

SECTION XXXVIII. LANDSCAPE AND SCREENING REQUIREMENTS

(All Sections 6/15/2007, except as noted)

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38.01 Purpose

The purpose of this Section and its regulations is to help protect and preserve important natural and environmental variables, and their functions, of a site while enhancing the overall character and appearance of the built environment. Specific objectives include:

- A. Minimize potential noise, glare and visual clutter of outdoor storage, service areas, and parking and loading areas by obscuring the view with landscaping and screening.
- B. Provide protection from soil erosion.
- C. Soften the appearance of building masses and break up and reduce the impact of large parking areas.
- D. Remove, reduce, lessen or absorb the impact between one use or zone and another.

38.02 Applicability

- A. A Landscape Plan is required to be submitted for any use or development involving the construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, RD-2, M, S, THN, THC, or R-3 Districts or non-residential uses permitted in the Residential Districts, in compliance with the requirements set forth in Section XXXVIII. (Amended 6/19/2009)
- B. The Landscape Plan shall be submitted as part of the Site Plan Review requirements set forth in Section XXXVI.
- C. Existing landscape material shown on a site plan that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part.
- D. Where this section and other areas of the Resolution conflict one another, the provisions in Section XXXVIII shall apply.

38.03 General Requirements

- A. The proposed location of buildings, off-street parking areas, and other earth disturbing activities shall be accomplished with the desire to minimize the removal of individual trees having a trunk diameter of six inches (6") or greater as measured four and one half feet (4 ½ ') above ground level.
- B. The proposed site shall demonstrate consideration toward placing structures and off-street parking areas to avoid the destruction of heavily wooded areas, outstanding trees species and riparian areas.
- C. Landscape materials shall be arranged to create varied and attractive views and complement the architectural features of the principle structure on the site. Any landscape or screening material that is a required element of a regulation or approved site plan that dies or is destroyed shall be replaced within 60 days, or when soil conditions permit, and shall take place for the first two years after project completion. Plans shall be implemented within 120 days of project or phase completion or when soil conditions permit. (12/15/2006)
- D. In areas where general planting will not prosper, other materials such as fences, walls, pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged. A mature tree, tree mass or woodland should remain on the site providing it does not pose any undue threat to the health, safety and welfare by its location with respect to any proposed improvements to the site. Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (1/22/1974; Amended 12/15/2006)
- E. The plan must be prepared by a landscape architect or other landscape design professional. The plan shall contain the items set forth in Section 36.05 of the Site Plan Review Submission Requirements.

38.04 Building Landscaping and Yard Requirements

- A. General Requirement: A minimum five foot (5') planting area shall be provided between all building walls and paved areas except at service areas, mechanical equipment areas and primary pedestrian access points to the structure. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and walkways and similar architectural projections shall be considered parts of the building to which they are attached. In any instance, at least half (½) of the building front shall be landscaped.
- B. Planted Side and Rear Yards: Side and rear yards shall be landscaped in accordance with the side and rear yard clearance requirements established in the zoning district in which the proposal is located.

- C. Areas outside the requirements in Section 38.04 A, and areas not paved, shall be landscaped with live ground cover or lawn, which shall be maintained in good and healthy condition at all times.

38.05 Interior Parking Lot Guidelines (Figures 1 and 2)

Interior parking guidelines are intended to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.

- A. Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading and storage areas) that contains more than six thousand square feet (6,000 sq. ft.) of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping.

