

**Zoning Change - MAP-18-0009 (3303-3307 Ohio Ave)**

<b>Request</b>	Hold a public hearing and make a recommendation to City Council for Zone Change application, <b>MAP-18-0009 (3303- 3307 Ohio Ave)</b> , a request to rezone approximately 1.79 acres from “RSF-5” (Single-Family Residential with a minimum lot size of 5,000 square feet) to “CG” (General Commercial).
<b>Applicant</b>	Rosa Maria Fernandez
<b>Owner</b>	Rosalina Fernandez-Paradas
<b>City Council</b>	Public Hearing & First Reading – <i>August 28th, 2018; Second Reading – September 11, 2018</i>
<b>Location</b>	Generally located along the west side of Ohio Avenue, approximately 1,130 feet south of FM 646.
<b>Citizen Response</b>	8 – Notices Mailed to Property Owners within 500 feet 0 – Communications of Support Received 0 – Communications of Opposition Received
<b>Attachments</b>	1. Aerial Map 2. Zoning Map 3. 2017 Comprehensive Plan Future Land Use Plan 5. Photos 6. Applicant’s Conceptual Plan 7. Land Uses & Development Regulations

The Commission should consider the following criteria in its deliberation to support its recommendation for approval or denial.

<b>Background</b>	<p><b><u>August 10, 1999</u></b> – The properties in the area were initially zoned as “IH (I-2)” or Heavy Industrial</p> <p><b><u>August 30, 2005</u></b> – The properties in this request were zoned “RSF-5” as a result of the Zoning Map and Text Amendment of 2005.</p> <p><b><u>February 23, 2018</u></b> – The applicant submitted an application for a Grade/Fill permit.</p> <p><b><u>February 23, 2018</u></b> – The City issued a Grade/Fill permit to the applicant.</p> <p><b><u>May 11, 2018</u></b> – The applicant held a neighborhood meeting for the proposed rezoning. It was indicated that two attendees had no objection to the proposed rezoning.</p> <p><b><u>May 21, 2018</u></b> – Applicant submitted the request for rezoning.</p> <p><b><u>July 13, 2018</u></b> – Planning staff sent public hearing notices to the surrounding property owners and installed public hearing signs on the property.</p> <p><b><u>July 15, 2018</u></b> – Notice of public hearings published in the newspaper.</p> <p><b><u>August 6, 2018</u></b> – Planning &amp; Zoning Commission to hold a public hearing and make a recommendation to City Council on the request.</p> <p><b><u>August 28, 2018</u></b> – City Council to hold a public hearing and take final action on the request.</p>
<b>Purpose of Request</b>	The applicant is proposing to rezone the property to allow for the use of a Plant Nursery and Garden Supply Store. The use is not permitted in the current RSF-5 zoning district.

**Site and Surrounding Area**

The rezoning request consists of a 1.79-acre parcel fronting Ohio Avenue and surrounded by various sections of unimproved right-of-way.

The subject parcel is currently undeveloped, and is adjacent to mostly undeveloped tracts of land generally to the east, west and north. Immediately south of the subject parcel are residential properties located within the Extra Territorial Jurisdiction of League City.

Within close vicinity of the subject property are a variety of commercial and light industrial uses along FM 646, predominately being commercial automotive sales/maintenance and a multitenant Business Park.

Direction	Abutting Zoning	Abutting Land Use
North	“OS” and “RSF-5”	Unimproved R-O-W and mostly vacant land.
South	League City ETJ (Unincorporated)	Residential, Singe-Family homes.
East	“OS” and “RSF-5”	Unimproved R-O-W and undeveloped land.
West	“OS”, “RSF-5” and “GC”	Unimproved R-O-W, undeveloped land and commercial automotive sales/maintenance.

**Conformity with Comprehensive Plan**

The Future Land Use Map in the 2035 Comprehensive Plan identifies the land use type as “Enhanced Auto-Dominant Commercial.”

Enhanced Auto-Dominant Commercial focuses on creating convenience and access for the end-user in an almost exclusively auto-centric environment. The proposed use would be less intense than suggested by the comprehensive plan but could potentially offer a buffer between more intensive surrounding commercial uses and the adjacent residential uses—while still being consistent with the mission of the suggested land use type by providing commercial activity.

While property in the ETJ to the south is currently residential, it can be anticipated that as surrounding property develops, it will consist of commercial, office, and lighter industrial uses, as suggested by the future land use plan.

**Zoning Analysis**

While the subject and adjacent property are currently zoned residential, zoning and land uses in the immediate vicinity are of a commercial and industrial nature. Visions for this section of the FM 646 corridor also lend themselves to uses consistent with the *General Commercial* zoning district. As property in the area continues to develop, and the city expands southward, zoning and land uses will ultimately shift to accommodate for commercial, office, and light-industrial activities, as suggested by the comprehensive plan.

Should the proposed rezoning be approved, a plant nursery and garden supply store would be allowed by right. A list of land uses and development requirements are provided in an attachment (*see Sec.125-72*).

**Access and Traffic Impacts**

Access will be provided along Ohio Avenue.

**Ohio Avenue**

	Existing Conditions	2011 Master Mobility Plan
Roadway Type	Collector	Local
ROW Width	70 Feet	70 Feet

<i>Pavement Width and Type</i>	2-lane, undivided, 24-foot wide asphalt pavement width with open ditch.	2-lane, undivided, 24-foot wide asphalt pavement width with open ditch.
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It is anticipated that the proposed rezoning will not negatively affect the overall traffic patterns in this area.

