

**ORDINANCE NO. 2014 - 09**

**AN ORDINANCE ADOPTING CHAPTER 1168, ENTITLED "LANDSCAPING, BUFFERING, AND SCREENING" OF THE CITY'S ZONING CODE TO UPDATE THE LANDSCAPING, BUFFERING, AND SCREEING REQUIREMENTS.**

**WHEREAS**, the City of Kent has been reviewing the Kent City Zoning Code for approximately five years; and

**WHEREAS**, this comprehensive process has included members of various boards and commissions, City staff, Kent City Council members, and citizens of the City of Kent; and

**WHEREAS**, the City of Kent's Planning Commission met on October 15, 2013, and by a vote of 5-0, recommended adoption of Chapter 1168, as shown as Exhibit "A"; and

**WHEREAS**, adoption of Chapter 1168 will promote the health, safety and welfare of the citizens of Kent, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto:

**SECTION 1.** That Council does hereby adopt Chapter 1168, entitled "Landscaping, Buffering, and Screening" of the Kent City Planning and Zoning Code, by adding the language attached hereto, a copy of which is marked as Exhibit "A" and incorporated herein, to said Chapter.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 02/19/2014  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2014- 09 was duly enacted on this 19 day of February, 2014, by the Council of the City of Kent, Ohio.

\_\_\_\_\_  
Clerk of Council

## EXHIBIT "A"

### CHAPTER 1168 LANDSCAPING, BUFFERING, AND SCREENING

1168.01 Purpose	1168.10 General Buffering Standards
1168.02 Applicability	1168.11 Flexibility in Requirements
1168.03 Landscaping Plan	1168.12 Types of Landscaping and Buffering
1168.04 Sight Distance	1168.13 Compliance
1168.05 Existing Vegetation	1168.14 Buffering Mixed Uses
1168.06 Landscaping Materials and Installation Standards	1168.15 Buffering Subdivisions
1168.07 Maintenance Standards	1168.16 Buffering Perimeter
1168.08 Landscaping Parking Areas	1168.17 Screening Service Structures
1168.09 Buffering	1168.18 Buffering Requirement Matrix

#### 1168.01 PURPOSE

A. The intent of this Chapter is to promote the public health, safety and welfare of the community by establishing minimum standards and requirements for the maintenance of existing natural amenities, and the design and installation of landscape improvements. Landscaping is viewed as a critical element of the physical environment contributing to the quality of aesthetics, development quality, stability of property values, and the overall improved character of the City. The standards and requirements provided by this Chapter are intended to help achieve the following functional and environmental objectives:

1. Promote the implementation of the Community Development Plans;
2. Define, articulate, and integrate outdoor spaces, architectural elements, and various site elements;
3. Promote compatibility between land uses by reducing negative physical, visual, auditory, and lighting impacts between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas;
4. Control soil erosion by slowing the effects of erosive winds and water;
5. Provide reasonable standards to bring preexisting developed sites into compliance with the requirements contained herein;
6. Recognize and preserve the aesthetic value of existing natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site;
7. Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife purposes;
8. Reduce stormwater runoff, pollution, temperature, and rate and volume of flow;
9. Establish and enhance the visual character of an area in a manner that provides pleasant aesthetics and addresses safety issues;
10. Aid in energy conservation by providing shade from the sun and shelter from the wind; and
11. Restore natural habitats through the reestablishment of native plants.

B. This Chapter provides of a set of landscaping standards and requirements for use throughout the City. These regulations address materials, placement, layout, and timing of installation.

#### 1168.02 APPLICABILITY

A. The required provisions of this Chapter shall be approved as having been met prior to the issuance of a Certificate of Occupancy for any site development, or construction or improvement of any building, structure, or vehicular use area.

- B. With the exception of individually platted single-family and two-family dwellings, this Chapter shall apply to new property development and any collective substantial expansion or improvements of existing structures involving:
1. New subdivisions;
  2. Any land dedicated for a park or public open space;
  3. Any new land use which also requires the provision of five (5) or more parking spaces; and
  4. Substantial improvements to existing land uses, but only to the extent of the alteration or expansion, and not for the entire property, unless the alteration or expansion is substantial. An alteration or expansion to an existing building or structure shall be deemed substantial based on the following criteria:

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 sq. ft.	50% or greater
1,001 - 10,000 sq. ft	40% or greater
10,001 - 25,000 sq. ft.	30% or greater
25,001 - 50,000 sq. ft.	20% or greater
50,001 sq. ft. and larger	10% or greater

**1168.03 LANDSCAPING PLAN**

- A. A separate detailed Landscaping Plan shall be submitted for any property to which this Chapter applies as part of the Site Plan or Development Plan review process.
1. When new development, or the expansion of an existing structure, involves the construction of more than seven thousand five hundred (7,500) square feet of gross floor area the applicant shall furnish a separate detailed Landscaping Plan prepared by a landscape architect in the State of Ohio; and
  2. Landscaping Plans shall show location, spacing, size, variety and other pertinent data concerning existing and proposed landscaping materials.
- B. The Landscaping Plan must be drawn at a reasonable scale to indicate all types of proposed landscape improvements at a minimum of one inch equals thirty feet (1" = 30') and shall include at least the following information:
1. North arrow and scale;
  2. Name of the applicant/owner;
  3. Name, address and phone number of the person or firm responsible for the preparation of the Landscaping Plan;
  4. Dates on which the plan was submitted or revised;
  5. All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, luminaires, underground utilities, signs, fences, dumpster locations, and other permanent features to be added to or retained on the site;
  6. All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources (Water resources include ponds, lakes, streams, wetlands, flood plains, and drainage ditches and retention areas, rivers, and any other body of water or waterway).
  7. A schedule of all new landscaping materials to be installed. The plant list shall include the common name, specified installation size, and on-center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the Landscaping Plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities of plant material required shall be referenced on the plan;

