

Landscaping and Street Tree Ordinance



City of Mason, Ohio

MASON LANDSCAPING AND STREET TREE ORDINANCE

**As Adopted by City Council
May 13, 2002**

Ordinance No. 2002-061



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CHAPTER 939 LANDSCAPING AND STREET TREE ORDINANCE

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SECTION 939.01

Intent and Scope of Requirements

- A) **Intent and Purpose.** The intent of this Ordinance is to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between non-compatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

Our physical environment can have a dramatic effect upon our feelings and behavior and upon the way in which we view the behavior of others. Thus, it is also the purpose of this Ordinance to introduce changes to the physical environment to reduce crime and the fear of crime. Crime prevention through environmental design (CPTED) suggests that the form and arrangement of buildings and open spaces can either encourage or discourage crime. CPTED attempts to reduce crime and fear by reducing criminal opportunity and fostering positive social interaction among the legitimate users of a space. Three generally recognized CPTED principles will be used throughout this Ordinance: territoriality, natural surveillance, and access control.

It is further the purpose of this Ordinance to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities of nuisances. In the event there is a conflict between the requirements of this Landscape Ordinance and any other City of Mason Ordinance or regulation or with any state or federal law or regulation, the more restrictive regulation shall apply.

- B) **Minimum Requirements.** The requirements in this Ordinance are minimum requirements, and under no circumstance shall they preclude the developer and/or applicant and the Municipality from agreeing to more extensive landscaping.
- C) **Design Creativity.** Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in staggered formation depending on the designer's or Planning Commission's desired visual effect and, equally important, the intent of the Municipality to coordinate landscaping on adjoining properties. Design creativity shall not, however, be used to circumvent the minimum landscaping requirements.
- D) **Regulatory Conflicts.** This Landscape Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Landscape Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

Likewise, whenever two or more regulations contained herein apply, the most stringent requirement shall be enforced.

SECTION 939.02

Definitions

- A) **Construction of Language.** The following rules of construction apply to the text of this Ordinance:
- 1) The particular shall control the general.
 - 2) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - 3) The word “shall” or “will” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - 4) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - 5) The word “structure” includes “building”; the word “dwelling” includes “residence”; the word “lot” includes the words “plot” or “parcel”.
 - 6) The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
 - 7) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - 8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").
 - c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - 9) The terms "abutting" or "adjacent to" include property "across from", such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
 - 10) The term "this Landscape Ordinance", “this Landscape Code”, or "this Ordinance" includes this Landscape Ordinance and any amendments thereto.

11) Terms not herein defined shall have the meaning customarily assigned to them.

B) Definitions. For the purpose of this Chapter, certain terms are herewith defined.

ABORICULTURE OR TREE PRESERVATION: means and includes the treating, spraying, pruning, maintaining and any other care of work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.

ACCESS CONTROL: Access control denies or restricts access to a crime target. By controlling access we funnel people into buildings or sites at specific points that can be more easily watched. It also helps to increase the risks perceived by offenders by controlling or restricting their movement and placing them under **NATURAL SURVEILLANCE**.

ACCESSORY USE OR SERVICE STRUCTURE: means a use or structure subordinate to the principal use of the land or building on the same lot and serving a purpose customarily incidental to the principal use or structure.

BUFFER ZONE: A strip of land required between certain zoning districts and reserved for plant material, earth mounds, walls, or fencing to serve as a visual barrier (See Figure 1).

AMENITY LANDSCAPING: Any landscaping that is provided or required in addition to the screening requirements of this Ordinance to further improve the aesthetics and safety for pedestrians, guests, residents, and employees of a development.

BUILDING PERIMETER LANDSCAPING: means the required unpaved area located around a building that contains landscaping (See Figure 1).

CITY ENGINEER: The City Engineer of the City of Mason or his designated representative.

DRIPLINE: An imaginary vertical line extending from outermost circumference of the branches of the tree to the ground.

EARTH MOUND: A continuous, raised berm with sloped sides, capable of supporting live landscape materials, and with a height, width, and a slope which complies with the requirements of this Ordinance.

EPIPHYTOTIC: means the sudden and destructive development of a plant disease, usually over large areas. Corresponds to an epidemic of a human disease.

GROUND COVER: Plants grown for their low growth and spreading capabilities for the protection of soils, to prevent the growth of weeds and for aesthetic purposes.

INTERIOR LANDSCAPING: means the use of landscape materials within the vehicle use area and around the building(s) (See Building Perimeter and Vehicular Use Area Landscaping in Figure 1).

LANDSCAPE ISLAND: means any unpaved area located within or protruding into a vehicular use area that is demarcated by concrete curb or concrete curb and gutter. The area of a landscape island is measured from back of inside curb to back of inside curb.

LANDSCAPING: means any living organic plant material including trees, shrubs, flowers, ground cover, vines or grass.

LANDSCAPE BUFFER ZONE AND/OR BUFFER ZONE: means a strip of land located adjacent to any vehicular use area, road rights-of-way or along common boundaries in which the perimeter landscape requirements are to be met (See Figure1).

LANDSCAPING ADJACENT TO RIGHTS-OF-WAY: means the required unpaved area and landscape material located on private property adjacent to road and rail rights-of-way (See Figure 1).

LANDSCAPE CODE: means the Landscaping Ordinance codified as Chapter 939 of the City of Mason Code of Ordinances.

LANDSCAPE PLAN, FINAL: The final landscape plan shall include a landscape schedule, which indicates plant symbol (graphic or abbreviation), scientific and common name, installation size, quantity, and planting instructions or notes (See Figure 2).

LARGE TREE: means any tree species which normally attains a full-grown height equal to or greater than fifty feet.

MEDIUM TREE: means any tree species which normally attains a full-grown height of between thirty and fifty feet.

MUNICIPALITY: means the City of Mason, Ohio.

NATURAL SURVEILLANCE: For people to take action to defend property or to prevent crime they must be able to see illegal acts taking place. Surveillance puts the offender under threat of being observed, and therefore identified and apprehended. Natural surveillance can be very subtle: pedestrians on an adjacent pathway, a lunch counter placed at a large window facing a parking lot, a resident sitting on the front porch, etc. Residents who regularly walk through their neighborhoods or downtown provide free, natural surveillance in these areas. The intensity with which people will watch over a particular site can be very dependent on their concern for the location and on their territorial (see **TERRITORIALITY**) investment for the location.

OPACITY: means an imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property.

PARKING LOT OR STRUCTURE: An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

PARKING SPACE OR AREA: An area of land with a paved surface of asphaltic concrete or concrete, both as defined in Chapter 901 of the Codified Ordinances, suitable in thickness and size to permit the parking or storage of one motor vehicle and which area is connected by a paved driveway to street or alley of sufficient width to permit ingress and egress of an automobile or other larger motor vehicles.

PERIMETER LANDSCAPING: means the use of landscape materials within the required landscape buffer zone to achieve the required screening (See Property and Vehicular Use Area Perimeter Landscaping on Figure 1).

PERSON: means any person, corporation, partnership, company, contracting firm or other entity, including those employed by the municipality or under a contract with the municipality.

PUBLIC PLACE: means any public street, public highway, public park or any property owned or held by the Municipality within the boundaries of the Municipality.

SMALL TREE: means tree species which normally attains a full-grown height of under thirty feet.

TREE: means any tree (See Figure 3).

TERRITORIALITY: suggests that people have an innate desire, or even a compulsion, to protect or defend space (territory), which they occupy. The extent to which someone will defend territory depends on their personal investment in or responsibility for that property. Territoriality involves establishing “ownership” of space.

A well maintained space that appears to be “owned” by someone will attract legitimate law abiding users, while discouraging illegitimate or disruptive users. Conversely, a disorderly, dirty environment that appears to not be “owned” by anyone will attract disruptive persons, while discouraging use by law abiding persons. Places that are unwatched or are not cared for make excellent locations for littering, vandalism, graffiti, selling drugs, and committing robberies. Clean, well lighted places encourage positive social behaviors.

TREELAWN: means that part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic (See Figure 1).

VEHICULAR USE AREA: means any area used by vehicles, excluding lots used for single-family and two-family dwellings in the R-1 through R-4 Residential Districts.

VEHICULAR USE AREA LANDSCAPING: any landscaping required or located in landscape islands in vehicular use areas (See Figure 1).

FIGURE 1: LANDSCAPE TERMINOLOGY

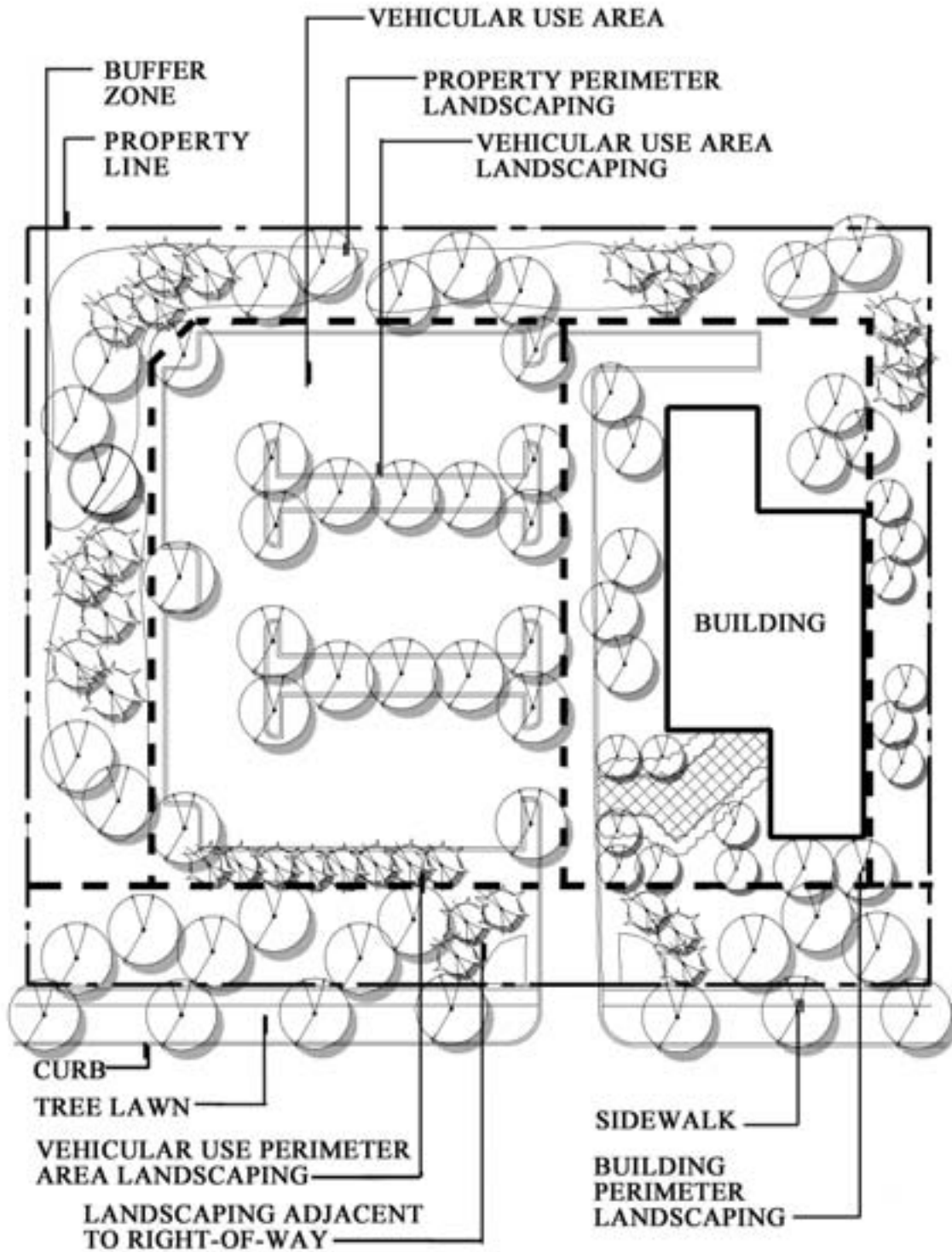
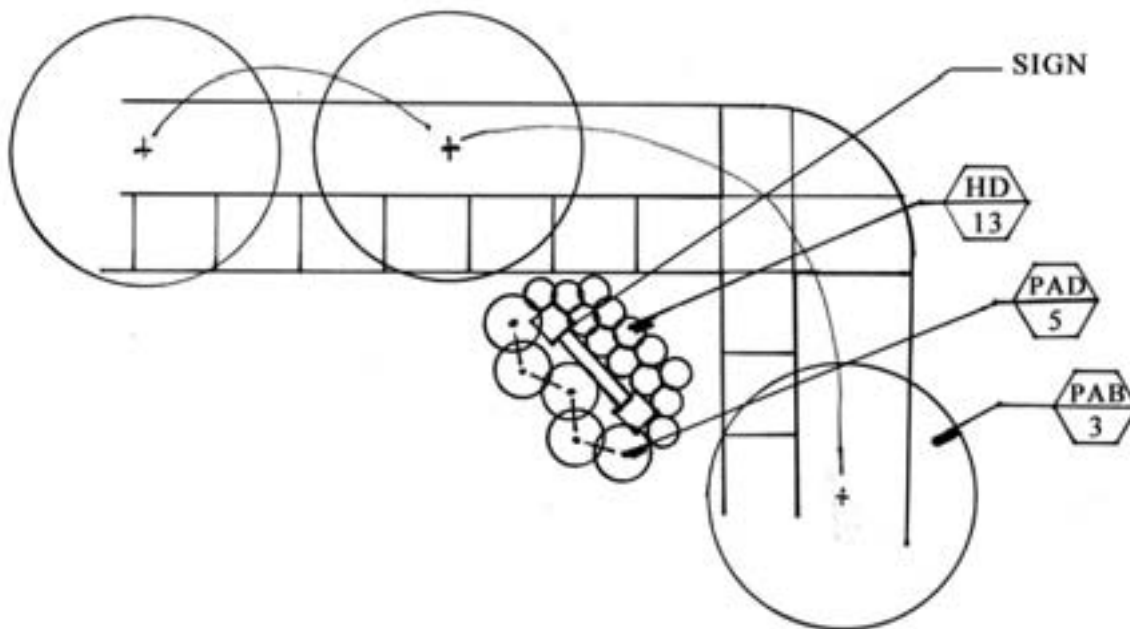


FIGURE 2: EXAMPLE OF LANDSCAPE SCHEDULE/PLANT LEGEND

SYMBOL DESCRIPTION (BOTANICAL NAME/ COMMON NAME) UNIT QUANTITY COMMENTS

SYMBOL	DESCRIPTION (BOTANICAL NAME/ COMMON NAME)	UNIT	QUANTITY	COMMENTS
HD	Hemerocallis, 'Stella D' Oro' Daylily	1 gal	13	18" o.c.
PAB	Plantanus x acerifolia, 'Bloodgood" London Planetree	2-2.5" caliper	3	Matched crowns, B&B
PAD	Pennisetum Alpecuroides, Dwarf Fountain Grass 'Hameln'	1 gal	5	24" o.c.



