadium, gymnasium	Each Seat	0.30	0.40	0.50
Private clubs, lodges	100 sq. ft. of Assembly Room	1	1.25	1.50
Swimming pools, public or private (not associated with residences)	100 sq. ft. of defined active recreation area	2	2.25	2.50
Tennis courts	Per Court	4	5	6

NOTES TO SCHEDULE 151.3204

^(a) A minimum of five (5) spaces is required for each facility other than a single-family detached, single-family attached or two-family dwelling.

^(b) Bonus spaces shall be approved by the Community Development Director or the Planning Commission when part of a Development Plan. Bonus spaces shall be in a pervious material.

^(c) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and or group of buildings where the required parking spaces are provided in a shared parking lot.

§ 151.3205 ALLOWANCE FOR SHARED PARKING.

The Planning Commission and/or Council may accept a development plan

that satisfies the off-street parking requirements by use of off-site shared parking with the City or another non-residential user. A copy of the proposed

off-site agreement must be submitted with the application for development plan approval. The Director of Law must review and approve the agreement. In determining whether to accept such proposed plan, Planning Commission and/or Council may consider the proximity and accessibility of the off-site location to the proposed development site, the hours of operation of the two users, the number of spaces available and required for each business, and the compatibility of uses.

§ 151.3206 ALLOWANCE FOR PARKING RESERVES

(a) The Planning Commission may allow the applicant to delineate a number of the minimum parking spaces required by this Chapter as a reserve area that is available to be constructed for parking in the future, if the applicant can provide documentation showing that the proposed use of the property at the time of the application does not require the minimum number of spaces specified in §151.3204. The proposed reserve area shall be dedicated for future parking only and shall remain as open space until such time that it is necessary to develop the area as parking. In any case in which the Planning Commission permits an applicant to create a reserve parking area, in lieu of development of the minimum required parking, then the Planning Commission shall require, as a condition of approval, that the development be monitored by the Community Development Director on a periodic basis in order to ensure the adequacy of the parking as constructed meets the current needs of the development or that there is a need to construct all or part of the reserve area for parking. Upon recommendation from the Community Development Director that additional parking is needed within the reserve area, the Planning Commission may require that all or a portion of the reserve area be constructed for parking.

(b) If the parking area requires stormwater detention/retention, the applicant shall either design the detention/retention facilities to accommodate the reserve area or demonstrate what stormwater best management practices they will incorporate in the reserve area in lieu of detention/retention to compensate for the additional stormwater runoff, if the reserve area is developed. The City Engineer shall determine if the detention/retention and/or stormwater BMP's shall be required to be built during the initial construction phase or may be delayed until the reserve parking area is required to be developed.

§ 151.3207 SPECIFIC STANDARDS FOR THE OLD MONTGOMERY DISTRICT.

(a) No off-street parking shall be permitted between the established building setback and the public right-of-way.

(b) In recognition of the historic, compact character of buildings in the Old Montgomery District, as well as the less efficient use of the floor area of those buildings, the number of off-street parking spaces for each facility or use in the Old Montgomery District shall be determined according to the following:

(1) The number of off-street parking spaces shall be fifty percent (50%) of the standards set forth in § 151.3204.

(2) However, due to unique building and site characteristics that may be present in the Old Montgomery District, the Planning Commission and/or Council may approve a development plan with fewer parking spaces than fifty percent (50%) of the requirements set forth in § 151.3204. In order for the Planning Commission to consider a reduction of the required spaces, the applicant must demonstrate that such

a reduction is warranted based on the following criteria.

A. The character of the proposed use, the design of the building and the ability of the proposed use to reinforce the main street environment;

B. The availability and accessibility of public parking spaces, both on-street and within public parking lots to meet the needs of the development;

C. The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses to meet the needs of the development; and

D. The potential negative impact to the character of the district if the requisite number of parking spaces is provided.

§ 151.3208 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 151.3204, in accordance with the following:

(a) Minimum Number of Waiting Spaces:

(1) Establishments serving and/or selling food and/or drinks:	10 waiting spaces
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	10 waiting spaces
(3) Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:	5 waiting spaces, plus an additional 2 spaces for each additional window or stall
(4) Self-serve car wash facilities:	2 waiting spaces per stall
(5) Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island

(b) Vehicles Prohibited within the Public Right-of-Way. In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(c) Waiting Space Dimensions. Each required off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and shall not interfere with parking or circulation.

