

**CHAPTER 1140
Landscape Requirements**

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CROSS REFERENCES
Ohio Constitution, Art. XVIII, Sec. 3

1140.01 PURPOSE.

The purpose of this Landscape chapter is to apply standards that preserve the existing landscape, promote the planting and maintenance of landscape, and enhance the appearance of new developments by using landscape in the City of Marysville, and by so doing, protect and promote the public health, safety and general welfare of the residents and visitors to the community.

(Ord. 20-06. Passed 5-25-06.)

1140.02 INTENT.

The intent of this chapter is to:

- (a) Ensure that buffering is provided between certain land uses, between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise and thereby improving the aesthetic environment of Marysville.
- (b) Ensure that the location, configuration, and design of landscape are visually harmonious with land uses, buildings, thoroughfares, and off-street parking on the planned property or thoroughfare.
- (c) Ensure the reduction of surface water runoff and contribute to air purification.
- (d) Encourage efforts to preserve natural vegetation and protect existing trees and woodlands, wetlands, and other natural features.
- (e) Require planting of street trees along public thoroughfares.

(Ord. 20-06. Passed 5-25-06.)

1140.03 DUTIES AND RESPONSIBILITIES.

(a) The Design Review Board, in accordance and established in Chapter 1144, shall review and approve landscape plans as part of the Exterior Plan approval process for multi-family, commercial, office, and manufacturing developments. In the case of substantial expansions as defined by this Chapter, the Zoning Inspector shall review and approved landscape plans as part of a Zoning Permit approval.

(b) The Planning Commission shall review and approve landscape plans for street trees for multi-family, commercial, office, manufacturing and residential preliminary plats.

(c) The Design Review Board shall adopt an "Approved Tree List" for use as guidelines for meeting the provisions of this chapter. The "Approved Tree List" is a guideline and should be considered by the Design Review Board, Planning Commission, and Zoning Inspector when approving Landscape Plans. However, if determined appropriate, the Design Review Board, Planning Commission, or Zoning Inspector may permit landscape materials or trees not specifically listed in the "Approved Tree List".
(Ord. 20-06. Passed 5-25-06.)

1140.04 DEFINITIONS.

For the purpose of this chapter, certain terms are herewith defined.

- (a) "Board" shall mean the Design Review Board as established in Chapter 1144.
- (b) "Crown Spread" shall mean the distance measured across the greatest diameter of the above ground portions of a plant.
- (c) "Decorative Walls and Fences" shall mean barriers constructed of wood, masonry or other appropriate material.
- (d) "Developed Area" shall mean that a portion of a plot or parcel of land upon which a building, structure, pavement, landscaped material or other improvements, excluding public rights-of-way, have been placed.
- (e) "Diameter at Breast Height" or "DBH" shall mean the diameter of the tree as measured at four and a half (4 1/2) feet above grade.
- (f) "Earth Mounds" shall mean earthen physical barriers which block or screen a view, which have vegetation capable of preventing erosion, and have a maximum permitted slope of three feet horizontal to one vertical (3:1) where mounds are to be mowed.
- (g) "Ground Cover" shall mean landscape materials such as natural mulch or low growing plants installed in such a manner so as to form a continuous cover over the ground.
- (h) "Interior Landscaping" shall mean the use of landscape materials within the boundaries of the parcel, exclusive of the perimeter landscaping.
- (i) "Landscape" shall mean the placement of landscape materials in the planting area in accordance with the requirements of this chapter.
- (j) "Landscape Buffer" shall mean landscape materials installed between certain land uses [i.e. (1) between multifamily and single family uses, (2) between any residential and commercial uses, and (3) between any manufacturing and residential or commercial use], between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise.

