

AGENDA

August 3, 2020

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Meeting of July 8, 2020

Cases

CASE NO. 2020-1682

James and Monica Tuohy, the property owners of 7775 Sagamore Drive are requesting a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed is proposed to be 2'-3' from both the side and rear property lines.

CASE NO. 2020-1683

Lynne Heyman, the property owner of 7280 Meadowbrook Drive is requesting three variances to Zoning Code Section 154.12. The variances would allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive.

CASE NO. 2020-1677

PUBLIC HEARING: The Planning Commission will review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD IN COUNCIL CHAMBERS & BY PHONE VIA ZOOM
WEDNESDAY, JULY 8, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held via the Internet on Monday, July 8, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach (by phone)
Rick Lauer
Susan Rissover
Scott Wolf (by phone)
Scott Rubenstein

ALSO PRESENT:

Kevin McDonough
Wes Brown
Scot Lahrmer
Tammy Reasoner
Bryan Snyder, HCP+D

Chairperson Bardach welcomed everyone to the meeting and led those in attendance through the Pledge of Allegiance.

Chairperson Bardach asked if there were any corrections to the minutes of the June 1, 2020 meeting. There being none, the minutes were accepted as submitted. He then outlined protocols for speakers both on the phone and in chambers.

CASE NO. 2020-1679

Mr. Brown stated Fraley & Fraley had submitted plans on behalf of Lewis Animal Hospital for a 12,000 square foot animal health facility to be built on 2.2-acres. The 2.2-acre lot was included in the lot split that was approved by the Planning Commission in December of 2019 and located in the North Site Zoning District. Village Code Section 154.83 requires a site plan review for all new structures by the Board of Zoning Appeals and a public hearing when variances are requested.

The site plan requires three variances to the Village Zoning Code:

- 1) A variance is required from Section 154.14 (A), to allow for the 8' high combination wall and fence surrounding the outdoor courtyard to be constructed on the south side of the building in the Ronald Reagan Highway front yard.
- 2) A variance is required from section 154.82 (B), to allow for the second 40 square foot wall-mounted sign on the south-facing wall (toward Ronald Reagan Highway).
- 3) A variance is required from Section 154.12 (A) (4), to allow for the construction of a 226 square foot accessory structure to enclose the trash handling area and enclosed storage area.

The Lewis Animal Hospital is in the process of purchasing 2.2 acres of the former Amberley Swim Club property from the Village to construct a 12,000 square foot animal health facility.

The proposed animal hospital is located in the North Site Zoning District (NS) and is a permitted use. The structure will be a one-story brick and mortar building, with metal siding between the different levels of the sloped metal roof.

The North Site Regulations (Section 154.77) allow a building height of 60 feet, which is 40' higher than the proposed 19'8" at the center of the north and south elevations.

Code Section 154.78 of the regulations calls for a three-acre minimum lot area, however, the 2.2-acre lot was included in the lot split that was approved by the Planning Commission (PC) in December of 2019. The Planning Commission's approval created 3 separate parcels of 2.08 (Mercy Health), 2.2 (proposed Lewis Animal Hospital), and 2.2 (parcel IV - future development).

The minimum yard setbacks in section 154.78, states that all structures shall comply with the minimum yard requirements (listed below):

<u>Minimum Yard Requirements</u>	
1) Ronald Reagan Highway:	25 feet
2) Front yard:	25 feet
3) Side Yard:	20 feet
4) Rear Yard:	20 feet

The proposed animal hospital meets all required setbacks for the NS district.

Parking

The off-street parking requirement (section 154.79) for the proposed 12,000' square foot animal hospital is 61 spaces (6 spaces plus one space for every 200 square feet of floor space in excess of 1000 square feet). The proposed parking lot plans show 61 spaces.

Sidewalks

Section 154.79 also calls for sidewalks to be installed on both sides of all streets and from the building to the street. The proposed development is landlocked by Village-owned property, no new streets or sidewalks are planned to be constructed with this project. Staff has determined sidewalks are not required for this project, due to the existing access that is a driveway and not a public street, and the Village does not own the parcel that abuts Ridge Road.

Exterior Lighting

The submitted plans meet the exterior lighting requirements in Section 154.79. The regulations call for zero foot-candle at any residential property line and the plan shows 0.0 to 0.1-foot-candle at the center of the access driveway which would be approximately 20' from all residential property lines.

Dumpster and Trash Handling Areas

The final regulation in Zoning Section 154.79 requires the dumpsters and trash handling areas to meet the same minimum setback (25') as the main building and be surrounded on three sides with a wall or fence with a height of no more than 7' and no less than 5'. The proposed dumpster/trash handling area is located on the south side of the west parking lot approximately 85' from the south/Ronald Reagan property line.

The trash handling area is proposed to be in an accessory structure that contains an enclosed storage area and the trash handling area surrounded on 3 sides by 8'4" brick walls and a double gate on the north side of the structure.

The accessory structure as a whole does require a variance. Village code states that an accessory structure shall not cover more than 200 square feet in floor place. The proposed structure to contain the enclosed storage and trash handling areas is proposed to have a floor area of 226 square feet.

Landscaping

The regulations in Zoning Section 154.80 require streetscape buffers along property lines abutting public streets, boundary buffers and interior parking landscaping.

The streetscape requirement is to be 10' in depth and consist of 4 under-story or canopy trees and 3 shrubs per 100' of frontage. The animal hospital frontage along the access driveway is approximately 340' which would require 12 trees and 9 shrubs. The proposed landscape plans show 12 trees, 9 shrubs, and 12 Blue Pacific Junipers along the North Site driveway to satisfy the streetscape requirement.

The boundary buffer has the same requirement of 4 trees and 3 shrubs per 100' and is to be installed between any residential and non-residential properties. The Lewis Animal Hospital property does not abut residential property, therefore it does not require a boundary buffer plan.

The interior parking lot requires 22 square feet of landscaping per parking space, 1 tree, and 3 shrubs per 10 parking spaces. The plans submitted show a total of 61 parking spaces, which would require 1,342 square feet of landscaping, 6 trees, and 18 shrubs. The landscape plan shows landscape beds totaling 2,700 square feet, 6 trees, 18 shrubs, and several other ornamental plantings, which satisfies the minimum requirements in Zoning Section 154.80.

Architectural Regulations

The exterior architectural features of the proposed structure will consist of brick and

mortar with metal siding between the different levels of the sloped metal roof. Architectural features surround the main entrance (including a covered entry) and the center of the north and south-facing walls of the building.

Signage Regulations

The North Site Code Section 154.82 regulates the signage in the North Site District. The regulation states that no sign may be posted on public property or in the public right of way except for public signs such as regulatory and traffic signs and must be placed in such a way that they will not obstruct the vision of drivers.

The code allows one square foot of building sign per foot of frontage that fronts a public street or the facade that contains the front entrance and be located on the facade in which the measurement was taken. The code also permits freestanding or monument signs for parcels with at least 150' of frontage. The freestanding signs shall not exceed 20' in height and must be a minimum of 5' from all public right of ways.

The signage proposed for the development is two building signs on the north and on the south walls of the building. The north-facing building sign meets code but the south building sign requires a variance in order to be installed.

The signage plan also proposes to have a monument sign 5.2" high and 7'4" long sign, 5' from the back of the curb along the access driveway. A second sign will be placed under the Mercy Health sign, for which staff has not received plans.

For the monument sign on Ridge Road, the intent is for this to serve as a marker sign for any developments on the North Site. The Village entered into a revocable agreement with Hamilton County for the sign to be placed on the County-owned property.

Mr. Lauer requested Mr. Brent Fraley, representing Lewis Animal Hospital, come forward to present his case for the project. Mr. Fraley said Mr. Brown had done a good job presenting the case and he was happy to answer any questions.

Mr. Lauer asked Mr. Fraley to talk about what Lewis Animal Hospital does. Mr. Fraley said they do well-check visits and surgeries, and offer some boarding for recovering animals and for regular customers on a minimal basis.

Mr. Lauer requested more information about where things are in the process of Lewis Animal Hospital moving into the Village. Mr. Lahrmer stated the project was about 3/4 of the way through the process, and the Village was excited to have Lewis Animal Hospital coming to Amberley Village.

Ms. Rissover asked for clarification regarding the boarding area, stating her concerns regarding the noise from barking. Mr. Fraley said Lewis Animal Hospital has not had issues at other locations with noise.

Mr. Bardach asked if there were any comments from residents in Reading, to which Mr. Lahrmer responded he had not. There was one resident, Mr. David Powell, who wished to comment at the meeting.

While waiting for Mr. Powell to unmute his phone, Ms. Rissover inquired about water management practices in the parking lot, and asked Mr. Fraley to comment on how this parking lot is designed. He stated there was curbing in the islands to protect the landscaping, but very little curbing would be used, and a detention pond with a filtration system is included in the plan.

Mr. David Powell of 705 Maple Drive in Reading joined the meeting via phone to express his concern regarding the potential noise in the neighborhood from animals in the 22 outdoor kennels proposed for the east side of the project and AC equipment and a generator on the northeast corner near Maple Drive. He also requested assurance that there would not be illuminated signage on the north side of the building.

Mr. Fraley responded there had never been issues in other locations with noise from outside kennels, and stated the AC and generator were very quiet equipment. He said there is a wall blocking the equipment to further muffle any sound, and as the generator was only for backup, it would not be used regularly anyway. He further stated the sign would not be illuminated and would utilize downlighting only.

Mr. Lauer and Mr. Bardach both asked if there were any other residents who wished to speak. There being none, Mr. Bardach asked for any discussion.

Mr. Lauer stated the Board of Zoning Appeals had reviewed the three variances, and had given favorable reviews of all. Mr. Bardach also expressed he was in favor of the variances.

Mr. Wolf requested the landscaping be included in any motion to approve the variances. Mr. Lauer then moved to approve the variances. Seconded by Mr. Rubenstein, the following roll call vote was taken:

AYE:	Bardach, Lauer, Rissover, Rubenstein, Wolf	(5)
NAY:		(0)

CASE NO. 2020-1677

Mr. Lahrmer introduced Case No. 2020-1677, and asked the Planning Commission to review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road, which would be referred to as the Amberley Green Development District Zoning Text. He then introduced Mr. Bryan Snyder of Hamilton County Planning + Development, who assisted Council in drafting the special zoning district text.

Mr. Lahrmer stated several objectives were considered in the preparation of the document, which was reviewed by staff, Mr. Snyder and council as part of the process. He said the Village wanted to protect existing property values by preventing incompatible uses, preserve recreational area and preserve open space, enforce strict development standards, such as building height, etc., preserve space between buildings, enhance the beauty of community by requiring such aesthetics as landscaping, prevent personal property from becoming commercial in nature, and to facilitate growth by inviting community involvement.

Mr. Lahrmer stated the Amberley Green property has been zoned Residential A since being acquired by the Village in 2008. He said as owners of the property, Amberley Village would have input into any usage or development of the property, but the zoning code text would offer additional protections to the Village throughout the development process. He explained that for this reason, the significant portion of the zoning code text addresses principal uses. He said the document outlines the acceptable uses for development on the property, which include: active and passive recreational uses, single family dwellings, community gardens or agriculture, banquet or events center, government/public buildings or facilities, institutional uses, nursing homes, offices, restaurants without drive throughs, and mix-use retail space.

He said the document works to identify any type of use discussed and include it in the text, and clarified that any principal use not outlined in the document would be unable to be considered in the future. He said the balance of the text outlines regulations and procedures for specific aspects of development.

Mr. Lahrmer said there were three informational videos prepared and distributed to assist residents in understanding the process for development at Amberley Green. He said the role of the PC was to take input from residents and make recommendations to Council for the zoning text at Amberley Green.

Mr. Lahrmer stated he was ready for the start of the public hearing, and pointed out that Mr. Snyder would be available throughout the meeting to answer any questions or elaborate on the text.

Mr. Bardach officially opened the public hearing at 7:41 p.m.

Mr. Louis Katz of 6785 East Beechlands Drive thanked the Planning Commission for the opportunity to speak. He stated he was a lifelong resident, and had served as a public servant to Amberley Village without compensation. He stated he was opposed to the development of Amberley Green, and felt it was the wrong time to make a decision on the property in light of the COVID-19 pandemic. He requested the discussion of zoning text be tabled until after the passing of the pandemic.

Mr. Lauer stated he was confused about what the process would look like. He asked for a description of how the concept stage would appear.

Mr. Lahrmer stated that, as the Village does not have Planned Unit Development Zoning, it sought to create zoning text specific to the property at Amberley Green. He said the application process would involve the submission of a Concept Plan to staff to be vetted. Once acceptable to staff, it would be referred to the Planning Commission for consideration. After going through the process with the Planning Commission, it would then be passed to Council.

The Village wanted to ensure this would be a multistep process, making it necessary for public hearings throughout the process.

Mr. Lauer said he understood that as owners of the property, we don't have to do anything we don't want to, but expressed concern that if someone submits a concept plan that meets all other objective criteria laid out in the text language, it could create a situation that leaves the Village unprotected if it rejects a proposal. He said he felt the property needed to be developed in a wholistic manner, and not piecemeal like the proposal suggests.