§ 151.3209 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities. The required spaces and their dimensions shall be in accordance with the Montgomery Code of Ordinance § 76.11 and the Ohio Basic Building Code, respectively.

§ 151.3210 PARKING DESIGN STANDARDS.

(a) Design Standards. Off-street parking areas for full size vehicles, which are motor vehicles seventeen (17) feet in length or longer, shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 151.3210(a), based on the

angle of the spaces. Figure 151.3210(a) illustrates the requirements for each angle scenario.

(b) Compact Car Design Standards. Up to 30 percent of the minimum required parking spaces may be designed for use by compact cars, which are motor vehicles smaller than seventeen (17) feet in length. Any reduction in the total parking area obtained as a result of using compact-sized spaces may be landscaped and will count towards the total required landscaping for the parking lot as specified in §151.3408. Compact-sized parking spaces shall be located in 1 or more continuous areas and shall not be intermixed with spaces designed for full size cars. Compact-size spaces shall be labeled as “Compact Cars Only” and clearly marked with pavement marking. The minimum parking dimensions for full size and compact vehicles are set forth in Schedule 151.3210(a) and 151.3210(b) based on the angle of spaces.

Schedule 151.3210(a)

PARKING DESIGN STANDARDS FOR FULL SIZE VEHICLES

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	9 ft	9 ft	9 ft	9 ft
(b) Length of Parking Space	18 ft ⁽¹⁾	18 ft ⁽¹⁾	18 ft ⁽¹⁾	23 ft
(c) Width of Parking Aisle	13 ft	18 ft	24 ft	12 ft
(d) Width of Double-loaded Parking Module	51 ft	56 ft	60 ft	30 ft
(e) Circulation Aisle (one way)	17 ft	14 ft	14 ft	14 ft

Notes to Schedule 151.3210:

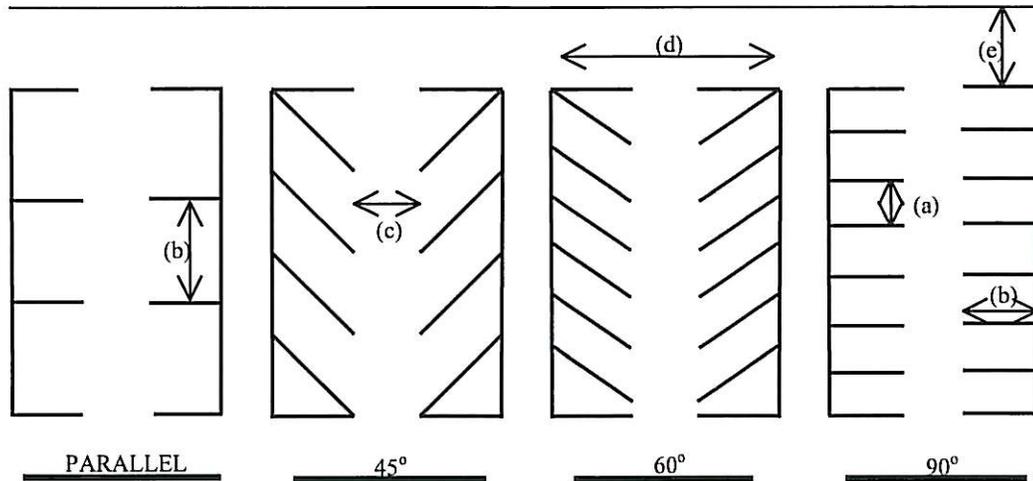
⁽¹⁾ When a parking space is adjacent to a landscaped area that has a width greater than six feet, the length of the parking space may be reduced by not more than 2 feet.