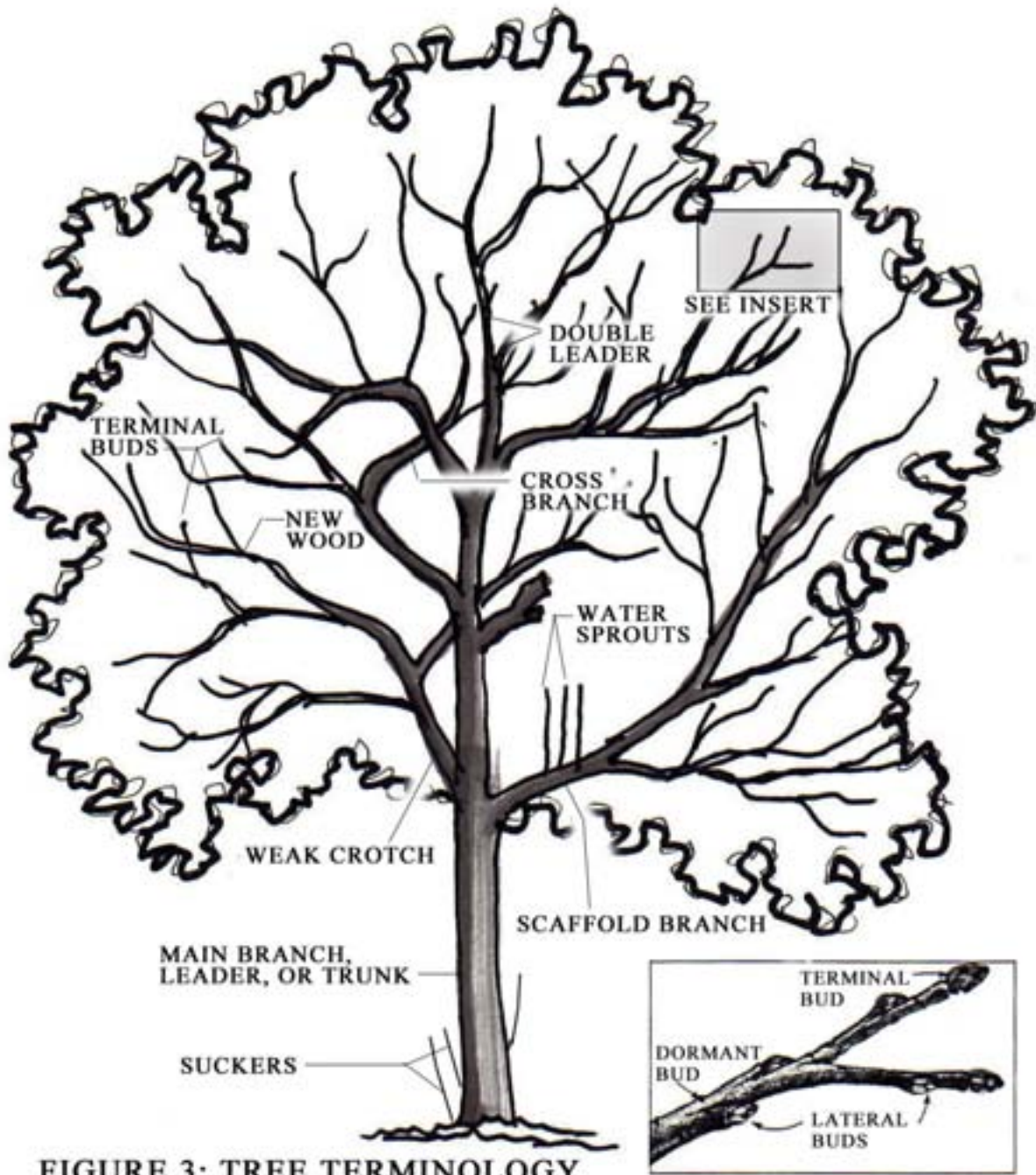


FIGURE 3: TREE TERMINOLOGY

SECTION 939.03

Sites Affected

Except as provided by this section, all property within the City is subject to the requirements of this Landscape Ordinance. The following lots and uses shall be exempt from compliance with this Chapter, or such parts as designated:

- A)** Lots in the R-1 through R-7 Residential Districts which are used for single-family or two-family dwellings, except that when such lots are approved as part of a new subdivision, all landscaping requirements found herein apply including, but not limited to: property perimeter landscaping, vehicular use area perimeter landscaping, interior landscaping for vehicular use areas and landscaping in road rights-of-way.
- B)** Any lot used for a single-family or two-family dwelling which is a valid nonconforming use in a nonresidential district.
- C)** Lots within the Downtown District, which is defined as that area bounded by Fifth Avenue on the south, the railroad on the west, properties along Main Street on the north extending to Cowan Drive and properties along Route 42 on the east extending to Kings Mills Road. This exemption shall only apply to alterations or modifications of existing structures on such lots, and new structures or development of such lots shall be done in accordance with this Landscape Ordinance.
- D)** Golf courses, parks, playgrounds and similar types of uses, except that any new golf course, park, playground or similar type of use shall provide the required parking lot and perimeter landscaping.

SECTION 939.04

General Landscape Requirements

This section describes the minimum requirements that shall be met in regard to perimeter landscaping for non-compatible land use areas, landscaping for vehicular use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of the land.

- A) **General Site Requirements.** All unpaved and unbuilt portions of any site in any zoning district shall be planted with grass, ground cover, shrubbery or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with seed or sod.
- B) **Perimeter Landscaping.** Perimeter landscaping shall include the required landscaping and buffer yard in the (1)Property Perimeter, (2) Landscaping Adjacent to Rights-of-Way, and (3) Vehicular Use Perimeter Landscaping areas. Unless otherwise provided, it is the intent that landscape materials shall be installed to provide a minimum of approximately fifty percent (50%) winter opacity and approximately seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, or earth mound immediately after installation. To achieve opacity, a continuous opaque barrier consisting of tree and hedge plantings and earth mounds or any combination thereof shall be provided where required. No single material shall be used for more than 150 lineal feet. A decorative fence or wall may be used to achieve the required opacity when and where the Planning Commission determines adequate area does not exist to plant and maintain the required landscape materials.
- 1) Property perimeter landscape requirements. Where required, the minimum landscape buffer zone requirements, including required landscaping materials and other materials and methods to achieve opacity, shall be met as required in Section 939.05 Specific Landscape Standards For Zoning Districts. See Appendix D for an illustrative example of property perimeter landscaping. The example found in Appendix D illustrates the intent of this section and not specific landscaping requirements.
- a) Landscape buffer zone. The landscape buffer zone and property perimeter landscaping required adjacent to any property under this Chapter shall be provided by the property owner. When adjacent to other common boundaries, the landscape buffer zone and property perimeter landscaping materials:
- i) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or
 - ii) Shall be placed on the applicant's property when adjoining parcels with different owners; or

- iii) May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Engineering, Building and Planning Department, as a public record; or
 - iv) Shall be placed on the parcel being processed when adjoining property is already developed, except when the applicant's property is adjacent to a freeway or arterial street prohibiting driveways or railroads; or
 - v) Shall not be required along the common boundary if the requirements of this Chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this chapter; or
 - vi) Where the requirements of this Chapter are partially met on adjoining property, the applicant or property owner shall provide the difference between the required landscaping requirements and what is provided on adjoining property; or
 - vii) In the case of a zoning or use change, the property of the newly created zone or use change will provide the buffer zone.
- b) Landscape buffer zone conflicts. The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half (2½) feet, and curbs shall be required around the perimeter of vehicular use areas. Trees shall not be planted within five (5) feet from water and sanitary sewer mains located in any buffer zone.
- c) Existing landscape material. Existing landscape material in good shape shall be shown on the required plan with provisions to protect existing trees, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the City Engineer or City Planner, such material meets the requirements and achieves the objectives of this chapter.
- 2) Landscaping adjacent to rights-of-way. Where required, the minimum landscape buffer zone area and landscape material requirements required to achieve opacity, shall be met as required in Section 939.05 Specific Landscape Standards For Zoning Districts. See Appendix D for illustrative examples of landscaping adjacent to rights-of-way. The examples found in Appendix D illustrate the intent of this section and not specific landscaping requirements.
- a) Landscape buffer zone. The landscape buffer zone and landscaping required adjacent to any road or rail right-of-way shall be placed on private property and provided by the property owner.

- b) Existing landscape material. Existing landscape material in good shape shall be shown on the required plan with provisions to protect existing trees, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the City Engineer or City Planner, such material meets the requirements and achieves the objectives of this chapter.
- c) Landscaping at driveway and street intersections. To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets (See Figures 4 & 5).

Within this sight triangle, landscape materials, fences, walls and parked vehicles are prohibited, except for required grass or ground cover. Within certain sections of the street intersection sight triangle, landscape material, structures, walls and fences shall be permitted as long as cross-visibility is maintained between a height of thirty (30) inches and five (5) feet above the lowest point of the intersecting roads (See Figures 4 & 5).

- i) Driveway intersection sight triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points (See Figure 4).
 - ii) Street intersection sight triangle. At street-intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points. Within the first twenty (20) feet of the street intersection sight triangles, no landscaping material is permitted except required ground cover. Within the portion of sight triangle that is located between twenty (20) feet and thirty-five (35) feet, trees shall be permitted only when the tree trunk is the only part of a tree that is visible between the ground and five (5) feet above the ground, or otherwise does not present a traffic visibility hazard, and low growing landscape materials, provided that the plant material does not grow any higher than thirty (30) inches tall at full maturity (See Figure 5).
- 3) Vehicular use area perimeter requirements. All vehicular use areas with five (5) or more parking spaces, including vehicular sales lots, that face any property in any zone or any public or private street right-of-way or access road or service road shall be screened from view as required in Section 939.05 Specific Landscape Standards For Zoning Districts to achieve the required opacity.

FIGURE 4: SIGHT CLEARANCE ZONES

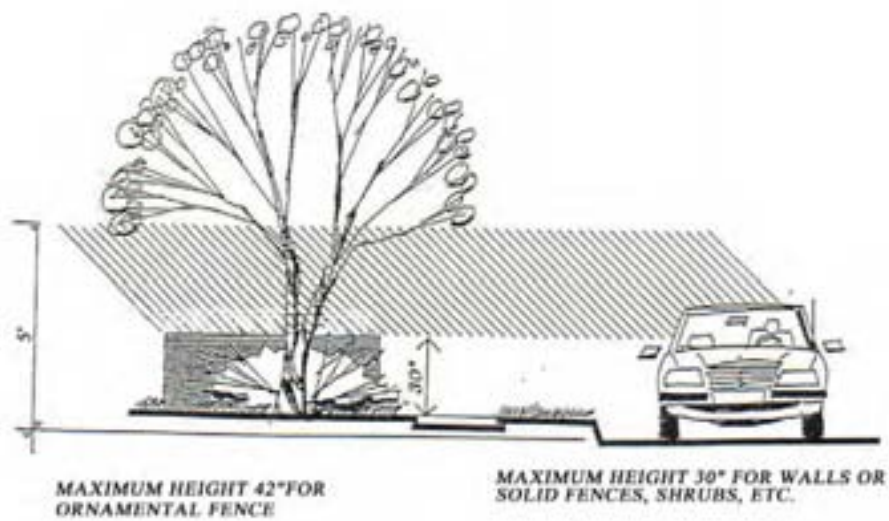
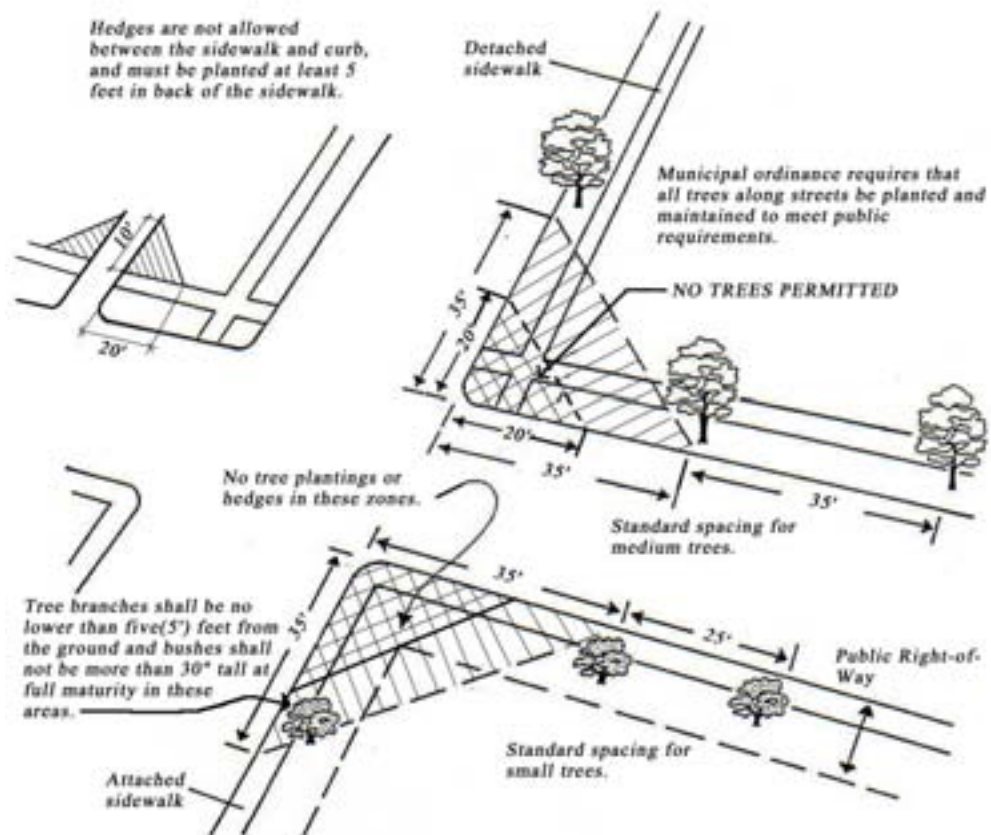


FIGURE 5: CLEAR VISION ZONES



To achieve opacity, a continuous thirty (30) inch high opaque barrier shall be provided that consist of plantings, hedges, decorative or ornamental fences, walls or earth mounds or any combination thereof.

The Planning Commission may modify or waive the vehicular use area perimeter landscaping requirements if the provided property perimeter landscaping and landscaping adjacent to rights-of-way adequately screens the parking lot from view from adjacent properties and roads.

- C) **Landscaping in Road Rights-of-Way.** Where required, trees shall be planted in the tree lawn or other required areas in road rights-of-way as required in Section 939.05 Specific Landscape Standards For Zoning Districts. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained as required in Section 939.07 Street Tree Requirements.
- D) **Interior Landscaping for Vehicular Use Areas.** Any open vehicular use area, excluding loading, unloading and storage areas in an office zone, industrial zone, or business zone, containing more than twelve (12) vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsula or island types. See Appendix D for an illustrative example of interior landscaping for vehicular use areas. The example found in Appendix D illustrates the intent of this section and not specific landscaping requirements.
- 1) **Landscape area.** For each one-hundred (100) square feet, or fraction thereof, of vehicular use area including maneuvering lanes, a minimum total of five (5) square feet of interior landscape area shall be provided.

**Sample Calculation to Determine the Minimum Landscape Area
in Square Feet in Vehicular Use Areas**¹

$$(20,000 \text{ sq. ft.} / 100 \text{ sq. ft.}) * 5 \text{ sq. ft.} = 1,000 \text{ sq. ft. minimum}$$

¹ Based on a 20,000 sq. ft. vehicular use area. Vehicular use areas include the area of vehicular use spaces and internal maneuvering aisles.

- a) **Protection.** All landscaped areas shall be protected from vehicles through the use of concrete curb. Landscape areas shall be elevated above the pavement.
- b) **Minimum dimension.** Landscape areas in vehicular use areas shall be no less than eight (8) feet in any single dimension, measured from back of curb to back of curb.

- c) Minimum area. The minimum landscape area permitted shall be 140 square feet.
- d) Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size in vehicular use areas under 30,000 square feet, and no individual area shall be larger than 700 square feet in vehicular use areas over 30,000 square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

Sample Calculations to Determine the Number of Required Landscape Areas in Vehicular Use Areas¹

1,000 sq.ft.¹ / 140 sq. ft.² = 7.14 or 7 Landscape Areas, or
 1,000 sq.ft.¹ / 350 sq. ft.³ = 2.85 or 3 Landscape Areas

¹ Based on a 20,000 sq. ft. vehicular use area [(20,000 sq ft. / 100) * 5] = 1,000 sq. ft.

² 140 sq. ft. equals the minimum area for a landscape area in this example.

³ 350 sq. ft. equals the maximum area for a landscape area in this example.

- 2) Required landscaping. A minimum of fifty (50) percent of every landscaped area within a vehicular use area shall be planted with live plant material, such as shrubs, ground cover or turf grass to a maximum height of thirty (30) inches at maturity. The remaining area of the landscaped island shall be covered with organic mulch. The following minimum is required, based upon total ground coverage of vehicular use areas:
- a) Minimum trees. One tree per 2,750 square feet of vehicular use area or part thereof, each with a minimum trunk size of 2½" caliper planted in vehicular use area islands or peninsulas. Trees shall have a clear trunk of at least five (5) feet above the ground.