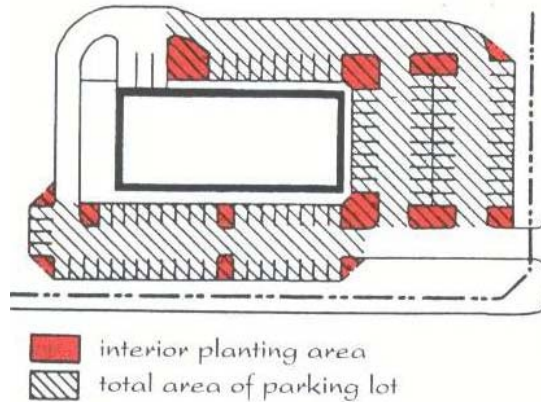
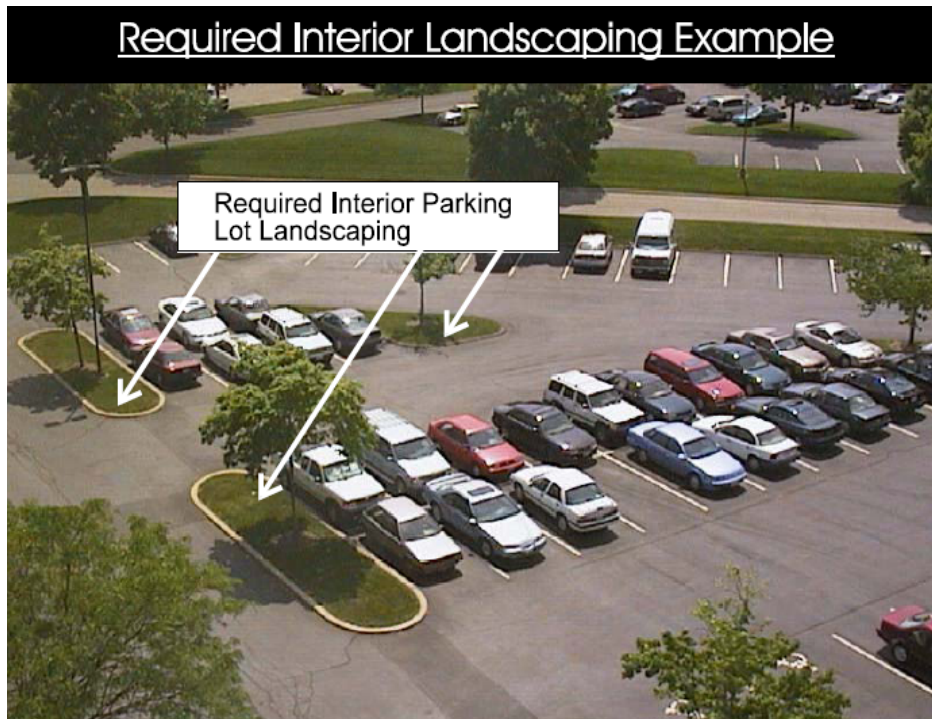


Figure 1

- B. The amount of this interior landscaping shall be a minimum of ten percent (10%) of the total parking area. Interior parking areas does not include access drives or ingress/egress areas. See Figures 1 and 2.
- C. Landscaped areas shall be evenly dispersed throughout the parking area in islands or peninsulas, provided each island or peninsula is not less than one 100 square feet in size. The design shall not impede internal vehicular traffic circulation. Each island shall be a minimum of five feet (5') in any horizontal direction.
- D. Within landscaped islands or peninsulas, one major shade tree shall be provided for every ten (10) parking spaces. Required trees placed in islands shall be placed in a space containing at least 150 square feet of pervious area per tree to allow for adequate root aeration and expansion.
- E. Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two inches (2").
- F. Remaining areas shall be vegetated with grass or similar low level plant material not to exceed two feet (2') in height.

Figure 2



38.06 Landscaping Along Road Frontage (Figure 3)

A landscape strip along the street frontage shall be provided in accordance with the following requirements. The landscape strip is measured from the right-of-way line to the parking lot. (See Figure 3)