Schedule 151.3210(b)
PARKING DESIGN STANDARDS FOR COMPACT VEHICLES

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	8 ft	8 ft	8 ft	8 ft
(b) Length of Parking Space	16 ft ⁽¹⁾	16 ft ⁽¹⁾	16 ft ⁽¹⁾	18 ft
(c) Width of Parking Aisle	11 ft	16 ft	22 ft	12 ft
(d) Width of Double-loaded Parking Module	47 ft	52 ft	54 ft	28 ft
(e) Circulation Aisle (one way)	17 ft	14 ft	14 ft	14 ft

Notes to Schedule 151.3210:
⁽¹⁾ When a parking space is adjacent to a landscaped area or sidewalk that has a width greater than six feet, the length of the parking space may be reduced by not more than 2 feet.

Figure 151.3210
ILLUSTRATION OF PARKING DESIGN STANDARDS



() Letters refer to subsections on Schedule 151.3209.

§ 151.3211 REGULATIONS FOR ACCESS DRIVES.

The driveway for a single or two-family dwelling, behind the street right-of-way shall be not less than 8 feet nor more than 20 feet in width and a minimum distance of 5 feet from the side lot line. Residential access drives must also be in conformance with Chapter 93 of Montgomery Codified Ordinances. In all

other cases, the location, width, and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the following:

- (a) Location. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access

driveways shall be located at least 50 feet from the right-of-way line of the nearest intersecting street and no less than 10 feet from the side property line, unless there is a shared easement with the abutting property.

(b) Number of Drives.

(1) Each lot shall be permitted one two-way access drive per street frontage, or, upon review of the site plan, the Planning Commission and/or Council may permit a pair of one-way drives. Planning Commission and/or Council may permit an additional entrance on lots with a street frontage exceeding 250 feet.

(2) Entrances and exits shall be limited to two lanes, except where one driveway provides the sole access to the property and serves as both an entrance and exit, and then it shall be limited to three lanes.

(3) Width of Access Drives. The width of such entrance and exit lanes shall be not less than 12 feet or more than 15 feet per lane and shall not exceed a total of 40 feet.

(c) Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

§ 151.3212 OFF-STREET LOADING REQUIREMENTS.

When off-street loading spaces are provided for business and commercial buildings, they shall comply with the following regulations:

(a) No loading space shall be located closer than 50 feet to a lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or fence no less than 6 feet in height.

(b) No loading spaces shall face a street right-of-way unless the Planning Commission determines that loading spaces facing the street right-of-way minimizes the impact on adjoining properties. Such loading spaces, if approved, shall be enclosed on all sides by a wall or fence no less than 6 feet in height.

(c) Screening for all loading areas shall be provided along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements of Chapter 151.34.

(d) All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes unless permitted by Planning Commission and/or Council.

(e) Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

(f) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(g) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

§ 151.3213 IMPROVEMENT AND MAINTENANCE STANDARDS.

All driveways, parking areas, curbs, and bumper guards shall be constructed in accordance with standards established by the City Engineer and the following:

(a) Paving. All parking and loading areas and access driveways shall have asphalt or other similar hard surface approved by the City Engineer. **Pervious pavement may be used for all driveways, parking areas, curbs and bumper guards if**

reviewed and approved by the City Engineer. All interior landscaped areas shall have protective curbs along the edges to protect the landscaping from vehicles; however, the curbs shall be perforated or have caps or breaks to allow for stormwater runoff to pass through them, unless determined to be inappropriate by the City Engineer.

(b) Drainage. Parking areas shall be graded to provide for drainage so that injury will not be caused to adjacent properties or water will not drain across a public sidewalk. All new parking areas over 2,000 square feet in area, excluding access drives, shall be designed so that all stormwater runoff from the parking area shall be directed through a minimum of one stormwater best management practice (BMP) as approved by the City Engineer prior to being released from the site. The City Engineer will work with the engineer for the applicant to identify which progressive environmental design should be used, being sensitive to existing site conditions and reasonable technical specifications. Any addition to an existing parking lot which would make the total square footage of the parking area 2,000 square feet or more, excluding access drives, shall install a minimum of one stormwater BMP to capture the additional volume of runoff generated by the additional parking area. The Community Development Director and the City Engineer may approve the reconfiguration of any parking area which reduces the amount of impervious surface or in which at least one stormwater BMP is installed; otherwise, the reconfiguration of the parking area shall be reviewed by the Planning Commission. Drainage will be consistent with all other applicable standards of the City of Montgomery.