Sample Calculation to Determine the Minimum Number of Trees¹

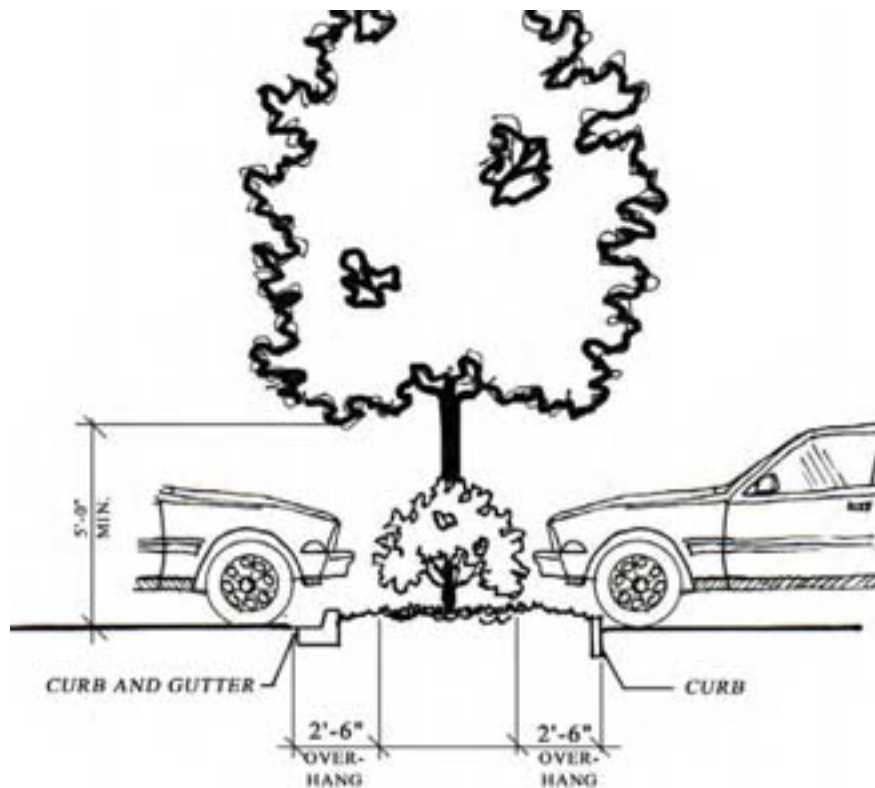
20,000 sq. ft. / 2,750 sq. ft. = 7.27 or 7 trees²

¹ Based on a 20,000 sq. ft. vehicular use area.

² Trees should be equally distributed within the required landscape areas in vehicular use areas.

- 3) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half ($2\frac{1}{2}$) feet, as long as concrete curb is provided to insure no greater overhang or penetration of the landscaped area (See Figure 6).

FIGURE 6: VEHICLE OVERHANG



- E) **Landscaping for Service Structures.** Service structures shall be screened from view from all adjacent property and zoning districts and from road rights-of-way in all zoning districts. For the purposes of this section, service structures shall include, but are not limited to, fuel tanks, dumpsters, transformers, utility vaults, which extend above the surface and other equipment or elements providing service to a building or a site, but shall not include water meter pits, and fire hydrants. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures.

- 1) Location of screening. A continuous (having one hundred percent (100%) opacity) planting, hedge, fence, earth mound, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case the above screening materials are required on all but one side. The fourth side shall also screen the service structure through the use of an opaque gate. The height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height.

Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such 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 section. The building material of the screening wall shall be compatible with the main building, and chain link fence is not a permitted screening material. No interior landscaping shall be required within an area screened for service structures.

- 2) Trash receptacle screening. Trash receptacles shall be located in side or rear yards screened on three sides by a durable material that is consistent with the building material used on the facade of the principal structure. The screen walls shall be at least six (6) feet in height or at least one (1) foot above the height of the enclosed trash receptacle. The fourth side of the trash enclosure shall be screened with a lockable opaque gate that is the same height of the other three screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls or gate. Chain link fences or gates are not permitted screening materials for trash receptacle screening. Evergreen plant materials shall be planted around the trash receptacle screen wall to further screen the trash receptacle and screen wall from view.

F) Landscape Requirements as a Screen Around Service Areas and Particular Accessory Uses.

- 1) Screening of service and storage areas. For all property which is subject to the requirements of this Ordinance, all areas used for service, storage and loading/unloading activities shall be screened from all adjacent property and public rights-of-way. Screening shall consist of continuous decorative walls, fences, natural vegetation, earth mound, or acceptable combination of these elements, provided that screening must be at least six (6) feet high or one (1) foot above the height of the structure or activity, whichever dimension is greater, and located not less than three (3) feet from the property line. Building material of the screening wall shall be compatible with materials used to construct the principal building. The provided screening shall provide one hundred percent (100%) opacity.

Fences or walls shall be located not less than twelve (12) inches from the property line. Natural vegetation shall have a minimum opaqueness of seventy five percent (75%) during full foliage when viewed from between two (2) and five (5) feet from the ground. Full opaqueness shall be achieved not more than three (3) years from immediately after planting. The use of year-round vegetation, such as pines, spruce, fir and evergreens, is encouraged. No interior landscaping shall be required within a service and storage area.

- 2) Screening and landscaping of accessory uses. In all districts, except lots used for single-family and two-family dwellings in the R-1 through R-7 Residential Districts, the following accessory uses shall be screened or landscaped so as to shield them from direct view from adjacent properties and public rights-of-way and/or to enhance their appearance:
 - a) Prefabricated metal or wood storage sheds.
 - b) Satellite dish-type antennas or receivers. Such landscaping shall consist of plantings of not less than six (6) feet in height. The use of year-round vegetation, such as pines, spruce, fir and evergreens, is encouraged.

G) Interior Landscaping Requirements. All new developments, regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

- 1) Preservation of existing landscaping materials. All trees having a trunk diameter (caliper) at breast height of six (6) inches or greater as measured four (4) and one-half (½) feet from ground level should be preserved unless such trees are exempted as follows:
 - a) Trees within public rights of way or utility easements, or a temporary construction easement as approved by the City Engineer.
 - b) Trees within the building footprint of proposed structures or within twelve feet from the perimeter of such structures.
 - c) Trees that in the judgment of the City Engineer are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.
 - d) Trees removed for necessary drainage purposes as approved by the City Engineer.
 - e) Trees within required vehicular use areas.

It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting of such trees on a lot.

- 2) Preservation of wooded areas. Effort must be made to preserve natural vegetation areas (See Figure 7). Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further required that heavily wooded areas shall be maintained as a natural areas to the greatest extent possible.

Wooded areas shall be shown on the Landscape Plan and clearing limits are to be marked and fenced off in the field according to the landscape plan before construction or clearing can begin.

- 3) Preservation of individual trees. Individual trees outside of a wooded area with a caliper of 6 (six) inches or greater, measured at breast height (4.5 feet above grade), shall be labeled on the landscape plan as either "To Be Removed" or "To Be Saved". Trees labeled "To Be Saved" on the landscape plan shall be protected from construction equipment by installing fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

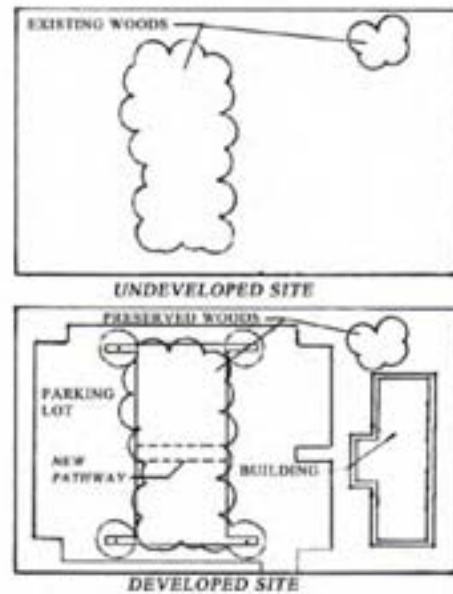


FIGURE 7: WOODLOT PRESERVATION

- 4) Building perimeter requirements. Where required, the minimum building perimeter landscape requirements, including required areas and landscaping, shall be provided next to and around the building as required in Section 939.05 Specific Landscape Standards for Zoning Districts.

Required plantings are encouraged to be located in planting beds close or adjacent to the principal building. Hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings are encouraged in the building perimeter landscape area.

- H) Crime Prevention Through Environmental Design (CPTED).** Crime Prevention Through Environmental Design (CPTED) “is proper design and effective use of the built environment which can lead to a reduction in the incidence and fear of crime and an improvement in the quality of life” (National Crime Prevention Institute, 1986).

CPTED assists in the creation and maintenance of a built environment that increases the perception of safety for a normal user and the perception of risk for a would-be offender. Four basic principals govern the CPTED program:

- 1) Natural surveillance. The placement of physical features, activities and people in such a way as to maximize visibility (e.g. the lighting of public spaces and walkways at night).

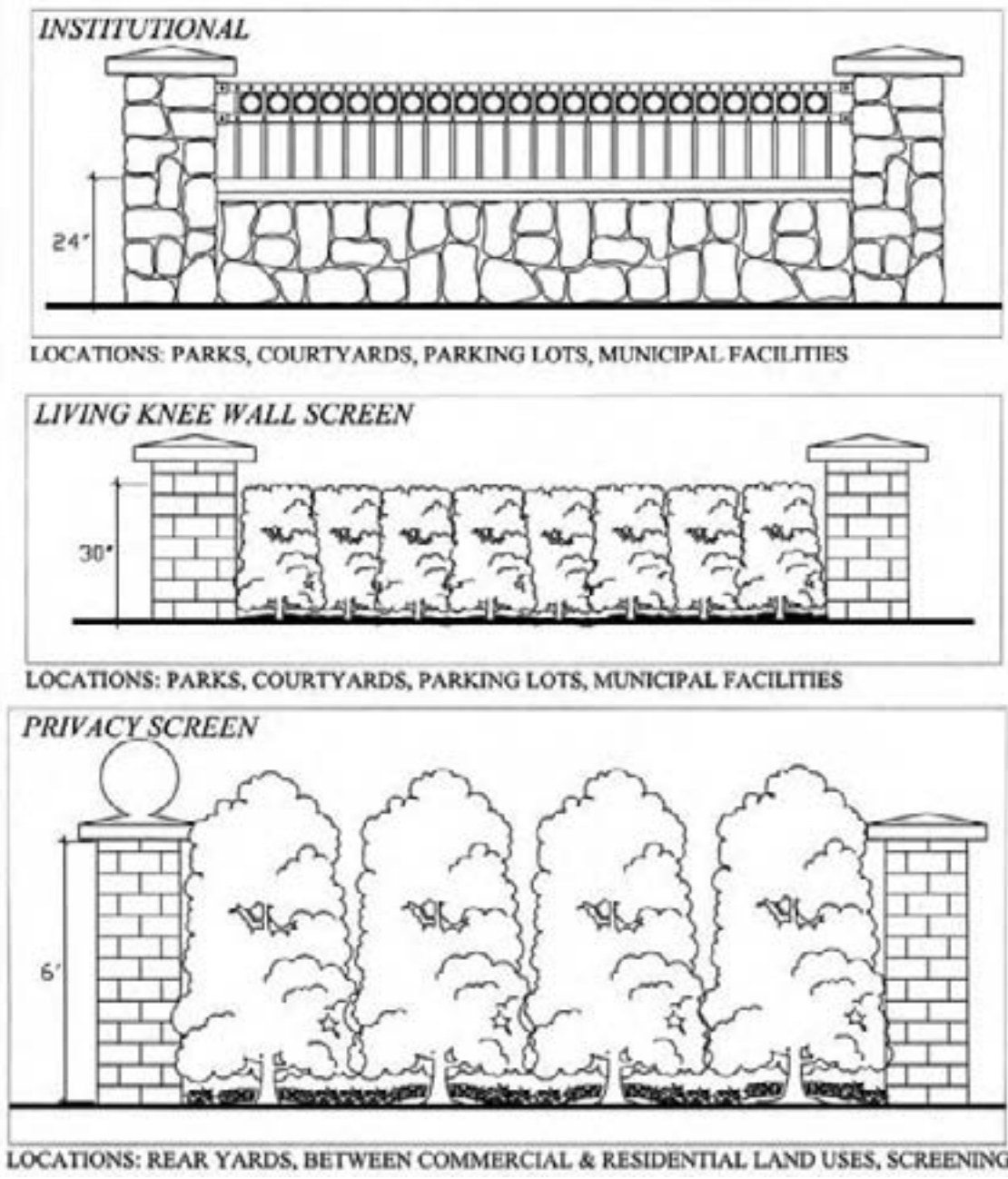
- 2) Natural access control. The physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping, and lighting.
- 3) Territorial reinforcement. The use of physical attributes that express ownership, such as fences, pavement treatments, art, signage, and landscaping.
- 4) Maintenance. Routine maintenance allows for the continued use of a space for its intended purpose and serves as an additional expression of ownership. Prevents reduction of visibility from landscaping overgrowth and obstructed or inoperative lighting.
- 5) CPTED landscaping requirements. Implementation of the CPTED principals is handled through the landscape plan and site plan review and approval process, and through building code enforcement and law enforcement assistance. The following guidelines shall be incorporated into site design review:
 - a) All landscape shrubs and hedges located adjacent to public rights-of-way shall not exceed thirty (30) inches high. This will allow for natural surveillance of the front yard, building, or home.
 - b) Landscaping above thirty (30) inches, which is directly adjacent to a bicycle path or public sidewalk, shall have a clearance zone of five (5) feet on either side of the path or sidewalk to allow for natural surveillance by pedestrians.
 - c) All landscape areas adjacent to pedestrian walkways, paths, and routes shall be well lighted to provide both a secure and aesthetically pleasing environment. Lighting shall be directed downward and shielded from adjacent residential properties and roadways.
 - d) All trees that are adjacent to buildings, walkways or sidewalks shall have a minimum of five (5) foot trunk clearance (ground to branches).
 - e) Solid barriers (brick and stone knee walls) that are used to separate public rights-of-way from parking lots and yards shall not exceed thirty (30) inches in height.

I) Urban Design Guidelines.

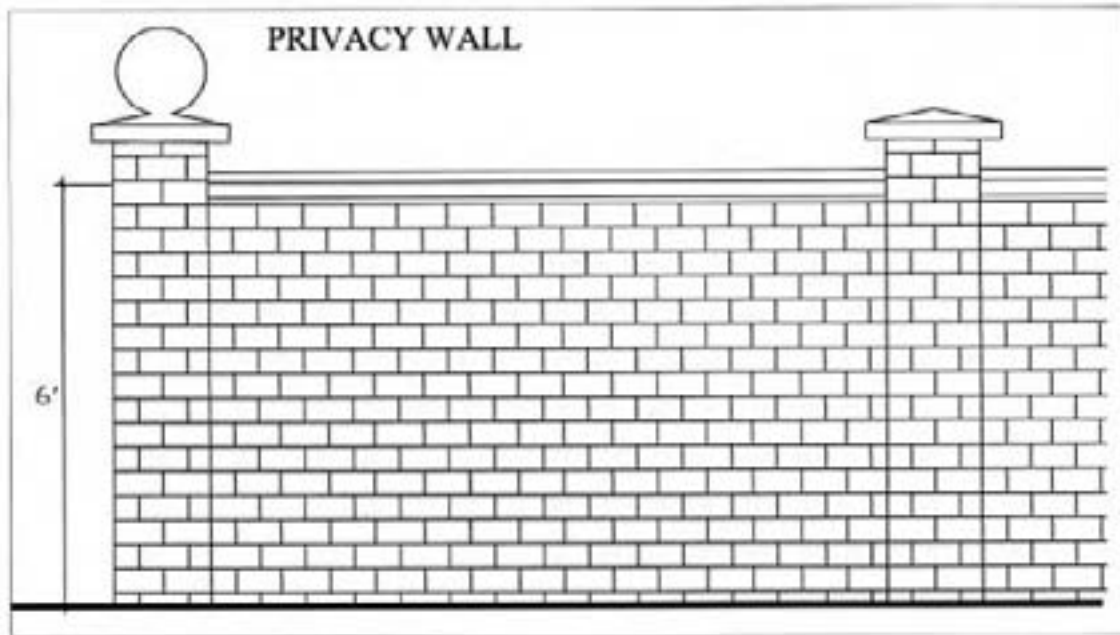
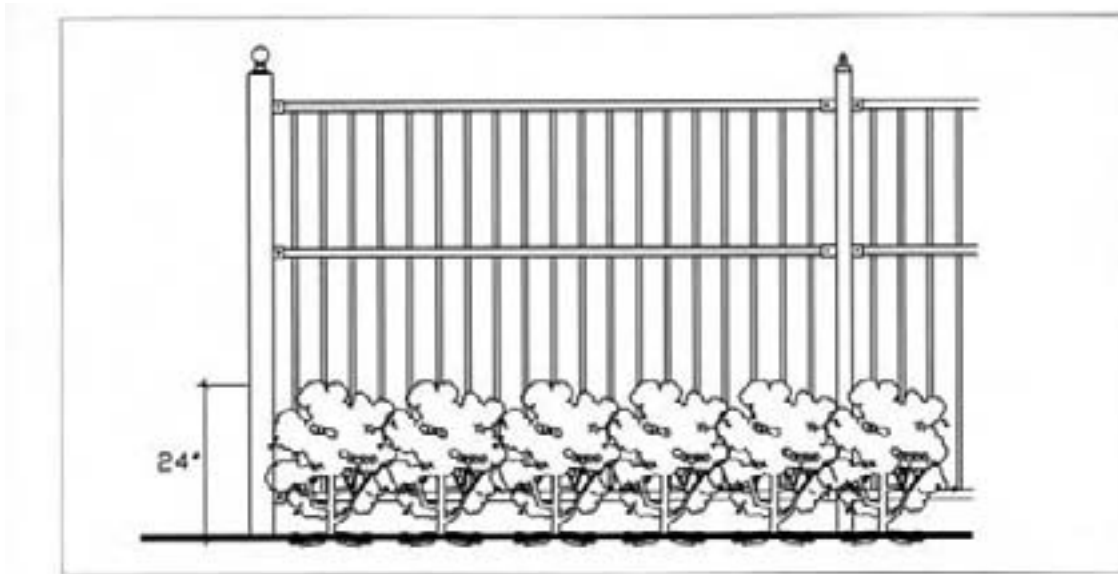
- 1) Buffers and screens. Physical buffers and visual screens between different, adjoining land uses are critical design elements that should be utilized to reduce undesirable visual impacts. In highly developed urban areas, visual screens should be a combination of structural elements (walls and fences) and non-structural, natural elements (berms and plantings) (See Figure 8).
 - a) Structural screens should appear as extensions of a building's design repeating architectural features including building materials, textures and colors.
 - b) Screening walls should not be painted, but constructed from high quality, long-lasting materials (such as brick, stone, and decorative block).
 - c) A combination of structural screens and natural landscape plant materials should be provided between parking lots and sidewalks or other pedestrian use areas.