#### **Utilities**

The Engineering Department indicates that the subject property does not have the ability to be serviced by city sanitary sewer, staff will support a septic system on this site. City water will be available to this property.

#### **Floodplain**

The parcel included in the zoning map amendment is currently located in “X” Zone, which is outside of the 100-year and 500-year Floodplain.

#### **Criteria for Considering Rezoning**

The Planning and Zoning Commission shall use the following criteria for considering their recommendation for approval or denial:

1. Conformance with the City’s Comprehensive Plan and other City policies;
2. The character of the surrounding area;
3. The zoning and use of nearby properties, and the extent to which the proposed zoning and use would be compatible;
4. The suitability of the property for the uses permitted by right in the proposed zoning district;
5. The extent to which approval of the application would detrimentally affect nearby properties;
6. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network or present parking problems in the vicinity of the property;
7. The extent to which approval of the application would harm the value of nearby properties;
8. The gain to public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the owner as a result of denial of the application; and
9. Exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

#### **Criteria in Support of Recommendation**

Based upon the information provided, staff has determined that the proposed rezoning:

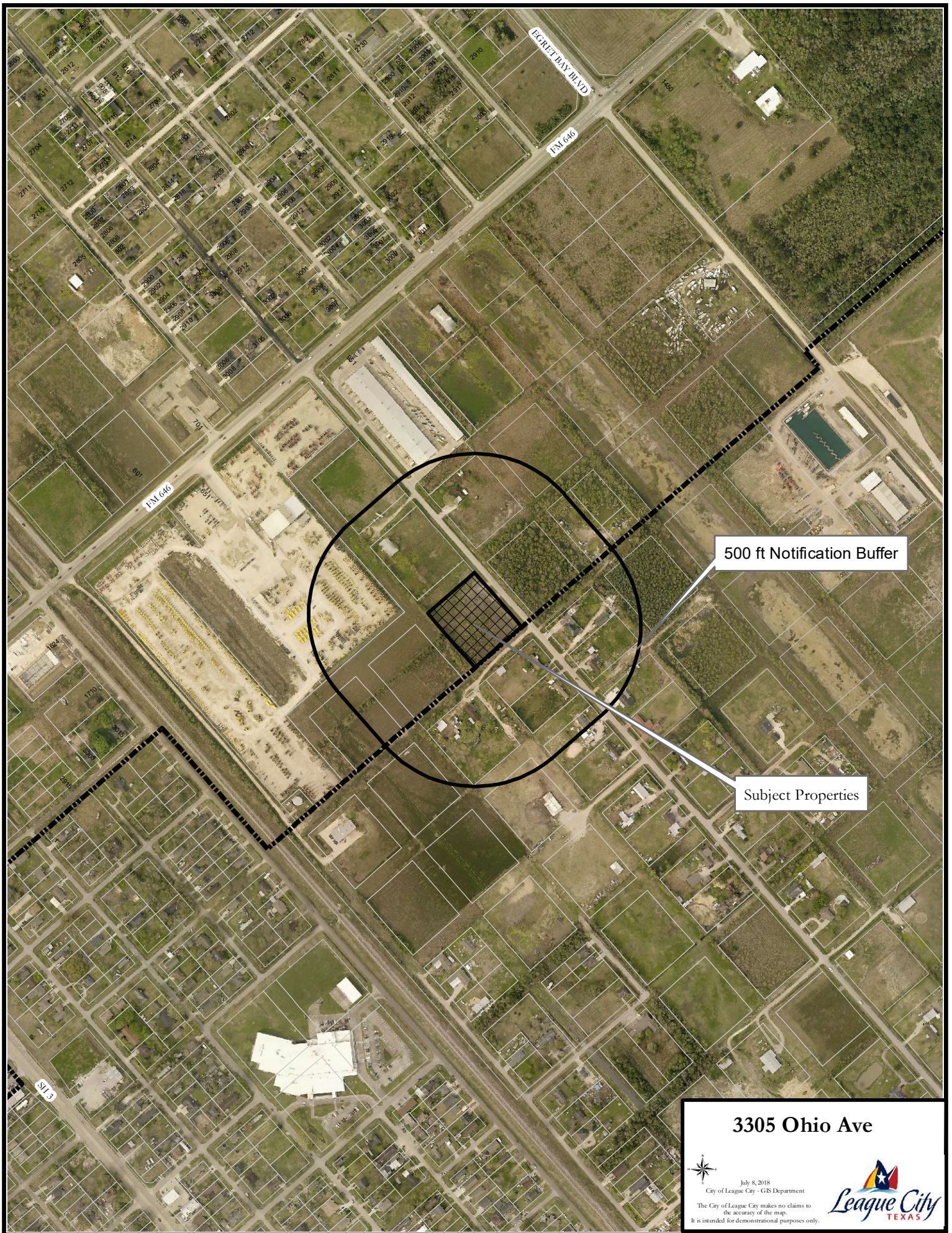
- Is consistent with the character of the area and the Comprehensive Plan’s Future Land Use Plan;
- Does not affect the availability or capacity for water or sewer services on the properties;
- Has no negligible effect on traffic patterns in the area;
- The proposed uses permitted by the proposed zoning district are suitable for the property; and
- The rezoning will allow for commercial development at a site unlikely to develop with residential uses.