(c) Lighting. Parking areas shall be illuminated whenever necessary to protect the public safety. Light sources utilized

for such illumination shall comply with the following regulations:

- (1) Height: The height of all light poles for parking and other public areas for permitted and conditional uses in all residential districts and the OM Core District, shall not exceed 20 feet. The height of all light poles in the O Office and L-B, G-B and OM Outer Business Districts shall not exceed 25 feet. Institutional uses in residential and office districts may be permitted a higher pole for accessory recreational uses as part of the approval of a conditional use permit when it can be shown that there will not be a significant impact on surrounding properties. Lighting inside or directly adjacent to a stadium which is intended to light the playing field will be the only pole lighting which may be exempted by the Planning Commission from the height and full cut off requirement. The height of a light pole shall be measured from the ground, including any bases upon which the light pole sits, up to the highest extension of the pole or structure, regardless of the position of the light source.
- (2) Fixture: All light poles shall use luminaires with a 90 degree full cutoff with a flat lens. Light poles under 15 feet in height using incandescent lighting or which produce light directly by the combustion of fossil fuels, such as kerosene or gas lamps may be exempted from the full cutoff requirement. When a business or public institution uses a high intensity (HID) type of bulb on an exterior wall mounted fixture, the bulb must be housed in a full cut off fixture mounted at a 90 degree plane from the ground and may not be directly visible from five feet beyond the property line.

- (3) Type of Light: Lamp types for parking areas may be high pressure sodium, metal halide or **light emitting diode (L.E.D.)**. When appropriate, incandescent and lighting produced directly by the combustion of fossil fuels may be approved. Low pressure sodium and mercury vapor lamps are prohibited.
- (4) Light Trespass: The height and location of poles shall be designed such that the maximum light spillage onto the ground of any adjoining private property shall not exceed .01 footcandles at any point 5 feet from the property line.
- (5) Illumination levels: The maximum lighting levels for parking, and outdoor activities for institutional uses in residential districts shall be established by the Planning Commission as part of the conditional use permit. The maximum lighting levels for parking areas, outdoor seating, and inventory display areas in the Office, Retail and Old Montgomery districts are set forth in Schedule 151.3212 (c). Lighting levels are determined by the average maintained number of foot-candles at the ground level.
- (6) Light poles used for public roadway illumination are exempt from the requirements of this § 151.3212(c).

SCHEDULE 151.3213(c)(i)

Maximum Average Illumination Levels for Exterior Parking, Pedestrian and Storage Areas In Office, Business, and Old Montgomery Districts

Use	O, LB, GB, OM(Outer)	OM (Core)
Administrative/Professional Office	2fc	1.5 fc
Medical Facilities (clinics with 24 hour operation)	3fc	2fc
Retail Stores, Shopping Centers	2fc	1.5fc
Restaurants, Bars, Nightclubs	2fc	1.5fc
Professional Services (grooming, dry cleaning, repair services)	2fc	1.5fc
Indoor Recreational/Entertainment	2fc	1fc

SCHEDULE 151.3213(c)(ii)

Maximum Average Illumination Levels for Outdoor Display/Storage in the Office, Business and Old Montgomery District

	O, LB, GB	OM
Auto Dealerships (New, Used, Sales, Rental):		
Front Row and Feature Display	Day/Evening 25fc Overnight* 10fc	Day/Evening 10 fc Overnight* 5fc
Balance of Display/Storage Area	Day/Evening 12fc Overnight* 3fc	Day/Evening 5fc Overnight* 3fc
Other Permanent/Temporary	Day/Evening 8fc	Day/Evening 5fc

Outside Storage/Display	Overnight* 3fc	Overnight* 3fc
Restaurants (Bars) with Outdoor Seating	Day/Evening 3fc Overnight*1fc	Day/Evening 3fc Overnight* 1fc
Gas Stations/Convenience Stores with Pumps:		
Under Canopy within 15 of Pump	Day/Evening 20 fc Overnight*5fc	
Balance of Vehicle Access/Parking/Display	Day/Evening 5fc Overnight 2 fc	
Drive-Up Windows As Part of Principal Building with 10' of Window	Day/Evening 10fc Overnight 3fc	Day/Evening 10fc Overnight* 3fc
Automated Teller Machines, Restaurant Menu Boards within 8' of ATM or Board	Day/Evening 10fc Overnight* 3fc	Day/Evening 10fc Overnight* 3fc