8. Locations and dimensions of existing and/or proposed streets, sidewalks, curbs and gutters, railroad tracks, paths, walkways, bikeways, and/or other impervious surfaces, in addition to illustrating natural and man-made streetscaping such as paving materials, vegetative materials, and material and design of street furniture;
9. All property lines and easements;
10. Details shall be shown for the planting of trees, shrubs and ground cover within the buffered or landscaped area;
11. Proposed irrigation fixtures shall also be shown, including, but not limited to the location and type of all sprinkler heads, the size of mainline and irrigation piping, the location and size of water meters and all valves, and the location of back flow prevention devices and irrigation controllers;
12. Location and description of any and all storm water management or low impact development techniques used in site design (i.e. rain gardens, detention/retention ponds, filter strips, et cetera); and
13. Any other information which is determined necessary by the Community Development Director or Planning Commission for adequate review of the proposal.

#### **1168.04 SIGHT DISTANCE**

All landscaped areas on corner lots and in median strips must meet the sight distance standards. Within the sight distance area, the following standards shall apply:

- A. Low shrubs, pursuant to Section 1168.06(B)(4)(b) (Shrubs and Hedges), shall be substituted for the required high shrubs or screening plant materials within sight distance areas;
- B. No tree shall be planted closer than twenty-five (25) feet to the squared sidewalk corner of a street intersection; however, trees with at least eight (8) feet of limbless trunk may be permitted within the sight distance triangle; and
- C. In the case of a street intersection, the sight triangle shall consist of the area between points thirty (30) feet along both intersecting streets from their respective edge of pavements.

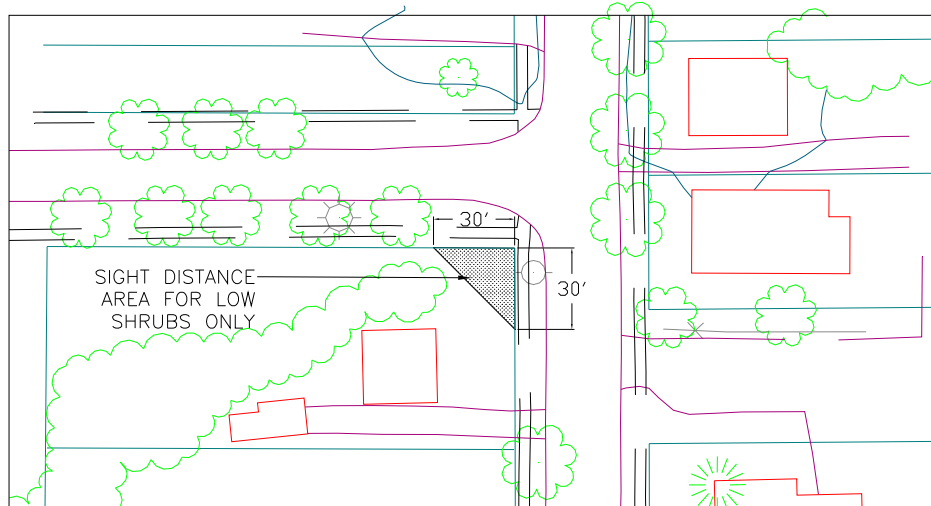


FIGURE 1168 - 1

#### 1168.05 EXISTING VEGETATION

- A. Existing landscaping or natural vegetation, as shown on a Landscaping Plan and that are in satisfactory condition, may be used to meet the standards and satisfy the requirements of this Chapter in whole or in part, if protected and maintained during the construction phase of the development;
- B. Every development to which this Chapter applies shall retain all existing trees eighteen (18) inches in diameter or more, unless during the Site Plan or Development Plan review process, it is determined by the Planning Commission that the retention of such trees would unreasonably burden the development; and
- C. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12.5) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this Subsection would unreasonably limit reasonable use of the site, as determined by the Planning Commission.

#### 1168.06 LANDSCAPING MATERIALS AND INSTALLATION STANDARDS

- A. General Standards. All plant material shall conform to the latest version of the American Standard for Nursery Stock (ANSI Z60.1). Plant material shall be of standard quality or better, true to name and type of their species or variety, and be free of disease, insects, and or damage.
  1. Alternatives to these materials that can be shown to meet both the intent and requirements of this Chapter may be approved as part of a Landscaping Plan;

2. Plant material selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site;
  3. Landscaping materials shall be installed as not to obscure traffic signs, fire hydrants, lighting, drainage patterns, or sight distance areas for the safety of ingress and egress; and
  4. All required new landscaping, screening, and buffering materials shall be installed in accordance with generally accepted nursery industry principles and procedures.
- B. Vegetative Landscaping Materials: The following items are suitable vegetation for screening use individually or in combination provided they create the desired density of screening, subject to review and approval by the Community Development Director.
1. General:
    - a. Vegetative materials used in conformance with the provision of this Section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations.
    - b. Such vegetative materials shall be obtained from established commercial licensed nursery growers and installed by licensed nursery and/or landscape contractors.
    - c. Such vegetative materials shall also be true to name and type. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the City.
  2. Grass and Ground Cover:
    - a. Grass shall be planted in species normally grown as permanent lawns. Grass species shall be selected to ensure slow growth and low water consumption whenever possible. The installation of grass shall require commercial fertilizer, 12-12-12, applied at the rate of twenty (20) pounds per one thousand (1,000) square feet. Grass seeding shall be applied at the rate of eight (8) pounds per one thousand (1,000) square feet, and shall consist of: Kentucky Blue Grass (40%); Saturn Perennial Rye (15%); Prizm Perennial Rye (15%); Manhattan 3 Perennial (15%); and Affinity Perennial Rye (15%).
    - b. Grass sod shall be clean and free of weeds and noxious pests or diseases.
    - c. Ground cover shall be provided in two and one quarter (2.25) inch peat pots, and planted a minimum of eight (8) inches on center and shall be planted in such a manner to present a finished appearance and seventy-five (75) percent coverage after one (1) complete growing season. If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material.
  3. Vines. Shall be provided in 2 year-#2 containers at planting, and are generally used in conjunction with walls, fences, or screening.
  4. Shrubs and Hedges. Shrubs and hedges shall be at least thirty-six (36) inches average in height and spread at the time of planting. Where required for buffering or screening, all shrubs and hedges shall be designed to provide a continuous, year-round, solid visual screen of the requisite level of opacity.
    - a. High shrubs must reach a mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting.