- (k) "Landscape Material" shall mean materials such as, but not limited to, living trees, shrubs, vines, lawn grasses, ground cover, landscape water features and non-living, durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, earthen mounds, but excluding pavements or surfaces for vehicular use.
- (l) "New Structure" shall mean anything newly constructed or erected, the use of which requires location on the ground. Additions to, alterations to and/or reconstruction of an existing structure or building shall not be considered a new structure. A new structure includes, but is not limited to, buildings, walls, fences, signs, and billboards.
- (m) "Opacity" shall mean the required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to a required height.
- (n) "Parking Area or Structure" shall mean an off-street area or structure for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space necessary for the parking or loading areas.
- (o) "Plants" shall mean living vegetation. Artificial plants are not included in this definition.
- (p) "Service Structures" shall mean equipment or elements providing service to a building or a site including but not limited to loading docks, storage tanks, trash containers or receptacles, electrical transformers, utility vaults which extend above the surface, cooling towers, and heating and cooling units.
- (q) "Shrub" shall mean a perennial plant which has persistent multiple woody stems from a common root and differing from a tree by its low stature and habit of branching from the base.
- (r) "Substantial Expansion" shall mean when an existing structure or vehicular access area is expanded, altered, or enlarged where such expansion, alteration, or enlargement exceeds twenty-five (25) percent of the area of the existing structure or vehicular access area.
- (s) "Tree" shall mean any self supporting, woody perennial plant which normally grows to an overall height of at least fifteen (15) feet.
- (t) "Tree, Large" shall mean any tree which normally attains a mature height equal to or greater than fifty (50) feet.
- (u) "Tree, Major" shall mean an existing living tree with a DBH of at least eighteen (18) inches.
- (v) "Tree, Measurement of" shall mean the diameter in inches of a tree trunk measured six (6) inches above grade for trees equal to or less than six (6) inches in diameter or measured at DBH for trees larger than six (6) inches in diameter.
- (w) "Tree, Medium" shall mean any tree which normally attains a mature height greater than thirty (30) feet and less than fifty (50) feet.
- (x) "Tree, Small" shall mean any tree which normally attains a mature height greater than fifteen (15) feet and less than thirty (30) feet.
- (y) "Tree, Standard" shall mean a tree planted with a trunk caliper (diameter) of at least one and 3/4 (1 3/4) inches measured 6" above grade.
- (z) "Tree, Deciduous" shall mean trees which normally shed their leaves in the fall.
- (aa) "Tree lawn" shall mean that part of the street right of way not covered by sidewalk, bike path or other paving, lying between the sidewalk and street.

- (bb) "Vehicle Encroachment" shall mean any protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscape area.
- (cc) "Vehicular Use Area" shall mean any paved surface area, excepting public rights-of-way, used by any type vehicle, whether moving or at rest for the purpose of (including but not limited to) driving, parking, loading, unloading, or storage. (Ord. 20-06. Passed 5-25-06.)

1140.05 LANDSCAPE PLAN REQUIREMENTS.

- (a) Types of Requirements.
 - (1) New Structures. A zoning permit for construction of a new structure, or a vehicular use area shall be issued only after a landscape plan as required by this chapter has been submitted and approved. This requirement does not apply to single-family residential uses.
 - (2) Substantial Expansions. A zoning permit for construction of a substantial expansion to a structure or vehicular use area shall be issued only after a landscape plan as required by this chapter has been submitted and approved. In the case of a substantial expansion to a structure or a vehicular use area, the site shall comply at a minimum with the required street trees to be planted along the public thoroughfare and the landscape requirements for vehicular use areas as required by this Chapter. A landscape plan for a substantial expansion does not require Design Review Board approval and shall become part of a Zoning Permit application review process and shall require no additional fee beyond the Zoning Permit fee. If the Zoning Inspector determines that the street trees along the public thoroughfare or the landscaping for vehicular access areas are not practical due to topographic conditions or physical site limitations, the street trees may be planted in different locations on the site or reduced by size or number as approved by the Zoning Inspector.
 - (3) Preliminary Plats. A preliminary plat for multi-family, commercial, office, manufacturing and residential uses shall be approved by the Planning Commission only after a landscape plan as required by this chapter has been submitted and approved.
- (b) Landscaping Plan Requirements. The landscape plan shall include:
 - (1) The name and address of the property owner and applicant.
 - (2) The zoning and specific land use for the property involved and for adjacent properties.
 - (3) A Site Plan to an appropriate scale showing:
 - A. All existing and proposed buildings, structures, overhead and underground utilities, vehicular use areas, service structures, fences, mounds, storm water detention areas, drainage swales, or any other site feature.
 - B. Existing major trees and vegetation or landscape features. Major trees are to be located, identified, and health condition noted.
 - C. Existing major trees, vegetation, or landscape features to be removed.

- D. New landscaping to be installed as part of this project. The plan shall include a plant list that identifies all plants by species, common name, and size to be installed. Materials and vegetation shall be identified for all proposed landscaping.
- (4) Major trees preservation plan.
 - A. All major trees shall be preserved, unless exempted, as follows:
 - 1. The proposed structure or vehicular use area cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot.
 - 2. The tree is damaged or diseased or otherwise is an undesirable species in its present location.
 - B. Each major tree larger than thirty (30) inches in diameter removed under this section should be replaced by the owner/developer of the parcel with four (4) standard trees. Each major tree eighteen to thirty inches (18-30) in diameter should be replaced with two (2) standard trees. Replacement trees for major trees removed shall be identified on landscape plan as such.
(Ord. 20-06. Passed 5-25-06.)