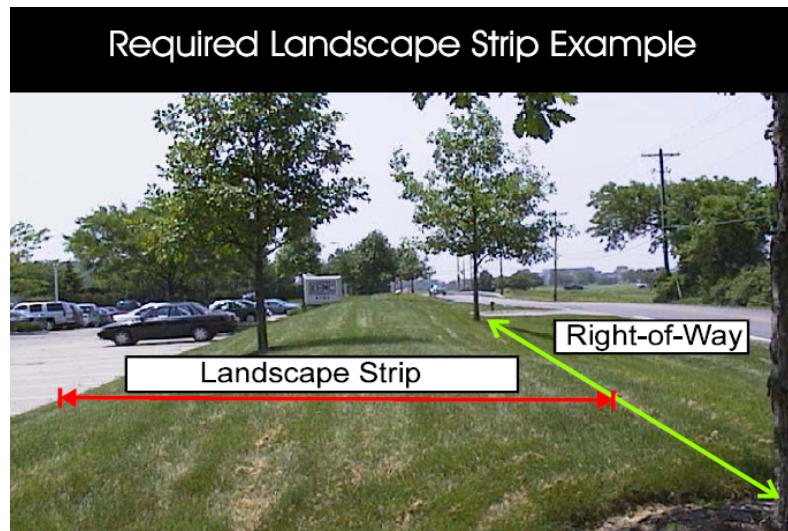
- A. The landscape strip shall be provided along the full width of the lot and shall be mounded in accordance with the requirements of Section 38.06 F and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).
- B. Within this landscape strip, there shall be at least one (1), two-inch (2") caliper deciduous tree or small flowering trees with creative placement for every 35 feet of road frontage, along with random shrub plantings. A recommend five (5) shrubs should be randomly staggered for every 35 feet of road frontage.
- C. Landscape mounds shall have an elevation at least two feet (2') higher than the finished elevation of the parking lot. (Amended 10/17/2008)
- D. Earth mounds and decorative landscape treatments shall not block adequate safe distances at driveway locations and intersections.
- E. The width of the landscape strip shall be no less than twenty-five feet (25'). Corner lots shall have a landscape strip of required width on both frontages.

- F. Mounds shall block or screen the view of adjacent off-street parking areas and shall be constructed with plant materials to prevent erosion. Slopes on earthen mounds shall be no greater than 3:1 with a minimum crown width of at least two feet (2') to create a generally flat crest.
 - 1. The transition between existing grade and the slope of the mound should be gradual with contouring intended to make the mound appear as part of natural landscape. Gradual slope variation within the mound will encourage a more natural appearance.
 - 2. Where applicable, trees should be planted on the shallower portion of the slope.
 - 3. It is recommended the top twelve inches (12") of the mound consist solely of high quality topsoil.
 - 4. In lieu of the mounding requirements set forth in this section, the applicant may propose using storm water best management practices, such as bioretention areas or enhanced swales with native plantings to minimize the site impact on the storm water system and are consistent with the intent of these regulations. (Amended 10/17/2008)

- G. The grading plan and landscape plan shall evaluate the site and ensure that underground utilities, surface water and groundwater flow, and mature trees are not adversely affected by the landscape strip.

- H. If existing landscaping or woodlands exist along the frontage and is consistent with the intent of these regulations, the applicant may preserve a 25 ft. wide strip in lieu of the landscape requirements outlined above.

Figure 3.



38.07 Perimeter Parking Lot Guidelines

Landscaping around the perimeter of parking lots shall be provided in accordance with the following requirements:

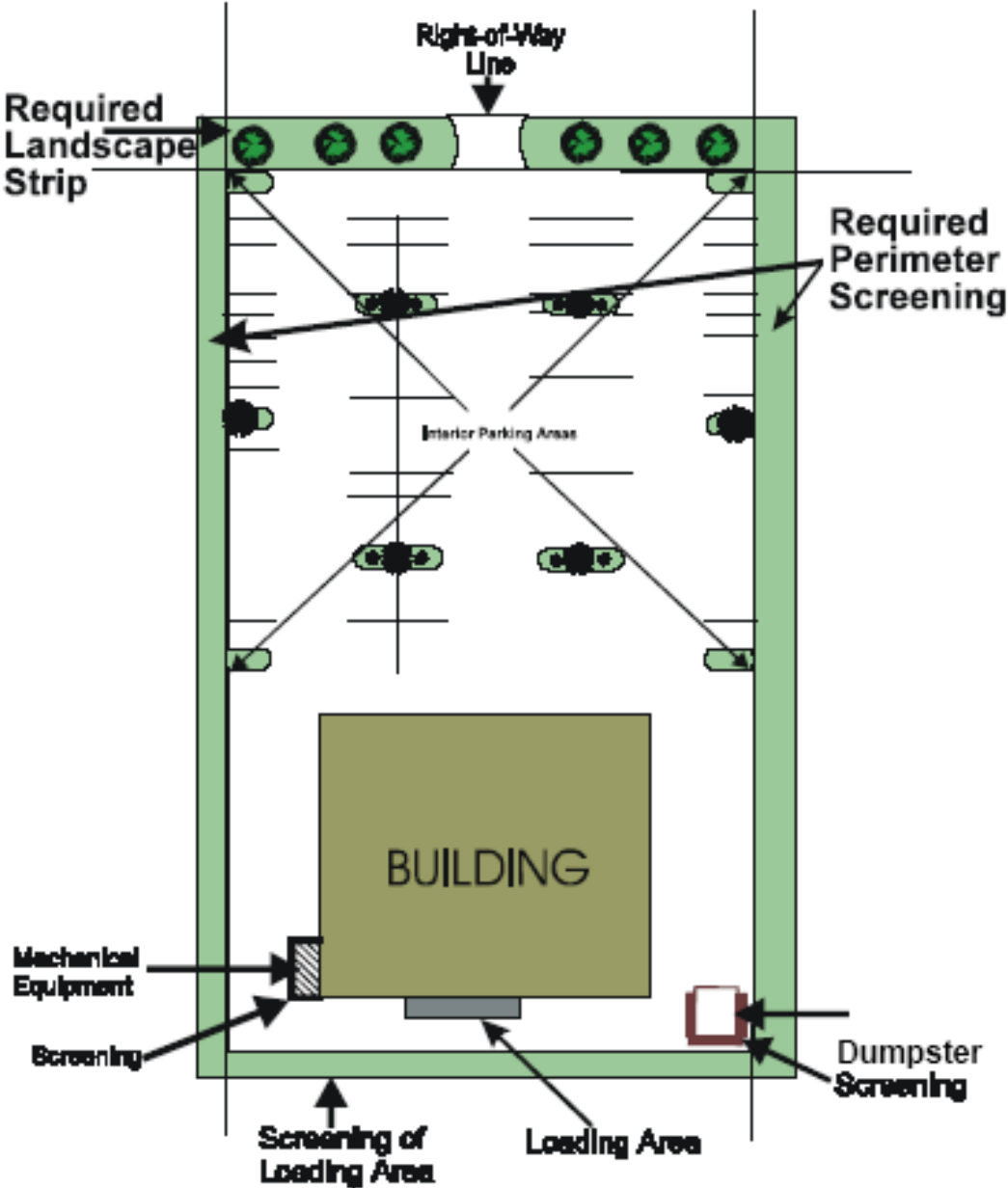
- A. Landscape areas shall be in accordance with the side and rear yard setbacks established in the zoning district in which the proposal is located. Perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, hedges, fencing or similar landscaping feature for visual separation from adjoining property.
- B. In areas where common or shared interior access points between businesses are proposed, the perimeter landscaping requirement for that area shall be waived.

38.08 Landscaping/Screening for Service Structures and Yards

- A. Service structures include, but are not limited to, loading/unloading docks, propane tanks, electrical transformers, and other equipment or elements providing service to the building or site.
 - 1. Screening shall include a continuous planting, hedge, fence or similar feature that will enclose any service structure on all sides. Fences shall be designed in accordance with Section 38.10.
 - 2. Screening established with plant materials shall provide seventy-five percent (75%) opacity with two years (2) of planting and shall be equally effective in the winter and summer.
 - 3. All other types of screening shall completely screen service structures. Construction materials and design features shall be consistent with the primary structure on site.
 - 4. The minimum height of screening material shall be two foot (2') more than the height of the enclosed structure, but shall not exceed ten feet (10').
 - 5. If a service structure is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the structure is required.
- B. Screening of service yards, outdoor storage areas, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting or a combination of these. Screening shall be equally effective in winter or summer. (1/22/1974; Amended 6/15/2007)

Note: Figure 4 generally illustrates the overall landscaping and screening requirements set forth in the preceding sections.