Mr. Lahrmer asked Mr. Snyder to respond, to which Mr. Snyder stated the difference with the Amberley Green Zoning Text is that there would not be a map amendment with it. He said the zoning would remain Residential A, forcing a developer to adhere to the full zoning change process, including public hearings. This process protects the Village in that it requires a full zone change vs. a conditional use.

Mr. Lauer stated he understood Mr. Snyder to have said the property would remain residence A.

Mr. Snyder said the text wasn't meant to create the vision; instead, it is mean to set up a district and a process for a potential developer to submit a vision.

Mr. Rubenstein asked if there were other examples of this type of structure in Hamilton County, to which Mr. Snyder replied this was fairly unique. He stated the district was set up to be strict in terms of Hamilton County standards.

Mr. Lauer asked Mr. Bardach and Mr. Wolf if they had any questions. Mr. Wolf asked if there would be a way for the Village to say "no" to a concept that met the criteria. Mr. Snyder explained there is no concept criteria in this text; concept criteria would only be able to be approved by Council first. Mr. Wolf asked if we were not changing the zoning of the property until there was something submitted the Village wished to consider.

Mr. Bardach stated his concern from the beginning was the potential for litigation, however, he said he was satisfied the language both addressed his concerns and would prevent such litigation from being an issue moving forward.

Mr. Lauer outlined some additional concerns regarding usage for the record, including the following:

- The inclusion of hospitals
- The distinction between non-profit and for-profit event centers
- Nursing homes, assisted living, retirement facilities
- Hotels
- Retail/mixed use space not addressed adequately
- Required minimum lot seems excessive
- Height regulations too short
- Lot area for residential significantly smaller than elsewhere in the Village; consider combined residential structures
- Other uses ½ acre; try to be as flexible as possible to encourage creativity and best possible use of space
- Parking regulations confusing and seem excessive; would like to see more flexibility
- Allowance of 5 – 7 foot fences or walls, which is different than everywhere else
- Landscaping standards insufficient
- Lighting of signage needs more work; balance of visibility both day and night without polluting surrounding properties
- Generally concerned about the process, which gives zoning authority to council vs. planning commission; wants to strengthen the voice of the planning commission

Mr. Lauer said he has been involved in the site since 2003, and hopes to see a long-lasting benefit to the Village. He said while he thinks things have changed since then, he ultimately hopes we do this the right way. He said he agrees with Mr. Katz and feels we haven't done enough to retain a developer who shares our vision for this site.

Ms. Rissover said she agreed with much of what Mr. Lauer and Mr. Katz had said. She said she shares Mr. Lauer's concerns that 2 1/2 stories is still too restrictive, and that architectural styling is too restrictive.

Mr. Steve Cushard of 3205 North White Tree Circle stated he had submitted comments for inclusion in the public record. He stated he had concerns with including concept plans in the zoning text. (See attached transcript).

Mr. Bardach stated he assumed we would see all comments included in the record.

Mr. Lahrmer confirmed comments would be included. He then stated he wished to address some of the concerns expressed by the Planning Commission. He clarified that anything not included in the principal use section of the language could not be considered for the property, and explained this was why some of the uses mentioned by Mr. Lauer were included, such as the hospital, hotel, nursing home and for-profit vs. non-profit event center usages.

Mr. Snyder explained that the 20% retail clause was included as a way to include a gift shop in another primary use rather than strictly a retail location.

Mr. Lauer suggested we would want to consider mixed-use buildings with retail on the first floor with offices/residential on the upper floors. Ms. Rissover agreed.

Mr. Lahrmer also stated the reduced housing size was included at the request of council, which did not want housing to share walls, but wanted to be able to offer housing that differed from what was currently available in the Village. This is why there is nothing about combined structures.

Mr. Lauer stated if this came from Village Council, his concern is that a small house on a small lot is not going to attract retirees so much as those looking for lower-priced homes. Ms. Rissover felt it may have been modeled after larger homes on smaller lots like those located in Blue Ash. Mr. Lauer suggested this should be given more thought.

Mr. Lahrmer stated he had issues with the height restrictions as well, and that to encourage office buildings, standards would require at least three if not 4 – 5 stories. Mr. Lauer asked if our fire service could accommodate such height structures, to which Mr. Lahrmer stated it could.

Mr. Snyder was asked why parking standards were set how they were, as they seemed to be somewhat excessive. He replied that standard parking guidelines were set by the planning association, and have been in practice since the 50s. He said these are the same standards used throughout Hamilton County. He added that parking plans must be approved as part of any concept plan, and that shared parking is highly encouraged. He stated numbers included in the language are simply there as a standard.

Mr. Lahrmer said there are standards he expected PC to recommend removing to allow more flexibility for developers. He said fencing was allowed at 7 feet so as to allow it to surround a dumpster.

Mr. Lauer raised discussion of lighting for signage as a final concern, and wanted to be sure path lighting and exterior lighting are considered as well. Mr. Snyder stated it was left out since it would be considered as part of a concept plan.

Mr. Katz said the plan would exclude any new idea that isn't a part of the plan. He felt the discussion was unnecessarily restrictive. He further stated he felt we didn't need this at all, and that it was foolhardy.

Mr. Rubenstein asked if it was unusual to put something like this out before a plan is in place. Mr. Snyder said it was not unusual at all when there is a portion of the community that is different than others where a municipality wants to maintain some control.

Mr. Wolf stated he felt any housing built at Amberley Green would need to be upscale. Mr. Bardach stated housing wasn't a money-maker for the Village, so his position was to look toward alternative development.

Mr. Lauer asked if the Planning Commission needed to make recommendations. Mr. Lahrmer said it did, and that the recommendation should be approval or provide recommendations with an explanation of those recommendations.

Mr. Lauer asked if the proposal could be tabled to allow staff to gather additional information in the areas of concern stated by the Planning Commission. Ms. Rissover asked if there would be permitted variances, to which Mr. Lahrmer said no.

Mr. Snyder stated the Planning Commission would have the power to approve similar uses, but use variances were extremely frowned upon.

Mr. Lauer said the concern was that we were shutting off ideas that haven't been conceived yet, and that he wouldn't want to discourage creative thinking because we've made it too difficult to work around.

Mr. Snyder stated the same concerns had been raised with Council. Ms. Rissover said it seemed so broad and so restrictive all at once, almost as though there was something in mind that they didn't know about.

Mr. Snyder stated the philosophical discussion regarding "too much" or "too little" are certainly part of the process and can be changed to reflect the wishes of council and the Planning Commission.

Mr. Lauer moved to table the discussion to allow administration time to revise proposed text, which was seconded by Mr. Rubenstein. Mr. Bardach asked Mr. Lahrmer when the language would be ready to revisit. Mr. Lahrmer stated August or September. Mr. Bardach requested the draft be expedited to August if possible.

A roll call vote to revise the proposed text was recorded as follows:

AYE:	Bardach, Lauer, Rissover, Rubenstein, Wolf	(5)
NAY:		(0)

It was also agreed the public hearing would be extended to the next meeting to allow residents an additional opportunity to address the proposed changes.

NEW BUSINESS

There being no further business, Mr. Bardach adjourned the meeting at 8:48 p.m.

Tammy Reasoner, Clerk of Council

Richard Bardach, Chairperson

July 8, 2020

Amberley Village Board of Zoning Appeals and Planning Commission
Amberley Village Council and Village Manager

Thanks to all for the effort involved in developing the Amberley Green Zoning Ordinance. We must make certain this document is as complete as possible to avoid any further delays in moving forward with mindful development of the Amberley Green and prevent any legal issues which could arise.

I will reiterate what I have previously communicated to Council and to the Zoning Board. We should not move forward with any development without a Land Use Master Plan. Our previous activities have not been focused on clearly defined goals and objectives and up-to-date resident input. A Master Plan is the basis for avoiding "arbitrary and capricious" decisions.

Again, the Master Land Use Plan is the basis for the Zoning Ordinance as the book of laws, regulations, and standards that must be met to obtain approvals. As I understand, Ohio has slightly different understanding of the zoning power and basis for its integrity by leaving the power for applying zoning with the legislative body. Nevertheless, it is still advisable to have a roadmap when you don't know exactly where you're going and what to expect when you get there.

Once an opportunity comes up, and a plan is submitted that is well thought out and is supported by the Master Plan then the Village would have a clear understanding as to what is being proposed. Well thought out would include roads, tree loss, land balancing, design, materials used, parking, water, and sewer of sufficient capacity to support other uses that may not be part of the initial one, learning from our experience with the Mercy North Site development. It would be best if stormwater detention would be done as one facility so that all users contribute to its maintenance.

A Master Plan would help to answer the key question that seems to be missing and will help us to move forward with the Amberley Green property under current uncertain financial times. Who on the Planning Commission or Village Council is qualified to recognize a good development when they see it? That is what a Master Plan determines and delivers. If you work together to develop a Master Plan, everyone has buy-in, contributes, and every Village resident benefits.

I have reached out to some trusted advisors and land use experts for additional input and review of the Amberley Green zoning. I respectfully submit them for your review and consideration.

Regards,

Steve Cushard
3205 N Whitetree Circle

Comments on proposed Amberley Green Zoning Ordinance

154.84.1. Use Regulations

(A)

1. Nighttime uses and lighting of any ballfields and swimming areas could create light pollution nuisance to neighbors

6. Do you really want to permit hospitals since they are a noisy 24/7 operation with sirens and traffic? Most the other uses are typically 8 to 5 and Monday thru Friday with some weekend work.

This section also reads as though event centers, summer camps, and day camps are limited to Non-Profit. There is no difference between the operational aspects of these uses whether they be Non-profit or For Profit. Are event centers intended to be something other than what can happen at a banquet hall?

8. Hotels. All the other uses are your basic 8-5 Monday thru Friday but a hotel is a 24/7 operation. Is the hotel permitted secondary uses such as a convention facility, meeting rooms, restaurants? Highly unlikely that such an activity would happen given the limited road capacity and distance from a highway... but unless it is clear in the ordinance it could happen.

(C)

It is presumed sales are holiday trees. Good that it is noted that Sec. 154.84.8 supports all uses being treated as "Conditional Uses" unless Sec. 154.66(A)(4) bypasses the requirement as to Temporary Uses not being scrutinized like the others. Hours of operation and the loud playing of Holiday carols can be a real nuisance to neighbors.

154.84.3 Setbacks

Generally, suggest that this ordinance permit cluster housing when done to preserve the rolling hills and grandstands of trees. Enabling homes to share a common wall and be staggered in depth to ensure there is no "straight wall of house fronts" along any street. The units would still be in the larger square foot or more minimum. This alternative housing would serve the Village well for empty nesters and save the large trees in certain areas rather than have a site clear cut, land balanced by flattening the hills, and "real" trees replaced with 2 and 1/2 caliper "whips".

154.84.4 Parking

(A)

3. Religious Institutions. What about the Muslim faith and the fact their practice is to kneel on a rug for their prayers? Be more secular by stating something like "one space per eight places intended for services"

Also, in general terms it is suggested that you make strong provisions for "shared parking". No bigger insult to the environment than to take green fields and pave them over to sit empty on weekends for office users and have playfields in close proximity. Vacant and underutilized parking lots make for unnecessary stormwater retention/detention utilities.

13. Believe the 10 spaces for an athletic playfield is on the too few side unless you have some shared provisions.

18. Medical offices. No one size fits all. An example is of a medical complex with individual office buildings on individual parcels. The MRI Imaging Center had on the average 6 visitors a day and 30 spaces. A few buildings down was a team of 5 cardiologists that had follow up visits from their patients and processed about 50 patients per hour. They too had 30 spaces. About 3-5 minute visits. It spilled over onto the streets and it was a huge problem for the community. Another case for shared parking if possible.

(B)

Are pedestrian sidewalks only to be along streets? Public and private streets? Are you putting them along Ridge and Galbraith? Who pays for that?

154.84.5 Landscaping

There does not seem to be anything about clear line of sight triangles at the intersection of streets with streets and streets with driveways.

3 shrubs per 100 feet seems underwhelming. Canopy trees are best when planted 25 feet apart to avoid the trees growing into one another... but that is a problem in 25 years. Could require trees with a 15-foot spacing to have more immediate impact with the full intent to selectively thin when the trees grow. Same for coniferous trees... plant closer together and plan on thinning them out. Or you end up with trees that have a "dead" side where it brushes up against another.

164.84.7 Architectural

Suggest that a pitched roof be promoted to be respective of the predominantly residential character of Amberley Village. Might help make any development that occurs part of the Village instead of something that does not seem to fit.

154.84.7 Signage

(B)

6. The "J" currently has one of these at their site now. Suggest these signs are effective when used for messaging and not promoting some sale with quick flashing fireworks style or anything that quickly changes and flutters. One that works more as an attention getting device would not be permitted. One could write this to permit these signs provided the text did not change but every 15 seconds and had no more than 2 or 3 colors employed at any one time.

The "J's" sign was highly effective for community interest with the Covid-19 pandemic. If the operation permitted the Village to post occasional community interest messages it might be a value to the residents. Being informed about water main breaks or traffic jams, or emergency runs by the Police, Fire and EMS services would be great to know.

Make them to be required to be turned off at 10:00 or 11:00 PM so as not to create visual pollution.

154.84.8 Process

(B)

Planning Commission Review and Recommendation. It is a particularly good thing that the Commission can "explicitly impose special conditions" on any development characteristic in its recommendation to the Village Council. This is a strong message when it gets sent to the Village Council.