#### **Staff Recommendation**

Given the criteria listed above, staff recommends approval.

For additional information, you may contact Emilio Levario, Planner, at 281-554-1097 or at [Emilio.Levario@leaguecitytx.gov](mailto:Emilio.Levario@leaguecitytx.gov).





500 ft Notification Buffer

Subject Properties

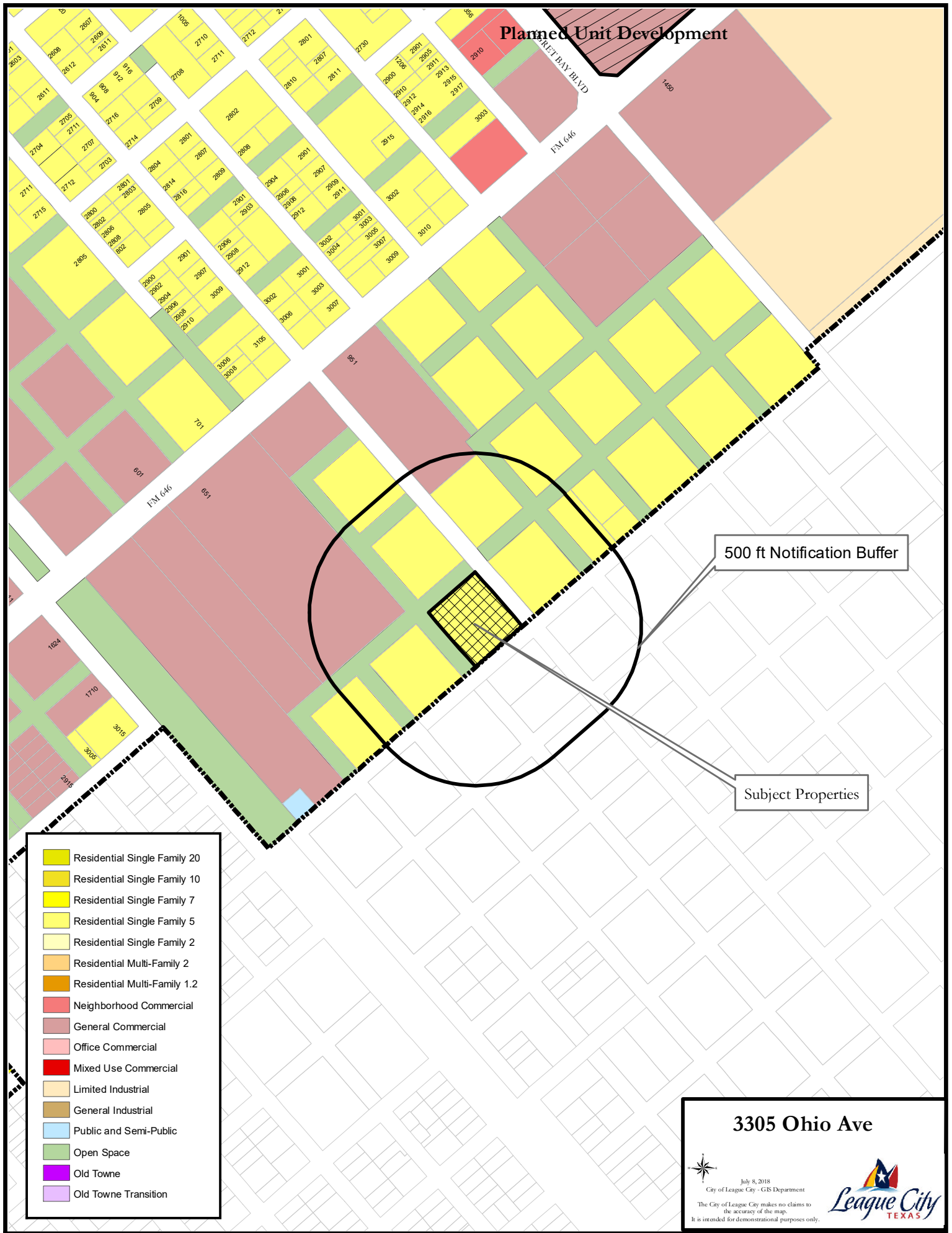
3305 Ohio Ave

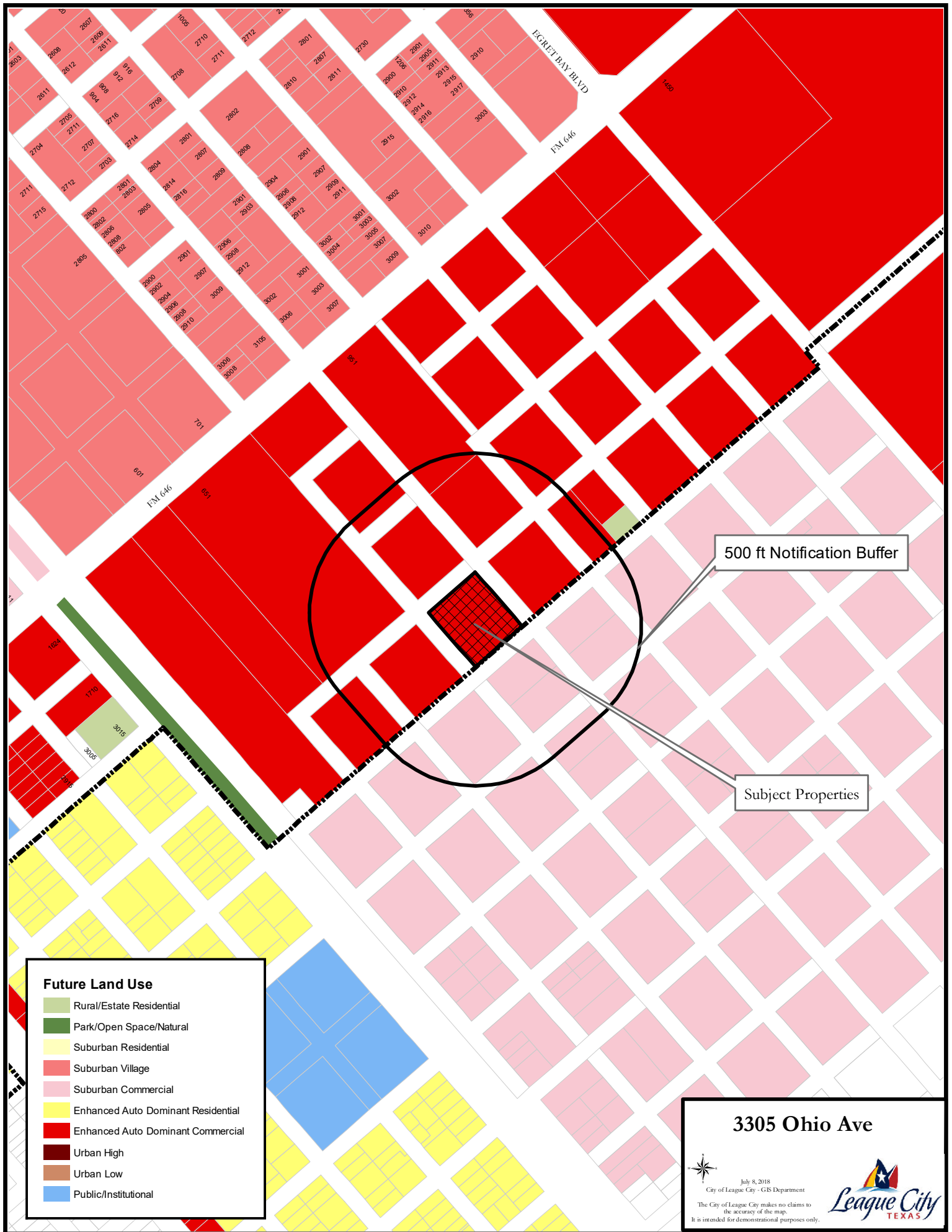


July 8, 2018  
City of League City - GIS Department  
The City of League City makes no claims to the accuracy of the map.  
It is intended for demonstrational purposes only.









**Future Land Use**

- Rural/Estate Residential
- Park/Open Space/Natural
- Suburban Residential
- Suburban Village
- Suburban Commercial
- Enhanced Auto Dominant Residential
- Enhanced Auto Dominant Commercial
- Urban High
- Urban Low
- Public/Institutional

500 ft Notification Buffer

Subject Properties

**3305 Ohio Ave**



July 8, 2018  
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**PHOTOGRAPH 1**



Looking onto subject property across Ohio Avenue.

**PHOTOGRAPH 2**



Looking onto southeast corner of subject property from Ohio Avenue

**PHOTOGRAPH 3**



Looking onto northeast corner of subject property from Ohio Avenue.

**PHOTOGRAPH 4**



Looking east across Ohio Avenue from the subject property.

**PHOTOGRAPH 5**



Looking northeast from Ohio Avenue towards  
FM 646.