*Overnight is defined as starting one hour after close of business or 11:00 p.m., whichever is earlier. Drive-up windows for twenty-four (24) hour restaurants, twenty-four (24) hour gas stations and convenience stores, and twenty-four (24) hour ATM's are exempt from the overnight restriction and may maintain day and evening lighting at all hours.

(d) Curbs and Wheel/Bumper Guards. Appropriate bumper guards and markings shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards, walkways or alleys.

(e) Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting

upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

(f) Signs. Signs shall be provided in accordance with Chapter 151.30.

(g) Maintenance. A parking area or loading space shall be maintained in a safe condition to keep it as free as practicable from rubbish, paper and other loose particles, and free of any dangerous accumulation of water, snow and ice. All adjacent sidewalks shall be kept in a safe condition for use by pedestrians and free as

practicable from rubbish, paper and other loose particles and weeds, and the dangerous accumulation of water, snow and ice. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

until the Zoning Administrator is provided with proof that the tax parcels are or will be combined into a single tax parcel or an appropriately recorded easement.

**§ 151.3214 PARKING LOT
LANDSCAPING AND SCREENING.**

All screening and buffering of parking areas shall be in conformance with the regulations set forth in Chapter 151.34.

**§ 151.3215 DEVELOPMENT PLAN
REVIEW.**

Detailed drawings showing the features of off-street parking and loading areas shall be submitted to the Planning Commission for development plan review as required by Chapter 150.14. Any application made which necessitates compliance with the off-street parking provision of this Chapter and involves 2 or more tax parcels shall not be considered

**CHAPTER 151.34
Landscaping and Screening Regulations**

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| <p>151.3401 Intent.</p> <p>151.3402 Flexibility in the arrangement and placement of landscaping and screening.</p> <p>151.3403 Landscape materials determined by zoning administrator.</p> <p>151.3404 Definitions.</p> <p>151.3405 General landscaping and maintenance of yards.</p> <p>151.3406 Landscaping requirements for front yards.</p> | <p>151.3407 Screening and buffering when lot abuts a residential district or residential use.</p> <p>151.3408 Screening and landscaping of parking lots.</p> <p>151.3409 Screening of accessory uses.</p> <p>151.3410 Requirements for fences and walls in commercial districts.</p> <p>151.3411 Approval process for required landscaping, fences and walls.</p> |
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§ 151.3401 INTENT.

Visual screening or landscape buffers for office, commercial, institutional, and multifamily residential properties shall be provided for the following purposes:

- (a) To remove, reduce, lessen or absorb the impact between certain land uses by the proper utilization of landscaped and screened buffers;
- (b) To minimize potential noise, glare and visual clutter of parking and loading areas, trash receptacles and outdoor storage by obscuring the view with landscaping and screening;
- (c) To protect, preserve and promote the aesthetic appeal, character and value of the City of Montgomery's neighborhoods, particularly by providing interest along the streetscape;
- (d) To soften the appearance of building masses and to break up and reduce the impact of large paved areas;
- (e) To reduce heat generation, stormwater run-off and soil erosion; and
- (f) To establish a minimum standard for the consistent appearance of plant material in the community landscape.

§151.3402 FLEXIBILITY IN THE ARRANGEMENT AND PLACEMENT OF LANDSCAPING AND SCREENING.

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, it should be recognized that existing vegetation and other natural features may also adequately achieve the intended standards and objectives of each section, and precise compliance with all of the numerical standards may be preempted or unnecessary because of existing or proposed conditions on the site or adjacent property. Therefore, when complying with this Chapter, the City may permit the flexible arrangement of the plant material to best achieve the intent of this Chapter and the purposes of the numerical standards, to preserve existing natural features, and to assure that other health and safety objectives and standards of the City are not compromised.

§ 151.3403 LANDSCAPE MATERIALS DETERMINED BY ZONING ADMINISTRATOR.