However, on the reverse side of this section is that the Village can "vary and/or relax" the standards of this Chapter. Appreciate the text regarding "such request is found to meet the intent of the AGO district". Suggest that this text be strengthened to require the basis for the relaxation and provide it in writing: The reasons for; the manner that the intent is met; and if any alternative means were considered that avoided the need to relax the standards.

This is the "common sense" provision that is often cited 'in Appeals to ZBAs but clear documentation will help avoid the Planning Commissions or the Village Council of that slippery slope of "you gave it to them why not me?"

(C)

Conditions

Might include considerations of conditions, if applicable, that limit hours of operation, noise, and odors (restaurants do sometimes have an offensive odor)



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION MEETING NOTICE

WHEN: August 3, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Monday, August 3, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following item:

James and Monica Tuohy, the property owners of 7775 Sagamore Drive are requesting a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed is proposed to be 2'-3' from both the side and rear property lines.

If you are interested in reviewing the application you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org or you may attend the **Monday, August 3, 2020** Board of Zoning Appeals public meeting in person, online or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Topic: Amberley Village Planning Commission/Board of Zoning Appeals

Time: Aug 3, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location

+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 824 8346 8825

Passcode: For security purposes, please contact tpreasoner@amberleyvillage.org for passcode to join the meeting.

Find your local number: <https://us02web.zoom.us/j/kblDr3kE1u>

cc: James J. & Monica M. Tuohy, 7775 Sagamore Drive
Douglas C. & Susann M. Price, 7774 Sagamore Drive
Lynne M. Odonnell, 7750 Sagamore Drive
Frederick P. & Mary Carol Gennett, 7751 Sagamore Drive
Efren Sr & Grace Sta Rinala, 7800 Sagamore Drive
Daryl S. Schneider & Yekaterina A. Mogilevski, 7801 Sagamore Drive
Bruce A. & Marcia T. Hassel, 5130 Rollman Estates Drive
Vidhata Malhotra, 5140 Rollman Estates Drive



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

Amberley Village Planning Commission Staff Report

August 3, 2020

Subject:

7775 Sagamore Drive

Variance:

Side and rear yard setbacks for shed

Item: Case#2020-1682

Variance Request: James and Monica Tuohy, the property owners of 7775 Sagamore Drive are requesting a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed is proposed to be 2'-3' from both the side and rear property lines.

Zoning Code Review: 154.12 ACCESSORY STRUCTURES

(A) An accessory structure is permitted in a residential district if it meets the following restrictions:

(3) Accessory structures may be built in a rear yard not nearer to a rear or side lot than the side yard requirement for the principal structure.

Variance Review: Mr. and Mrs. Tuohy, are requesting a variance to Zoning Code Section 154.12. The variance would allow for the construction of a new shed in the same location as an existing shed, within the required side and rear yards of their residence located at 7775 Sagamore Drive.

The property is located in the Residence A Zoning District, which requires an accessory structure to be set back 20' from the side and rear property lines.

The existing shed is located in the northwest corner of the rear yard approximately 3' from the side (north) property line and approximately 2' from the rear (west) property line. The principal access for the existing shed faces east toward Sagamore Drive.

The proposed shed would be constructed in the same location, within the required side and rear yards, with the principal access facing south, into the rear yard. The new shed is proposed to be 2'-3' from both the side and rear property lines.

The existing shed is grandfathered and can be maintained in its current location, but according to the letter to the Board it is deteriorating and the doorway is too small. Therefore, it needs to be replaced.

The letter to the Board states that due to the location of the existing shuffleboard court, the driveway, and the oak tree, meeting the Village code would place the proposed shed in the center of the rear yard. Therefore, they feel the best location is putting the shed in the same location as the existing shed.

Project Recommendations: The project is to be considered on its merits.

Date: 7/10/2020

Mr. Scot F. Lahrmer
Village Manager
7149 Ridge Road
Cincinnati, OH 45237

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

A replacement shed, to be located in the
same spot, with the doors facing to the
side rather than the street. Please see
attachments.

The structure is proposed at the following address:

7775 Sagamore Drive

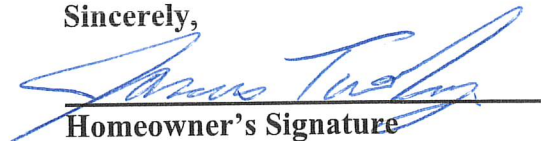
I certify the attached plat and measurements are accurate.

N/A
Contractor's Name

Contractor's Address

Telephone Number

Sincerely,


Homeowner's Signature

James Tuohy
Homeowner's Printed Name

330-635-4450
Telephone Number (daytime)

Comments regarding request for a zoning approval for a replacement shed at 7775 Sagamore Drive

1. Items 1 and 2 enclosed are intended to provide an accurate plat, and the plat showing existing structures. The latter is an aerial photo from 2019. Mr. Wes Brown indicated that these items meet the requirements for purposes of zoning approval.

2. The existing structure measures 8'11" x 11'0". I am looking to replace it with a 10' x 12' shed with a new base of crushed limestone. I need a slightly larger doorway to get my mower into the shed – it is too narrow by about 2 inches. I note that there is rot in a couple of places in the existing shed, big enough for mice to get in.

3. Shed specifications are attached as item #3. Wes indicated that this was also acceptable documentation.

4. I am enclosing pictures of our yard and the existing shed. There is a large walled-off area next to the shed that the previous owner essentially used as a dump. If we are approved, we will be removing the walls hiding the dump from view and all the garbage when we install the new shed.

Photo 1 – Shows landscaping and foliage in front of and behind anticipated location.

Photo 2 – Shows size of dump area (behind the newer looking fence)

Photo 3 – Shows dump area up close

Photo 4 – View from next door (Schneider's) backyard (their fence)

Photo 5 – View from edge of property (Gennette's side)

5. Hardship/practical difficulty: The aerial photo shows that with the existing shuffleboard court, the driveway to the rear-entry garage, and the oak tree, adhering to setback regulations would put the shed close to the center of the backyard. I am requesting a variance to allow the new shed to be located in the same location on our lot as the existing shed. This would be 2-3 feet from the back and side property lines.

6. Please note the foliage behind and in front of the existing shed and our neighbor's fence provide very good cover for the shed location.

7. Our neighbors on both sides have no objection to our desire to replace the shed and put it in the same spot. I can get this in writing if it is helpful.

8. I have not included additional copies because Wes said he would take care of that, but I will provide them if I have misunderstood his guidance, advice, and kind offer of assistance.

Thank you for your consideration,

Sincerely,

James Tuohy

#1



#2



Here's Your Custom Shed Design and Estimate! (#1593793802667647)

The Wooden Branch <wbranch2007@frontier.com>

Fri 7/3/2020 12:30 PM

To: jim2e@hotmail.com <jim2e@hotmail.com>

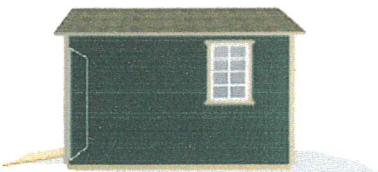
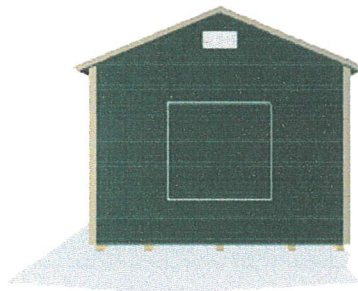
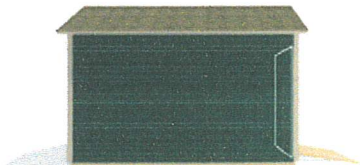


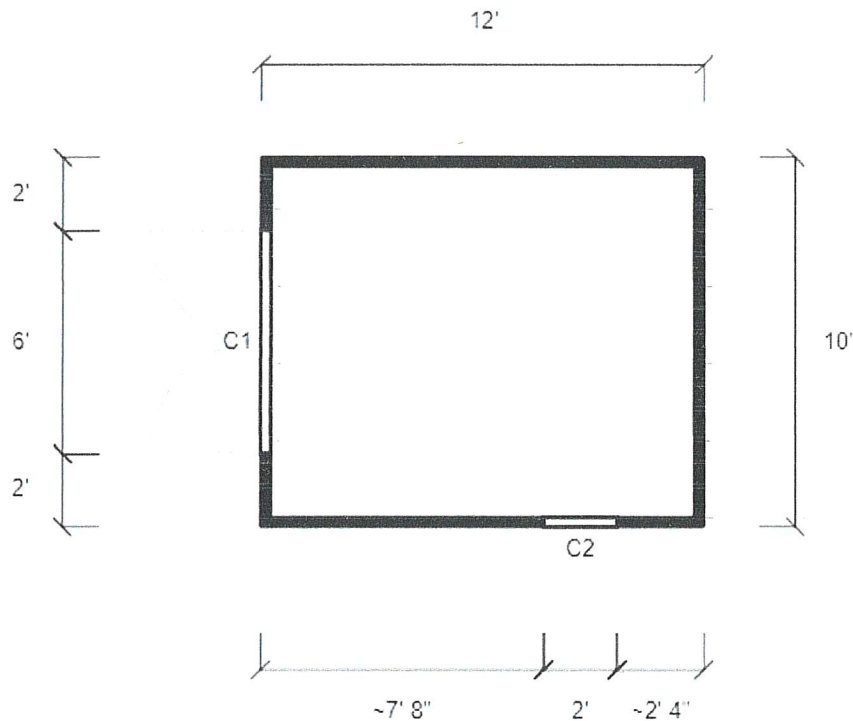
The Wooden Branch

937-382-7337

wbranch2007@frontier.com

Congratulations on designing your shed! Our goal is to exceed your expectations of our service and product. If you have immediate questions or concerns, please call us at 937-382-7337.





Symbol Legend:

C1: 72Wood

C2: 24x36Win

[Open Your Custom Design](#)

Customer Contact Information

Name: JAMES TUOHY

Email: jim2e@hotmail.com

Delivery Information

Delivery ZIP: 45236

Additional Comments

I have some questions about this shed. Contact me as soon as possible.

The information below is an estimate only. Final pricing - including pricing adjustments, discounts, delivery, and taxes - will be provided with final quote prior to purchase.

Total Estimate: \$3,250

Deposit Amount: \$500

Due Upon Delivery: \$2,750

[Buy This Building Now!](#)

Monthly RTO Payment for 36-Month Contract (sales tax added to each payment) \$150

Structure Details

Style: Cottage \$3,135

Siding: Wood Included

Sidewall Height: 81"

Size: 10x12

Base: 4x4 Pressure Treated Skids

Roof Pitch: 5/12

Roof Overhang: 5" Overhang

Siding Color: Metal Max Green

Trim Color: Lancaster Beige

Roof Color: Timber Blend

Roof Material: Architectural Shingles

Doors & Ramps

72" Wooden Double Included

Color: Metal Max Green

6x4 Ramp \$115

Hinges: Left

Windows & Accessories

24 x 36 Window Included

Color: White

Flooring & Interior

Flooring: 3/4" T&G LP SmartFloor Included

Loft: None

Vents

8" x 16" Vent Included

Color: White

8" x 16" Vent Included

Color: White

Pricing and options shown are subject to change at any time and may vary based upon current promotions, specials, or annual pricing adjustments. Current pricing will be included in the final quote and will require your review and approval prior to order.

We will do all we can to ensure your complete satisfaction. Please contact us for questions, concerns, or custom styles or sizes.









From: Daryl Schneider <daryl.schneider@gmail.com>
Sent: Friday, July 24, 2020 7:35 PM
To: Jim Fuoye <jim2e@hotmail.com>
Subject: Replacement of Storage Shed at 7775 Sagamore Dr.

July 24, 2020

Jim and Monica,

Katie and I wanted to send you a note to follow-up on our discussion, in which you shared your desire to replace the storage shed at the north-west corner of your property. First, thank you for stopping by and seeking our feedback on the matter. We really appreciated the gesture, and we are thankful to have such thoughtful and courteous neighbors. Secondly, Katie and I fully support your proposal, and we find no issue with the presence of this or any replacement shed at this location.

As we are in our 11th year at our home, we can attest to the numerous times that we've been the recipient of a neighborly tool-loan from the shed, both from you and the prior homeowners. I hope that the allowance for the replacement of the current shed provides the optimal storage capability for your needs.

Sincerely,

Daryl and Katie Schneider
7801 Sagamore Drive



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION MEETING NOTICE

WHEN: August 3, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Monday, August 3, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following item:

Lynne Heyman, the property owner of 7280 Meadowbrook Drive is requesting three variances to Zoning Code Section 154.12. The variances would allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive.

If you are interested in reviewing the application you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org or you may attend the **Monday, August 3, 2020** Board of Zoning Appeals public meeting in person, online or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Topic: Amberley Village Planning Commission/Board of Zoning Appeals

Time: Aug 3, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location

+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 824 8346 8825

Passcode: For security purposes, please contact tpreisoner@amberleyvillage.org for passcode to join the meeting.