FIGURE 8: BUFFER & SCREEN ILLUSTRATIONS

(FIGURE 8: BUFFER & SCREEN ILLUSTRATIONS, continued)



(FIGURE 8: BUFFER & SCREEN ILLUSTRATIONS, continued)



SECTION 939.05

Specific Landscape Requirements For Zoning Districts

A) R-1, R-2, R-3, and R-4 Residential Zoning District Standards.

- 1) Property perimeter landscape requirements. When housing units are developed under an approved plat in a R-1, R-2, R-3, and R-4 Residential Zoning District, the minimum property perimeter landscape requirements shall comply with the requirements found in the following table:

When development in a R-1, R-2, R-3, or R-4 Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Multiple Family, Condominium or Landominum Development or R-6 or R-7 Zoning District.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a minimum of 40% from Group D.
Mobile Home Park.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a minimum of 40% from Group D.
Any office or high-tech industrial use or O-1 or HT-1 Zoning District.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.
Any commercial use or B-1, B-2, B-3, or B-4 Zoning District.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A and B and D with a minimum of 50% from D.
Any industrial use, excluding high-tech, or I-1 or I-2 Zoning District.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/10 lineal feet of the required buffer zone or fraction thereof.	A, B, or D with a minimum of 70% from D.

(R-1, R-2, R-3 and R-4 Zoning District Standards, Continued)

- 2) Landscaping adjacent to rights-of-way. All development in the R-1, R-2, R-3 and R-4 Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in a R-1, R-2, R-3, or R-4 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Freeway, arterial or collector street.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a minimum of 10% from C and 30% from D.
Railroad.	30' wide with a continuous 6' high screen consisting of a earth mound, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or D with a minimum of 30% from D.

- 3) Building perimeter landscape requirements. One tree per 1,000 square feet, or fraction thereof, of living area or occupied area for all structures, each having a minimum of 2 ½" caliper in size. Street trees are counted in the total number of the required trees. A minimum of two (2) trees are required in the front yard, except for corner lots, which shall have four (4) trees or two (2) trees per street.
- 4) Vehicular use area perimeter requirements. Vehicular use areas located in a R-1, R-2, R-3 or R-4 Zoning District with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum vehicular use area perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a R-1, R-2, R-3 or R-4 Zoning District is adjacent to or abuts...	the buffer zone shall be...and contain...	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road or service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, or decorative wall adjacent to the side of the Vehicular Use Area that faces adjacent property and/or public or private street rights-of-way.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C

(R-1, R-2, R-3 and R-4 Zoning District Standards, Continued)

- 5) Interior landscaping for vehicular use areas. Vehicular use areas located in a R-1, R-2, R-3 or R-4 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Chapter 939.04 D).
- 6) Landscaping in road rights-of-way. Land developed in a R-1, R-2, R-3, or R-4 Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Planning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. See Appendix C for more information about tree groups. For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 939.07 Street Tree Requirements.
- 7) Requirements for non-residential uses in R-1, R-2, R-3 and R-4 Zoning Districts. Any non-residential use developed in an R-1, R-2, R-3, and R-4 Zoning Districts shall meet the following requirements:
 - a) Property Perimeter Landscape Requirements. All non-residential uses developed in the R-1, R-2, R-3 and R-4 Zoning Districts shall meet the property perimeter landscape requirements found in the following table:

When a non-residential use in a R-1, R-2, R-3 or R-4 Zoning District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with	tree groups
Any residential zoning district, use, or property.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.

- b) Landscaping adjacent to rights-of-way. All non-residential uses in the R-1, R-2, R-3 and R-4 Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

(R-1, R-2, R-3 and R-4 Zoning District Standards, Continued)

When a non-residential use is in a R-1, R-2, R-3, or R-4 Zoning District and is adjacent to or abuts...	the buffer zone shall be...and contain...	planted with...	tree groups
Freeway, arterial or collector street.	20' wide with a continuous 3' screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C or D, with a minimum of 10% from C and of 30% from D.
Railroad.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof.	1 tree/40 lineal feet of the required buffer zone or fraction thereof.	A, B or D, with a maximum of 30% from D.

- c) Building perimeter landscape requirements. There shall be building perimeter landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.
 - d) Vehicular use perimeter landscaping. Vehicular use perimeter landscaping shall be provided as required in Section 939.05 A)4) above.
 - e) Interior landscaping for vehicular use areas. Vehicular use areas located in a R-1, R-2, R-3 or R-4 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).
 - f) Landscaping in road rights-of-way. The required treelawn and street trees shall be provided as required in Section 939.05 A)6) above.
 - g) Minimum open space. At least twenty (20) percent of the site shall be maintained as landscaped open space planted with grass, ground cover, shrubs and trees.
- 8) General Development Standards. Buildings and uses in the R-1, R-2, R-3 and R-4 Single Family Residential Zoning Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following: **Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.**

B) R-6 Condominium and Landominum and R-7 Multi-Family Residential Zoning District Standards.

- 1) Property perimeter landscape requirements. Land developed in the R-6 and R-7 Zoning Districts shall meet the minimum property perimeter landscape requirements as found in the following table to achieve the required opacity.

When development in a R-6 or R-7 Zoning District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Any single family residential use or R-1, R-2, R-3 or R-4 Zoning District.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a minimum of 40% from D.
Mobile Home Park.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D, with a minimum of 40% from D.
Any office or high tech industrial use or O-1 or HT-1 Zoning District.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B, and D with a minimum of 50% from D.
Any commercial use or B-1, B-2, B-3, B-4 Zoning District.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B, and D with a minimum of 50% from D.
Any industrial use or I-1 or I-2 Zoning District.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/10 lineal feet of the required buffer zone or fraction thereof.	A, B, and D with a minimum of 70% from D.

- 2) Landscaping adjacent to rights-of-way. All development in the R-6 or R-7 Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

(R-6 and R-7 Zoning District Standards, Continued)

When development in a R-6 or R-7 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Freeway, arterial or collector street.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a minimum of 10% from C and 30% from D.
Railroad.	30' wide with a continuous 6' high screen consisting of a earth mound, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or D with a minimum of 30% from D.

- 3) Building perimeter landscape requirements. Two (2) trees shall be provided per dwelling unit. Each tree shall be a minimum of two and one-half (2½) inch caliper in size. Street trees are counted in the total required.
- 4) Vehicular use area perimeter requirements. Vehicular use areas located in an R-6 or R-7 Zoning District with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum vehicular use area perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a R-6 or R-7 Zoning District is adjacent to or abuts...	the buffer zone shall be...and contain	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, or decorative wall adjacent to the side of the Vehicular Use Area that faces adjacent property and/or public or private street rights-of-way.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C

- 5) Interior landscaping for vehicular use areas. Vehicular use areas located in a R-6 or R-7 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).

(R-6 and R-7 Zoning District Standards, Continued)

- 6) Landscaping in road rights-of-way. Land developed in a R-6 or R-7 Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Planning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree be planted for every thirty-five (35) of tree lawn or one small street tree be planted for every twenty-five (25) feet of tree lawn. See Appendix C for more information on tree groups. For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 939.07 Street Tree Requirements.

- 7) Requirements for non-residential uses in R-6 and R-7 zoning districts. Any non-residential use developed in an R-6 or R-7 Zoning District shall meet the following requirements:
 - a) Property perimeter landscape requirements.

When a non-residential use in a R-6 or R-7 Zoning District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Any residential zoning district, use, or property.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.

- b) Landscaping adjacent to rights-of-way. All non-residential development in the R-6 and R-7 Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When any non-residential use in a R-6 or R-7 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups

<p>Freeway, arterial or collector street.</p>	<p>20' wide with a 3' high continuous earth mound, evergreen planting, hedge, decorative wall, or any combination thereof.</p>	<p>1 tree/30 lineal feet of the required buffer zone or fraction thereof.</p>	<p>A, B, C or D, with a minimum of 10% from C and 30% from D.</p>
<p>Railroad.</p>	<p>30' wide with a 6' high earth mound, planting, hedge, decorative wall, or any combination thereof.</p>	<p>1 tree/40 lineal feet of the required buffer zone or fraction thereof.</p>	<p>A, B or D, with a minimum of 30% from D.</p>

- c) Building perimeter landscape requirements. There shall be building perimeter landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.
 - d) Vehicular use perimeter landscaping. Vehicular use perimeter landscaping shall be provided as required in Section 939.05 B)4).
 - e) Interior landscaping for vehicular use areas. Vehicular use areas located in a R-6 or R-7 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).
 - f) Landscaping in road rights-of-way. The required treelawn and street trees shall be provided as required in Section 939.05 B)6).
 - g) Minimum open space. At least twenty (20) percent of the site shall be maintained as landscaped open space planted with grass, ground cover, shrubs and trees.
- 8) General development standards. Developments in the R-6 Condominium and Landominum and R-7 Multi-Family Residential Zoning Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following: **Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.**

C) O-1 Office Park and HT-1 High Tech Light Industrial Zoning District Standards.

- 1) Property perimeter landscape requirements. Land developed in the O-1 or HT-1 Zoning District shall meet the minimum property perimeter landscape requirements as found in the following table:

When a development in a O-1 or HT-1 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Residential zoning district or residential use.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.
Any commercial use or B-1, B-2, B-3 or B-4 Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, and D with a minimum of 30% from D.
Any industrial use or I-1 or I-2 Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/25 lineal feet of the required buffer zone or fraction thereof.	A, B, and D with a minimum of 40% from D.

- 2) Landscaping adjacent to rights-of-way. Land developed in the O-1 or HT-1 Zoning District shall provide the minimum buffer zone and landscaping adjacent to rights-of-way as required in the following table:

When development in a O-1 or HT-1 District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Freeway, arterial or collector street.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C or D, with a minimum of 10% from C and 30% from D.
Railroad.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall or any combination thereof.	1 tree/40 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a maximum of 30% from D.

(0-1 and HT-1 Zoning District Standards, Continued)

- 3) Building perimeter landscape requirements. There shall be building perimeter landscaped areas equal to thirty (30) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.
- 4) Vehicular use area perimeter requirements. Vehicular use areas located in the O-1 or HT-1 Zoning Districts with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum vehicular use area perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a O-1 or HT-1 Zoning District is adjacent to or abuts...	the buffer zone shall be...and contain...	and provide...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C.

- 5) Interior landscaping for vehicular use areas. Vehicular use areas located in a 0-1 HT-1 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).
- 6) Landscaping in road rights-of-way. Land developed in the 0-1 and HT-1 Zoning Districts shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Planning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. Please see Appendix C for more information on tree groups. For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 939.07 Street Tree Requirements.
- 7) General Development Standards. Developments in the 0-1 Office Park and HT-1 High Tech Light Industrial Zoning Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.

D) B-1 Central Business, B-2 Shopping Center, B-3 Road Service, and B-4 Commercial Recreational Zoning District Standards.

- 1) Property perimeter landscape requirements. Land developed in a B-1, B-2, B-3, or B-4 Zoning District shall comply with the minimum property perimeter landscape requirements as found in the following table:

When development in a B-1, B-2, B-3 or B-4 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Residential zoning district or residential use.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.
Any office or high-tech light industrial use or O-1 or HT-1 Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 30% from D.
Any industrial use or I-1 or I-2 Industrial Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/25 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 40% from D.

- 2) Landscaping adjacent to rights-of-way. All development in the B-1, B-2, B-3 and B-4 Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in a B-1, B-2, B-3 and B-4 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with	tree groups
Freeway, arterial or collector street.	20' wide with a continuous 30" high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C or D, with a minimum of 10% from C.

Railroad.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, or decorative wall.	1 tree/40 lineal feet of the required buffer zone or fraction thereof.	A, B or D, with a minimum of 30% from D.
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(B-1, B-2, B-3, and B-4 Zoning District Standards, Continued)

- 3) Building perimeter landscape requirements. There shall be building perimeter landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area..
- 4) Vehicular use area perimeter requirements. Vehicular use areas located in any zoning district with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum vehicular use area perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a B-1, B-2, B-3 and B-4 Zoning District is adjacent to or abuts...	the buffer zone shall be...and contain...	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C.
Vehicular sales facility adjacent to a public or private street right-of-way, access road, or service road, except a freeway.	15' wide plus a continuous 30" high screen consisting of a continuous planting, hedge, fence, wall, or earth mound along at least 75% of the street frontage. The remaining street frontage shall include a 12" high vegetative planting adjacent to the side or sides of the vehicular use sales area that faces the public or private street.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B or C.

- 5) Interior landscaping for vehicular use areas. Vehicular use areas located in a B-1, B-2, B-3 or B-4 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).

(B-1, B-2, B-3, and B-4 Zoning District Standards, Continued)

- 6) Landscaping in road rights-of-way. Land developed in any B-1, B-2, B-3 or B-4 Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Planning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 939.07 Street Tree Requirements.

- 7) General development standards. Developments in the B-1, B-2, B-3, and B-4 Commercial Zoning Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following: **Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.**

E) I-1 Light Industrial and I-2 Industrial Zoning District Standards.

- 1) Property perimeter landscape requirements. Land developed in a 1-1 or I-2 Zoning District shall comply with the minimum property perimeter landscape requirements as found in the following table:

When development in a I-1 or I-2 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	Tree Groups
Residential zoning district or residential use.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/10 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 70% from D.
Any office or high tech industrial use or O-1 or HT-1 Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/25 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 40% from D
Any commercial use or B-1, B-2, B-3, or B-4 Zoning District.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/25 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 40% from D.

- 2) Landscaping adjacent to rights-of-way. All development in the I-1 or I-2 Industrial Zoning District shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in a I-1 and I-2 Zoning District is adjacent to or abuts a...	the buffer zone shall be...and contain...	planted with...	tree groups
Freeway, arterial or collector street.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C or D, with a minimum of 10% from C and 30% from D.

- 3) Building perimeter landscape requirements. There shall be building perimeter landscaped areas equal to thirty (30) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.

(I-1 and I-2 Zoning District Standards, Continued)

- 4) Vehicular use area perimeter requirements. Vehicular use areas located in a I-1 or I-2 Zoning District with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum vehicular use area perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a I-1 or I-2 District is adjacent to or abuts...	the buffer zone shall be...and contain...	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C.

- 5) Interior landscaping for vehicular use areas. Vehicular use areas located in a I-1 or I-2 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Section 939.04 D).
- 6) Landscaping in road rights-of-way. Land developed in a I-1 or I-2 Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Planning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. See Appendix C for more information on tree groupings. For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 939.07 Street Tree Requirements.
- 7) General development standards. Developments in the I-1 and I-2 Industrial Zoning Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following: **Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.**

F) Planned Unit Development Standards.