1140.06 LANDSCAPE PLAN APPLICATION AND PROCESS.

(a) Procedure for Design Review Board. The Landscape Plan shall become part of the Exterior Plan application and review process in accordance with the Design Review Board requirements in Chapter 1144.

(b) Fee. There shall be no additional fee for Landscape Plans which go to the Design Review Board as part of the Exterior Plan application and approval process.
(Ord. 20-06. Passed 5-25-06.)

1140.07 MINIMUM LANDSCAPE STANDARDS.

The following landscape standards are required for new structures or substantial expansions unless the Design Review Board determines that the landscape standards are not practical due to topographic conditions or physical site limitations allowing the landscape materials to be planted in different locations on the site as approved by the Board.

- (a) Perimeter Landscape Standards. Landscape buffering shall be required between multifamily and single family uses, between any residential and commercial uses, and between any manufacturing and residential or commercial use. Landscape buffering shall achieve and maintain eighty (80) percent opacity, a height of at least six (6) feet, and a varied use of landscaping material. Fences and walls shall be no higher than six (6) feet in residential and commercial zoning districts and no higher than ten (10) feet in manufacturing zoning districts. The plant material must achieve height and opacity requirements within four (4) years after installation.
- (b) Landscape Requirements for Vehicular Use Areas. Public and private off street parking facilities and other vehicular use areas, except for single family and two (2) unit multifamily buildings, shall be landscaped in accordance with the following requirements:

- (1) Vehicular use area perimeter requirements.
 - A. Setback Requirements. The front setback area for off-street parking shall consist of a ten (10) foot wide strip between the street right-of-way and the vehicular use area. Side and rear setbacks are to consist of a four (4) foot wide strip as measured from the property line to the vehicular use area.
 - B. Mounding Requirements. Mounding and/or landscaping shall be provided to buffer vehicular use areas. The minimum height of landscaping and/or mounding around vehicular use areas shall be three (3) feet except in line of sight triangles at driveway and street intersections where height limit is two (2) feet. In addition to the vehicular use area perimeter buffering requirement, one standard tree is to be planted for each seventy-five (75) feet of vehicular use area and/or parking area perimeter distance.
- (2) Interior requirements. Within vehicular use areas with more than 20 parking spaces an area equal to a minimum of three (3) percent of the vehicular use area excluding perimeter landscape buffer areas shall be devoted to multiple planting areas which shall include a minimum of one standard tree plus other landscape material. For parking spaces not adjacent to islands or landscape bed areas with shade trees, every 25th space shall be made into a planting area and shall include one (1) standard tree. Planting areas for the interior requirements shall be a minimum of two hundred (200) square feet in size. In addition:
 - A. The total planting area around a vehicular use area may be reduced by one hundred (100) square feet if such amount is relocated elsewhere to emphasize an entrance corridor or feature.
 - B. In order that there shall be safe access to parking spaces, planting areas shall be arranged as to divide parking corridors and to limit "cross taxiing" through open parking spaces.
 - C. Grass cover shall be planted on all portions of the interior planting areas not occupied by other landscape material.
 - D. The minimum width of a landscape area where a tree or planting is planted shall be five (5) feet and the minimum distance from a tree or planting to a vehicular use area shall be two and one half (2 1/2) feet measured from the trunk of the tree or planting to the face of the curb.
 - E. Planting area shall mean any area utilized for landscape material installation having a minimum area of fifty (50) square feet.
- (3) Distribution adjustments. In areas where the Design Review Board has determined that strict application of this chapter will interfere with the function of the area, the required interior landscaping may be located to an area approved by the Board. For automotive or vehicle sales or dealerships and other uses where landscaping adversely impacts the operation of the use, the Design Review Board may approve the reduction or relocation of the number, size, or design of landscaping materials.
- (4) Construction adjustments. If it is determined that during construction that exact landscaping placement as approved by the

Design Review Board is not practical due to topographic or physical site limitations, the Zoning Inspector may permit the reallocation of the landscaping to a different location on the property.

- (c) Intersection Clear Vision Requirements. To minimize traffic hazards, when an access way to a vehicular use area intersects a public right-of-way or where the property abuts the intersection of two (2) or more rights-of-way, all landscaping shall provide unobstructed visibility between two (2) feet and seven (7) feet in a line of sight triangular area bounded by a thirty (30) foot dimension along each access way edge, street edge, or curb and connecting the endpoints. Landscaping other than grass or ground cover shall not be located closer than four (4) feet from the edge of the access way pavement. Pursuant to 1143.06(e) see appendix A for sight triangles at intersections.
- (d) Street Trees and Public Tree Requirements. Street trees along public streets as part of a preliminary plat shall meet the guidelines established below and shall be reviewed and approved by the Planning Commission as part of the preliminary plat process. Street trees along public streets as part of a proposed development shall meet the guidelines below and shall be reviewed and approved by the Design Review Board or Zoning Inspector in the case of a substantial expansion as defined by this Chapter. Street trees shall be required in all zoning districts, and in accordance with the following regulations.
 - (1) Street trees shall be planted along public streets in such a manner, type, quantity and location as approved by the Planning Commission, Design Review Board, or Zoning Inspector. Any existing street with undeveloped frontage shall also conform to these requirements at the time of the frontage development.
 - (2) The minimum trunk caliper measured at six (6) inches above grade for all street trees shall be no less than one and 3/4 (1 3/4) inches.
 - (3) Street trees shall be planted as per the following spacing requirements:

<u>Minimum</u>	<u>Maximum</u>		
	Large Trees	1 per 60' of frontage	1 per 45' of frontage
	Medium Trees	1 per 50' of frontage	1 per 35' of frontage
	Small Trees	1 per 40' of frontage	1 per 25' of frontage
(4)	The spacing between trees shall be adjusted to accommodate the location of driveways, fire hydrants, utility service lines, street lights, street signs, or any other permanent street fixtures.		
(5)	Tree locations shall be at least thirty-five (35) feet from street intersections and ten (10) feet from fire hydrants or utility poles, and fifteen (15) feet from street signs.		
(6)	Street trees shall be planted half the distance between the sidewalk and the edge of the street. When no sidewalks or curbs exist, the tree location shall be half the distance between the edge of the street and the right-of-way.		
(7)	A small tree shall be used when planting within ten (10) feet horizontal distance of overhead utility wires. A small or medium tree shall be used when planting between ten (10) and twenty (20) feet horizontal distance of overhead utility wires.		
(8)	If the Planning Commission, Design Review Board, or Zoning Inspector determines that the street trees along the public thoroughfare are not practical due to topographic conditions or physical site limitations, the street trees may be planted in different locations on the site or reduced by size or number as approved by the Planning Commission, Design Review Board, or Zoning		

Inspector.
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1140.08 INSTALLATION AND TREE MAINTENANCE.

(a) Installation. All landscaping materials required on sites affected by this chapter shall be installed in accordance with industry accepted construction and planting procedures.

- (1) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials planted or placed to fulfill the requirements of this chapter and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
- (2) All unhealthy or dead plant material shall be replaced within six months, or by the next planting period, whichever comes first, while other defective non-plant landscape material shall be replaced or repaired within three (3) months.
- (3) Violations of these provisions shall be grounds for the City to refuse a zoning certificate of compliance and find that the owner is in violation of the zoning ordinance. Please refer to Chapter 1125.99.

(b) Tree Maintenance. Publicly owned trees or privately owned trees located in or encroaching upon the public right-of-way shall conform to the following provisions:

- (1) Persons providing services to public owned trees and/or providing utility line clearing services shall adhere to guidelines of the International Society of Arborists for tree maintenance and utility line clearance work.
- (2) No person shall 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.
- (3) Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than eight (8) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same should be less than thirteen (13) feet above the roadway.
- (4) 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.
- (5) No person shall intentionally attach any rope, wire, nails, advertising posters, or other contrivance to any tree or shrub, allow any 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.
- (6) Stumps shall be removed at least four (4) inches below grade. All residual material shall be removed from the site at the time the tree is removed and the grade shall be restored.
- (7) A person who removes, damages or causes to be removed a public tree from the tree lawn or other public place shall be required to remove and replace the tree with a tree as approved by the Zoning Officer.

(Ord. 20-06. Passed 5-25-06.)

1140.09 LANDSCAPING REQUIRED BEFORE FINAL OCCUPANCY.

Before a zoning certificate of compliance is issued, landscaping as approved by the Design Review Board, Planning Commission, and/or the Zoning Inspector or designee shall be installed, unless it is determined by the Zoning Inspector or designee that due to unforeseen circumstances or inclement weather that the approved landscaping cannot be installed prior to occupancy. In this case, a temporary zoning certificate of compliance may be issued in accordance with Chapter 1125. The City may require from the property or business owner a performance bond of sufficient amount to cover the remaining cost of materials and labor to install the landscaping.

Failure to install landscaping as **approved by** the Design Review Board and/or Zoning Inspector is a violation of the zoning ordinance and is subject to the penalties in Chapter 1125.99.

(Ord. 20-06. Passed 5-25-06.)

1140.10 APPEAL.

Any person whose plan has been disapproved or who has otherwise been aggrieved by a decision of the Design Review Board, Zoning Inspector or designee may appeal that decision to the Board of Zoning Appeals. Please refer to Chapter 1129.

(Ord. 20-06. Passed 5-25-06.)