Find your local number: <https://us02web.zoom.us/j/kblDr3kE1u>

cc: Lynne C. Heyman, 7280 Meadowbrook Drive
Joseph Brant, 7260 Meadowbrook Drive
Richard K. & Tara M. Jones, 7261 Meadowbrook Drive
Judith Feinberg, 7301 Meadowbrook Drive
Carole R. Demetrion, 7411 Willowbrook Lane
Peggy Auciello Halpin, 7301 Willowbrook Lane
Anthony J. & Susan M. Elsbrock, 7303 Willowbrook Lane
Charles R. & Mazal Rosenblatt, 2805 Oakridge Drive
Kimberly L. Mumper, 2506 Oakridge Drive



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberlevillage.org

Amberley Village Planning Commission Staff Report

August 3, 2020

Subject:

7280 Meadowbrook Drive

Variance:

Shed size, setbacks, and placement of principal access

Item: Case#2020-1683

Variance Request: Lynne Heyman, the property owner of 7280 Meadowbrook Drive is requesting three variances to Zoning Code Section 154.12. The variances would allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive.

Zoning Code Review: 154.12 ACCESSORY STRUCTURES.

(A) An accessory structure is permitted in a residential district if it meets the following restrictions:

(2) No accessory structure shall be erected in any side yard within a distance from the near side lot line less than the least width of the side yard required for the principal building.

(4) Except as otherwise provided in the zoning code, individual enclosed accessory structures that are not open to the sky, either wholly or partially, such as sheds, garages, garden buildings, and pool houses, shall not cover a total of more than 200 square feet of floor area. The floor area means the area of the ground floor of the structure that creates a footprint of the structure on the property.

(7) The principal access of an accessory structure, such as primary access doors to a shed or garage, may not face a street.

Variance Review: Ms. Heyman is requesting three variances to Zoning Code Section 154.12. The variances would allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive.

Ms. Heyman's property is a corner lot and is zoned Residence A. Village Code Section 154.12 states that an enclosed accessory structure shall not cover more than 200 square feet in floor area, must be set back 20' from the side property line and the principal access shall not face a street.

The proposed shed would be 12' deep, 20' wide (240sqft), and 12'7" high with the wood siding and shingles matching that of the house. The letter to the Board states that the size is needed to store patio furniture, lawn and garden equipment, and for light carpentry and gardening preparations.

The letter also states that the topography of the rear yard makes most of the yard unsuitable for the shed placement and the location proposed is the only relative level location. The proposed location is also within a reasonable distance from the house and garden and would screen the shed with mature trees both on their property and the neighbor's property.

Ms. Heyman's letter states that complying with the 20' setback would only place the shed further from the house and garden and closer to Oak Ridge Drive creating a less aesthetically pleasing placement.

Ms. Heyman believes that placing the shed parallel to the south property line with the doors facing Oakridge, makes the most sense for both aesthetics and practical reasons, giving the best access from the house and garden.

All 3 variances are required for the shed to be constructed as submitted.

Project Recommendations: The project is to be considered on its merits.

Date: JULY 7, 2020

Mr. Scot F. Lahrmer
Village Manager
7149 Ridge Road
Cincinnati, OH 45237

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

AN ACCESSORY SHED WITH ^{SIDE} ~~FRONT~~ FACING DOORS TO BE PLACED
IN OUR BACKYARD. SHED SIZE IS 12' x 20', WITH DOORS FACING
OAK RIDGE. SHED WILL BE PLACED ON SIDE PROPERTY LINE 157' FROM OAK
RIDGE, AND 195' FROM MEADOWBROOK

The structure is proposed at the following address:

7280 MEADOWBROOK DR.

I certify the attached plat and measurements are accurate.

WEAVER BARNS
Contractor's Name

5852 DIXIE HIGHWAY
FAIRFIELD, OH 45014
Contractor's Address

513-860-2417
Telephone Number

Sincerely,

Lynne Heyman
Homeowner's Signature

LYNNE HEYMAN
Homeowner's Printed Name

513-252-8862
Telephone Number (daytime)

Zoning Variance Request for Accessory Shed
With Side-Lot Setback and Side-Facing Door
7280 Meadowbrook Drive
Property Owner: Lynne Heyman

I would like to add an accessory shed behind my home. I'd prefer to place the shed on the south side of my property, set back in a partially wooded area, with its front facing north, 195' from the front property line on Meadowbrook Drive, 157' from the property line on Oak Ridge, 90' from the back property line, 43' from the back side of my house, and 5' from the side (south) property line. The shed's dimensions will be 12' deep, 20' wide, and 12'7" tall. The shed will be placed on a level foundation of 5" of crushed, packed limestone, reinforced on the north upslope side with concrete block, and on the other three sides by ground-treated 4" x 6" retaining boards. The shed will be clad in horizontal pine wood siding, painted white to match the house with bronze painted trim. The roof will be black architectural asphalt shingles to match the roof on the main house. I am requesting a zoning variance for:

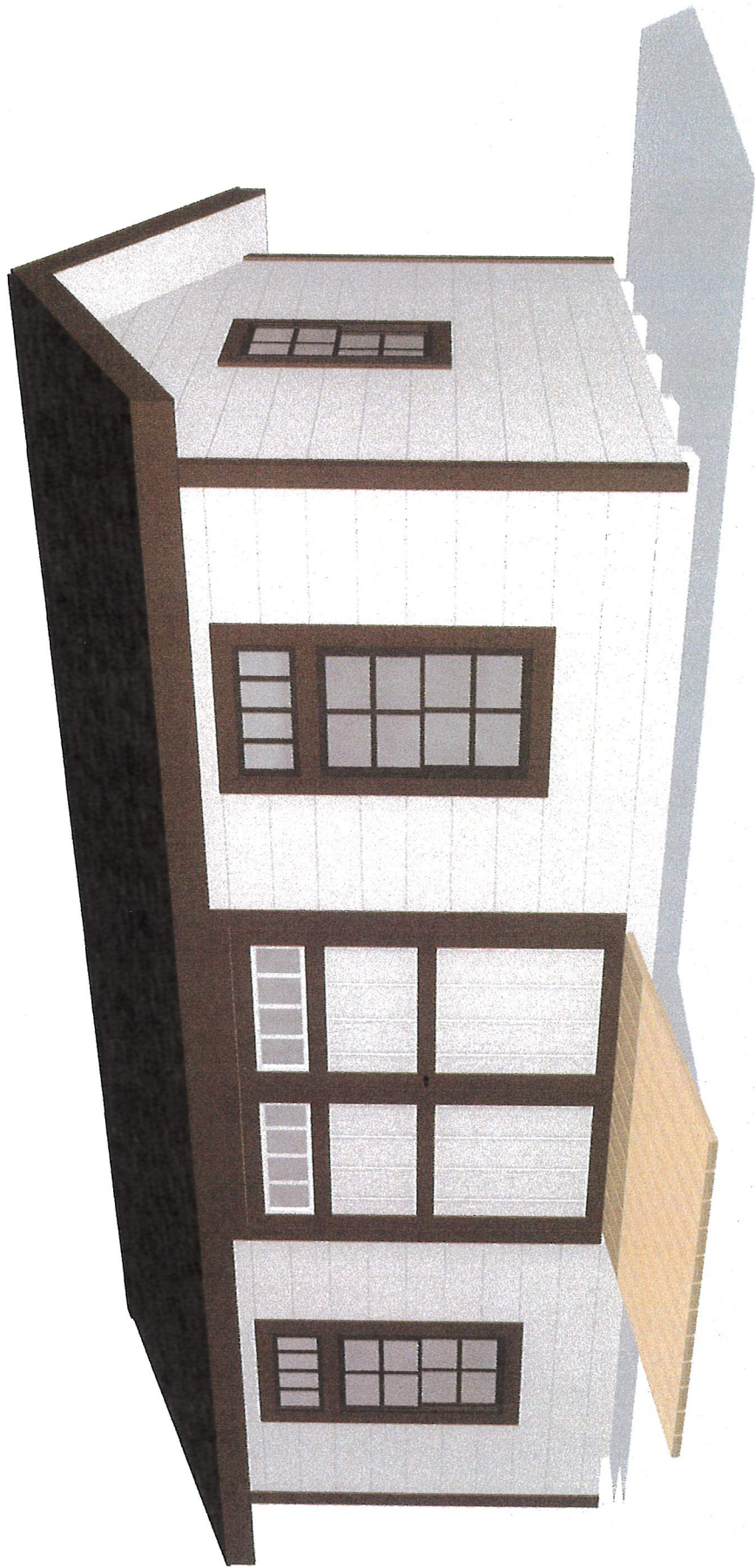
- **5' setback from the south property line fence.** My lot sits on the downslope of a hill. As a result, most of my backyard is unsuitable for shed placement. The location proposed for the shed is the only relatively level area on the property within a reasonable distance from the back of the house. Preparation for the proposed site therefore will be more straightforward, with minimal impact on the overall landscape of the lot. Any other location would require expensive and unnecessary excavation due to the downslope nature of the rest of the lot. The location will provide not only a good solid foundation, but will allow for more satisfactory drainage as well, while remaining close to my garden. Additionally, the back of the shed will be completely obscured from the view of my neighbor, due to a tall row of mature evergreen trees which form a hedge for a distance of 30'-40' behind the shed. Further, it will be nestled in between two mature trees, behind a third tree, on the south side of the property, allowing for a more pleasing aesthetic, since it will sit at a distance of 157' from Oak Ridge, which is lined with a fence and substantial foliage as well. Complying with a 20' setback would move the shed further from both the house and the garden, thereby creating a less aesthetically pleasing and more obtrusive placement closer to Oak Ridge, blocking the view of the backyard's most mature tree on the south side of the lot, and making the structure itself appear more prominent as a feature of the backyard.
- **Primary front access doors facing Oak Ridge.** I believe that the shed's placement paralleling the south side property line between two south side mature trees, and facing Oak Ridge at a distance of 157', makes the most sense, for both aesthetic and practical reasons, given that the foliage along the fence line on Oak Ridge mostly obscures the yard from view, and given that the best and most logical access to the shed from the house and the garden requires that the doors face the yard in that direction.
- **The shed's size, 12' by 20'.** After assessing my need for winter storage of patio furniture, gardening and lawn tools, a work area for light carpentry and garden prep, and a riding lawn mower, I felt this size was necessary to meet current and future needs. Also, my lot is one of the larger lots in this section of Amberley, and given both the terrain and the numerous trees, I feel the larger shed will fit in well with its surroundings, while providing the storage space we need.

Thank you for your time and consideration

Sincerely,



Lynne Heyman





COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 - (513)946-4000 - dusty.rhodes@fus

Online Property Access

| < First << Prev Next >> Last > | RET

Parcel ID

526-0070-0076-00

Address

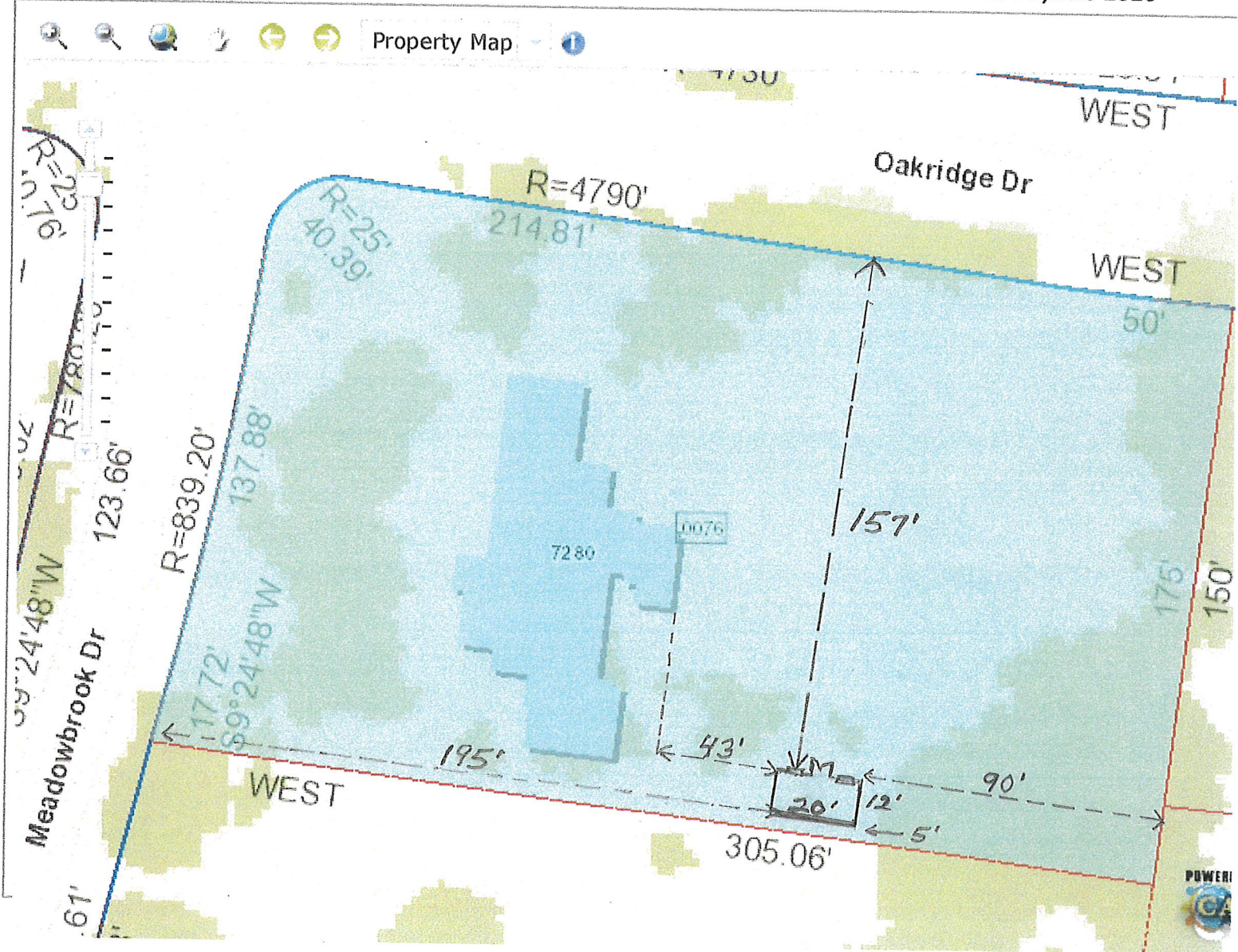
7280 MEADOWBROOK DR

Index Order

Parcel Number

Tax Year

2019 Payable 2020



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wEdge version 4.0.7480.17247
Data updated: 2020/07/04