- 1) Purpose and intent. The purpose of this PUD landscaping section is to encourage better site design through the use of innovative and creative landscaping that: encourages innovation and diversity in landscape design and development; enhances and compliments the site and surroundings; softens large uninteresting building walls and facades; breaks-up large expanses of pavement; promotes safe and functional off-street vehicular and pedestrian circulation; improves the visual and aesthetic quality of the development and community; and augments and preserves natural landscaping to the greatest extent possible. Further, flexibility in landscape design is encouraged in Planned Unit Developments in order to achieve a higher quality design and built environment than can be achieved through conventional zoning.
- 2) Applicable base regulations. Unless waived or modified in accordance with Section 939.05 F)3) below, Planned Unit Developments shall meet the landscape requirements contained in this Ordinance and the Land Planning Criteria (Section 1161.3) of Chapter 1161 Planned Unit Development District and the goals and requirements of the City of Mason Comprehensive Plan.

Planned Unit Development with mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most restrictive requirements shall apply.

- 3) Regulatory flexibility. To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the landscape regulations may be permitted, subject to review and approval by the Planning Commission. Modifications should not be granted to circumvent the minimum requirements, intent, purpose or spirit of this ordinance; rather, modifications may be permitted only if they result in a higher quality of development than would not be otherwise possible.
- 4) PUD landscaping design standards. In addition to the minimum landscaping required herein, the following design standards shall be incorporated into Planned Unit Developments landscaping plans.
 - a) Property perimeter landscaping timing. Commercial, office, industrial, multiple-family residential and mixed use Planned Unit Developments shall provide Property Perimeter Landscaping adjacent to any single-family residential district before buildings are erected, excluding building foundations, unless building construction commences outside of the normal planting season.

(Planned Unit Development Landscape Standards, Continued)

- b) Irrigation. Irrigation systems are strongly recommended for all landscape areas. All irrigation water shall be retained on-site. Run-off shall collect in swales or run to larger holding areas, catch basin, other landscaped areas or drywell.
- c) Vehicular use area.
- i) General. Interior portions of vehicular use area which are not specially designed as parking spaces or maneuvering lanes shall be planted and permanently maintained with trees and shrubs, and finished with ground cover.
- ii) Termination of parking rows. Each row of interior parking spaces shall be terminated at each end by a landscape island, which shall be a minimum of 160 square feet with a minimum dimension of eight (8) feet. A tree shall be planted in each required landscape island.
- iii) Maximum number of continuous parking spaces. To provide a break from long, uninterrupted rows of parking spaces, Planned Unit Developments shall exhibit one of the following standards:
- A landscape area shall be provided for every twelve (12) continuous parking spaces, which has a minimum dimension of eight (8) feet and a minimum area of 150 square feet. One tree shall be planted for each landscape area; or
- As an alternative to the above standard, a landscape area with a minimum width of five (5) feet can be provided between two rows of parking that runs the entire length of the parking row. If this alternative is chosen, every other double row of parking shall have a landscape median. One (1) tree shall be planted for every 30 lineal feet of required landscape median.
- d) Building perimeter landscaping. A ten (10) foot wide planting strip is required between the building and the vehicular use area along fifty (50) percent of the length of the facade and any building walls visible from adjacent road rights-of-way. Such landscape area shall be planted with a variety of trees, shrubs, grasses, vines, perennials and annuals. Deciduous trees may be integrated into the sidewalk adjacent to the building, instead of the planting strip, to emulate street trees.

For commercial developments with 30,000 square feet of gross floor area or more, thirty (30) percent of the required deciduous trees shall be enlarged at least one (1) inch in caliper and evergreen trees shall be enlarged at least one (1) foot in height.

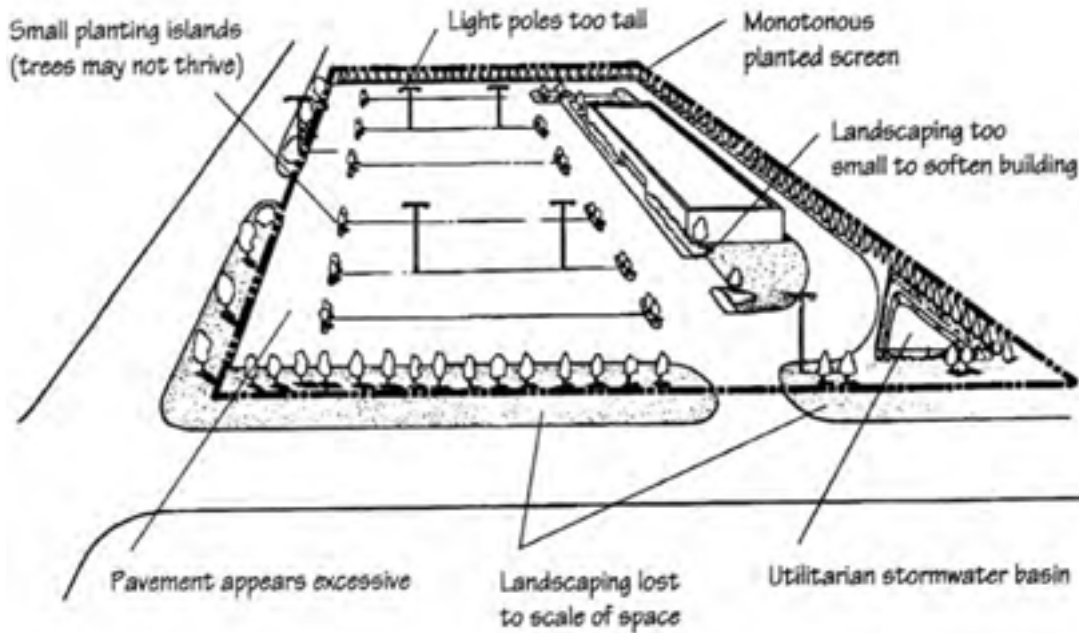
(Planned Unit Development Landscape Standards, Continued)

- e) Pedestrian amenity landscape areas. Pedestrian amenity landscaping is any landscaping that further enhances the visual appeal of the development and community and benefits residents, guests, employees or patrons of the development. Examples include, but are not limited to public assembly areas including: plazas, formal gardens, patios, playgrounds and courtyards; decorative and natural looking water features and fountains; and pedestrian walkways and sidewalks made of decorative materials and colors. Each area shall provide benches and other amenities designed to attract pedestrians as a place to rest, congregate and socialize. Each planned development shall have two or more of the above mentioned or other amenity landscaping.

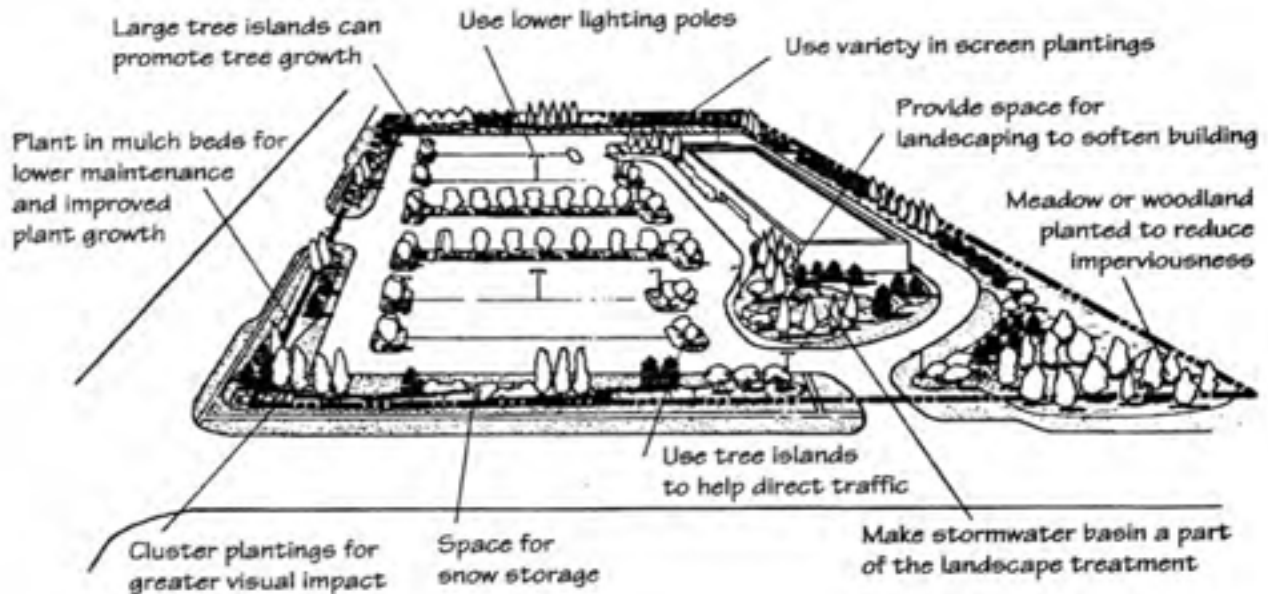
- 5) General development standards. Developments in the PUD Planned Unit Development Zoning District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following: **Section 939.04 General Landscaping Requirements, Section 939.06 Landscape Materials and Section 939.07 Street Tree Requirements.**

Figure 9 demonstrates the design creativity that is expected in a Planned Unit Development landscaping plan. It demonstrates the difference between a conventional landscape plan and a Planned Unit Development landscape plan. Figure 9 is a illustrative only and neither graphic in Figure 9 represents required or specific landscaping requirements found in this Ordinance.

FIGURE 9: EXAMPLE OF CONVENTIONAL AND PUD LANDSCAPE PLANS



Example Conventional Landscape Plan
Example Planned Unit Development Landscape Plan



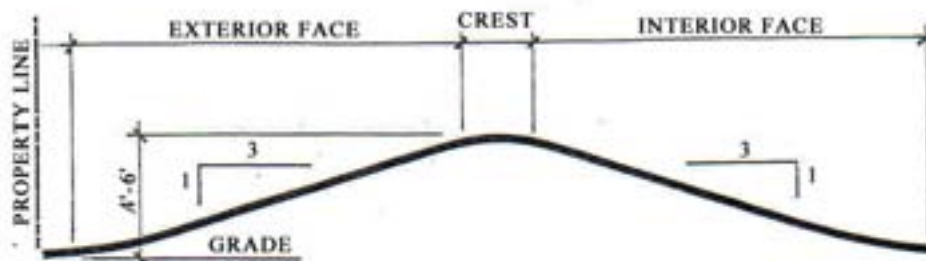
Graphic Source: SEMCOG. 1994. Land Use Tools and Techniques: A Handbook for Local Communities. Detroit, MI.

SECTION 939.06 Landscape Materials

The required and proposed landscape materials shall complement the form of the existing trees and plantings, as well the development's general design and architecture. The type of shade or sun shall be considered in selecting plant materials.

- A) **Earth Mounds.** Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.
- 1) **Dimensions.** The height of the required earth mound shall be measured from: (1) existing grade located next to but not on the earth mound when provided next to a common property line; (2) the grade of the parking lot when used to screen vehicular use areas; and (3) from the centerline of the road or center of the railroad tracks when used to screen property from adjacent rights-of-way. Earth mounds shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with a preferable two (2) foot wide crest on top of the mound (See Figure 10). Earth mounds may undulate in height and from side-to-side, provided that the minimum opacity requirements are met.

FIGURE 10: TYPICAL EARTH MOUND DESIGN

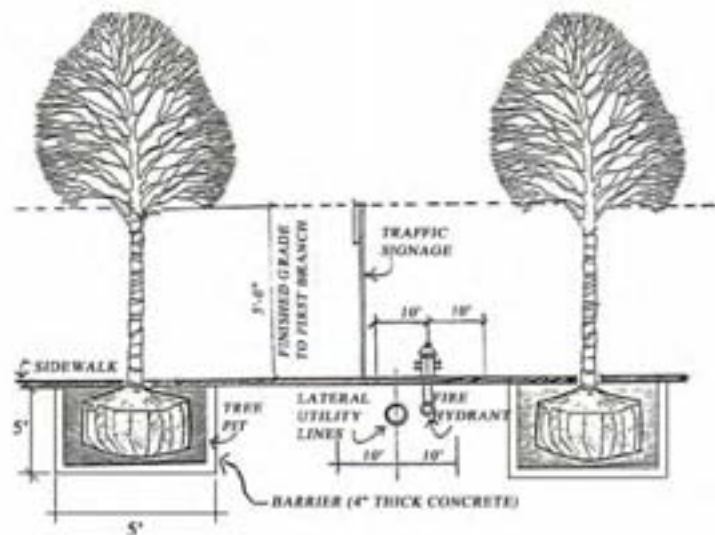


- 2) **Protection from erosion.** All required earth mounds shall be planted with sod, ground cover, or other suitable live plant material to protect the earth mound from erosion so that it retains its height and shape.
- B) **Plants.** Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements.
- 1) **Quality.** Plant materials used in conformance with provision of this Chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

- 2) Deciduous trees. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet in Southwest Ohio and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Group A and Group B trees shall have a minimum caliper of two and one-half (2½) inches measured six (6) inches above grade. Group C trees shall have a minimum caliper of two (2) inches measured six (6) inches above grade. Trees planted within driveway and street sight triangles shall have a minimum of five (5) feet of clearance between grade and the first branch.

Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four inch thick, reinforced concrete (See Figure 11).

FIGURE 11: TREE SPACING ADJACENT TO UTILITIES



- 3) Prohibited trees. The trees on Mason's Public Tree Program prohibited list cannot be counted as part of the required number of trees (See Appendix B).
- 4) Evergreen trees. Evergreen trees shall be a minimum of six feet high.
- 5) Shrubs and hedges. Shall be at least two (2) feet for Vehicular Use Area Perimeter Landscaping and three (3) feet for Property Perimeter Landscaping, in average height when planted.
- 6) Vines. Shall be at least fifteen (15) inches in length at planting, and are generally used in conjunction with walls or fences.

- 7) Grass or ground cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Southwest Ohio, and may be sodded or seeded; except in sales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clear and free of weeds and noxious pests or disease. Ground cover shall be planted in such a manner as to present a finished appearance and seventy five percent (75%) of complete coverage after complete growing seasons.

Summary of Plant Material Specifications

Plant Type	Minimum Caliper ¹	Minimum Height	Minimum Spread	Minimum Length
Deciduous Trees ^{2,3}				
Group A	2½ in.	5 ft. to first branch	–	–
Group B	2½ in.	5 ft. to first branch	–	–
Group C	2 in.	4 ft. to first branch	–	–
Evergreen Trees	3 in.	6 ft.	3 ft.	--
Shrubs & Hedges ⁴				--
Property Perimeter		3 ft.		
V.A. Perimeter ⁵		2 ft.		
V.A. Interior ⁵		2 ft.		
Vines				15 in.

¹Measured 6 inches above grade.

²Five (5) feet of clearance required between ground and first branch in site clearance zones in driveway and street intersection site triangles.

³The height of the first branch of any tree in landscape islands in vehicular use areas shall be at least five (5) feet.

⁴Bushes and shrubs planted within five (5) feet of sidewalks, pedestrian paths or similar routes shall not exceed thirty inches in height at full maturity.

⁵“V.A.” means Vehicle Use Area.

C) Maintenance and Installation.

- 1) Water. Irrigation is encouraged but not required. All landscape areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 100 feet of all landscape material to be established and maintained.
- 2) Off-season planting requirements. If an approved development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee, such as a bond or a letter of credit, to ensure installation of required landscaping in the next planting season.

- 3) Design. Continual maintenance and upkeep of buildings and grounds are necessary to realize the full benefits of good site design. The selection of materials in site and building design is perhaps one of the most important phases in the design process. Materials shall be selected for their longevity, durability and ease of maintenance as well as their appearance. Detailed site and building design shall be consider avoiding design configurations and features that may accumulate debris, leaves, trash, dirt and rubbish.

- 4) Maintenance and replacement. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. The owner of the property shall also maintain the landscape design and materials in quantity and quality according to the Landscape Plan approved by the Planning Commission. All unhealthy, dead, or defective plant material shall be replaced within thirty (30) days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Violation of these installation and maintenance provisions shall be grounds for the Engineering, Building and Planning Department to refuse a building occupancy permit or institute legal proceedings.

D. Pruning and Growth Inhibitors. Landscaping materials used to fulfill Ordinance requirements, or conditions or approval, as authorized by City Council, Planning Commission, Board of Zoning Appeals, or other appropriate body may not be pruned or otherwise treated so as to reduce overall height or level of opacity required. Landscape materials are intended to grow, spread and mature over time; and pruning and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance and top reserve the relative health of the material involved. The use of growth inhibitors is not permitted to be used on any plant material used to fulfill Ordinance requirements or conditions of approval.