- b. Low shrubs must reach a mature height of at least three (3) feet within two (2) years after the date of the final approval of each planting.
  - c. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.
5. Trees. Planting and maintaining a diverse urban forest is the goal of the tree program to prevent an over-dependence on a few species. The trees shall be species which are resistant to insects and disease and which do not cause interference with underground utilities or street lighting. Trees shall be chosen according to the list of trees within the Urban Forest Management Plan in the City of Kent Codified Ordinances and with the approval of the City Arborist. Trees shall also be installed and maintained according to the Urban Forest Management Plan.

D. Non-Vegetative Landscaping Materials:

1. Earth Mounds. Earth mounds are preferable to walls or fencing as a physical barrier to buffer or screen views and noise. Differences in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:
  - a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Community Development Director to ensure that proper erosion prevention and control practices have been utilized;
  - b. Earth mounds shall be designed with physical variations in height and alignment throughout their length;
  - c. Landscaped plant materials shall be arranged and installed on earth mounds in an irregular pattern to accentuate the physical variations in height and alignment and achieve a more natural appearance;
  - d. The Landscaping Plan shall show sufficient detail, including a plan and profile of earth mounds, soil types and construction techniques to demonstrate compliance with the above provisions;
  - e. Earth mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto;
  - f. No part of any berm or earth form which is elevated more than eighteen (18) inches above natural grade shall be located within twenty (20) feet of any right-of-way or property line; and
  - g. Ground cover shall be used and maintained to prevent erosion of the earth mound.
2. Walls and Fences:
  - a. General:
    - (1) When walls or fences are used to fulfill screening requirements, they shall be detailed on the Landscaping Plan and subject to Planning Commission approval. They are to be of weatherproof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware.
    - (2) A fence or wall shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.
    - (3) All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
    - (4) Fences and walls shall be permitted in any required yard, or along the edge of any yard.

- b. Residential Fences:
  - (1) Fences in all residential districts which enclose property and/or are within a required side or rear yard, shall not extend toward the front of the lot nearer the building line or the required minimum front yard, whichever is greater.
  - (2) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within a residential area, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not exceed twenty-five (25) percent opacity.
- c. Accent Fences and Picket Fences. Accent fences and picket fences shall be permitted in all zoning districts if limited to four (4) feet in height as measured from grade, and if designed only to partially enclose an area and serve only an ornamental purpose.
- d. Arbors and Trellises. Arbors or trellises shall be permitted in all zoning districts. Arbors or trellises, which are detached from the building, may encroach on a required side yard, side yard which abuts a street and forward of the principal structure provided that:
  - (1) The surface of the arbor or trellis shall be at least 50% open; and
  - (2) Such arbors and trellises shall be of a size no greater than the following maximum dimensions:
    - Maximum Height 8 feet
    - Maximum Width 5 feet
    - Maximum Depth 3 feet
- e. Solid fences. Solid fences of an approved type shall be permitted in all zoning districts only in side and rear yards and/or to enclose a deck, patio, or pool. Solid fences shall not be located within a required front yard. Solid fences shall not be used to enclose the entire perimeter of the property.
- f. Brick, Stone or Masonry Walls. Brick, stone or masonry walls are permitted forward of the building line but cannot exceed three feet in height.
- g. Hedges. Hedges shall be permitted in all zoning districts. Hedges shall not be located within any no build zone, conservation zone/no disturb zone, drainage easement, floodway, flood plain or other area which would be detrimental to the public health, safety or welfare.
- h. Prohibited Fencing. Electrified, barbed wire, razor wire, and stockade fences are hereby prohibited in all zoning districts.

**1168.07 MAINTENANCE STANDARDS**

- A. All landscaping materials shall be installed and maintained according to generally accepted nursery industry procedures.
- B. The owner/lessee or responsible party of the property shall be responsible for the continued property maintenance of all landscaping materials (both vegetative and non-vegetative) and landscaped areas, and shall keep them in a proper, neat and orderly appearance, in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.
- C. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. All replacement plants shall conform to the standards that govern the original installation.
- D. All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.



- E. All non-vegetative materials used in landscaping, screening, or buffering shall be maintained in a suitable condition to continuously meet original installation standards. Any repairs or replacements needed to maintain such standards shall be made within six months of notice of violation by the Community Development Director.
- F. Violation of these installation and maintenance provisions shall be grounds for the Community Development Department to refuse a Development Permit, require replacement of the landscaping material, or institute legal proceedings to enforce the provisions of this Chapter.