SIDING - WHITE (PAINTED) CONSISTENT WITH HOUSE SIDING
 COLOR - WHITE (PAINTED) CONSISTENT WITH HOUSE SIDING (BLACK)
 ROOF - ASPH/FLT SHINGLES CONSISTENT WITH ROUSE ROOF (BLACK)
 DOOR - DOUBLE DOOR IN CENTER (5')
 WINDOWS - (2) 2' x 3' WINDOWS W/TRANSOM FLANKING THE DOUBLE ENTRY DOOR, AND (2) 2' x 3' WINDOW
 ON THE WEST END



Daniel Lucas Hart, AIA, Architect
 PO Box 1490
 West Virginia #1424
 Virginia #151
 Pennsylvania # RA-0106138
 Ohio #7156
 daniel@lucashart1950@gmail.com
 Phone: (304) 932-7552
 1696 OH-29 Sugar Creek, OH 44691
 (330) 852-2103

Weaver Barns
 1696 OH-29 Sugar Creek, OH 44691
 (330) 852-2103

Drawing Set Number

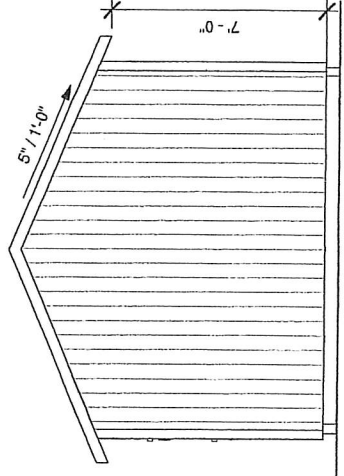
No.	Description	Date
1	REVISION	09.24
2	REVISION	10.25

INTENDED DRAWING USE
Conceptual
Review
Permitting
Bidding
Construction
Documentation

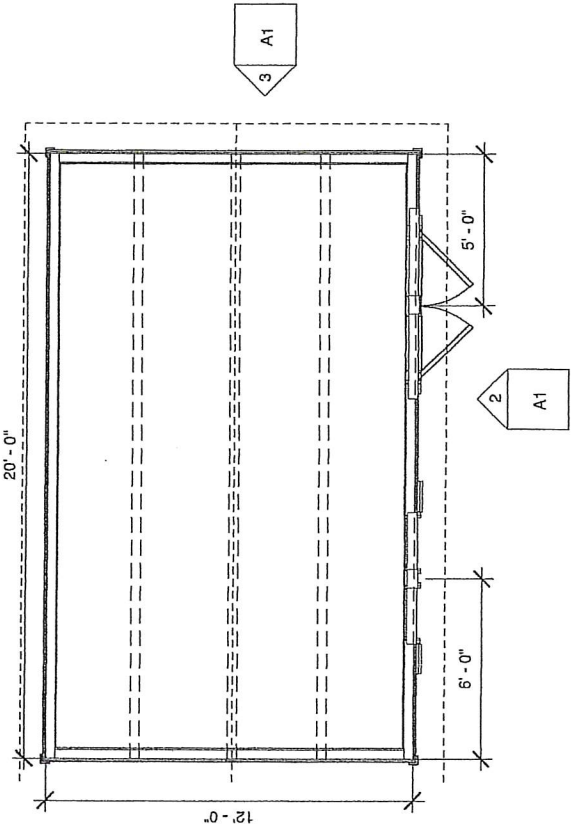
Project number	1970
Date	09.03.19
Drawn by	CVM
Checked by	DLH

A1

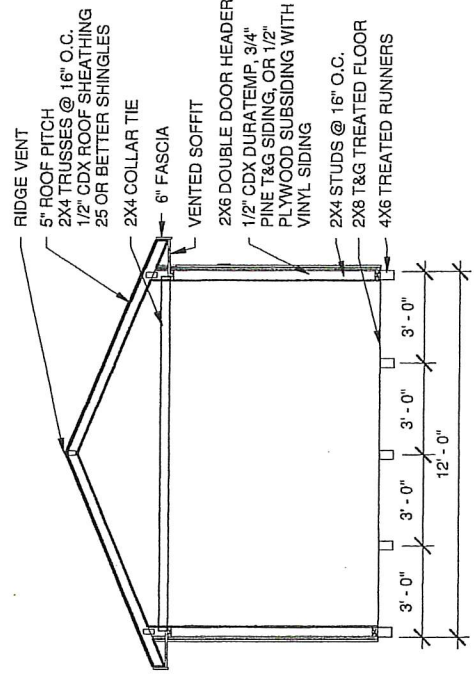
Scale 1/4" = 1'-0"
 SCALE REFERS TO 11" X 17" PAPER SIZE



3 SIDE ELEVATION
 1/4" = 1'-0"



1 PLAN VIEW
 1/4" = 1'-0"



4 BUILDING SECTION
 1/4" = 1'-0"

GENERAL NOTE:
 *DOOR & WINDOW PLACEMENT MAY VARY











7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION/BOARD OF ZONING APPEALS MEETING NOTICE

WHEN: August 3, 2020 at 7:00 PM

WHERE: Amberley Village Municipal Building, 7149 Ridge Road
(or by phone; see reverse for call-in information)

FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Board of Zoning Appeals on **Monday, August 3, 2020** at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The meeting will also be live-streamed on the Village website at www.amberleyvillage.org, and those wishing to speak at the meeting are invited to call in at the contact information listed below. The public meeting will be held to review the following items:

James and Monica Tuohy, the property owners of 7775 Sagamore Drive are requesting a variance to Zoning Code Section 154.12. The variance would allow for the replacement of an existing shed in the same location, within the required side and rear yards. The new shed is proposed to be 2'-3' from both the side and rear property lines.

Lynne Heyman, the property owner of 7280 Meadowbrook Drive is requesting three variances to Zoning Code Section 154.12. The variances would allow for the placement of a 240 square foot (12'x20') shed in the required side yard with a setback of 5' from the south property line and the principal access facing north toward Oakridge Drive.

If you are interested in reviewing the applications, you may do so by email request to the Village Clerk at tpreasoner@amberleyvillage.org or you may attend the **Monday, August 3, 2020** Board of Zoning Appeals public meeting in person or by phone. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

A public meeting of the Planning Commission will also be held to review the following item referred by Village Council:

POSTED: 7/22/2020

The Planning Commission will review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road.

Call-In Credentials:

Topic: Amberley Village Planning Commission/Board of Zoning Appeals

Time: Aug 3, 2020 07:00 PM Eastern Time (US and Canada)

Dial by your location

+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 824 8346 8825

Passcode: For security purposes, please contact tpreisoner@amberleyvillage.org for passcode to join the meeting.

Find your local number: <https://us02web.zoom.us/j/kblDr3kE1u>

POSTED: 7/22/2020



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

Amberley Village Planning Commission Staff Report

August 3, 2020

Subject:

Amberley Green 7801 Ridge Road

Variance:

Create Amberley Green Zoning District (AGD)

Item: Case#2020-1677

Variance Request: PUBLIC HEARING: The Planning Commission will review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road.

Zoning Code Review:

Variance Review: In order to effectively consider any type of development of the Village-owned Amberley Green (AG) property, the zoning must be changed from the current restrictive Residence A zoning (single-family, 1 acre lots). Village Staff and Council have been working to create an environment to maintain green space for Amberley Green while enabling development to occur if Village Council finds a proposed use acceptable.

Creating the special zoning district would allow for mixed-uses, to preserve green space, create recreational, and residential areas while allowing the limited opportunity for revenue-generating businesses to locate at that site which will add to the tax base of the Village.

The Village entered into an agreement for professional services with the Hamilton County Regional Planning Commission (HCRPC) to assist in creating this special district. As part of this contract, Bryan Snyder from the HCRPC attended public meetings with Village staff and Council to gather guidelines for the development of the new zoning chapter.

The principal permitted uses discussed at the public meetings.

1. Active and passive recreational uses including pools, splash parks, sports fields and courts, outdoor amphitheaters, public parks and walking trails, dog parks, and woodland preservation areas.
2. Single-family dwellings.
3. Community gardens/Agriculture.
4. Banquet/Event Center.
5. Government/Public buildings and facilities.
6. Other institutional uses including religious institutions, daycare centers, hospitals, schools, universities, and other educational related research facilities, and non-profit event centers, summer camps, and day camps.
7. Nursing homes, assisted living facilities, and continuing care retirement facilities.

8. Offices, including professional business offices, medical/dental offices, accounting services, banking/financial institutions, legal services, professional consulting/counseling services, real estate and securities brokering, hotels, and tax preparation services.

9. Restaurants (without drive-thrus)

10. Retail uses and/or facilities within a mixed-used building and not to exceed 20% of the total building square footage, including, but not limited to restaurants, baked goods, cheeses, fruits and vegetables, meats, ice cream, beer, wine, liquor, confectioneries, flowers and plants, pharmacies, cosmetics, photographic equipment, and supplies, pets and pet supplies, clothing, jewelry, sporting goods, bicycles, toys, music and musical instruments, luggage, books, glassware, medical and surgical equipment, office furniture equipment and supplies, appliances, business machines.

11. Other similar uses determined to be compatible with the uses listed above and approved as part of the AGD district approval per the procedures outlined in this chapter.

Additionally, there was discussion that this zoning district would be tailored to the proximity of the Amberley Green Property and therefore would not apply to other sites in the Village.

If you have any questions, please contact me.

Project Recommendations: Following the public hearing, the Planning Commission shall make suggestions and recommendations to the Council regarding the proposed changes.

Once the Planning Commission has reviewed and made a recommendation on Amberley Green Development District (AGD) zoning text, it will come forth to Council, which will hold a public hearing this summer, depending on when the recommendation is made by the Planning Commission.

After the Council holds the initial public hearing and deliberates, adoption of the ordinance is in order.

AMBERLEY GREEN DISTRICT (AGD) REGULATIONS

154.84 PURPOSE.

In addition to the purposes listed in Section 154.05 (B), the purpose of the Amberley Green District is to encourage preservation of green space and walking trails for residents while allowing limited opportunity for new development. The area included in the district is characterized by steep slopes and unbuildable area to the west and flatter, more buildable areas to the east. The desire of the village for these potential development areas is to also include green areas beyond the unbuildable portions of the property and walking trail connections to ensure preservation of the unique and beautiful qualities of the property.

The Amberley Green District is applied to properties that have an AGD district designation. Properties in the Village that are eligible to request AGD district designation, in accordance with the regulations and procedures below, include all properties bounded by East Galbraith Road and the Village Corporate limit on the north, Ridge Road to the east, the Village Corporation Limit to the west, and the northern property lines of northernmost residential properties on Burning Tree Lane, Fernwood Drive, Willowbrook Lane, and Twigwood Lane to the south.

154.84.1 USE REGULATIONS.

- (A) *Principal Uses.* A building or lot or other land area in this district shall be used only for the following purposes.
1. Active and passive recreational uses including pools, splash parks, sports fields and courts, outdoor amphitheaters, public parks and walking trails, dog parks, and woodland preservation areas.
 2. Single-family dwellings.
 3. Community gardens/Agriculture
 4. Banquet/Event Center
 5. Government/Public buildings and facilities.
 6. Other institutional uses including religious institutions, day care centers, hospitals, schools, universities and other educational related research facilities, and non-profit event centers, summer camps, and day camps.
 7. Nursing homes, assisted living facilities, and continuing care retirement facilities.
 8. Offices, including professional business offices, medical/dental offices, accounting services, banking/financial institutions, legal services, professional consulting/counseling services, real estate and securities brokering, hotels, and tax preparation services.
 9. Restaurants (without drive throughs)
 10. Retail uses and/or facilities within a mixed-used building and not to exceed 20% of the total building square footage, including, but not

limited to restaurants, baked goods, cheeses, fruits and vegetables, meats, ice cream, beer, wine, liquor, confectioneries, flowers and plants, pharmacies, cosmetics, photographic equipment and supplies, pets and pet supplies, clothing, jewelry, sporting goods, bicycles, toys, music and musical instruments, luggage, books, glassware, medical and surgical equipment, office furniture equipment and supplies, appliances, business machines.

11. Other similar uses determined to be compatible with the uses listed above and approved as part of the AGD district approval per the procedures outlined in this chapter.