The Zoning Administrator, subject to approval by the Planning Commission, shall adopt certain rules and regulations setting forth acceptable landscape materials including, but not limited to, trees, shrubs, groundcover, fill, fencing or other decorative landscape materials necessary for the enforcement of this Chapter and any other landscape requirements of this Code.

§ 151.3404 DEFINITIONS.

Terms related to required landscaping and screening shall have the following meanings:

- (a) **Berm.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- (b) **Caliper.** The caliper of a tree shall be determined at four and one half (4 ½) feet from the ground, commonly known as Diameter at Breast Height (DBH).
- (c) **Deciduous.** A plant with foliage that is shed annually.
- (d) **Evergreen.** A plant with foliage that persists and remains green year-round.
- (e) **Shade Tree.** A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy. A shade tree must be a species that has a minimum height at maturity of at least 30’.
- (f) **Shrub.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- (g) **Ornamental Tree.** A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

§ 151.3405 GENERAL LANDSCAPING AND MAINTENANCE OF YARDS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- (a) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles, consistent with Chapter 151.30.
- (b) Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.
- (c) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.
- (d) Vehicle parking shall not be permitted in landscaped areas and is restricted to paved surfaces.
- (e) **All interior landscaped areas shall have protective curbs along the edges to protect the landscaping from vehicles; however, the curbs shall be perforated or have caps or breaks to allow for stormwater runoff to pass through them, unless determined to be inappropriate by the City Engineer.**
- (f) **Bioretention areas, rain gardens, filter strips and swales constructed to function as a stormwater best management practices shall be allowed in the required landscaped areas; however, the existence of a stormwater BMP does not eliminate the**

requirement for major shade trees as outlined in this section.

§ 151.3406 LANDSCAPING REQUIREMENTS FOR FRONT YARDS.

All areas, except lots devoted to single-family detached and two-family dwellings, within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained in compliance with the following minimum standards:

- (a) One major shade tree shall be provided for every 30 linear feet of lot frontage, not including drive entrances. §151.3408 apply. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
- (b) One shrub shall be provided for every 5 linear feet of lot frontage or fraction thereof, not including drive entrances. In the yard area in front of a parking lot, the requirements of §151.3408 (b) also apply. Each shrub shall have a minimum height of 18 inches at the time of installation.
- (c) All areas not devoted to trees and shrubs shall be planted with ground cover plants, which may include grasses. **Mulch, landscaping stones, and similar landscape treatment shall not be a substitute for ground cover plants.**
- (d) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (e) Landscaping requirements in the OM District may be modified by the Zoning Administrator.

§ 151.3407 SCREENING AND BUFFERING WHEN LOT ABUTS A RESIDENTIAL DISTRICT OR RESIDENTIAL USE.

Screening and buffering along the common boundary or portion thereof shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by Chapter 150.14.

- (a) When Required: Screening and buffering shall be required for parking lots, access drives or loading and service areas when adjacent to a residential use or district.
- (b) Width of Buffer Yard. Each required buffer yard shall have the minimum width equal to the parking setback required for the district.
- (c) Type of Screening. A brick, stone, or decorative masonry wall of acceptable design along the common boundary or portion thereof, shall be required. The spaces between the wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of a wall, a solid, continuous, visual screen along the common boundary or portion thereof with one or more of the items listed below can be substituted, only when it is determined by the Planning Commission that such screening can be equally as effective as the solid wall.
 - (1) Existing natural vegetation; or
 - (2) New screening materials consisting of one or a combination of the following:
 - A. A landscaped mound or berm at least 3 feet in height, and planted with an evergreen hedge or dense planting of evergreen shrubs not less than 6

feet in height measured from the natural grade.

B. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer; or

C. A solid fence.

(d) Location. The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect as determined by the Planning Commission and/or Council.

(e) Height of Screening. The height of the screening, measured from the natural grade, shall not be less than 6 feet in height and shall be maintained in good condition without any advertising thereon. When the screening or a portion thereof is intended to be achieved with vegetation, the required height shall be a minimum of 42” at planting with a 6’ height achieved no later than 24 months after the initial installation. Whenever the required screening is located along the common side lot line in the area extending from the front building line of the residential use to the street, the required screening shall not exceed a height of 4 feet.