**PHOTOGRAPH 6**



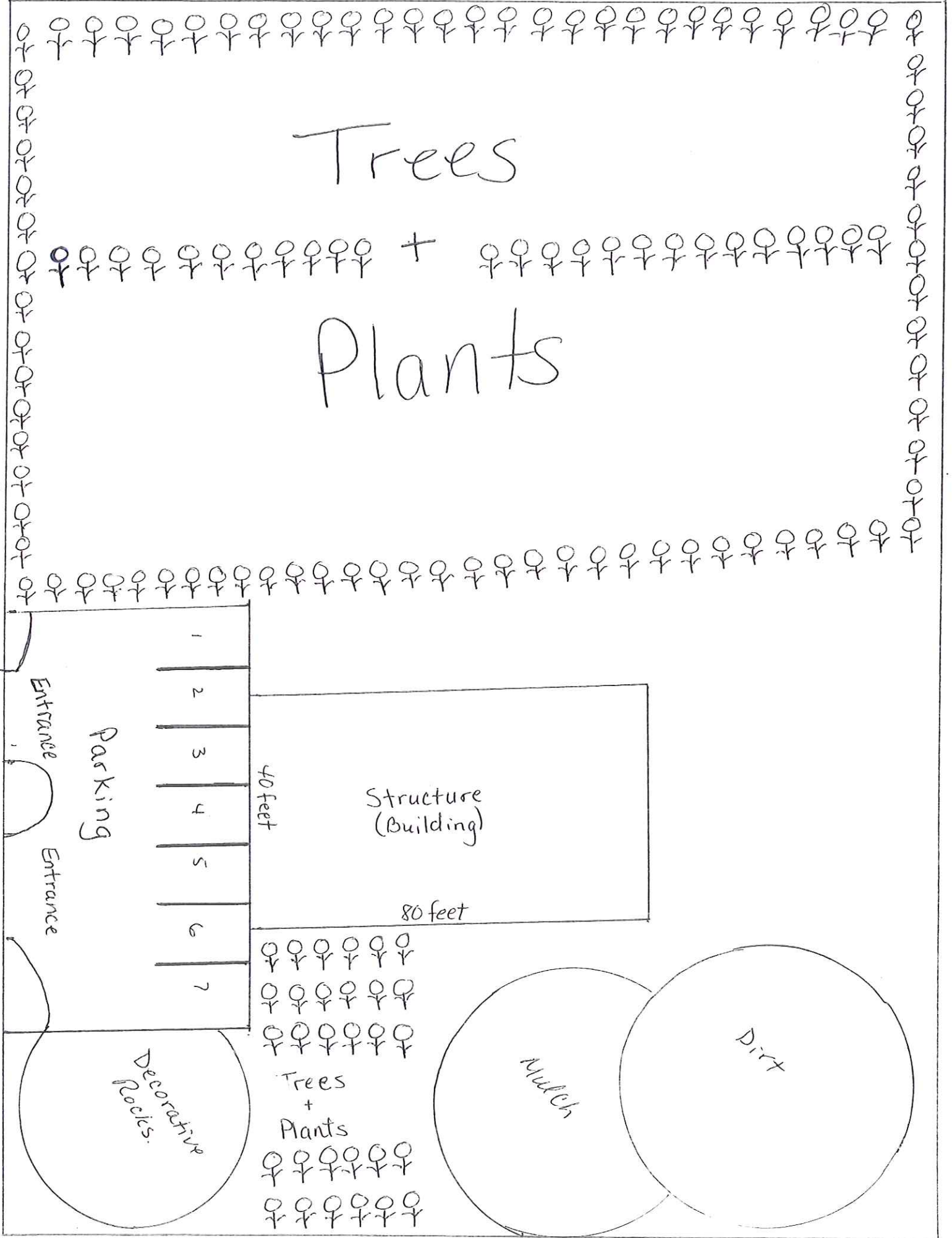
Looking southeast from Ohio Avenue past the  
City Limits.



Trees

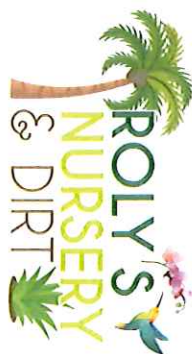
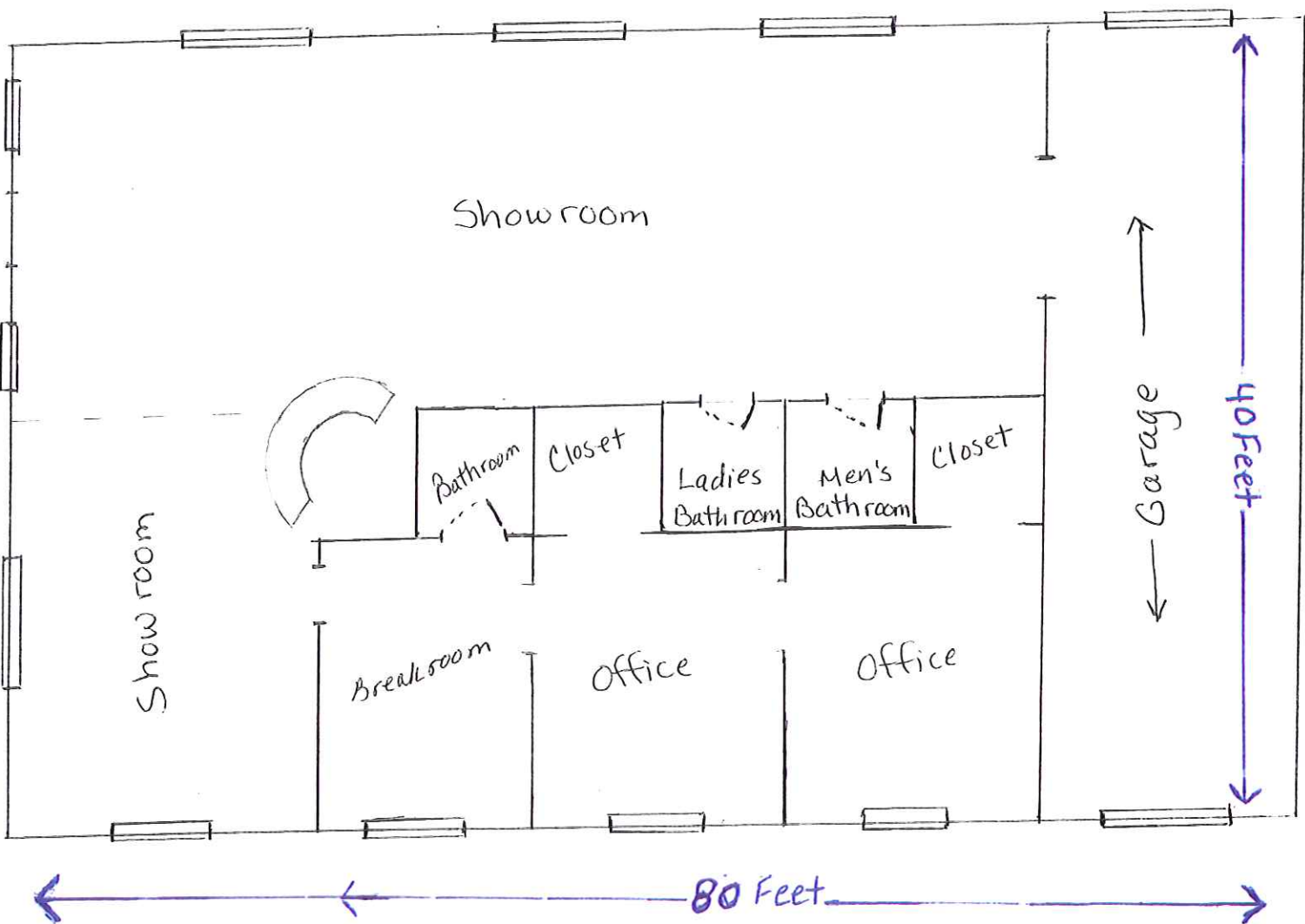
Plants