(B) *Accessory Uses.*

1. Home Occupation provided any such use shall comply with the requirements of Section 154.25(B)(1).
2. Accessory buildings and uses customarily incidental to a permitted use located on the same lot as the single-family use and subordinate in size to the single-family home and as further regulated by Section 154.12.

(C) *Temporary Uses.* Temporary uses, including but not limited to farm markets, festivals, food trucks, tree sales, community gatherings, and community commerce, may be permitted provided that such temporary use shall either be approved as part of the Concept or Final Development Plan for the principal use or shall be approved by the Zoning Board of Appeals in accordance with Section 154.66(A)(4).

154.84.2 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories or 35 feet in height, whichever is the lesser height.

154.84.3 REQUIRED MINIMUM LOT AREA, WIDTH, AND SETBACK REGULATIONS.

All uses shall be setback a minimum of 50 feet from the boundaries of the Amberley Green area as described in Section 154.84 and shall also comply with the following minimum requirements.

- (A) *Lot area.* The minimum lot area for single-family detached uses shall be 8,000 square feet, and the minimum lot area for all other uses shall be 21,780 square feet.
- (B) *Ground area.* There is no maximum ground area coverage for single-family detached uses. For all other uses, the total ground area to be occupied by structures shall not exceed 50% of the lot area.
- (C) *Single-family detached residence lot width and setbacks.* Single family detached lots shall have a minimum width of 50 feet. All single-family structures shall comply with the following minimum yard requirements:

1. Front yard: 25 feet
 2. Side yard: 5 feet
 3. Rear yard: 35 feet
- (D) *Other permitted uses lot width and setbacks.* All other lots shall have a minimum lot width of 100 feet and shall comply with the following minimum yard requirements:
1. Front yard: 50 feet
 2. Side Yard: 20 feet
 3. Rear Yard: 20 feet

154.84.4 SITE DEVELOPMENT REGULATIONS.

- (A) *Off street parking.* Facilities for parking residents, employees, visitors, and business vehicles must be provided on the premises in accordance with the following uses and calculations unless modified as part of the Concept or Final Development Plan approval following submission of evidence indicating that the sufficient parking will be provided through shared parking agreements, a mix of uses with expected hours of high demand that do not overlap, or other such evidence as may be submitted to support a reduction of the spaces required in this Section. Such facilities other than those related to single-family residences, shall be setback a minimum of 50 feet from the boundaries of the Amberley Green area as described in Section 154.84 and 20 feet from all other public streets, private access easements, and interior lot lines. Parking spaces for the handicapped shall be provided in accordance with the provisions of the Ohio Basic Building Code.
1. Detached single-family residential: Two spaces for each dwelling unit
 2. Government/Public buildings and facilities: One space per 250 sq. ft. of floor area.
 3. Religious Institutions: One space per eight seats or bench seating in the main assembly area.
 4. Daycare centers: One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children.
 5. Hospitals: One space per bed.
 6. Schools, K-6: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
 7. School, Junior High/Middle School: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
 8. School, Senior High: One space per employee + twelve visitor spaces, plus one space per six students.
 9. School, University, Vocational/Professional, or Educational Research Facility: One space per employee + one space per two registered student capacity.

10. Amphitheater and event center: One space for each three seats or one space per 50 square feet of net floor area where fixed seating is not available.
11. Summer camp and day camp: One space per employee + one space per each camp vehicle + one space per five users at maximum capacity.
12. Swimming pools and splash parks: One space for each 50 square feet of pool or wet park surface area + one space per employee.
13. Athletic/Play field: Ten spaces per acre.
14. Tennis/Basketball/Racquet clubs and similar recreation facilities: Eight spaces for each indoor tennis/basketball court, five spaces for each outdoor tennis/basketball court, five spaces for all other indoor and outdoor courts.
15. Parks and playgrounds: Four spaces per acre.
16. Nursing homes, assisted living facilities, and continuing care retirement facilities: One space per six residents + one space per employee.
17. Offices, excluding Medical: Three spaces for the first 1,000 sq. ft. or fraction thereof, + one space per 400 sq. ft. of floor area in excess of 1,000 sq. ft.
18. Offices, Medical: Six spaces + one space per 200 sq. ft. of floor space in excess of 1000 sq. ft.
19. Retail: One space per 200 sq. ft. of floor area.
20. Restaurant: One space per 100 sq. ft. of floor area.

(B) *Pedestrian Facilities.*

1. Sidewalks shall be a minimum of four feet wide and are required along both sides of all streets.
2. A connection shall be established from abutting streets with sidewalks to the entrance of primary structures through the use of sidewalks and special demarcation.
3. Pedestrian areas in parking lots or across interior drives shall be demarcated with special paving, color or height change, and/or striping for increased safety.

(C) *Lighting.*

1. All outdoor lighting for non-residential uses shall be designed, located, and mounted at heights no greater than 18 feet from grade, must have cutoff fixtures, and shall not shine directly onto adjacent residences.
2. All outdoor lighting for non-residential uses shall be designed and located to permit maximum light levels of 0.0 foot-candles at any residential property or lease line and 1.0 foot-candles at all other property or lease lines.

(D) *Dumpster and trash handling areas.* The following requirements shall apply to all dumpsters, trash handling areas, and related serviced entrances.

1. Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building.

2. Any such structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties.
 3. Any fence or wall required under this Section shall have a height no greater than seven feet and no less than five feet. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25% of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches and with no greater than 25% of the fence surface left open between posts and/or planks.
- (E) *Outdoor Storage.* Outdoor sales, display and storage shall be prohibited unless it is specifically permitted as part of an approved Concept or Final Development Plan or it is part of a temporary use permitted by Section 154.84.1.

154.84.5 LANDSCAPING REGULATIONS.

- (A) *Streetscape Buffer.* A Streetscape Buffer shall be installed along the property line of all non-single-family residential uses abutting all public street right-of-way and private access drives consisting of a minimum of 10 feet in depth and including a minimum of four understory or canopy trees and three shrubs per 100 linear feet of frontage.
- (B) *Boundary Buffer.* A Boundary Buffer shall be installed between any residential use and any non-residential use, including mixed use buildings consisting of a minimum of 10 feet in width and including a minimum of four canopy or evergreen trees and three shrubs per 100 linear feet of boundary length.
- (C) *Interior parking lot landscaping.* Interior parking lot landscaping shall be required for all new and expanded parking areas greater than 10 spaces in accordance with the following standards.
1. The total landscape area required in parking lot areas is 22 sq. ft. per parking space.
 2. Landscape areas shall consist of parking islands or peninsulas and all required landscape materials shall be planted within these island or peninsula areas. Best Management Practices (BMP's), such as rain gardens or bio swales are permitted.
 3. The minimum number of canopy trees is one canopy tree for each 10 parking spaces. Any fractional number of trees should be calculated to the next highest whole number.
 4. To determine the total number of required shrubs, multiply the total number of required canopy trees by three. One canopy tree may

substitute for 3 shrubs. Trees and shrubs do not have to be equally spaced and may be grouped.

(D) *General Landscaping Standards.* All required Streetscape, Boundary Buffer, and Interior parking lot landscaping shall comply with the following standards.

1. Canopy trees shall be deciduous trees with a minimum of 12 feet in overall height or a minimum caliper of 2 ½ inches when installed, and have an expected height of at least 35 feet at maturity.
2. Understory trees (flowering/ornamental trees) shall be a minimum of 5 feet in height in clump form or a minimum caliper of 1 ½ inches when installed.
3. Evergreen trees shall be a minimum of 5 feet in height when installed.
4. Shrubs shall be at least 18 inches in height or 24 inches in spread when installed.
5. Existing mature trees and shrubs that are preserved may be used to fulfill landscape requirements on a one to one basis except that any mature trees with a caliper greater than 6 inches may substitute for two required trees.

154.84.6 ARCHITECTURAL REGULATIONS.

The purpose of this section is to require architectural features for all nonresidential uses which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale, in accordance with the following standards.

- (A) Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.
- (B) Buildings with continuous facades that are 90 feet or greater in width shall be designed with offsets (projecting or recessed) not less than two feet deep, and over intervals between offsets of not greater than 60 feet.
- (C) Building facades may be constructed from stone, masonry, cement fiber board, wood siding, split-face, textured concrete, heavy gauge vinyl, glass or other materials which provide the same desired quality.
 1. Concrete masonry units (CMU or block) shall be textured or split-face and otherwise not smooth.
 2. Office uses may use architectural metal panels, glass (up to 75% of the façade area) and ornamental metal.
 3. Stucco, EIFS, or other similar material shall be used for trim or architectural features only.

- (D) Buildings constructed of metal shall be prohibited, except as provided in Section 154.84.6(C)(2).
- (E) Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall.
- (F) Entryway features are required at the primary entrance to the structure and shall include elements such as: covered entries, integral planters, awnings, raised corniced parapets over the door, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.
- (G) The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to any public street, primary internal drive or residential use.

154.84.7 SIGNAGE REGULATIONS.

No sign may be posted on public property or within the public right-of-way along public roads, except village corporation signs, highway directional or regulatory signs and traffic safety signs erected and maintained by public agencies. All signs shall be placed in such manner that they will not obstruct the vision of drivers with regard to oncoming or intersecting traffic on any public or private roads or driveways. Only the following types of signs are permitted.

- (A) *Building Signs.* Any business or other permitted nonresidential use shall be permitted one-half (0.5) square foot of Building Sign surface area for each foot of building frontage that fronts a public right-of-way or the façade that contains the main entrance to the building and such building signage shall be located on the façade from which the measurement is taken. Building signage of a commercial or advertising nature shall not be permitted for residential uses.
- (B) *Freestanding Signs.* Businesses and/or centers containing multiple businesses shall be permitted a maximum of one monument sign for the business or center for the joint use of all tenants for which the facility is designed, including any outlots, subject to the following criteria.
 - 1. Signs shall be allowed only for parcels with at least one hundred fifty (150) feet of frontage adjoining a public street.
 - 2. All freestanding signs shall be monument style ground mounted signs.
 - 3. Freestanding signs shall not exceed 8 feet in height.

4. The sign shall be setback a minimum of 5 feet from all public rights-of-way and private access easements and a minimum of 20 feet from a lot line of any residentially zoned or used property.
5. Signs shall have a message area of not more than 50 square feet for nonresidential uses or 32 square feet for attached residential developments.
6. Electronic message centers/Electronic signs and internally illuminated signs shall be prohibited.

(C) *Other Permitted Signs.*

1. Church or public building bulletin boards not exceeding 10 square feet in area.
2. Temporary signs on over 40 inches from the ground and not exceeding 6 square feet in area, the purpose of which is to communicate information about the lease or sale of a building or lot, which signs shall be removed as soon as the property is leased or sold.
3. Small announcements or professional signs not over one square foot in area.
4. Highway or directional and traffic safety signs erected and maintained by public agencies.
5. Outdoor election signs, provided that they may not be erected prior to four weeks before the day of the election and that the owner of the property on which the sign is located must cause the sign to be removed within 72 hours after the election; a sign permitted under this section shall not exceed 12 square feet in area and the aggregate of all signs placed on any parcel of real property in one ownership shall not exceed 60 square feet, nor shall they be posted such that the bottom edge of each sign is more than 40 inches from the ground. All such signs shall be placed in such manner that they will not obstruct the vision of drivers with regard to oncoming or intersecting traffic on any public or private roads or driveways.
6. Temporary signs associated with an approved temporary use not exceeding 10 square feet in area.

154.84.8 AMBERLEY GREEN DISTRICT (AGD) DESIGNATION PROCESS.

Establishment of an Amberley Green District (AGD) designation and all subsequent development and redevelopment within an established AG district shall be conducted in accordance with the following processes.

- (A) *Concept Plan Submission.* The submission of a Concept Plan is required as the initial process for establishment of the AGD district. The applicant is encouraged to engage in informal consultations with the Village Building Commissioner prior to preparing the Concept Plan, it being understood that no statement or representation by the Building Commissioner shall be binding upon the Village. The applicant shall prepare a Concept Plan and

shall submit the number of copies of this Concept Plan as specified by the Building Commissioner along with the completed application to the Planning Commission for consideration. This Concept Plan submission shall contain the following:

1. A written text setting forth in detail the criteria and conditions which the developer will follow in determining final elevations, locations of improvements, maximum slope, size, density, character and management of the development for the purposes of a Final Development Plan.
2. An existing conditions map showing existing topography, including the location of natural features such as creeks, ponds, significant stands of trees and other nature features of note requiring special consideration, as well as man-made features including easements, roads, sewer lines, adjacent property lines and all existing structures located on the property.
3. A preliminary development plan map of the property showing land use, general topography and physical features and the following information:
 - a. Property boundaries;
 - b. Proposed street plan indicating all surrounding streets and access points as well any private streets or walking trails;
 - c. Proposed pedestrian circulation system including sidewalks and hike/bike trails;
 - d. General location and size of different land use areas;
 - e. Density levels or maximum building size proposed for each area;
 - f. General location of schools, parks or other community facility sites, if any
 - g. Setback and height requirements for each area;
 - h. Proposed drainage plan;
 - i. General utility layout;
 - j. Parking layout for non-residential uses;
 - k. Preliminary geotechnical data indicating soil types for any area containing slopes in excess of 20%;
 - l. Any other information specifically requested by the Village to adequately review the proposed AGD district.
4. A written description of the management of any open spaces or common areas describing the form of organization to be followed in the establishment of a property owners' association in the event that the care and maintenance of such common areas is to be the responsibility of the property owners. This description shall also include any proposed covenants and restrictions designed to govern open spaces or other common areas.
5. Time schedule of projected development if construction is to extend beyond a two (2) year time period.