§ 151.3408 SCREENING AND LANDSCAPING OF PARKING LOTS.

(a) Landscaping on the Interior of Parking Lots: Interior landscaping of parking lots shall be provided in accordance with the following requirements:

(1) When any parking area is designed to accommodate 10 or more vehicles, a minimum of 10 percent of the parking surface area shall be planted as landscaped island areas, developed and reasonably distributed throughout the parking surface area so as to provide visual and climatic relief from broad expanses of pavement.

The total parking surface area for such calculation shall not include parking area in a parking garage other than the top level which is open and exposed for parking whether at ground surface or the roof level of an above ground parking structure. The total parking surface area shall also include any impervious surface area intended for stopping, standing, traveling, display or inventory of motor vehicles.

A. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from the broad expanses of pavement.

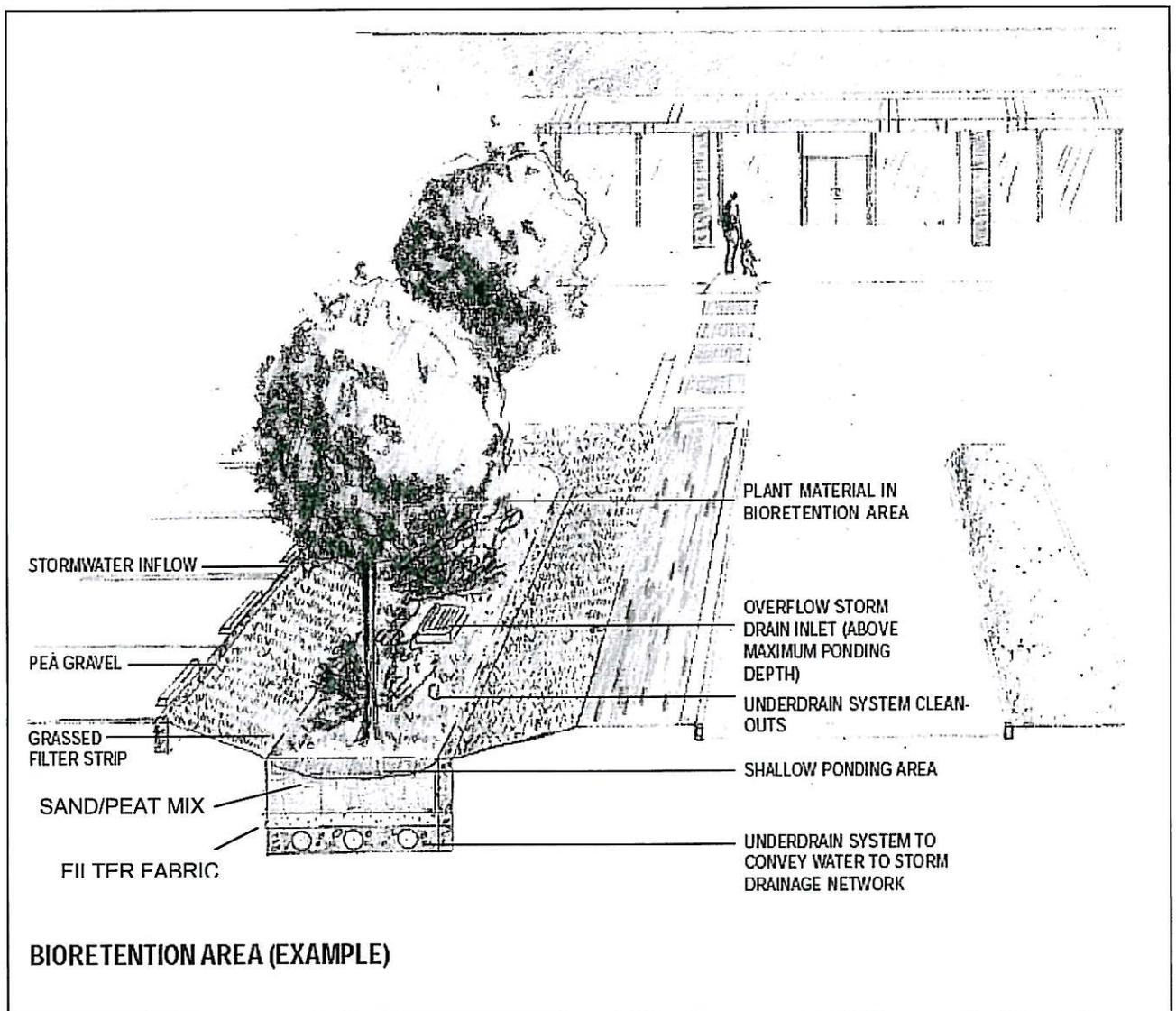
B. Each island shall be a minimum of 6 feet in any horizontal dimension. Where an individual tree is planted in a space surrounded by pavement, the planting area shall have a minimum interior dimension of 5 feet by 5 feet. All interior landscaped areas shall have protective curbs along the edges to protect the landscaping from vehicles; however, the curbs shall be perforated or have caps or breaks to allow for stormwater runoff to pass through them, unless determined to be inappropriate by the City Engineer.