OHIO AVE



3305 OHIO AVE, DICKINSON, TX 77539

80X40 Feet



Facebook Instagram Twitter  
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#### OUR PRODUCTS

Flowers	Pine Trees
Fruit Plants	Grass
Oak Trees	Mulch
Palm Trees	Decorative Rocks

We also receive and sell dirt

#### NUESTRO PRODUCTOS

Flowers	Pinos
Plantas Frutales	Grama
Robles	Pajote
Palmas	Piedras Decorativas

Tambien recibimos y vendemos tierra



## Sec. 125-72 Commercial and Mixed Use Districts

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### Sections:

- 125-72.A. Purposes
- 125-72.B. Land Use Regulations
- 125-72.C. Development Regulations
- 125-72.D. Review of Plans

*This section establishes regulations for four commercial and mixed use district types: Neighborhood Commercial (CN), General Commercial (CG), Commercial Office (CO), and Commercial Mixed Use (CM).*

### Sec. 125-72.A. Purposes

The specific purposes of the *C Commercial and Mixed Use Districts* are to create, maintain, and enhance commercial and mixed use areas that serve as local activity centers for surrounding neighborhoods as well as regional centers serving city and area residents. Commercial and mixed use areas are typically located on or near the City's major arterial roads and represent a range of development scales and intensities that may include residential uses where appropriate. Four *C Commercial and Mixed Use Districts* are established:

- ***CN Neighborhood Commercial.*** This district is intended to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development (typically with floorplates of less than 10,000 square feet) that includes retail, services, office, eating and drinking, housing, smaller-scaled public uses, etc.
- ***CG General Commercial.*** This district reflects existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development (typically with floorplates of more than 10,000 square feet) located on the City's major arterial roads and include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.
- ***CO Commercial Office.*** This district is intended to provide for areas of large-scale integrated professional office development of quality design in a landscaped setting serving high technology, and research and development. Secondary support uses—such as business services and institutional uses—serving the development are encouraged.
- ***CM Commercial Mixed Use.*** This district is intended to provide for areas of large-scale pedestrian- and auto-oriented region-serving mixed use development that includes a mix of retail formats (both large and small), office and business services, commercial lodging, office-oriented research and development, recreation and entertainment, etc. Multi-family residential uses are permitted in this district. Development in this district will occur under a master development plan.

## **Sec. 125-72.B. Land Use Regulations**

Schedule 125-72.B below prescribes the land use regulations for *C Commercial and Mixed Use Districts*. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain limitations prescribed by the additional use regulations in Article IV, Division 1: Standards for Specific Uses. Number designations refer to the specific limitations listed at the end of Schedule 125-72.B.

"S" designates use classifications permitted after review and approval of a Special Use Permit by the City Council. These uses are also subject to certain limitations in Article IV, Division 1: Standards for Specific Uses.

Use classifications are defined in Article V, Division I: Use Classifications. In cases where a specific land use or activity is not defined, the City Planner or designee shall assign the land use or activity to a classification that is substantially similar in character. Use classifications not listed in the Schedule below are prohibited.

### ***Non-retail Sales Tax Generating Business***

Notwithstanding any provision in this chapter to the contrary, a use located in an area described by "b." below is subject to the restriction in "c." below:

- a. In this section, "non-retail sales tax generating business" shall mean a business or other nonresidential use that sells annually fewer than three (3) taxable items, as that term is defined by Texas Tax Code Section 151.010, annually at its location within this district.
- b. A non-retail sales tax generating business that locates in a newly constructed building, or a newly constructed portion of an existing building that has been added to, in these Commercial and Mixed Use Districts that has any portion of its premises, including its parking facilities, located within three hundred (300) feet of the edge of the right-of-way for Interstate 45, State Highway 96, State Highway 3, Farm to Market Road 270, Farm to Market Road 517, Farm to Market Road 2094, Farm to Market Road 518, or Farm to Market Road 646.
- c. To be located on the ground floor of any building in the area described in b. above, the use must obtain a special use permit,
- d. In this section, the term "newly constructed" means constructed pursuant to a building permit the application for which was submitted on or after January 1, 2017.