- (B) *Village Planning Commission Review and Recommendation.* The Village Planning Commission shall study the application and Concept Plan and shall hold a public hearing within thirty-five (35) days of the time of application. Following this public hearing, the Commission shall make a report to the Village Council recommending approval, approval with modification, or disapproval and the reasons therefore. The Commission may explicitly impose special conditions relating to any pertinent development characteristics as needed in making a recommendation. The Commission shall also have categorical ability to recommend varying or relaxing the standards of this chapter and the Zoning Ordinance as part of the recommendation provided that any such request is found to meet the intent of the AGD district.
- (C) *Conditions of Approval.* Upon receipt of the recommendation of the Village Planning Commission, the Village Council shall study and review the proposed Concept Plan and shall approve, modify, or disapprove the application on the basis of (1) all application requirements have been satisfied, and (2) finding that the following specific conditions are met:
1. That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained;
 2. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations;
 3. That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and that a traffic study has been completed to ensure adequate capacity for traffic in the vicinity of the development if requested by the Building Commissioner, Planning Commission, or Village Council;
 4. That any part of a development not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved;
 5. The development will not impose an undue burden on public services and facilities such as fire and police protection.
 6. That the density of each individual phase of the development, as well as the density of the entire project shall not exceed the maximum allowable density as permitted in the AGD district.
- (D) *Village Council Action.* Council shall have thirty-five (35) days from the date of the report and recommendation of the Planning Commission to hold a public hearing for consideration of the Concept Plan. Action by the Village Council shall be as follows:
1. If from the facts presented, the Council is unable to make the necessary findings specified in Section 154.84.8(C), Conditions of Approval, the application shall be denied or returned to the applicant for clarification. In taking action, the Council may deny the Concept Plan or may approve said plan subject to specified amendments.

Council shall also have categorical ability to vary or relax the standards of this chapter and the Zoning Ordinance as part of the approval provided that any such request is found to meet the intent of the AGD district. If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of detailed site development plans. Approval of the Concept Plan shall constitute the creation of a separate "AGD" Zoning District. The new zoning designation shall replace any existing zoning classification.

2. At the time of adopting any Ordinance establishing an "AGD" District, the Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan.

(E) *Final Development Plan Approval Process.* Once the Concept Plan has been approved by the Council, a Final Development Plan for each section of the overall development must be reviewed and approved by the Building Commissioner prior to the issuance of any Zoning Certificate. The Final Development Plan shall be in accordance with the original Concept Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect; and shall include the following:

1. Site plan indicating lot lines, building outlines, off-street parking and loading spaces, pedestrian walkways and vehicular circulation.
2. Preliminary building plans, including floor plans and exterior elevations.
3. Landscaping and buffering plans.
4. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
5. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.

Approval of each Final Development Plan for each unit of an AGD district shall be valid for one (1) year. No Zoning Certificate or Building Permit shall be issued for any structure within the AGD district until the final Subdivision Plat has been recorded with the County Recorder, if applicable.

(F) *Amendments to Approved Concept and Final Development Plans.* An approved Concept Plan or Final Development Plan within the AGD district may be amended by the following the procedures:

1. Minor Adjustments. Minor adjustments to an approved Concept Plan or Final Development Plan which become necessary because of field conditions, detailed engineering data, topography, or critical design criteria may be authorized by the Building Commissioner. These minor adjustments may be permitted, provided that they do not increase density, do not including any variances to the Zoning Code, decrease

the number of parking spaces, or allow buildings closer to abutting residential property lines.

2. Major Adjustments. Changes to an approved Concept Plan or Final Development Plan determined to be major adjustments not authorized above and not including any modification of written conditions of approval contained in a Village Council Ordinance shall require review and approval by the Village Planning Commission.

(G) *Appeals.*

1. Any party aggrieved by the administrative decision of the Building Official concerning a Final Development Plan or Minor Adjustment to a Final Development Plan may appeal within 30 days of the date of the decision to the Village Planning Commission.
2. Any other appeal of the legislative action of Village Council concerning a Concept Plan or the administrative action of the Planning Commission concerning a Major Adjustment may be appealed following the procedures for such appeal as outlined in the Ohio Revised Code.

Planning Commission Comments regarding Amberley Green Development District Text

1. Comments about potential allowable principal uses on the property like hospital, nursing homes, assisted living facilities and hotel.

The inclusion of these uses does not mean Amberley Village plans to allow all the listed usages, but these are concepts the Village would consider. The purpose of the proposed zoning text is to anticipate possible usages in the future and allow for flexibility/creativity. Village Council and staff carefully considered the list to keep as many options open for the future as possible. This was done with the premise the Village controls the property and ensures the Village can act should an opportunity presents itself that would meet Village objectives. Principal uses are subject to Village approval, as owners of the property, but can only be considered if included in the zoning text. By exclusion from the list, a principal use cannot be considered at all without completing a full zoning text amendment involving Village Council and Planning Commission.

Planning Commission recommendation options:

- a. Leave the principal permitted uses intact.
 - b. Further define any principal permitted uses to be included.
 - c. Eliminate specific principal permitted uses.
2. Comments about event center being listed as both profit and non-profit.

154.84.1 (A) 4 refers to “Banquet/Event Center” and 154.84.1 (A) 6 refers to non-profit event centers.

There is no reason for profit vs. non-profit. The non-profit was included from the beginning and then it was suggested that banquet center be listed as a principle use. The reference to non-profit can be removed.

Planning Commission recommendation options:

- a. Leave both profit and non-profit intact.
- b. Eliminate non-profit.

3. Comments regarding height restrictions.

154.84.2 places a restriction at two and one-half stories or 35 feet in height.

The height was originally greater, but the consensus of Council was to keep it at 35' and if a higher office building was proposed, a variance could be sought. Staff did include a provision originally to allow greater height with additional setback but that was removed.

2.5 stories is consistent with other sections of our code. 35 feet would allow 2.5 stories with a pitched roof but adding height without adding additional stories isn't recommended.

The key is to determine what style architecture to encourage and what you would allow. The "typical" floor to floor of an office building is 13'6". For a traditional "flat roof" office building, that would translate into 27' plus the roof parapet of +/- 3' for a total of 30'. Then if there is rooftop HVAC equipment, you would want that screened and that would also add to the total height. Where you run into trouble with the 35' limitation is when there are higher finished ceiling height requirements due to the use or higher first floors for aesthetic reasons.

If you allow higher total building heights, this will allow higher floor-to-floor heights and different roof types.

If you want to allow for a 3-story building, zoning text should read up to 45' in height and 75' for a 5-story office building.

Another option is to set a maximum height and stipulate for every one foot of height above the maximum, each of the required front, side, and rear yard setbacks are increased by two feet.

Planning Commission recommendation options:

- a. Leave the height restriction intact.
 - b. Consider a two and one-half story limitation but allow for a much higher total height to accommodate pitched roofs.
 - c. Increase the height restriction to 45', 60' or 75'.
4. Some concern about lot size for residential development at 8,000 square feet will not generate the type of housing for residents that want to downsize but will generate a small house on a small lot equaling a low-price house.

Originally, the Village had a 5,000 square-foot lot size at one time and we also included attached single-family as a use in a previous draft. Attaching homes would require attached single-family to be listed as a permitted use. Other than that, the minimum lot size, and therefore the permitted density, is a number that needs to be decided through the process. Village Council will make that determination when there is a proposal for the residential piece of the property and could establish covenants for the property as well. More density is generally supported by the planning profession but may not be right for the village.

Minimum lot sizes are typical in zoning and minimum lot sizes determine how small a developer can subdivide a lot. However, these criteria do not guarantee a particular price point for residential. What Council was attempting to accomplish is a different single-family option in the Village. Smaller lots do not necessary translate to lower price points and from a planning standpoint, what seems to be trending right now is a large house on a small lot.

To control it further, material requirements (like no vinyl siding), minimum square footage of houses, minimum setbacks, etc. could be incorporated into the regulations or part of the covenants.

Planning Commission recommendation options:

- a. Leave the minimum lot size intact.
- b. Modify the minimum lot size with the intent to get a higher priced single-family residential house.
- c. Recommend covenants to address the concern.

5. Some concern that landscaping standards are too light.

3 shrubs per 100 feet is noticeably light. 4 trees per 100 feet is appropriate allowing 25 feet between trees and that standard is included in the Hamilton County zoning code and was prepared by a landscape architect in 1996 as the minimum space necessary to allow canopy trees to grow properly. The Hamilton County code includes between 10 and 20 shrubs per 100 feet for streetscape and boundary buffers; raising the 3 shrubs to 10 or 20 shrubs per 100 feet would be a good suggestion to beef up landscaping.

Reference was made to Mason's landscaping. Their landscape code has been attached and is applicable as it is considered heavy.

Planning Commission recommendation options:

- a. Leave the landscaping minimums intact.
- b. Modify the landscaping standards to mimic another community.

6. Some concern about unnecessary architectural restrictions in 154.84.6 that are too restrictive.

Architectural standards are subjective. The ones that were included are a minimum set of standards to require buildings with undulating facades and variable roof lines. If a more modern character is desired, they can be modified to allow flat facades and roofs lines and more glass. It is up to the Village as far as what character is desirable.

Here are some standards related to exterior buildings from the City of Mason Code:

D) Exterior Building Material.

- 1) Unfinished or unpainted non-decorative concrete block shall not be used on any exterior wall.
- 2) Metal siding shall not be used on any wall facing a public street or a residential district. If metal siding is utilized on any remaining wall, it shall be subject to the approval of Planning Commission.
- 3) A combination of brick, masonry, glass, architectural metal wall panels, or other suitable building materials shall be used on the front facade of the building, subject to the approval by Planning Commission.

E) Mechanical Screening. All roof mounted mechanical equipment shall be screened from view from adjacent property and zoning districts and from roads right-of-way in all zoning districts using durable, compatible, opaque materials.

Planning Commission recommendation options:

- a. Leave the architectural restrictions intact.
- b. Modify the architectural standards to mimic another community.

Landscaping and Street Tree Ordinance



City of Mason, Ohio

Landscaping and Street Tree Ordinance



30 East Mulberry Street
Suite 3A
Lebanon, Ohio 45036
Telephone: (888) 226-4326
Telephone: (513) 934-2345
Facsimile: (513) 934-2809

Adopted | May 13, 2002 | Ordinance 2002-61

Revised | November 18, 2013 | Ordinance 2013-92



JAPANESE ZELKOVA



SWAMP WHITE OAK



PRAIRIE FIRE CRABAPPLE



GINKGO TREE

ACKNOWLEDGMENTS

CITY COUNCIL

John McCurley, Mayor
Jim Fox, Vice-mayor
Dick Staten
Peter Beck
Charlene Pelfrey
Victor Kidd
Tom Grossman

PLANNING COMMISSION

Dick Staten, Chairman
Richard Doesburg, Vice-chairman
Meg Hammeran
John McCurley
Bill Girton
Ken Murawski
Terry Schulte
Joyce Morris, Secretary

CITY ADMINISTRATION

Scot Lahrmer, City Manager
Eric Hansen, Assistant City Manager
Richard Fair, City Engineer
Allyn Kuennen, City Planner
Michelle Boerger, Landscape and Zoning Inspector
Jennifer Heft, Finance Director
Michael Hecker, Parks & Recreation Director
Ronald Ferrell, Police Chief
David Riggs, Public Works Superintendent
Ernie Stickler, Public Utilities Superintendent

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).