Figure 4- Overall Landscaping & Screening Requirements



38.09 Landscaping/Screening Adjacent to Residential Areas

- A. A minimum buffer strip of fifty (50) feet is required when the B-1, GB, THN, THC, B-2, BX, S, RD-2, and M Districts abuts any residential district. This fifty (50) foot buffer strip shall be included in the side and rear yard clearance requirements when abutting residential districts, as established in Section 22.04 of the district regulations and shall not be additional footage. (12/15/2006; Amended 6/15/2007 & 6/19/2009)
1. The 50 ft. required buffer zone will be considered a protected "Green Space". The "Green Space" is a canopy cover with existing mature trees or, if necessary, planted with additional selected hardwoods. If soil and environmental conditions require other types of trees or plan, Best Management Practices shall be utilized as recommended by a certified Arborist, Urban Forester or other expert. Trees planted are required to be a variety of the type (i.e. Maples, Oak, Beech, Elms, Conifers, etc.) that can achieve, as a goal, a 50% canopy cover. (12/15/2006)
 2. Mature trees, tree masses, or woodlands existing in the required buffer "Green Space" shall be designated "Tree Save Area" on all plans including landscaping and site plans. All "tree save areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on all plans including the landscape plan. (12/15/2006)
 3. The following practices are not permitted and considered harmful in a "tree save area": grading or trenching; placing backfill near trees; driving or parking equipment in "tree save" areas; dumping of trash; storage of construction materials and supplies. (12/15/2006)
 4. Protected "Green Space" is not allowed to be used for water retention, retention basins, storage, out buildings, or dumping of any type. (12/15/2006)
 5. "Green space" maintenance, proper pruning, proper clearing of dead trees, control of grape vine and other invasive plants/vegetation is required to take place annually by the property owner (minimum requirement). Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (12/15/2006)
- B. The site shall be planned to accomplish a desirable transition with the street scape, and to provide for adequate planting, pedestrian movement and parking areas. In order to minimize run-off and provide adequate open space, sites shall have a minimum pervious area of 30%. Storm water and water quality

measures shall be integrated in the design of parking lots and roof water run off to assure that the runoff water quality is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used. (9/24/1974; Amended 12/15/2006)

- C. When a commercial or nonresidential use project is proposed within the THN, Town Hall Neighborhood District that abuts a residential use project (residential care facility, nursing home, home for the aging or hospice care facility) within the same district, additional landscaping/screening shall be provided between the project boundaries that shall be no less than 20 feet in width and include the use of earth mounds, a planting strip, hedges, fencing or similar landscaping features, which provides visual separation and a year round vertical screen. (6/19/2009)

38.10 Fences

Proposed fences or walls in the B-1, B-2, BX, GB, THN, THC, RD-2, S, M, or R-3 Districts or non-residential uses permitted in the Residential Districts shall be reviewed as part of the site plan review process for a proposed development, as set forth in Section XXXVI. However, when a fence or wall is proposed for properties with an approved site plan and/or when no other new construction, additions or site alterations are proposed, a zoning permit shall be obtained from the Zoning Inspector prior to the construction or erection of a fence. Plan approval is subject to the provisions of this section and Section XI, Zoning Permits, of the Concord Township Zoning Resolution. (Amended 6/19/2009)

