

# ARTICLE X

## LANDSCAPING REQUIREMENTS

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**Section 1. PURPOSE AND APPLICABILITY**

This Article consists of a set of landscaping standards and regulations for use throughout the Township. The regulations address materials, placement, layout, and timing of installation.

1. Purpose

The intent of these regulations and requirements is to promote the public health, safety, convenience, comfort, prosperity and general welfare by establishing minimum standards for the maintenance of existing natural amenities, and design and installation of landscape improvements. Landscaping is a critical element of the physical environment contributing to: development quality; compatibility between land uses by reducing negative physical, visual, noise, and lighting impacts; slowing the effects of erosive winds and stormwater runoff pollution; preservation of existing natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site; re-establishment of native plants; energy conservation by providing shade from the sun and shelter from the wind; stability of property values; and the overall improved character of Middleton Township. The standards set forth herein define, articulate, and integrate Township planning for outdoor spaces, architectural elements, and other various site design elements.

2. Applicability

A. This section shall apply to the construction or improvement of any site, building, structure, or vehicular use, or any collective substantial improvements to existing structures, including:

1. Planned Unit Developments;
2. Any land dedicated for a public park or open space;
3. Any new development or land use which also requires the provision of five (5) or more parking spaces pursuant to Article XI (Off-Street Parking and Loading Requirements);
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 the existing structure has a gross floor area of...	A substantial expansion is an increase in gross floor area of...
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

- B. This section shall not apply to individual single-lot, single-family dwellings and two-family dwellings.
- C. Existing Landscape Material. Existing landscape material on a site that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part.

**Section 2. LANDSCAPING PLAN**

1. General.

A separate, detailed Landscape Plan shall be submitted for any property to which this Section applies including all reviews of Site Plans and Planned Unit Development Plans.

- A. When new development or the expansion of an existing structure involves the construction of more than fifty thousand (50,000) square feet of floor area, the applicant shall furnish plans prepared by a landscape architect registered in the State of Ohio.
- B. Plans shall show location, spacing, size, variety and other pertinent data concerning existing and proposed landscaping materials.

2. Requirements for Submission.

All Landscape Plans must be at a reasonable scale to indicate all types of proposed landscape improvements at a minimum scale of one (1) inch equals twenty (20) feet and shall include the following information:

- A. North arrow and scale;
- B. The name of the applicant/owner;
- C. The name, registration number, address and phone number of the person or firm responsible for the preparation of the landscape plans (if applicable);
- D. The dates on which plans are submitted or revised;
- E. All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, light standards, underground utilities, signs, fences, dumpster locations and other permanent features to be added or retained on the site;
- F. 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.);
- G. A schedule of all new landscaping materials to be installed. The plant list shall include the common names, specified installation size, and on center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the landscape plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities required shall be referenced on the plan;

- H. The locations and dimensions of existing and/or proposed streets, sidewalks, curbs and gutters, railroad tracks, paths, walkways, and/or bikeways, and illustrating natural and manmade streetscaping including paving materials, vegetative materials, and material and design of street furniture;
- I. All property lines and easements;
- J. Any other information which is determined necessary to adequately review the proposal.

### **Section 3. VISION CLEARANCE**

All landscaped areas on corner lots and in median strips must not obstruct traffic vision within a site triangle between points twenty (20) feet along both intersecting streets from their respective edge of pavement:

1. Low opacity screening and short ground cover shall be substituted for required tall and high opacity screening plant materials within vision clearance areas.
2. No tree should 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.

### **Section 4. PLANT MATERIAL AND INSTALLATION SPECIFICATIONS**

#### **1. Existing Vegetation.**

Existing landscaping or natural vegetation may be used to meet the standards contained in this Zoning Resolution, if protected and maintained during the construction phase of the development.

- A. Every development shall retain all existing trees eighteen (18) inches in diameter or more unless it is determined that the retention of such trees would unreasonably burden the development.
- B. 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 (12-½) 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.

#### **2. New Vegetation**

- A. All plant material shall be nursery grown and installed in accordance with accepted, good construction and horticultural practices. Plant material shall meet current standards set by the American Association of Nurserymen and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Code may be approved as part of a Landscaping Plan.
- B. Species 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.
- C. Grass and Ground Cover.  
Grass or ground cover shall be planted on all portions of the property not occupied by structures, vehicular use areas or other plant material. If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material. Any form of mulch shall only define a landscaped area and shall not be permitted to be installed in lieu of grass or ground cover.
  1. Grass shall be planted in species normally grown as permanent lawns selected to assure slow growth and low water consumption whenever possible. To prevent the installation of short-lived or undesirable grasses as a high percentage of the mix, the installation of grass shall require:
    - a) Seeding pursuant to the "urban mix" as set forth in the most recent edition of the ODOT Construction Materials Specifications (consisting of 35% Kentucky Bluegrass; 35% Creeping Red Fescue; 10% Annual Rye Grass; and 20% Perennial Ryegrass) or an equivalent seed mix approved in advance of installation for the area by a