SECTION 939.07 Street Tree Requirements

- A) **Control of Trees Invested in the City Manager.** The City Manager or his designee is hereby given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in the Municipality, and over all trees which exist upon any private property in the Municipality when, in his opinion, such trees reasonably constitute a menace to public property, public safety or public welfare of the Municipality. The City Manager is also given full jurisdiction, authority and control in connection with the issuing of permits hereinafter provided for. In the exercise of any or all of the powers herein granted, the City Manager shall have the authority to delegate all or such part of his power and duties with respect to supervision and control of trees to his subordinates and assistants in the employ of the Municipality as he may determine from time to time.
- B) **Street Tree and Public Tree Requirements.** The following are requirements for the planting, pruning and removal of trees within City-owned property. For the purposes of this section, City-owned property shall include all public rights-of-way, streets, alleys, parks or other property owned by the Municipality.

It shall be required that all subdivides or developers plant trees along public or private streets of their developments in such a manner, type, quantity and location as approved by the Planning Commission and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

- 1) The tree to be planted shall not be an undesirable tree species, as those listed in Appendix B.
- 2) Street trees shall be spaced and located within the treelawn as indicated in the following table and requirements:

Mature Tree Height	Minimum and Maximum Planting Interval	Minimum Distance Between Tree and Street	Minimum Distance Between Tree and Sidewalk	Minimum Distance Between Tree and Bike Path
Group A (Large Tree \geq 50 ft.)	45 ft. - 50 ft.	2.5 ft.	2 ft.	5 ft.
Group B (Medium Tree 35 ft. to 50 ft.)	35 ft. - 40 ft.	2 ft.	2 ft.	5 ft.
Group C (Small Tree \leq 35 ft.)	25 ft. - 30 ft.	1.5 ft.	1.5 ft.	5 ft.

- a) The minimum spacing between this and other trees shall be forty-five (45) feet for large trees, thirty-five (35) feet for medium trees and twenty-five (25) feet for small trees.

- b) The maximum spacing between trees shall be fifty (50) feet for large trees, forty (40) feet for medium trees, and thirty (30) feet for small trees.
 - c) The minimum distance between the tree and the edge of the street shall be two and one-half (2½) feet for a large tree, two (2) feet for a medium tree and one and one-half (1½) feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two (2) feet for a large tree, two (2) feet for a medium tree and one and one-half (1½) feet for a small tree. Trees shall be planted five (5) feet from the edge of an existing or proposed bike path.
- 3) The tree location shall be at least twenty (20) feet from street intersections and ten (10) feet from fire hydrants or utility poles (see Figure 4, Figure 5, and Figure 11).
 - 4) A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten (10) to twenty (20) lateral feet of overhead utility wires.
 - 5) The developers shall be required to maintain the trees for one (1) year after the street trees and the road right-of-way are dedicated to the City. The same developers shall replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. Another one (1) year guarantee period shall recommence for any and all trees that are replaced within the original one (1) year guarantee period. Upon completion of a street tree planting and prior to the dedication of the street trees to the City, the landscape contractor shall contact the City Engineer for a preliminary inspection. A final inspection shall be made at the end of the one (1) year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's final inspection, shall be promptly replaced at the expense of the developer.
 - 6) The same tree genus and species shall be planted continuously down both sides of each street. Adjoining or intersecting streets shall be planted with a different tree genus and species to provide variety and prevent widespread disease.
 - 7) The minimum trunk caliper measured at six (6) inches above the ground for all street trees shall be no less than two and one-half (2½) inches, except for Group C trees, which shall be no less than two (2) inches.
- C) **Tree Topping.** No person shall, as a normal practice, top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

- D) Stone or Concrete Adjacent to Tree Trunk Prohibited.** No person shall place or maintain upon the ground in any public place any stone, concrete, brick or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree upon any public place in the Municipality, without first having obtained the written permission of the City Manager. Unless otherwise provided for, there shall be maintained about the base of the trunk of each such tree at least nine (9) square feet of open ground for a tree (three (3) inches in diameter), and for every two (2) inches of increase of such diameter, there shall be an increase of at least one (1) square foot of open ground (See Figure 12).
- E) Protection of Trees During Building Activity.** No person in charge of, or responsible for, the erection, alteration or removal of any building or structure in the Municipality shall permit any tree upon any public place in the vicinity of such operation to stand without a good and sufficient guard or protection as shall prevent injury, damage or defacement to such tree arising out of, in connection with or by reason of such operation. The sufficiency of such guard or protection shall be determined by the City Manager, or his designee, at the time of such erection, alteration or removal (See Figure 13).
- F) Moving Trees.** All moving of trees upon any public place in the Municipality made necessary by the moving of a building or structure or any other private enterprise shall be done under the supervision of, and with the written permission of the City Manager, and at the expense of the applicant or person seeking the removal of such tree. The applicant, as one of the conditions to obtaining such permission, shall post a bond with the Municipality such sum as the City Manager, or his designee, may determine and specify to be reasonably necessary to cover all of the cost of moving and/or replacing such tree (See Figure 14).
- G) Height of Limbs Over Sidewalks and Streets.** Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than five (5) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent fourteen (14) feet above street level) that no portion of the same shall interfere with the normal flow of traffic (See Figure 15).
- H) Municipal Rights.** The Municipality shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the environmental quality and beauty of such public grounds. Written permission shall be obtained from the City Manager's office prior to commencement of work. The Municipality may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any planting of street trees by adjacent property owners provided that the selection and location of the trees is in accordance with the terms of this section.

FIGURE 12: TREE / SIDEWALK CONFLICT RESOLUTION

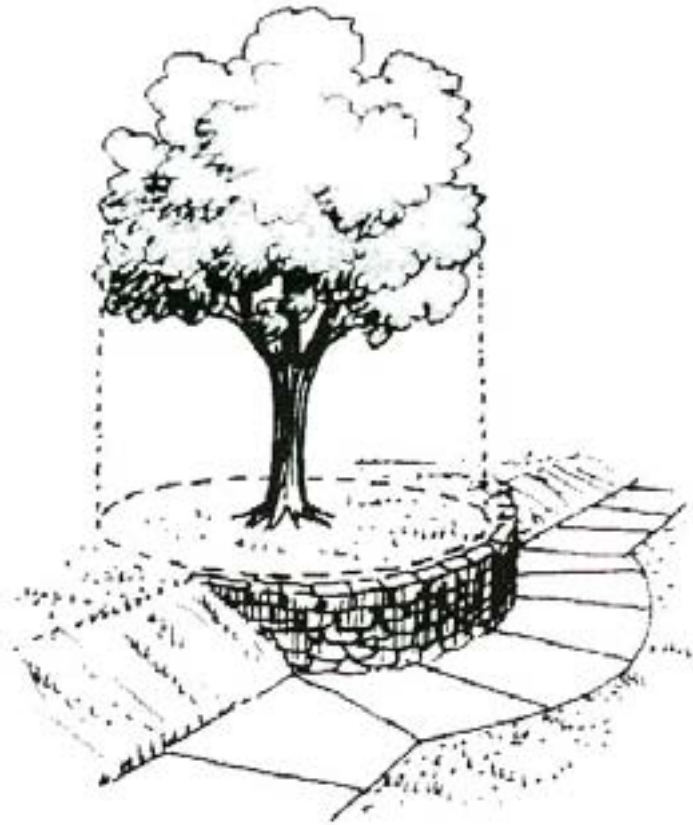


FIGURE 13: TREE PROTECTION

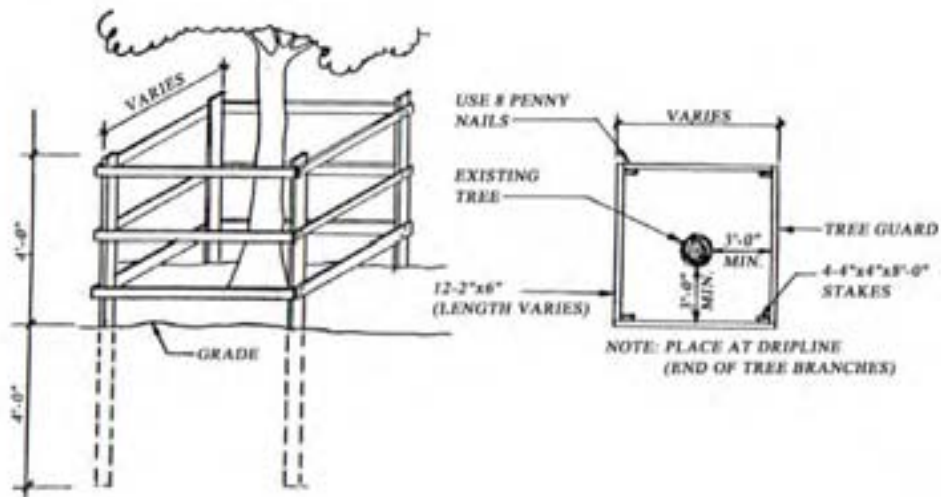
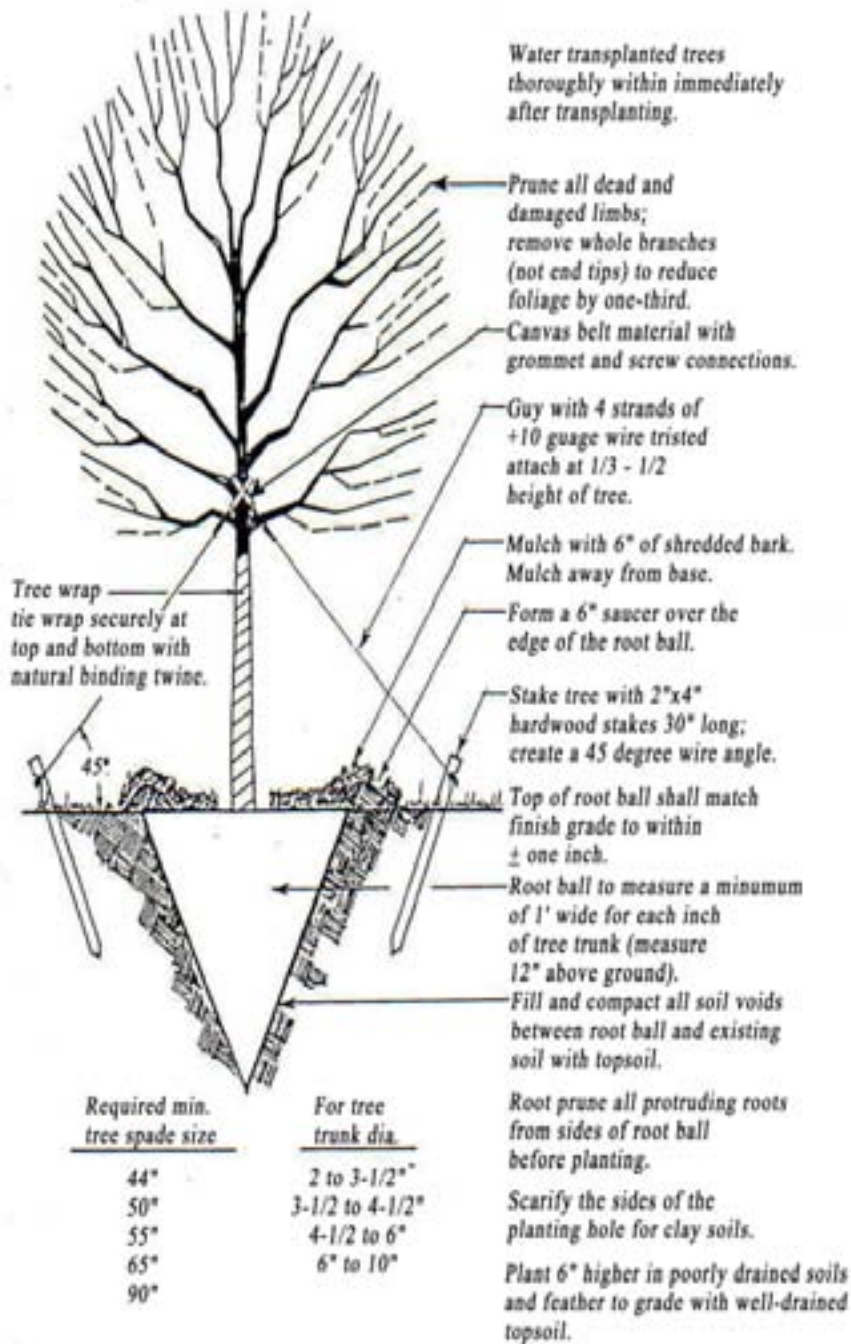
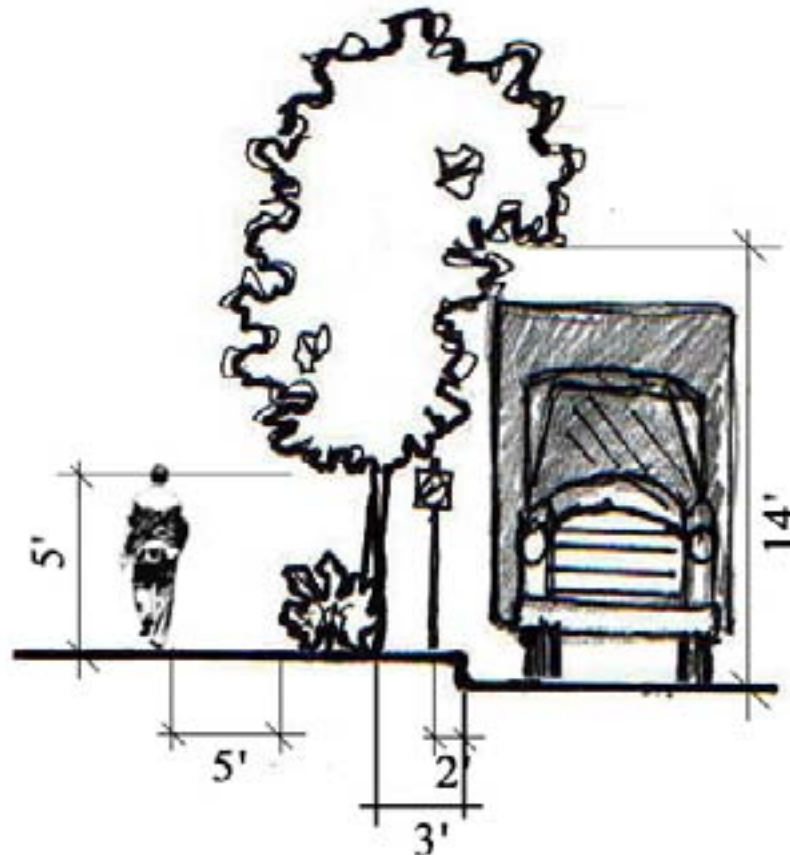


FIGURE 14: TRANSPLANTING TREE GUIDELINES



**FIGURE 15: HEIGHT OF TREE LIMBS
OVER SIDEWALKS AND STREETS**



- I) **Reducing Treelawn.** No person shall by any type of construction reduce the size of a treelawn without first procuring permission from the City Manager, or his designee.
- J) **Interfering With Authorized Work.** No person shall interfere with the City Manager or his subordinates or assistants while engaged in or about the carrying out of the provisions of this Chapter or the doing of any of the work ordered by the City Manager to be done hereunder.
- K) **Approval Requirements.**
- 1) No person, contractor or City department shall hereafter plant, remove, prune, or treat with growth inhibiting measures, any tree or shrub upon any public way, street, alley, park or other property owned by the City without obtaining approval from the City Manager or in the case of municipal park land, approval shall be issued by the Park Director. Approval shall specify number of trees or shrubs, size, type, species, and location to be planted, pruned or removed.

- 2) The City Manager, or his designee, shall have the authority to deny approval to any person or contractor who proposes to plant any tree or shrub upon a public way, street, alley, park or other property owned by the City, of a size, type or species determined to be undesirable for the proposed location, or if the location is determined to be unsuitable.
- 3) Approval shall be valid for a maximum period of sixty (60) days unless otherwise specified. All work approved shall be completed in the time specified and in the manner described. Approval shall be considered void if the terms are violated. If the work to be performed is in a City-owned right-of-way, an additional approval is required from the City Engineer to work in a public right-of-way.
- 4) Each location subject to approval shall be field inspected by the City Engineer prior to approval or rejection. All approval for pruning of public trees shall show conformance with the National Arborist Association Pruning Standards For Shade Trees.
- 5) Utility companies shall provide written evidence to the City Engineer of adherence to established guidelines (as recommended by the National Arborists Association) for line clearance work. These guidelines shall cover the following areas:
 - a) Tree trimming/pruning.
 - b) Tree removal.
 - c) Brushing.
 - d) Right-of-way clearance for new transmission conductor on private right-of-way.
 - e) Chemical brush control and appropriate precautions.
- 6) Removal, replanting and replacement in public places.
 - a) Wherever it is necessary to remove a tree(s) or shrub(s) from a treelawn or other public place, as defined, in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley, or highway used for vehicular traffic, or any other reason, the City shall endeavor to remove and replant such trees or shrubs, or replace them. No tree over twelve (12) inches in caliper or thirty (30) years in age shall be removed without prior review by the City Manager, or his designee.
 - b) No person or adjacent property owner shall remove a tree or shrub from the City-owned treelawn, or other public place, as defined, for any purpose.
- 7) Abuse or mutilation of public trees.
 - a) Unless specifically authorized by the City Manager or his designee, no person shall intentionally damage, cut, carve, transplant, or remove any tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any tree or shrub, allow any gaseous, liquid or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.