C. Interior landscaping islands shall be designed to serve as bioretention areas, unless determined to be inappropriate by the City Engineer. A minimum of one tree shall be installed for every 435 square feet and one shrub shall be installed for every 30 square feet of interior bioretention areas. Figure 151.3408(f) illustrates an example of an interior parking lot bioretention area.

D. Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

E. Landscaping needed to meet the perimeter landscape requirement shall not be counted toward interior landscaping.

**Figure 151.3408(f)
Bioretention Area Example**



- (2) For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

(b) Screening Along Streets and Perimeter of Parking Areas. Whenever parking areas consisting of 5 spaces or more are located such that the parked cars will be visible from a public or private street, screening, in addition to the interior landscaping required in subsection (a) above, shall be provided and maintained between the parking area and the street right-of-way.

- (1) All shrubs, berms, walls, and fences, shall have a minimum height of 3 feet, and shall cover 100% of the perimeter of the parking area. When the screening or a portion thereof is intended to be provided with landscaping, the minimum height at installation must be 24".
- (2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.

§ 151.3409 SCREENING OF ACCESSORY USES.

For single-family attached and multi-family developments, Office, Business, Old Montgomery Districts, and for non-residential conditional uses in residential districts, screening of accessory uses shall be provided according to the following:

- (a) Trash receptacles. Trash receptacles shall be enclosed on all four sides by a wall or gate constructed of solid materials that creates a continuous visual screen and matches or compliments the principal building. A chain link fence shall not be permitted. The wall or gate shall have a minimum height of 6 feet or the height of the receptacle, whichever is greater. The

gate shall be closed at all times, except during collection.

- (b) Loading and Service Areas. Each loading area shall be screened along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements of subsection 151.3406(c).

§ 151.3410 REQUIREMENTS FOR FENCES AND WALLS IN OFFICE AND COMMERCIAL DISTRICTS.

- (a) Fences and walls, when not used for screening and buffering as required by § 151.3407, may be used in commercial districts for the following purposes:

- (1) For decorative purposes in the front yard, not to exceed a height of 4 feet; or
- (2) For security and/or containment of equipment or vehicles in the side or rear yard. Fences shall be of chain link, picket, split rail, sapling, louver, board on board, or other design, and, if painted, shall be one color. The maximum height of the fence is six feet. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.

- (b) All fences and walls shall be approved with appropriate landscaping as part of a final development plan.

§ 151.3411 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.

- (a) Proposed landscaping, fences or walls required to fulfill the standards and criteria of this chapter shall be reviewed and approved as part of a development plan pursuant to Chapter 150.14.

(b) When a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:

- (1) Complies with the requirements of this Section;
- (2) Is consistent with any previously approved plan;
- (3) Is compatible with the current site development if there is no approved plan; and
- (4) Will have a minimal adverse impact to the surrounding areas.

If, because of the nature and location of the proposed fence or wall, the Zoning Administrator does not make such a determination, the request shall be referred to the Planning Commission and considered by the Commission according to the development plan review procedures in Chapter 150.14.