**1168.08 LANDSCAPING IN PARKING AREAS**

- A. Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but also to visually interrupt the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout a parking area is required to landscape the interior of parking areas. The use of shade trees in these landscape areas is encouraged. All off-street parking areas, access drives, or other vehicle use areas shall be landscaped with plantings of grass, shrubs or trees according to the minimum requirements set forth hereunder.
- B. Screening of parking areas and service areas shall be provided through landscaping and/or ornamental walls or fences that are harmonious with adjacent development. Visual relief for parking areas greater than fifty (50) parking spaces shall be provided through the use of landscaping and trees planted on dividers, islands and around walkways.
- C. Interior Parking Areas
  - 1. Parking must be partially shaded by deciduous trees (either existing or newly planted) that have or will have, when fully mature, a trunk at least twelve (12) inches in diameter. When trees are planted to satisfy the requirements of this Subsection, the types of trees chosen shall meet the standards of the Urban Forest Management Plan.
  - 2. Each tree of the type described in Subsection A shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be a sufficient number of trees so that, using this standard, thirty (30) percent of the parking area will be shaded.
  - 3. No paving may be placed within five (5) feet (as measured from the center of the trunk) of any existing tree retained to comply with the requirements of this Chapter, and new trees planted to comply with the requirements of this Chapter shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved and pervious area.
  - 4. Parking areas shall be designed and detailed to prevent vehicles from striking trees. Parked vehicles may hang over the interior landscaped areas by no more than three (3) feet. Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration into the landscaped area.
- D. All landscaped islands within parking areas shall be irrigated to provide an adequate water source, or must otherwise be approved by the Development Engineer.
- E. The following is a simple formula for determining the number of shade trees required in and around paved parking areas in order to satisfy the shading requirements of this Section:

(1) Calculate square footage of the parking area, including internal drives and connected circulation areas:	_____ sq. ft.
(2) Multiply	X 0.30

(3) Area to be Shaded - (Total of lines 1 x 2)	_____	sq. ft.
(4) Area shaded by existing trees to be retained in and around the parking area (See Footnote 1)	_____	sq. ft.
(5) Area shaded by new trees, if any (See footnote 2)	_____	sq. ft.
(6) Subtotal:	_____	sq. ft.
(If line 6 is greater than line 3, then the shading requirement has been met. If line 6 is less than line 3, then go to line 7.)		
(7) Enter the difference between line 6 and line 3	_____	sq. ft.
(8) Divide line 7 by 707		/ 707
(9) Total number of shade trees required within the parking area =	_____	trees

Footnotes:

1. Existing trees retained in compliance with Section 1168.05 (Existing Vegetation) will be credited according to their actual crown radius. Shaded area may be calculated as follows:  $3.14 \times (\text{crown radius})^2 = \text{shaded area}$ .
2. Trees planted within the parking area are credited with shading seven hundred seven (707) square feet (based on crown radius of fifteen feet). New or existing trees on the perimeter of the parking area are credited for having only half a crown over the parking area.

**1168.09 BUFFERING**

- A. This Section provides the requirements for landscaping, landscaped buffers, walls, and/or fences to define urban spaces, and buffer less intense uses from those of greater intensity and physical impact. Required buffering and landscaping shall consist of maintained living vegetative material such as trees, shrubs, ornamental plants or non-vegetative materials such as earth mounding or fencing made of wood. This Chapter provides minimum landscaping and buffering standards for:
  1. The development of land to provide suitable buffering between incompatible land uses;
  2. Buffering from view visually undesirable uses and establishing a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the buffering. Even minimal buffering can provide an impression of separation of spaces, and more extensive buffering can shield entirely one use from the visual assault of an adjacent use;
  3. Providing more attractive views from roads and adjacent properties;
  4. Protecting, preserving and promoting the aesthetic appeal, character and value of the surrounding neighborhoods;
  5. Protection of the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and artificial light glare.
- B. The provisions of this Chapter are necessary to safeguard the public health, safety and welfare. Nothing in this Chapter shall prevent the provision of landscaping in excess of the minimums specified herein.

#### **1168.10 GENERAL BUFFERING STANDARDS**

- A. Once buffering has been approved by the Community Development Director and established by the developer, it may not be used, disturbed or altered for any purpose.
- B. A buffer area shall consist of an area within a required interior setback adjacent to a property line and having a depth equal to the amount specified in the type of buffering required and containing a length equal to the length of the property line of the abutting use or uses.
- C. A buffer area shall only be occupied by utilities, screening, sidewalks, bikeways, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an accessway has been previously approved by the City.
- D. Buffering may be located in required front, rear, and side yards.
- E. In no case shall landscaping or buffering be established so as to block the sight distance at street or drive intersections. All landscaped areas on corner lots and in median strips shall meet the sight distance standards of Section 1168.04 (Sight distance). Sight distance concerns shall be reviewed and approved as part of the Site Plan or Development Plan review process.

#### **1168.11 FLEXIBILITY IN REQUIREMENTS**

- A. Due to the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible buffering requirements. Therefore, the Planning Commission, or the permit-issuing authority acting on their behalf, may permit deviations from the presumptive requirements of this Chapter and may either require more intensive or allow less intensive buffering whenever it finds such deviations are more likely to satisfy the standards set forth in this Article without imposing unnecessary costs on the developer.
- B. Without limiting the generality of Subsection A, the Planning Commission or the permit-issuing authority may modify the presumptive requirements for:
  1. Commercial developments located adjacent to residential uses in business zoning districts;
  2. Commercial uses located adjacent to other commercial uses within the same zoning district;
  3. Vegetative and/or topographic conditions that provide a natural buffer that existed prior to the development of a property.
    - a. Every effort shall be made to retain such conditions.
    - b. In such cases, additional buffering may not be required, when provisions are made for the continued maintenance of such areas.
- C. The requirement for the installation of buffers may be waived if equivalent buffering is provided by existing or planned parks, parkways, recreation areas.
- D. Whenever the Planning Commission or the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in this Section, it shall be entered on the face of the permit the modified buffering requirement that it imposes to meet the standards set forth in this Section and the reasons for allowing or requiring the deviation.