- landscape designer and the Zoning Inspector, applied at the rate of six (6) pounds per one thousand (1,000) square feet;
- b) Commercial fertilizer, 12-12-12, applied at the rate of twenty (20) pounds per one thousand (1,000) square feet.
2. Ground cover shall be 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.
- D. Vines.  
Shall be at least twelve (12) to fifteen (15) inches high at planting, and are generally used in conjunction with walls, fences, or other buffering.
- E. Shrubs.  
Shrubs shall be at least twenty-four (24) inches in average height and spread at the time of planting. Where required for buffering, shrubs shall form a continuous, year-round, solid visual screen within five (5) years after planting.
- F. Trees.  
The trees shall be species which are resistant to damage and disease and which do not cause interference with underground utilities or street lighting. It is advised that a tree with an ultimate height of less than forty (40) feet be used. Evergreen trees shall be a minimum of four feet tall.
1. Preferred Deciduous Tree Species.  
The species of deciduous trees encouraged are Red Maple, Norway Maple, Sugar Maple, Sycamore Maple, Red Oak, Thornless Honey Locust, London Plane Tree, Amur Cork Tree and Sweet Gum, Buckeye, Ruby Red Horse-chestnut, European Hornbeam, Hornbeam, American Hop Horn-beam, European Linden, or any other indigenous species.
  2. Trees shall represent the best possible combinations of the following characteristics:
    - a) Diversity. Planting diversity is the goal of the tree program to prevent an overdependence on a few species. Over-use of a few species is inevitable without a conscious effort to vary plant species and families. The use of several varieties adds interest to the plantings of the Township and insures against the loss of all trees in case of an epidemic disease striking any one species. The International Society of Arboriculture's "Diversification Formula" shall be used as a guideline to prevent over planting of a single species or family. This formula states that, out of the total planting, no more than 10% should be from one family, and no more than 5% should be of one species.
    - b) Hardiness. Resistance to extreme temperatures; resistance to drought; resistance to storm damage; resistance to air pollution; and ability to survive physical damage from human activity.
    - c) Life Cycle. Moderate to rapid rate of growth; and long life.
    - d) Foliage and Branching. Tendency to branch high above the ground; wide spreading habit; and relatively dense foliage for maximum shading.
    - e) Maintenance. Resistance to pests; resistance to plant diseases; little or no pruning requirements; and no significant litter problems.
  3. Hazardous Trees.  
Trees which produce nuts, seeds, or fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects, or large root systems are prohibited where they may create a hazard to pedestrians or vehicles.
    - a) Poplar, Willow, Cottonwood, American Elm, Ailanthus, Mountain Ash, Silver Maple, Ash Leaved Maple and Oregon Maple shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three feet (3 ft.) of a pedestrian walkway or parking lot.

- b) Poplar, Willow or Cottonwood trees shall not be located within 100 feet of any public sewer or septic system.
4. Tree Planting Specifications.
- Whenever possible, planting should be done during the months of April, May, October or November. Size, balling, branching and quality of tree shall be according to U.S.A. standards for Nursery Stock Trees.
- a) Tall deciduous trees normally should not be planted closer than forty (40) feet to each other.
  - b) Present and future approaches to dwellings and garages shall be considered in location of new trees.
  - c) Tree pits shall be dug with sides approximately vertical to a depth of twenty-two (22) inches and with a diameter of thirty-six (36) inches. When rock, hard-pan, stumps and roots, and any undesirable material is encountered, the pit shall be dug a minimum nine (9) inches greater than the approximate required depth. All undesirable material shall be removed and replaced with topsoil.
  - d) New trees shall be planted at the same level or slightly higher than it had been at the nursery. Back fill used around a tree in the planting process shall be of a good quality topsoil free of stones, roots, weeds and other undesirable material. Peat moss may be mixed with topsoil backfill but under no circumstances shall dry peat moss be used in the mixing process. A saucer shall be left around the tree. Trees shall be mulched and artificially watered to stimulate good root, stem and leaf growth. Mulching shall be of well-rotted manure or wood chips within the saucer area. When wood chips are used, a commercial fertilizer shall be used prior to placement of chips.
  - (e) New trees shall be staked with a two (2) inch by two (2) inch by eight (8) foot hardwood stake or snow fence stake. A cross tie, in the form of an "X," should be installed to support the tree and tied in such a manner that the wind does not cause the tree to de-bark upon the stake. The trunk shall be wrapped to prevent sun-scald.