**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<b><i>Residential</i></b>					
Residential Dwellings					Refer to Section 125-90.B.
<i>Multi-Family Residential</i>	L1	—	—	L1	
<i>Single-Family Residential</i>	L1	—	—	—	
Group Residential Facilities					Refer to Section 125-90.J
<i>Assisted Living Facility</i>	P	P	P	P	
<i>Continuing Care Facility</i>	P	P	P	P	
<i>Disabled Group Dwelling</i>	P	P	P	P	
<i>Emergency Shelter</i>	P	P	P	P	
<i>Homeless Shelter</i>	—	S	—	S	
<i>Nursing Home</i>	P	P	P	P	
<b><i>Public and Semipublic</i></b>					
Clubs or Lodges	S	P	S	P	
Colleges, Public or Private	S	P	P	P	
Cultural Institutions	P	P	P	P	
Day Care	P	P	P	P	
Educational Research and Development	—	P	P	P	
Government Offices and Facilities					
<i>Large-Scale</i>	—	P	P	P	
<i>Small-Scale</i>	P	P	P	P	
Hospitals	S	P	P	P	
Parks and Recreation	P	P	P	P	
Public Maintenance Facilities	—	S	—	—	Refer to Section 125-90.D.
Public Safety Facilities	P	P	P	P	
Religious Assembly	L2	P	P	P	
Schools, Public or Private	P	P	P	P	
<b><i>Commercial</i></b>					
Alcoholic Beverage Sales					
<i>On-Premise Consumption</i>	S, L3	S, L3	S, L3	S, L3	
<i>Off-Premise Consumption</i>	—	P, L3	—	—	
Ambulance Services	—	P	P	P	
Animal Sales and Services	S	P	—	S	
Automobile/Vehicle/Equipment Sales and Services					
<i>Automobile/Vehicle/Equipment Sales and Rental</i>	—	P	—	S	
<i>Automobile Rentals</i>	L4	P	L4	P	
<i>Car Wash</i>	—	P	—	P	
<i>Gas and Service Stations</i>	—	P	—	S	
<i>Light Vehicle Service</i>	S	P	—	S	

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<i>Auto Repair and Other Heavy Vehicle Service</i>	—	S	—	—	
Banks and Other Financial Institutions	L5	P	P	P	Refer to Section 125-90.A.
Bed and Breakfast Establishment	P	P	—	P	
Building Materials Sales and Services	—	P	—	P	Refer to Section 125-90.D.
Business Services	P	P	P	P	
Catering Business	S	P	P	P	
Convention Center	—	P	P	P	
Eating and Drinking Establishments					
<i>Full Service</i>	P	P	S	P	
<i>Limited Service</i>	P	P	S	P	
<i>With Drive-Through Facilities</i>	S, L5	P	S	P	Refer to Section 125-90.A.
<i>With Live Entertainment</i>	S	P	S	S	
<i>With Outdoor Seating</i>	L6	L6	S	L6	
Food and Beverage Sales	P	P	—	P	
Home Improvement Sales and Services	L7	P	—	P	Refer to Section 125-90.C.
Hotels and Commercial Lodging					Refer to Section 125-90.F.
<i>Full Service Hotel</i>	—	P	S	S	
<i>Limited Service Hotel</i>	S	P	S	S	
<i>Residence Hotel</i>	—	P	S	S	
Laboratory, Commercial	S	P	P	P	
Maintenance and Repair Services	P	P	P	P	
Massage Establishments and Massage Services	P	P	P	P	
Nurseries and Garden Supply Stores	P	P	—	P	Refer to Section 125-90.C.
Offices	P	P	P	P	
Parking Facilities	S	P	P	P	
Pawn Shops	—	L8	—	S	
Personal Instructional Services	P	P	—	P	
Personal Services	P	P	S	P	
Recreation and Entertainment					
<i>Large-Scale</i>	S	P	S	S	
<i>Small-Scale</i>	S	P	S	P	
Recreational Vehicle Park	—	S	—	—	Refer to Section 125-90.E.
Retail Sales	P	P	—	P	Refer to Section 125-90.C.
Self-Storage	—	P	—	P	Refer to Section 125-90.D.
Undertaking, Funeral and Interment Services	S	P	—	P	