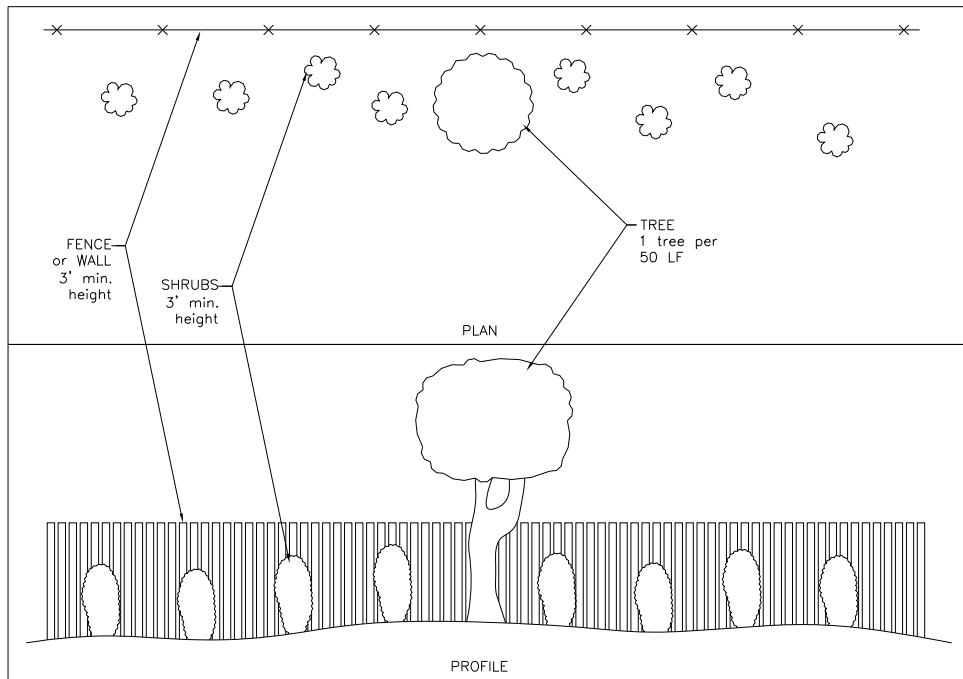
#### **1168.12 TYPES OF LANDSCAPING AND BUFFERING**

- A. General Landscaping
  1. Intent: The General Landscaping standard is a landscaped treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it may also include a mixture of trees, high shrubs, and low shrubs.
  2. Planting Patterns: The following is the standard for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area.

- a. One (1) tree is required and either two (2) high shrubs or three (3) low shrubs for every 5000 square feet of parcel area.

#### B. Buffer A

1. Intent: The Buffer A standard is a landscaped buffer which uses a combination of distance and low-level screening to separate uses or developments. The standard is applied where a low level of buffering is adequate to soften the impact of the use or development, or where it is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the uses.
2. Planting Patterns: The standard requires a screen that is partially opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least six (6) feet.
  - a. Buffering shall be located within the minimum required yard.
  - b. Fifty (50) percent opacity shall be maintained year-round;
  - c. Trees shall be planted at a ratio of one (1) tree per fifty (50) lineal feet on center and surrounded with assorted shrubbery, or as appropriate to provide a tree canopy over the landscaped area.
  - d. Ground cover plants must fully cover the remainder of the landscaped area.
  - e. A three (3) foot high masonry wall, low shrubs, fence, or a landscaped earth mound shall be used for the low level screening, along with required trees and ground cover plantings.
  - f. When applied along street lot lines, the screening, mounding, or wall is to be placed along the interior side of the landscaped area.
  - g. Compliance of planted vegetative screens or natural vegetation with the requirements of this Chapter will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.