#### **Section 5. MAINTENANCE STANDARDS**

The owner/lessee or responsible party of the property shall be responsible for continued maintenance of all landscaping materials and areas, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Proper maintenance shall be accomplished by the following standards:

1. 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.
2. All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris.
3. All landscaped areas must be irrigated to provide an adequate water source, or must otherwise be designed to ensure the long-term survival of landscaping materials.
4. Replacement plants shall conform to the standards that govern the original installation.

#### **Section 6. BUFFERING BETWEEN INCOMPATIBLE USES**

Every commercial or industrial development which adjoins or faces a residential or institutional use or premises situated in any "R" district, including across streets and alleys, shall provide sufficient screening in all side and rear yards so that neighboring properties are buffered from any adverse external effects of that development (noise, dust, glare, etc.).

1. A buffer area consists of an area not less than ten (10) feet in width and running the length of the side and/or rear yards within a required front, rear, and side yard setback adjacent to the abutting use or uses.
2. Buffer areas shall consist of maintained living vegetative material such as trees, shrubs, ornamental plants; earth mounding or fencing made of wood that results in one hundred (100)

percent opacity to a height of six (6) feet or more within one (1) year of planting so that no rear or side service areas on the development's premises shall be visible from the ground on the neighboring property. Fences shall not exceed a maximum height of six (6) feet.

3. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an access way has been previously approved by the Township.
4. Where vegetative and/or topographic conditions that provide a natural buffer exist prior to development of a subject property, every effort shall be made to retain such conditions. In such cases, additional buffering may not be required, provided that provision is made for maintenance of such areas.
5. The requirement for the installation of buffers may be waived if equivalent buffering is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

#### **Section 7. OFF-STREET PARKING AREA LANDSCAPING AND SCREENING**

1. All off-street parking areas, access drives, or other vehicle use areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces any "R" or institutional use or any premises situated in a "R" district by a masonry wall or solid fence. Such wall or fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises shall be landscaped with grass, hardy shrubs or evergreens ground cover and maintained in good condition. In lieu of such wall or fence, linear mounding with a slope no greater than a horizontal to vertical ratio of three-to one (3:1) on a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or a dense planting of evergreen shrubs not less than four (4) feet in height may be substituted if maintained in good condition.
2. 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 to break up, visually, the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged.
  - A. The interior of any parking lot containing 30 parking spaces or more shall be landscaped. Interior landscaping shall be provided at a ratio of one shade tree for every ten parking spaces, always rounding up to the nearest whole number.
  - B. Trees for parking lot interiors shall be deciduous and capable of attaining a height of 30' and shall have at least a 2.5" caliper at the time of planting.
  - C. Landscaping and design shall be at the discretion of the applicant.
  - D. Trees for parking lot interiors shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved and pervious area.
  - E. All trees shall be maintained in healthy condition and replaced as needed.
3. No paving may be placed within twelve and one-half (12-½) feet (measured from the center of the trunk) of any existing tree retained to comply with the requirements of this Section,
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. Curbing or other wheel stops shall be provided to ensure no greater overhang or penetration into the landscaped area.

### **Section 8. LANDSCAPE STRIP REQUIREMENT**

A landscape strip shall be provided along the full front width of a commercial or industrial lot. The landscape strip shall be mounded at a slope no greater than a horizontal to vertical ratio of three-to-one (3:1) and remain unoccupied, except for landscape treatments as provided in this section, permitted signs, sidewalks, and driveways (generally perpendicular to the right-of-way line). The width of the landscape strip shall be no less than thirty (30) feet. Corner lots shall have a landscape strip of required width on both frontages.

1. Within this landscape strip, there shall be at least one (1), three (3) inch caliper deciduous tree or small flowering trees with creative placement for every twenty-five (25) feet of road frontage, along with random shrub plantings, in conformance with any similar landscaping required on adjacent lots.
2. Street Trees to be planted shall be straight-trunked and grown as a street tree in the nursery row one and three-quarter (1-3/4) inches to two (2) inches in diameter (measured one (1) foot above ground level) with a height of ten (10) to twelve (12) feet with lowest branching between four (4) and six (6) feet.
3. Earth mounds and decorative landscape treatments shall not impede visibility between the heights of three (3) feet and eight (8) feet at any point of ingress or egress on the development site.

### **Section 9. SERVICE STRUCTURE SCREENING**

Service structures shall be screened in all zoning districts. Service structures shall include, 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.

1. Required screening shall include a continuous planting, hedge, fence, 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.
2. Screening established with plant materials shall provide one hundred (100) percent opacity within two (2) years of planting. All other types of screening shall completely hide service structures.
3. 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.
4. Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area, landscaping material such as walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this district.
5. Whenever a dumpster or similar waste collection unit is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the unit is required
6. 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.