- b) No person shall excavate any ditches, tunnels, trenches, or install a driveway or sidewalk within a radius of ten (10) feet from the trunk of any public tree or shrub without first obtaining written approval from the City Manager.
- 8) Public tree care. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs or portions thereof within the rights-of-way of all streets, alleys, avenues, lanes, and other public grounds, as may be necessary to insure public safety or to preserve or enhance the health of the plant material or the beauty of such public grounds.
- a) The City Manager or his designee may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reasons of its nature is injurious to sewers, electric power lines, gas lines, waterlines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the permission of the City Manager or designee has been granted.
- b) The City shall have the right to enter private property to access trees adjacent to public areas for the purposes of proper pruning, after reasonable prior notice has been given to the property owner. To insure that street trees thrive, homeowners are encouraged to confer with the City Manager and water the trees as needed.
- 9) Dead or diseased tree removal on private property. The City shall have the right to cause the removal of any dead or diseased tree(s) located on private property within the City and/or cause the removal of branches of trees located on private property within the City which overhang public property, when such trees constitute a hazard to life and property, or harbor an epiphytotic disease which constitutes a potential threat to other trees within the City. The City Manager or an appropriate designee shall notify, in writing, the owners of such trees.
- Removal shall be done by such owner at their own expense within sixty (60) days after the date of service of written notice, unless a longer period is agreed to in writing by the City Manager or a designee, to allow time to attempt to treat and cure a salvageable diseased tree. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove any such tree(s) and charge the cost of removal to the owner's property tax notice.
- 10) Removal of stumps. All stumps of street and park trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or ground at the site. All residual material shall be removed from the site at the time the tree is removed and the site shall be restored.

- 11) Each individual or company shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000) for bodily injury and one hundred thousand dollars (\$100,000) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 939.08

Landscape Plan Submission and Approval

- A) **Subdivision Preliminary Plats.** Any developer or property owner submitting a preliminary plat for approval of a subdivision of property which is required to comply with all or part of this Landscape Ordinance shall indicate on the preliminary plat the landscape buffer zone and treelawn area(s) with conceptual plant materials. The developer or property owner is not required to submit the final landscape plan required by this Chapter until it applies for final plat approval.
- B) **Landscape Plan Required.** For all property which is subject to the requirements of this Landscape Ordinance, the property owner or developer shall prepare a landscape plan for submittal to the Planning Commission, or as otherwise permitted, to the City Engineer.

Final residential, commercial, office, and industrial landscape plans shall be submitted with, and at the same time as, an application for final plat approval, site plan approval, Planned Unit Development approval, conditional use permit applications or other matters which must be approved by Planning Commission or City Council.

- C) **Plan Content.** The content of the plan shall include the following:
- 1) Plot plan, drawn to an easily readable scale no smaller than one inch equals forty (40) feet; showing and labeling by name and dimensions, existing and proposed property lines, right-of-way, easements, bicycle paths, sidewalks, size and location of all buildings and structures, vehicular use areas including parking stalls, driveways, service areas, utility boxes, and dumpster pads; existing and finished grades; locations of structures on adjoining parcels and adjacent zoning; water outlets or other method of irrigation; earth mounds, walls, and fences; proposed landscape material including common and scientific name, installation size, on center planting dimensions where applicable, and quantities for all plants used; all existing trees with a caliper of six (6) inches or greater be labeled as either “to be removed” or “to be saved”; large clusters of trees designated by a tree line on the plan and labeled as either “to be removed” or “to be saved;” and the tree clearing limits and method of tree protection around trees to be saved.
 - 2) Typical elevations and/or cross sections as may be required at a larger scale to adequately convey the aspects of the plan. Elevations and cross sections typically include earth mounds, decorative walls, trash enclosures, landscape islands, and building mass.
 - 3) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, generally orient plan so that north is to top of plan and zoning district.
 - 4) Notes shall appear on the plan stating the approved landscape materials will be maintained to meet Ohio Nurserymen and City standards, in good repair, and free from refuse, and that the property owner will replace all dead and diseased plant material that were installed as part of an approved landscape plan.

- D) Building Permit and Certificate of Occupancy.** Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Engineering, Building and Planning Department, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted. If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.
- E) Posting of Bond or Irrevocable Letter of Credit.** After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. The bond amount is to be determined by the City Engineer, or his designee. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.
- F) Procedure.** The procedure for landscape plan approval shall be as follows:
- 1) **Informal procedure.** Persons desiring to make alterations or additions less than twenty-five percent (25%) of the square footage, up to a maximum of 3,000 square feet, in or on existing buildings, structures or uses which are subject to this Landscape Ordinance, shall apply to the City Engineer by submitting a landscaping plan of the property or reasonably accurate drawings of the proposed work, and such other accurate information pertaining to the proposed work as may reasonably be requested by the City Engineer. Under these circumstances, the landscaping to be provided is only required to the extent of the alteration or expansion and not for the entire property. However, final building plan approval or certificate of occupancy for the addition will not be granted until the entire site conforms to the minimum landscape requirements found herein. Upon receipt of such plan, drawings and information, the City Engineer shall, within thirty (30) days of receipt:
 - a) Make a determination as to whether the applicant meets the requirements for the informal procedure.
 - b) Determine that the proposed plan presents a unique or particularly complex question, in which case he shall so advise the applicant and require the applicant to submit his application to the Planning Commission.
 - c) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the City Engineer, is in conformance with this Landscape Ordinance, and issue a written approval of the plan.
 - d) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the City Engineer, is not in conformance with this Landscape Ordinance and deny approval of the plan and send written notice of denial to the applicant along with the reasons for denial. The applicant shall then have such right to appeal the City Engineer's determination to the Planning Commission.

- 2) Formal procedures. For all property which is subject to the requirements of this Landscape Ordinance, and which exceeds the restrictions for the informal procedure above, landscaping shall be required for the entire lot or lots, and the procedure for landscape plan approval shall be as follows:
 - a) Final plat approval. For property which is otherwise subject to the requirements for final plat approval required by Zoning Code Chapter 1113, Final or Record Plat Procedures and Requirements, the landscaping plan shall be submitted along with the final plat and shall be reviewed as part of the final plat review.
 - b) Site plan approval. For property which is otherwise subject to the requirements for site plan approval required by Zoning Code Chapter 1135, Administrative Procedures the landscaping plan shall be submitted along with the application for site plan approval and shall be reviewed as part of the site plan review.
 - c) Conditional use approval. For property which is otherwise subject to the requirements for a conditional use permit required by Zoning Code Section 1172 Conditionally Permitted Uses, the landscaping plan shall be submitted along with the application for the conditional use permit and shall be reviewed as part of the conditional use permit application.
 - d) Other approvals. For property which requires the approval of Planning Commission, the City Engineer or some other City board, department, division or representative under the Zoning Code, excluding property included within the coverage of subparagraphs (a), (b) and (c) above, the landscaping plan shall be submitted along with the application and reviewed as part of the applicable approval process.

SECTION 939.09 Appeals and Modifications

- A) **Appeals.** If Planning Commission disapproves a landscape plan submitted by any person, such person may appeal such decision within thirty (30) days of such decision by filing a petition with the Court of Common Pleas of Warren County, Ohio as an appeal pursuant to the Ohio Revised Code provisions regarding administrative appeals.
- B) **Modifications.** Upon the request of any person, the Planning Commission may approve applications of submitted landscape plans from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would detract from the stated purpose of this Chapter. A request for a modification shall be submitted to the Planning Commission and shall be heard at a regularly scheduled Planning Commission meeting. Planning Commission shall decide the issue within a reasonable time after the hearing. In evaluating a request for a modification, the Planning Commission shall include, but not be limited to, the following criteria:
- 1) The specific condition(s) which are unique to the applicants land, and do not exist on other land within the same zone;
 - 2) The manner in which strict application of this Chapter would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;
 - 3) The unique conditions and circumstances are not self-created after the adoption of this Chapter; and
 - 4) Reasons that the variance shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the neighborhood.
 - 5) The fact that the agreed upon landscape plan substantially complies with the terms and stated purpose of this Chapter.

SECTION 939.10
Violations and Enforcement

- A) **Violations and Enforcement.** No person shall use, construct, change, modify or maintain any property in violation of the provisions of this Chapter. Without limitation, the City shall enforce compliance with the provisions of this Chapter by criminal action, civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, refusal of occupancy permit and any other enforcement procedure or measure available to the City under law.

SECTION 939.11
Penalty

- A) **Penalty.** Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100.00 for each offense. Each and every day during or on which a violation occurs or continues shall be deemed to be a separate offense. If the violator does not pay, the fees will be assessed to the violator's property taxes.

APPENDIX A
Planting Manual for Street Trees

PLANTING MANUAL FOR MASON STREET TREES

PURPOSE: The purpose of the Planting Manual is to describe planting techniques which will increase the success of street tree establishment. This guide will provide information to landscape contractors, nurserymen, horticulturists, residents, developers and landscape architects.

TIME OF YEAR: The time of planting is critical to take advantage of the vigorous state of the tree's roots and available soil moisture. Acceptable planting periods are from March 1 to December 31.

PLANT QUALITY: Plants shall be nursery grown under good horticultural practices in similar climatic conditions to Mason, Ohio and meet current standards set by the American Association of Nurserymen. The certificate of origin must be available upon request. Trees shall exhibit outstanding form, be free of diseases, insects and/or damage. Trees shall be handled carefully, avoiding bruising and scarring of the trunk. Each tree shall be labeled indicating genus, species and cultivar. The label shall be removed after planting.

TREE PLACEMENT: Street trees shall be placed in accordance with the requirements of Chapter 935, Trees, meeting space requirements and minimum size of the tree lawn. The spacing between large, trees (mature height \geq 50') is 45'-50', medium trees (mature height 30'-50') is 35'-40' and small trees (mature height 10'-30') is 25'-30'. Tree location shall be at least 20' from street intersections and 10' from fire hydrants or utility poles. Tree lawn size must accommodate the mature size of the tree planted. Large trees shall be placed in tree lawns of \geq 7', medium trees in tree lawns of 4'-7', and small trees in tree lawns of 3-4' in width.

UNDERGROUND UTILITIES: The Ohio Utilities Protection Service shall be notified two (2) working days before street tree planting begins. Call toll free 1-800-362-2764.

PLANTING TECHNIQUES:

1. Size of the Planting Pit - The planting pit shall be 12" larger than the rootball on all sides and approximately the same depth as the rootball dimensions.
2. Positioning the Tree - The pit shall be dug to a depth which positions the tree approximately the same grade level at which the tree was grown. In heavy clay soils, trees shall be planted 1-3" higher than grade level. The tree shall be straightened and stabilized.
3. Backfill - Backfill shall consist of 3/4 soil excavated from the planting pit and 1/4 granulated sphagnum peat moss or aged compost marbled throughout.
4. Water - The planting pit shall be flooded with clean water when 2/3's of the pit is backfilled and again when backfilling is completed to insure proper root-to-soil contact.
5. Saucer - An earthen saucer shall be constructed on the outer edge of the rootball.
6. Mulch - The entire saucer shall be covered with 2" to 3" of bark mulch. Bark mulch shall be kept away from the base of the tree.

7. Pruning - Approximately ¼ of the crown shall be removed to compensate for root loss. Pruning shall maintain the natural shape of the tree. Under no circumstances shall the central leader of the trunk be cut back. Street trees shall be limbed up so as not to interfere with pedestrian or vehicular traffic. Each pruning cut shall be properly made, leaving the branch collar intact.

GUARANTEE: Street trees shall be maintained and guaranteed for a period of one (1) full year by the subdivision developer. The one (1) year guarantee period shall commence on the date the road right-of-way is dedicated to the City. Upon completion of a street planting, the landscape contractor shall contact the City Engineer for inspection. The Final Inspection shall be made at the end of the one (1) year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be promptly replaced at the expense of the developer.

CARE: All routine maintenance, including watering, fertilizing, insects and disease control, tightening guy wires or straightening trees shall be the responsibility of the developer during the guarantee period. Once the street tree planting has passed the City's Final Inspection at the end of the one (1) year guarantee period, the property owner shall assume responsibility for all trees along their frontage within the public right of way.

STREET TREE INSPECTION PROCEDURE

1. Contractor contacts the City Engineer prior to planting to arrange for a staking inspection.
 - Tree planting locations shall be staked and will be checked for proper spacing.
2. If staking inspection is approved, the trees can be planted. If disapproved, staking will be corrected on site with approval of City inspector.

PRELIMINARY INSPECTION

3. After the trees have been planted, but before they are wrapped and staked, contact the City Engineer for a preliminary inspection. If disapproved, make corrections and call the City Engineer for another inspection. Immediately after approval and preliminary inspection, trees shall be wrapped and staked, if required by the City.

After two (2) weeks, the City will make another inspection to make sure the trees are properly wrapped and staked, if required by the City.

- Tree quality and planting technique will be checked.
- The certificate of origin shall be made available upon request.

FINAL INSPECTION

4. A final inspection will be made at the end of the one-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be promptly replaced at the expense of the developer. Any replacements will have to undergo a preliminary inspection and an one (1) year guarantee period.

APPENDIX B

Unacceptable Trees for Street Tree Use

APPENDIX B

Unacceptable Trees for Street Tree Use

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Box Elder	<u>Acer negundo</u>
Norway Maple	<u>Acer plantnoides</u>
Black Alder	<u>Alnus pluinosa</u>
Silver Maple	<u>Acer saccharinum</u>
Buckeye, Horsechestnut	<u>Aesculus species</u>
Tree of Heaven	<u>Ailanthus altissima</u>
Paper Birch	<u>Betula papyrifera</u>
European White Birch	<u>Betula pendula</u>
Northern Catalpa	<u>Catalpa Specopsa</u>
Ginko (female)	<u>Ginko Biloba</u>
Osage-orange	<u>Maclura pomifera</u>
Apple	<u>Malus pumila</u>
Mulberry	<u>Morus species</u>
Popular	<u>Populus species</u>
Bradford Pear	<u>Pyrus calleryana 'Bradford'</u>
Upright English Oak	<u>Quercus robur 'fastigiata'</u>
Black Locust	<u>Robinia pseudoacacia</u>
Willow	<u>Salix species</u>
European Mountain Ash	<u>Sorbus aucuparia</u>
Moline American Elm	<u>Ulmus americana 'Moline'</u>
Siberian Elm	<u>Ulmus pumila</u>
All Ash Trees	

APPENDIX C

Recommended Trees for Mason, Ohio

APPENDIX C

RECOMMENDED TREES FOR MASON, OHIO

Recommended Trees for Mason, Ohio is designed to encourage an imaginative selection of landscape trees. Careful selection will prevent an over-dependence on a few species. This compilation will be useful to residents, nurserymen, horticulturists, landscapers, developers and landscape architects. Planting and maintaining a diverse urban forest is the goal of Mason's tree programs. This idea is reflected in landscape plan approval by the Mason Planning Commission and in tree planting and replacement by the Mason Parks and Recreation Department.

Along an individual street, uniform street tree plantings are desirable. However, over-use of a few species is inevitable without a conscious effort to vary plant species and families. Diversity is achieved in Mason by varying species selected for each street. Deviations from the recommended list are permitted with the approval of the Planning Commission.

This list is divided into three size categories: large trees which mature at a height of 50 feet or more (Group A); medium trees reaching a mature height of between 30 and 50 feet (Group B); and small trees which range from 10 to 30 feet at maturity (Group C). Treelawn sizes must accommodate the tree size planted: Group A (≥ 7 ft.); Group B (4-7 ft.); and Group C (3-4 ft.). Use under utility lines is limited to small trees, although medium trees may be planted as close as 10 lateral feet to utility lines.

The approximate mature height and diameter of each tree's crown are given.