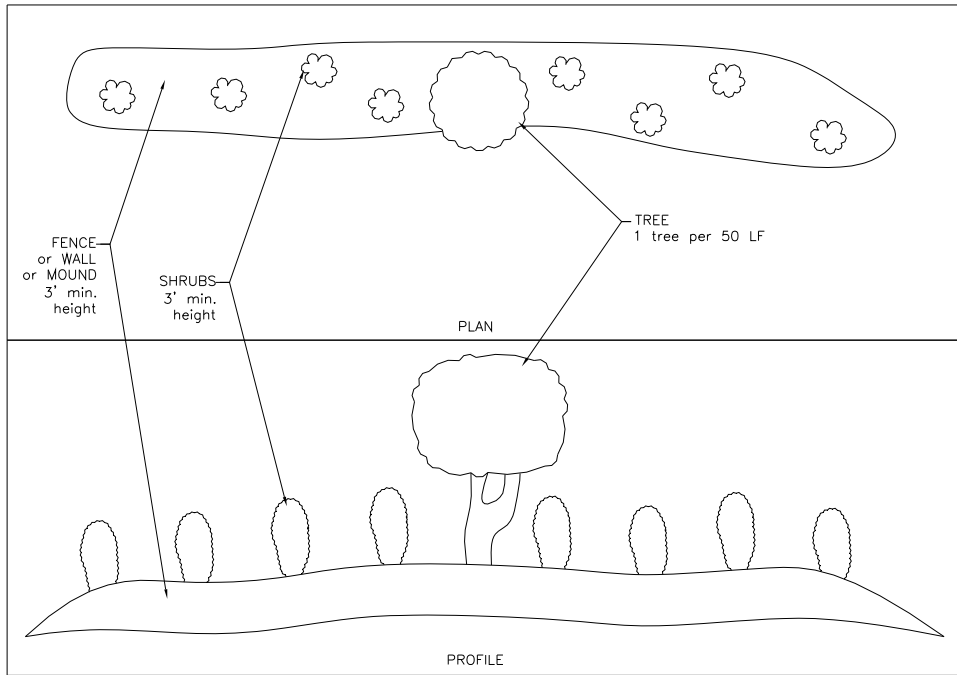
BUFFER A  
50% OPACITY

### C. Buffer B

1. Intent: The Buffer B standard is a landscaped buffer which uses screening to provide the physical and visual separation between uses or development. This buffering is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.
2. Planting Patterns: This standard requires complete (100%) opacity from the ground to a height of at least three (3) feet, another three (3) feet of partial opacity (50%), with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet.
  - a. Buffering shall be located within the minimum required yard.
  - b. Trees shall be planted at a ratio of one (1) tree per fifty (50) lineal feet on center and surrounded with assorted shrubbery, or as appropriate to provide a tree canopy over the landscaped area.
  - c. The lower opaque portion of the buffer must be opaque in all seasons of the year. A landscaped earth mound shall be used for such low level buffering. A three (3) foot masonry wall may be substituted for the required mound along with required trees and ground cover plantings. Natural materials planted on mounds shall be staggered.
  - d. A three (3) foot high partially opaque buffer composed of a fence, planted vegetation, or existing vegetation shall be installed atop the mounding to provide intermittent visual obstruction for the required partial opacity. At maturity, the portion of intermittent visual obstructions at the three (3) to six (6) foot level should not contain any completely unobstructed openings more than ten (10) feet wide. A minimum of ninety-five (95) percent opacity shall be maintained

year around. The portion of intermittent visual obstructions may contain deciduous plants.

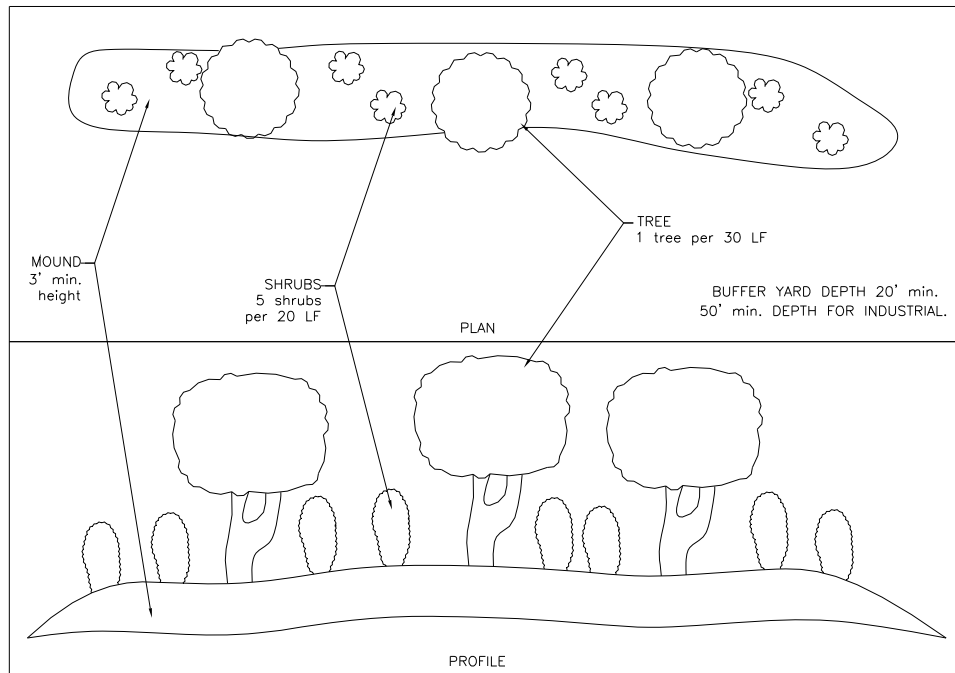
- e. Trees shall be planted as appropriate to provide a tree canopy over the landscaped area and surrounded with assorted shrubbery planted at various positions along the horizon to provide the required opacity and tree canopy over landscaped areas and/or mounding. Tall evergreen trees should be staggered, with branches touching the ground.
  - f. Compliance of planted vegetative screens or natural vegetation with the requirements of this Chapter will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.
3. Exceptions: In special instances where extensive buffering of both visual and physical impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation. In such instances, a six (6) foot high masonry wall may be substituted for the opaque screen along the interior side of the landscaped area. One (1) tree is required per fifty (50) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, intermittently planted high shrubs are required at a ratio of one (1) per thirty (30) lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.



BUFFER B  
100% OPACITY  
from the ground to a height of 3'  
50% OPACITY  
for another 3' of height  
INTERMITTENT OBSTRUCTIONS  
to a height of 20' min.

#### D. Buffer C

1. Intent: The Buffer C standard is a landscaped buffer which uses screening and mounding to provide the physical and visual separation between uses, structures, or developments. It is used in those instances where acute visual separation is required. This Buffer is intended to limit visual contact between uses and to create a strong impression of spatial separation, while retaining some degree of visibility.
2. Planting Patterns: Buffer C yards shall be a minimum of twenty (20) feet in depth, however, on a site-specific basis the Planning Commission may determine that a depth greater than twenty (20) feet shall be required. For all industrial districts located adjacent to residential districts, the minimum buffer yard depth shall be fifty (50) feet. The following minimum standards are required for this degree of buffering:
  - a. Fifty (50) percent opacity shall be maintained year-round;
  - b. The height of the required buffering shall extend to one-half ( $\frac{1}{2}$ ) the building height of structure being screened. The required level of opacity shall be maintained to a maximum height of twelve (12) feet.
  - c. One (1) canopy tree, rounded upward, for every thirty (30) linear feet of frontage.
  - d. Five (5) shrubs for every twenty (20) linear feet of frontage.
  - e. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.
  - f. Mounding along the full width of the lot shall be required.
  - g. Neither mounding, nor decorative landscape treatments shall block adequate safe distances at driveway locations and intersections.
  - h. Side yard buffer strips shall begin at the setback line and extend the full length of the lot line.