**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i>CG</i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<b><i>Industrial</i></b>					
Production Industry					
<i>Artisan</i>	S	S	S	S	Refer to Section 125-90.D.
<i>Limited</i>	—	P	—	S	
Research and Development	—	S	S	S	
Warehousing and Storage					
<i>Indoor Storage</i>	—	P	S	S	Refer to Section 125-90.D.
Wholesaling and Distribution					
<i>With Store Facilities</i>	—	P	—	P	Refer to Section 125-90.D.
<i>Non-Store Facilities</i>	—	P	S	S	Refer to Section 125-90.D.
<b><i>Transportation, Communication, and Utilities</i></b>					
Communication Towers and Structures	—	L9	L9	L9	
Transportation Facilities					
<i>Marinas, Docks</i>	P	—	—	P	
<i>Marinas, Private</i>	P	P	—	P	
<i>Marinas, Public</i>	P	P	—	P	
<i>Transportation Passenger Terminals</i>	S	P	P	P	
Utility, Minor	P	P	P	P	
<b><i>Agriculture and Extractive</i></b>					
Excavation and Mining	S	S	S	S	Refer to Chapter 98
<b><i>Pipelines, Oil and Gas Wells</i></b>					
Gas Well Drilling	S	S	S	S	Refer to Sec. 125-90.G.
Oil Well Drilling	S	S	S	S	Refer to Sec. 125-90.G.
Pipelines	S	S	S	S	Refer to Sec. 125-90.H.
Pump Stations	S	S	S	S	Refer to Sec. 125-90.I.
<b><i>Specific Use Limitations</i></b>					
L1 Permissible if not a ground floor use. The ground floor use shall not be an accessory use to the multi-family.		L2 If the total floor plate of all accessory uses exceeds 50 percent of the floor plate of the sanctuary, then a Special Use Permit is required.			
L3 Permissible if in accordance with Section 10 of the City of League City Code of Ordinances and the Texas Alcoholic Beverage Commission (TABC) Code..		L4 No outdoor storage or washing of vehicles.			
L5 If property adjoins non-residential zoning district, submit traffic impact analysis to be approved by the City Engineer and Special Use Permit is not required.		L6 Hours of operation may be limited.			

**Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts**

<i>Use Classifications</i>	<i>CN</i>	<i><b>CG</b></i>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
L7 Floorplates limited to a maximum of 10,000 square feet.					L8 Permissible if in accordance with the Texas Pawnshop Act (Texas Finance Code, Title 4, Chapter 371).
L9 Permissible if in accordance with the Communications Towers and Structures Ordinance and requires SUP.					
<b><i>Accessory Uses and Structures</i></b>				See Article IV, Division 2	
<b><i>Temporary Uses</i></b>				See Article IV, Division 3	
<b><i>Nonconforming Uses and Structures</i></b>				See Article IV, Division 7	



## Sec. 125-72.C. Development Regulations

Schedule 125-72.C below prescribes the development regulations for ***C Commercial and Mixed Use Districts***, including building scale, building form and location, pedestrian orientation, vehicle accommodation, and open space and landscaping. The letter designations in right-hand column refer to the additional regulations listed at the end of Schedule 125-72.C. Refer also to Article IV: Regulations Applicable in All or Several Districts.

### Schedule 125-72.C: Development Regulations -- Commercial and Mixed Use Districts

<i>Development Standards</i>	<i>CN</i>	<b>CG</b>	<i>CO</i>	<i>CM</i>	<i>Additional Regulations</i>
<b><i>Building Scale – Intensity of Use</i></b>					
Minimum Lot Area (sq. ft.)	5,000	10,000	10,000	25,000	
Minimum Lot Dimensions (ft.)					
<i>Width</i>	25	75	75	100	
<i>Frontage</i>	25	75	75	100	
<b><i>Building Form and Pedestrian Orientation</i></b>					
Maximum Height (ft.)	30	125	60	125	
Minimum Yards (ft.)					
<i>Front</i>	--	20	20	--	
<i>Side (Nonresidential/Residential)</i>	10/15	15/30	10/20	20/40	
<i>Street Side (Corner Lot)</i>	10	15	10	15	
<i>Rear (Nonresidential/Residential)</i>	15/20	20/40	15/30	20/40	
Maximum Lot Coverage (Percent)	90	85	80	80	(1)
Limitations on Blank Walls	Yes	Yes	Yes	Yes	(2)
Minimum Storefront Continuity (Percent)	25	25	--	25	(3)
Building Transparency (Percent)	25	25	25	25	(4)
<i>Choose Option A or B:</i>					
<u><b>Option A</b></u>					
Minimum Build-to Lines (Percent)	50	50	50	50	(5)
Location of Parking and Loading	Yes	Yes	Yes	Yes	(6)
<u><b>Option B</b></u>					
Landscape Setback (ft.)	10	10	10	10	(7)
<b><i>Open Space and Landscaping</i></b>					
Minimum Landscaped Area (Percent)	10	15	15	15	
<b><i>Other Standards</i></b>					
Accessory Uses and Structures				See Article IV, Division 2	
Off-Street Parking and Loading				See Article IV, Division 5	
Landscaping and Buffer Yards				See Article IV, Division 6	

1. **Maximum Lot Coverage.** Includes buildings, parking areas, and driveways and maneuvering areas, but excludes common open space amenities and landscaped areas.
2. **Blank Walls.** No blank walls greater than 15 feet in length, excluding garage doors, shall be permitted on all street frontages excluding alleys. Building surfaces shall include an offset, recess, or projection providing shadows or visual interest for at least 25 percent of the frontage.
3. **Storefront Continuity.** Ground floor of retail buildings shall have a storefront appearance along all street frontages excluding alleys.
4. **Building Transparency.** Ground floor of buildings shall have views into occupied space provided by windows, displays, or doors along the primary street frontage.
5. **Minimum Build-to Lines.** Ground floor of buildings shall be built to the sidewalk along the primary street frontage.
6. **Location of Parking and Loading.** Parking shall be located behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. Loading areas shall be screened so as not to be visible from public streets. Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.
7. **Landscape Setback.** A minimum 10-foot-wide landscaped area shall be located between all portions of the parking lot and the street and shall contain both (a) and (b) below:
  - a. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½ - inch caliper (15 gallons) upon installation.
  - b. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3- or 5-gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.
  - c. In lieu of a landscape hedge noted in (b) above, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.