Trees are alphabetized by their scientific name with the common name given. Cultivars best suited to Southwest Ohio are also provided. An asterisked entry indicates a tree which is unsuitable for planting within 15 lateral feet of a sidewalk, bicycle path or street. Habit refers to the three-dimensional form of the tree.

The tolerance category presents information from various sources listed in the bibliography. The tree's relative tolerance to insects, diseases, pollution, and soil conditions are signified by either a "Y", meaning yes, it is tolerant; "N" meaning no, it is not tolerant; or "-", meaning no information is available from these sources.

These comments pertain to any other notable characteristic of the tree.

Number of Varieties Per Street. As a rule, streets are more attractive when they contain only one kind of tree. In new allotments where an entire street is to be planted, it is suggested that the property owners agree on a single variety.

Although the planting along one street may be of a single variety, any one community should have a dozen or more kinds. The use of several varieties adds interest to the street-tree plantings of the City 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" will be used as a guideline to prevent over-planting of a single tree species or family. This formula states that, out of the total tree planting, no more than ten percent (10%) should be from one family, and no more than five percent (5%) should be of one species.

Where to Obtain Trees. The City recommends that trees be nursery grown in accordance with good horticultural practices, and grown under climatic conditions similar to those in Southwest Ohio for a minimum of two years. Trees 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.

Planting and Care. It will be more satisfactory to engage a nurseryman, arborist or someone familiar with tree care to do the planting. If the property owner does the planting, he/she should familiarize himself/herself with the requirements of successfully transplanting trees. Information on shade tree planting and care can be obtained from, the Ohio Department of Natural Resources, Division of Forestry, Columbus, Ohio; the Agricultural Extension Service, The Ohio State University, Columbus, Ohio; or the Ohio Agricultural Research and Development Center, Wooster, Ohio.

Proper watering is extremely important for trees the first two years following transplanting. During dry periods, add enough water to soak the soil to root depth once a week. Transplanted trees can be over watered; if the soil is heavy and drains poorly, the trees can be injured by too much water as well as too little. Bark mulch applied to the soil around the tree will help conserve moisture.

LARGE DECIDUOUS TREE (50 FT. OR GREATER) - Group A

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/disease	Pollution	Dry Soil	Damp Soil	
Red Maple	<u>Acer rubrum</u>	'Autumn Flame' 'October Glory' 'Red Sunset'	40-60	40-50	ovoid to globular	Y	N	N	Y	suffers in urban environment; outstanding fall color
Sugar Maple	<u>Acer saccharum</u>	'Green Mountain' 'Legacy'	60-75	50-60	ovoid to globular	Y	N	N	N	attractive fall color
Sugar Hackberry	<u>Celtis laevigata</u>		60-80	50-60	globular	Y	Y	Y	Y	smooth bark
Katsura Tree	<u>Cercidiphyllum japonicum</u>		40-60	30-50	obovoid	Y	Y	N	Y	single or multi-stemmed; fall color an interesting apricot
Hardy Rubber Tree	<u>Eucommia ulmoides</u>		40-60	40-70	conical to globular	Y	Y	Y	Y	dark green canopy
White Ash	<u>Fraxinus americana</u>	'Autumn Applause' 'Autumn Purple'	50-80	40-70	irregular to globular	N	-	N	Y	beautiful fall color
Green Ash	<u>Fraxinus pennsylvanica</u>	'Marshall's Seedless' 'Summit'	50-60	30-40	irregular to globular	N	-	Y	Y	
Autumn Gold Ginkgo	<u>Ginkgo biloba</u>	'Autumn Gold'	50-80	30-60	conical to globular	Y	Y	Y	Y	a male variety which does not fruit
Kentucky Coffee Tree*	<u>Gymnocladus dioicus</u>		60-75	40-50	irregular to ovoid	Y	Y	Y	N	fruit may be objectionable; coarse texture
Sweetgum	<u>Liquidambar styraciflua</u>	'Moraine'	60-75	40-50	conical to globular	Y	N	N	Y	messy star-shaped fruit

*Do not plant within fifteen (15) lateral feet of a sidewalk, bicycle path, or street.

LARGE DECIDUOUS TREE (50 FT. OR GREATER) - GROUP A (continued)

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/disease	Pollution	Dry Soil	Damp Soil	
Larch	<u>Larix decidua</u>		70-75	20-30	conical	N	N	N	Y	deciduous conifer
Swamp White Oak	<u>Quercus bicolor</u>		50-60	50-70	ovoid	Y	Y	Y	Y	attractive scaly bark
Scarlet Oak	<u>Quercus coccinea</u>		70-75	40-50	globular	N	N	Y	N	red fall color
Shingle Oak	<u>Quercus imbricaria</u>		50-60	50-70	conical	Y	Y	Y	Y	leaves retained into winter
Red Oak	<u>Quercus rubra</u>		60-75	40-50	ovoid to globular	Y	Y	Y	Y	russet-red fall color
Shumard Oak	<u>Quercus shumardii</u>		70-75	40-50	ovoid to globular	Y	Y	Y	Y	a replacement for pin oak
Sassafras	<u>Sassafras albidum</u>		30-60	25-40	conical to irregular	Y	Y	Y	Y	outstanding fall color
Bald Cypress	<u>Taxodium distichum</u>		50-70	20-30	conical	Y	Y	Y	Y	characteristic knees develop in wet soil
Redmond Linden	<u>Tilia americana</u>	'Redmond'	40-60	25-30	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Silver Linden	<u>Tilia tomentosa</u>		50-70	30-40	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Lacebark Elm (Chinese Elm)	<u>Ulmus parvifolia</u>		40-50	30-40	obovoid	Y	Y	Y	Y	exquisite mottled bark; resistant to Dutch Elm disease
Urban Elm	<u>Ulmus X 'Urban Elm'</u>		50-70	25-40	obovoid	Y	Y	Y	Y	resistant to Dutch Elm disease

*Do not plant within fifteen (15) lateral feet of a sidewalk, bicycle path, or street.

MEDIUM DECIDUOUS TREES (30 - 50 FT.) - Group B

Common Name	(Scientific Name)	'Cultivar'	Height (Ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/Disease	Pollution	Dry Soil	Damp Soil	
Hedge Maple	<u>Acer campestre</u>		25-35	20-35	globular	Y	Y	Y	Y	dense canopy
American Yellowwood	<u>Cladrastis lutea</u>		30-50	40-55	obovoid	N	N	Y	-	white flowers; select those with wide branch angles
Turkish Filbert*	<u>Corylus colurna</u>		40-50	30-40	ovoid to conical	Y	Y	Y	Y	produces nuts in a sticky husk that are a delicacy to squirrels
Thornless Honeylocust var. inermis	<u>Glenditsia triacanthos</u>	'Imperial' 'Moraine' 'Shade master' 'Skyline'	35-50	20-35	irregular to globular	N	Y	Y	Y	over planted, use moderately; delicate form
Goldenraintree	<u>Koelreuteria paniculata</u>		30-40	30-50	globular	Y	Y	Y	Y	course texture
Black Gum (Sour Gum)	<u>Nyssa sylvatica</u>		30-50	20-30	conical to ovoid	Y	-	Y	Y	brilliant fall color
American Hophornbeam (Ironwood)	<u>Ostrya virginiana</u>		25-40	20-35	conical	Y	-	Y	Y	transplant in spring
Amur Cork Tree	<u>Phellodendron amurense</u>		30-45	30-50	obovoid	Y	Y	Y	Y	Plant male only; broad-spreading
Sargent Cherry	<u>Prunus sargentii</u> 'Columnaris'		40-50	30-45	globular	Y	-	-	-	stately bark; lovely early pink blossoms
Callary Pear	<u>Pyrus calleryana</u>	'Aristocrat' 'Chanticleer' 'Red Spire'	30-50	20-35	conical to ovoid	Y	Y	Y	Y	commonly planted 'Bradford' exhibits poor branch structure leading to splitting
Sawtooth Oak	<u>Quercus acutissima</u>		35-45	35-45	ovoid to globular	N	-	Y	N	chestnut-like leaf shape

*Do not plant within fifteen (15) lateral feet of a sidewalk, bicycle path, or street.

SMALL DECIDUOUS TREES (10-30 FT.) - Group C

Common Name	Scientific Name	'Cultivar'	Height (Ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/Disease	Pollution	Dry Soil	Damp Soil	
Trident Maple	<u>Acer buergerianum</u>		20-30	20-25	globular	Y	Y	Y	N	dark green leaf
Amur Maple	<u>Acer ginnala</u>		15-20	10-20	obvoid to globular	Y	Y	Y	Y	grown multi-stemmed or as a single trunk
Paperbark Maple	<u>Acer griseum</u>		20-30	10-30	globular to ovoid	Y	-	N	Y	unequaled bronze, exfoliating bark
Serviceberry	<u>Amelachier arborea</u>		15-25	7-10	obvoid	Y	N	Y	Y	early white flowers; delicate form; single or multi-stemmed
Fringe Tree	<u>Chionanthus virginicus</u>		10-20	10-20	obvoid	Y	Y	Y	Y	fragrant, white flowers; lovely tree when single-stemmed
Thornless Cocksbur* Hawthorn var. inermis	<u>Crataegus crus-galli</u>	'Crusader'	20-30	20-35	globular	N	Y	Y	Y	most cockspurs are dangerous, however, this one lacks thorns
Lavalle Hawthorn*	<u>Crataegus lavellei</u>		15-30	10-25	globular	N	Y	Y	Y	nearly thornless; showy red fruit
Washington Hawthorn*	<u>Crataegus phaenopyrum</u>		25-30	20-25	globular	N	Y	Y	Y	thorns; red fruit persists into winter
Dotted Hawthorn*	<u>Crataegus punctata</u>	'Ohio Pioneer'	25-30	25-35	globular	N	Y	Y	Y	few thorns; attractive bark; large 1" fruit
Winter King Hawthorn*	<u>Crataegus viridis</u>	'Winter King'	20-30	15-30	globular	N	Y	Y	Y	few thorns; fruit persists into winter; attractive bark

*Do not plant within fifteen (15) lateral feet of a sidewalk, bicycle path, or street.

SMALL DECIDUOUS TREES (10-30 FT.) - Group C (continued)

Common Name	Scientific Name	'Cultivar'	Height (Ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/Disease	Pollution	Dry Soil	Damp Soil	
Crabapple	<u>Malus</u>	'Adams'	20-25	-	globular	Y	Y	-	-	reddish pink flowers; red fruit
		'Spring Snow'	20-25	-	obovoid	Y	-	-	-	white flowers; red fruit
		'Sugar Tyme'	18	15	obovoid	Y	Y	-	-	profuse white flowers; orange-red fruit; fire-blight in nearby states
		'White Angel'	20-25	-	obovoid	Y	-	-	-	white flowers; fruitless
		'Winter Gold'	30	-	-	Y	-	-	-	white flowers; red fruit
		'Snow Drift'	15-25	-	globular					
		'Baskatong'	30	-	-	Y	Y	-	-	purple-red flowers; dark purple-red fruit
		'Centurion'	20-25	-	columnar	Y	Y	-	-	rose-red flowers; dark purple-red fruit
		'Donald Wyman'	20-25	20-30	globular	Y	Y	-	-	white flowers; red fruit
		'Harvest Gold'	20	15	obovoid	Y	Y	-	-	white flowers; gold fruit
		'Henningi'	25	-	obovoid	Y	Y	-	-	white flowers; orange-red fruit
		'Prairiefire'	20	-	-	Y	Y	-	-	red flowers; maroon fruit
		'Ralph Shay'	-	-	-	Y	Y	-	-	retains red fruit
		'Robinson'	25	-	obovoid	Y	Y	-	-	deep pink flowers; dark red fruit
		'Sentinel'	-	-	columnar	Y	Y	-	-	pale pink flowers; red fruit
Japanese Tree Lilac	<u>Syringa reticulata</u>	'Ivory Silk'	20-30	15-25	obovoid	Y	Y	Y	N	dark green leaf
Blackhaw Viburnum	<u>Viburnum prunifolium</u>		12-15	8-12	globular	Y	Y	Y	Y	blue-black fruit; prune to a tree form

*Do not plant within fifteen (15) lateral feet of a sidewalk, bicycle path, or street.

EVERGREEN TREES - Group D

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	Insect/ disease	Pollution	Dry Soil	Damp Soil	Comments
Norway Spruce	<u>Picea abies</u>		80-100 ft.		conical	-	-	N	Y	
Serbian Spruce	<u>Picea onorika</u>		70-90 ft.		conical	-	-	-	-	
Colorado Spruce	<u>Picea pungens</u>		50-60 ft.		conical	-	-	Y	-	Very hardy
Austrian Pine	<u>Pinus nigra</u>		50 ft.		conical	-	-	-	-	Dense habit
Red Pine	<u>Pinus resinosa</u>		60-75 ft.		conical	-	-	Y	N	
Eastern White Pine	<u>Pinus strobus</u>		80-100 ft.		conical	-	-	-	-	
Canadian Hemlock	<u>Tsuga canadensis</u>		90 ft.		conical	-	-	-	Y	

APPENDIX D

Landscaping Illustrative Images



Landscaping and Street Tree Ordinance, City of Mason, Ohio



Required when development occurs in any zoning district adjacent to a freeway, arterial, or collector street or railroad.

Purpose (1) To screen and buffer property from vehicular traffic and related negative impacts such as noise, air pollution, and light from head lamps; (2) to minimize the visual impact more intense development has on community character; and (3) to enhance the Mason experience as residents and guests travel on thoroughfares.

Landscaping Elements

- Buffer yards shall be provided on private property adjacent to the right-of-way.
- Buffer yards shall contain earth mounds, decorative walls, evergreen plantings to increase the aesthetics of the community from the pedestrian and vehicular vantage point.
- Screen vehicular use areas from view of the right-of-way.
- No single screening material shall be used for more than 150 feet of buffer yard. The use of different materials adds to the creativity of the landscape design.
- Cluster trees to make more naturalistic.
- Required trees shall be planted on or adjacent to the earth mound or adjacent to decorative wall or hedge.



Landscaping Adjacent to Rights-of-Way, Example 1

May 13, 2002





Landscaping and Street Tree Ordinance, City of Mason, Ohio



Required when any development in any zoning district contains a vehicular use area with 12 or more parking spaces.

Purpose (1) To break the monotony of large, uninterrupted asphalt parking lots by adding landscaping and trees, (2) to provide shade and cool vehicular use areas in the summer, and (3) to increase the function and safety of vehicular use areas by improving internal circulation.

Landscaping Elements

- Deciduous trees must withstand intense heat, snow piles, and salt.
- Deciduous trees shall be in landscape islands, protected by concrete curb.
- Deciduous trees shall be 2½ inches in caliper at planting.
- The first limb shall be no lower than 5 feet from the base of the tree.
- At least 50% of the landscape island shall contain live plant material, the remainder shall be organic mulch.



May 13, 2002

Interior Landscaping for Vehicular Use Areas





Landscaping and Street Tree Ordinance, City of Mason, Ohio



Required when development occurs in any zoning district adjacent to a freeway, arterial, or collector street or railroad.

Purpose (1) To screen and buffer property from vehicular traffic and related negative impacts such as noise, air pollution, and light from head lamps; (2) to minimize the visual impact more intense development has on community character; and (3) to enhance the Mason experience as residents and guests travel on thoroughfares.

Landscaping Elements

- Buffer yards shall be provided on private property adjacent to the right-of-way.
- Buffer yards shall contain earth mounds, decorative walls, evergreen plantings to increase the aesthetics of the community from the pedestrian and vehicular vantage point.
- Screen vehicular use areas from view of the right-of-way.
- No single screening material shall be used for more than 150 feet of buffer yard. The use of different materials adds to the creativity of the landscape design.
- Cluster trees to make more naturalistic.
- Required trees shall be planted on or adjacent to the earth mound or adjacent to decorative wall or hedge.



Landscaping Adjacent to Right-of-Way, Example 2

May 13, 2002





Landscaping and Street Tree Ordinance, City of Mason, Ohio



Required when development occurs adjacent to non-compatible zoning districts and uses.

Purpose To provide ample space and landscaping to effectively screen non-compatible uses and zoning districts from each other.

Landscape Elements

- Buffer yards are located on private property adjacent to interior property lines.
- Buffer yards shall contain earth mounds, decorative walls, and evergreen plantings to physically separate incompatible uses that are located next to each other.
- No single screening material shall be used for more than 150 feet of buffer yard. The use of different materials adds to the creativity of the landscape design.
- Cluster trees to make more naturalistic.
- Required trees shall be planted on or adjacent to earth mounds or adjacent to decorative walls or hedge.



Property Perimeter Landscaping

May 13, 2002