### BUFFER C

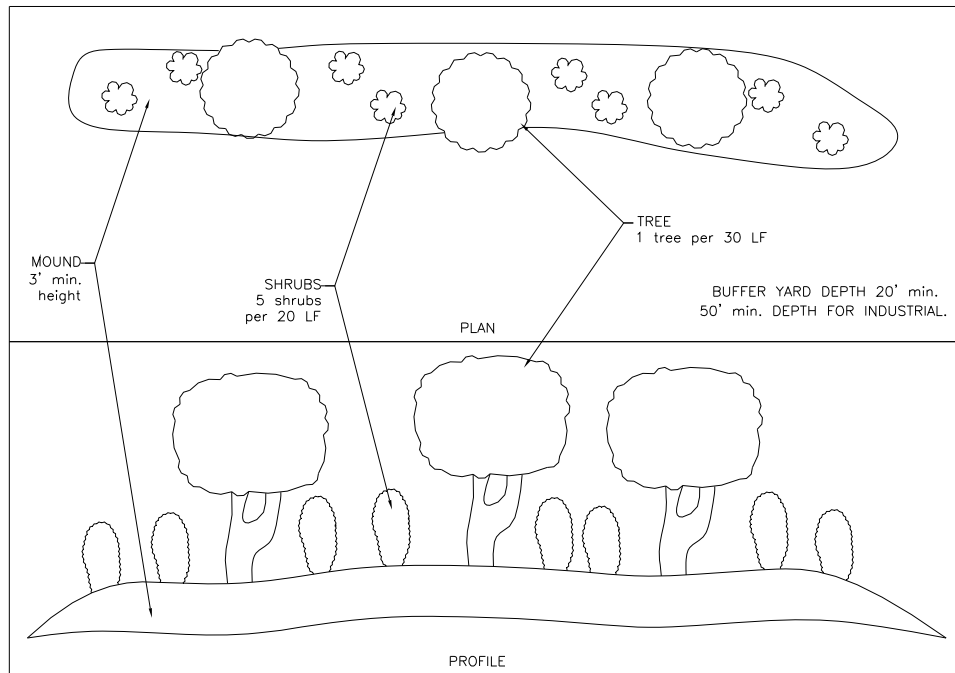
50% OPACITY year round  
for one-half the building height  
with a max. of 12'

#### E. Buffer D

1. Intent: The Buffer D standard is a landscaped buffer used when a continuous physical screen is required to prevent any visual access from one use to another. It is used in those instances where total visual separation is required.
2. General Standards: Buffering shall contain vegetative plantings and/or architectural screening which meets the following requirements:
  - a. One hundred (100) percent opacity shall be maintained year-round;
  - b. The maximum slope of any buffer yard shall be 3:1. Additional width shall be added to any portion of any buffer yard that exceeds this slope such that the minimum buffer yard width is met by land less steep than 3:1.
  - c. The height of the required buffering shall extend to one-half ( $\frac{1}{2}$ ) the building height of structure being screened. The required level of opacity shall be maintained to a maximum height of twelve (12) feet.
  - d. Buffering shall be located entirely within the lot of higher-intensity use and abutting a lot of lower-intensity use, or adjacent right-of-way. However, such buffer yard may be placed in the lot of lower-intensity use or partially on both lots if both lots and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard on the lot of lower-intensity use. When abutting a residential zoning district on the side or rear, the buffering requirements set forth in Chapter 1155.04(d) of the Zoning Code shall be used.



- e. Buffer yards shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways. A driveway required to serve the principal structure on the site may exist in the buffer yard provided that the Planning Commission determines that such driveway does not lessen the effectiveness of any required side or rear buffer yard.
  - f. Buffer yards required by this Section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the Planning Commission. If the Planning Commission, after consultation with a Certified Landscape Architect, finds any of the following circumstances exist on the proposed building site, or surrounding properties:
    - (1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this Section.
    - (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent buffering effect.
    - (3) The required buffering would be ineffective at maturity due to the proposed topography of the site and/or the location of the improvements on the site.
    - (4) The topography of adjacent and surrounding sites is such that it would render the required buffering ineffective at maturity.
  - g. When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by this Section. However, to achieve the intent of this Section, the Planning Commission may require an alternative location and design for required buffering.
3. Planting Patterns: Buffering shall be a minimum of twenty (20) feet in depth, however, on a site specific basis, the Planning Commission may determine that a depth greater than twenty (20) feet shall be required, but in no case shall defer the minimum standard. For all industrial districts and other intense land uses located adjacent to residential districts, the minimum buffer yard depth shall be fifty (50) feet.
- a. Small trees shall be planted as appropriate to provide the required level opacity and tree canopy over the landscaped areas, and surrounded with assorted shrubbery. Trees and vegetation may be grouped.
  - b. The height of the required buffering shall extend to one-half ( $\frac{1}{2}$ ) the building height of the structure being screened.
  - c. Trees shall be planted in a staggered pattern with no more than ten (10) feet between trees.
  - d. A landscaped mound may be used for screening up to a height of six (6) feet. A masonry wall may be substituted for vegetative materials up to four (4) feet. In both cases, screening shall be installed along with required trees and ground cover plantings. Natural materials planted on mounds shall be staggered.



### BUFFER D

50% OPACITY year round  
for one-half the building height  
with a max. of 12'