- A. Fences and walls shall be permitted in any required yard, or along the edge of any yard except as otherwise specified herein.
- B. Permitted Fences
1. Solid fences: Permitted solid fences are board on board or alternating board on board fences, solid picket fences, stockade or palisade fences, or brick or stone wall fences.
 - a. Solid fences shall be permitted in all zoning districts.
 - b. Solid fences shall be permitted in all required yards.
 2. Open fences: Permitted open fences are chain link fences, bollard and chain fences, open picket fences, smooth rail, split rail, or contemporary rail fences, and wrought iron style/design fences.
 - a. Chain link fences shall be prohibited in the B-1, GB, THN, and THC Districts. (Amended 6/19/2009)
 - b. Chain link shall be permitted in side and rear yards in the BX, B-2, M, S, RD-2, or R-3 districts or nonresidential uses permitted in other Residential Districts.
 - c. Other open fences as defined above shall be permitted in all yards of the B-1, GB, THN, THC, BX, B-2, M, S, RD-2, and R-3 zoning districts or

nonresidential uses permitted in other Residential Districts. (Amended 6/19/2009)

- C. Prohibited Fences. No person shall erect or maintain:
 - 1. Any fence with a charged electrical current.
 - 2. A razor wire fence.
 - 3. A fence composed of or containing any of the following materials:
 - a. Chicken wire
 - b. Pallets
 - c. Barbed wire
- D. The posts and all other supporting portions of the fence shall not exceed the maximum height of the fence by more than four (4) inches. The maximum height of the fence shall be measure from the finished grade as shown on the approved site plan or zoning permit application.
- E. Line of Sight Safety Areas: A fence or wall shall not be located so as to adversely affect the vision of operators of motor vehicles driving on public streets or emerging from alleys or driveways intersecting public streets. A fence or structure at such an intersection shall not be erected or maintained more than thirty-six (36) inches higher than the pavement or curb level in any district (within the required setback lines) or within twenty-five (25) feet of the curb or pavement line, whichever is greater.
- F. Maximum Fence Height: (Amended 10/17/2008; Amended 6/19/2009)

Zone	Yard		
	Front	Side	Rear
B-1, GB, THN, and THC	4 ft	8 ft*	8 ft*
BX, B-2, RD-2, S, M, R-3 and nonresidential uses in Residential Districts	4 ft	8 ft	8 ft
<u>Note to Table:</u> *Except when such yard abuts a public right-of-way, then the maximum fence height shall not exceed 4 ft.			

(Amended 6/19/2009)

- G. Fences may be placed on a property line outside of the public right-of-way.
- H. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening. Fence gates placed at a driveway entrance or walkway in the front yard shall be subject to all fence requirements.
- I. The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property of the owner installing the fence

unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.

- J. All fences shall be maintained in accordance with the following:
 1. The property owner shall maintain the fence in a condition fit for the intended use and any local regulations.
 2. The property owner of any fence shall be liable to maintain the fence in compliance with the Township Zoning Resolution and all applicable laws and regulations.
 3. Every fence is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such fence.
- K. In-ground swimming pools shall be fully enclosed by an approved fence not less than six (6) feet in height to prevent any access to the pool except through a controlled access point. Above-ground swimming pools shall be enclosed by either a fence or pool wall not less than six (6) feet in height to prevent access to the pool except through a controlled access point.

38.11 Landscaping Material Standards

- A. Evergreen shrubs: Plants shall be no less than 24 inches in height.
- B. Deciduous shrubs: Plants shall be no less than 30 inches in height.
- C. Conifers (evergreen trees): Each tree, at the time of installation, shall no less than six feet (6') as measured from the top of the soil ball.
- D. Deciduous trees: Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two (2) inches as measured at six (6) inches above the crown of the roots (if bare root) or from the top of the soil ball.

38.12 Recommended Vegetation List

- A. Artificial plants shall not be used to meet landscaping requirements, and all plant materials used to comply with provisions of this Section, shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- B. The applicant shall also be responsible for ensuring landscape materials are not included in the Ohio Department of Natural Resource's list of invasive species or noxious weeds list.