#### 1168.13 COMPLIANCE

- A. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

#### 1168.14 BUFFERING MIXED USES

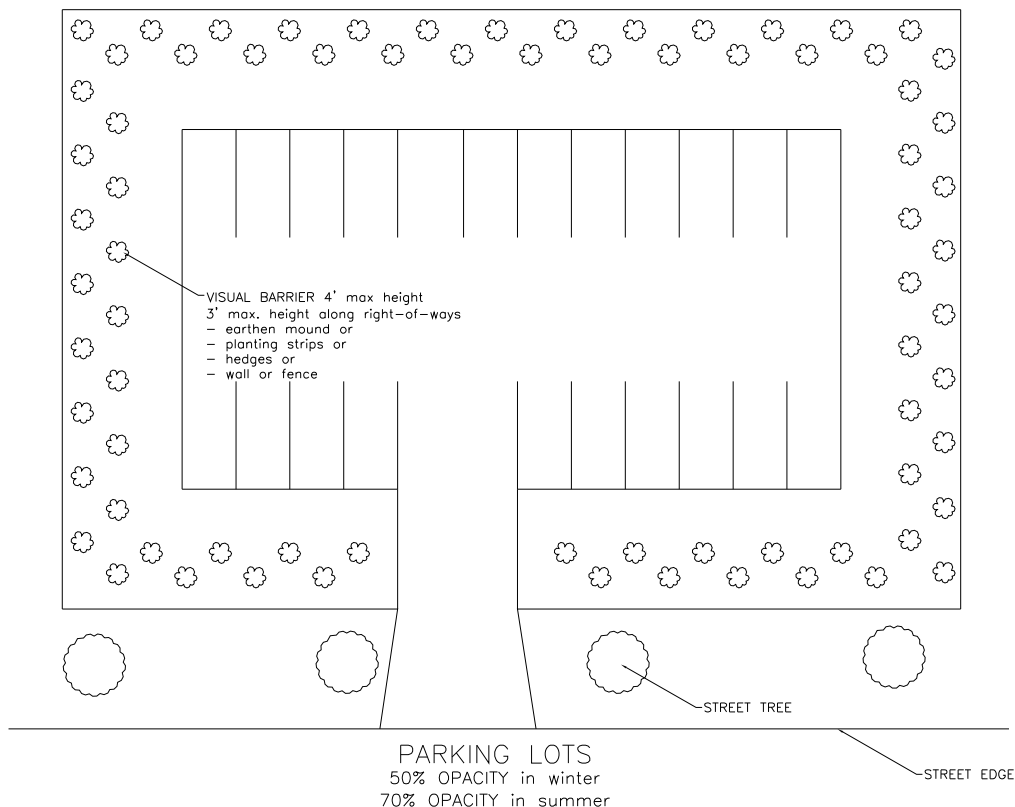
- A. In determining the buffering requirements that apply between a mixed use and another adjacent use, the Planning Commission or the permit-issuing authority shall proceed as if the principal uses that comprise the mixed use were not mixed and the most stringent of the requirements shall be applied.
- B. When two or more principal uses are combined to create a mixed use, buffering shall not be required between the component principal uses unless they are clearly separated physically and buffering is determined to be necessary to satisfy the standard set forth in this Section. Installation and maintenance requirements set forth in the Urban Forest Management Plan shall still apply accordingly.

#### 1168.15 BUFFERING SUBDIVISIONS

When undeveloped land is subdivided and only undeveloped lots are sold, the subdivider shall not be required to install any buffering. Buffering shall be required, if at all, only when the lots are developed. At such time the responsibility for installing such buffers shall be determined in accordance with the other requirements of this Chapter.

### 1168.16 BUFFERING PERIMETER PARKING AREAS

- A. When a parking area is located within twenty (20) feet of a side or rear lot line, perimeter buffering shall effectively conceal parking areas and interior driveways from adjoining property with the use of earthen mounds, planting strips, hedges, walls or fencing for visual separation from adjoining property.
- B. Buffering shall be provided, in accordance with Section 1168.12 and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).
- C. Landscaping materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, to a height of four (4) feet within four (4) years after installation.
- D. Buffering of the parking area along any right-of-way shall be partially opaque and have a maximum height of three (3) feet and shall not obstruct sight distance at drive accessways.



### 1168.17 SCREENING SERVICE STRUCTURES

- A. Service structures, including, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site, shall be screened in all zoning districts.
- B. Required screening shall include a continuous planting, hedge, fence, wall, or similar screening feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required.

- C. Screening established with plant materials shall provide seventy-five (75) percent opacity within two (2) years of planting. All other types of screening shall completely screen service structures.
- D. The minimum height of the screening material shall be one (1) foot more than the height of the enclosed structure (within two (2) years of planting) but shall not be required to exceed ten (10) feet in height.
- E. Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area, such landscaping or buffering materials may fulfill the screening requirement for that side of the service structure if that landscaping or buffering material is of an average height sufficient to meet the height requirement set out in this district.
- F. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a barrier shall be provided which will prevent damage to the screening when the container is moved or emptied.

**1168.18 BUFFERING REQUIREMENT MATRIX**

The following Buffer Requirement Matrix indicates the type of Landscaping and Buffering required between a proposed land use and an adjacent land use. To determine the type of buffering a proposed development must install, begin under the proposed use and follow that line across the page to its intersection with the adjacent use adjoins the property to be developed. For each intersecting square that contains a landscaping requirement, the developer must install the appropriate level of landscaping and buffering indicated.

- A. The proposed land use designations contained in the following Buffer Requirement Matrix are the basic land use types. The designations refer to types of buffering as described in Section 1168.12 (Types of Landscaping and Buffering) of this Chapter.
- B. If the proposed use is an existing use, but the required buffering is not in place, then such lack of buffering shall constitute a nonconforming situation, subject to all the provisions of Chapter 1169 Nonconforming Uses, Structures and Lots.

BUFFERING REQUIREMENT MATRIX			
	ADJACENT USE		
PROPOSED USE	residential	commercial	industrial
Residential -Single family/Two Family -Multi-family -Rooming house	general landscape no buffering required Buffer A Buffer A	general landscaping Buffer A Buffer A Buffer A	general landscaping Buffer C Buffer C Buffer C
Commercial -Food Establishment -Professional and Personal Services -Retail -Automotive sales and Services -Institutions	general landscaping Buffer B Buffer A  Buffer B Buffer C Buffer B	general landscaping Buffer A Buffer A  Buffer A Buffer B Buffer A	general landscaping Buffer A Buffer A  Buffer A Buffer B Buffer A
Industrial	general landscaping Buffer D	general landscaping Buffer D	general landscaping Buffer D
Parking with 50 spaces or greater	Buffer D	Buffer D	Buffer A