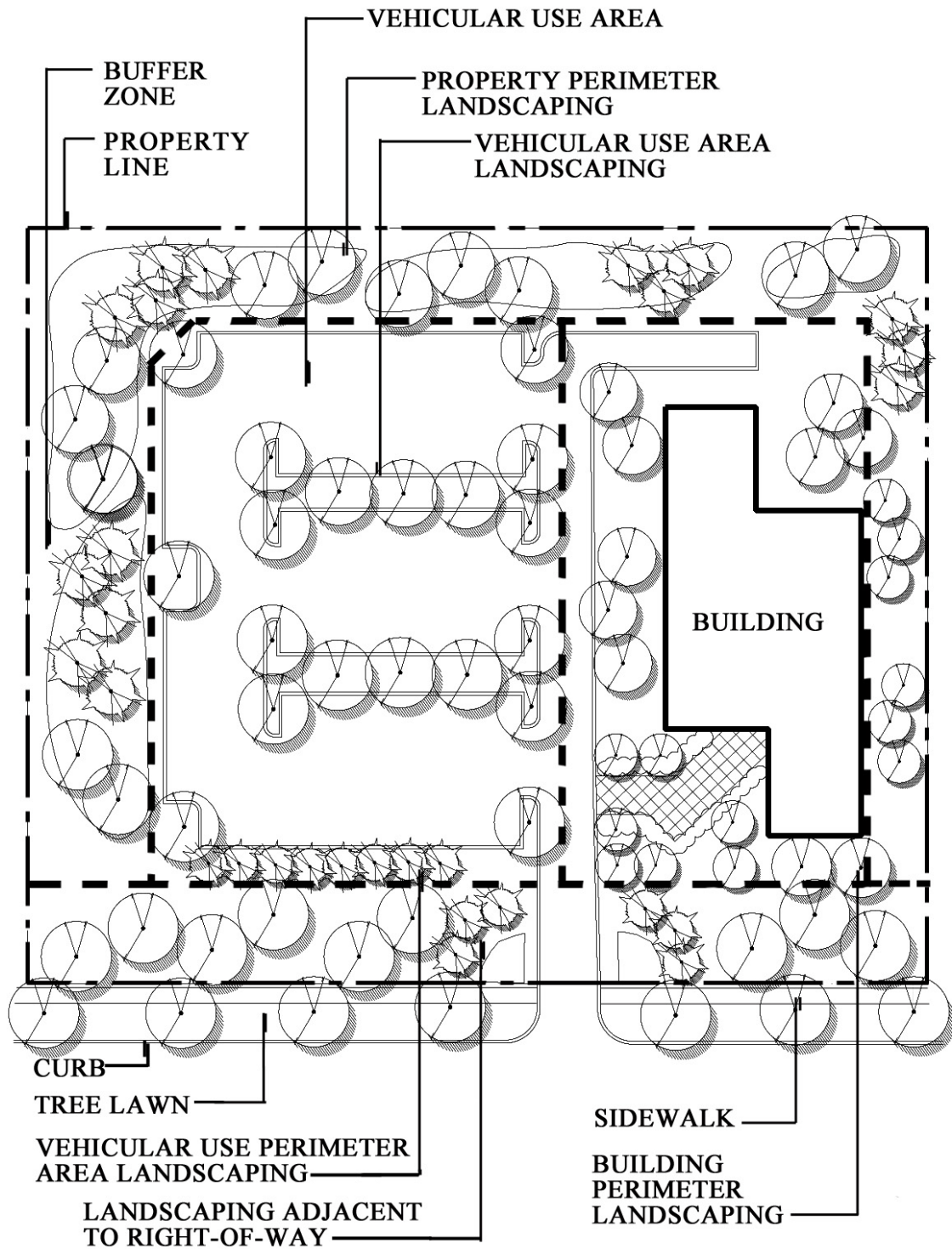
TERRITORIALITY: suggests that people have an innate desire, or even a compulsion, to protect or defend space (territory), which they occupy. The extent to which someone will defend territory depends on their personal investment in or responsibility for that property. Territoriality involves establishing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

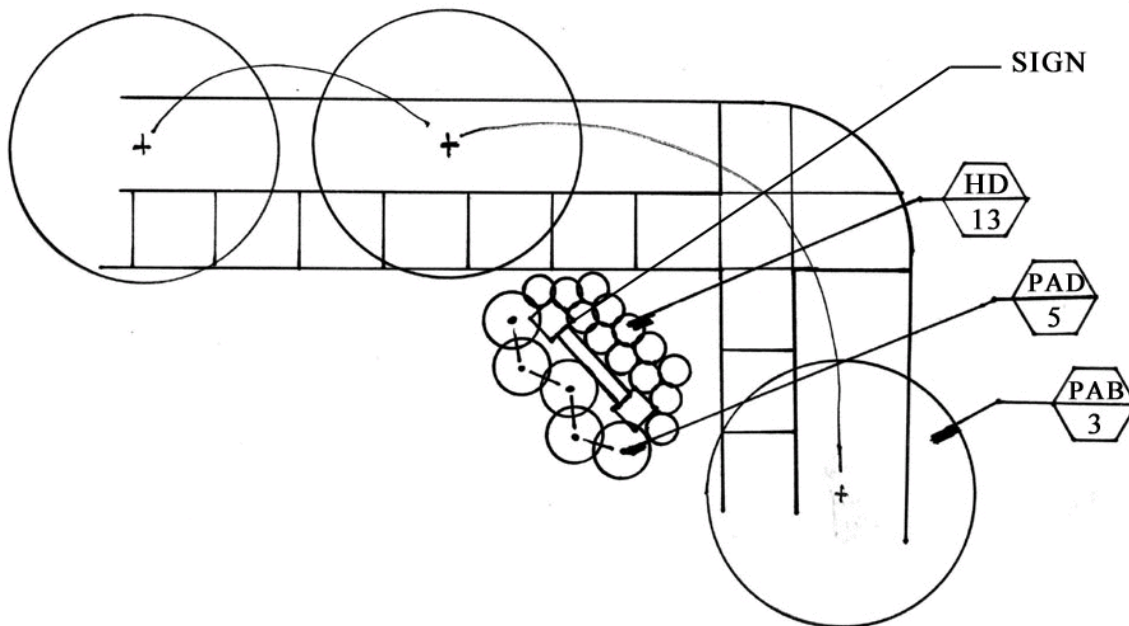
VEHICULAR USE AREA LANDSCAPING: any landscaping required or located in landscape islands in vehicular use areas (See Figure 1).

FIGURE 1: LANDSCAPE TERMINOLOGY

**FIGURE 2: EXAMPLE OF LANDSCAPE
SCHEDULE/PLANT LEGEND**

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

HD	Hemerocallis, 'Stella D' Oro' Daylily	1 gal	13	18" o.c.
PAB	Plantanus x aceriflia, '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.



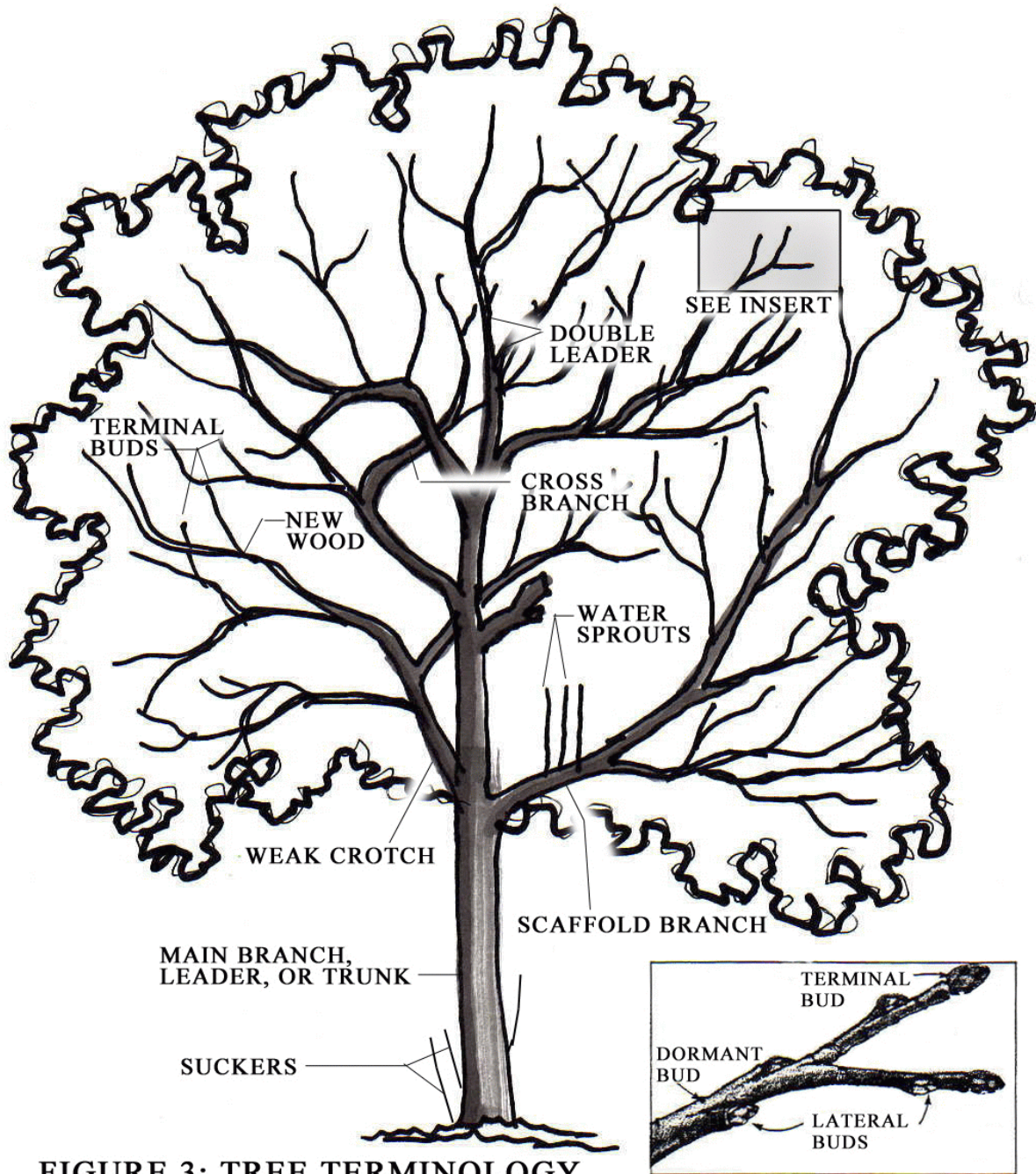


FIGURE 3: TREE TERMINOLOGY

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.

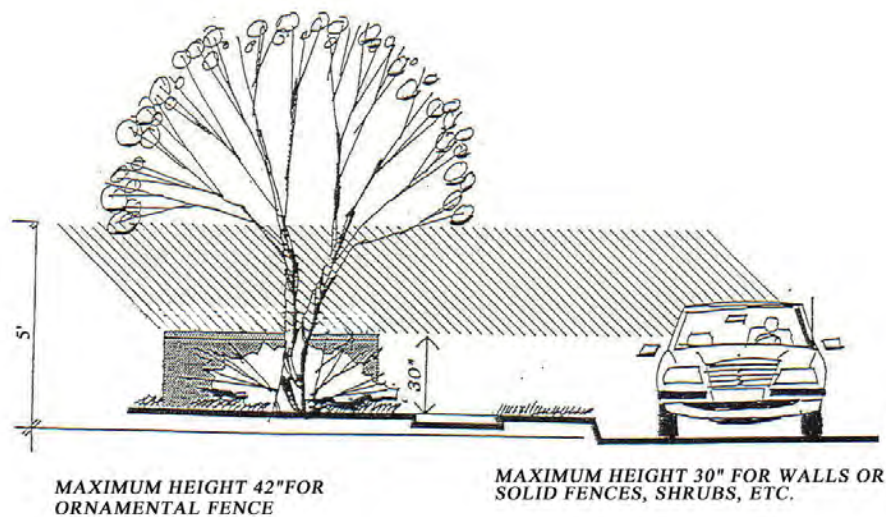
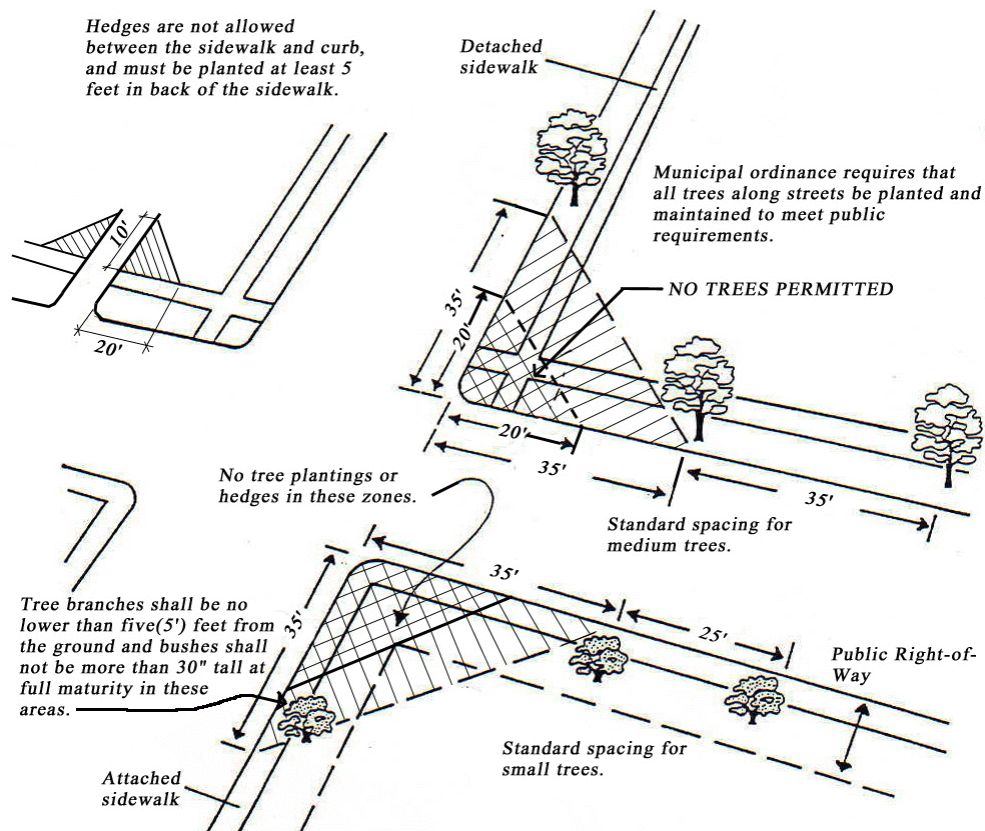
- A) **General Site Requirements.** All unpaved and unbuilt portions of any site in any zoning district shall be planted with grass, ground cover, shrubbery or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential 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

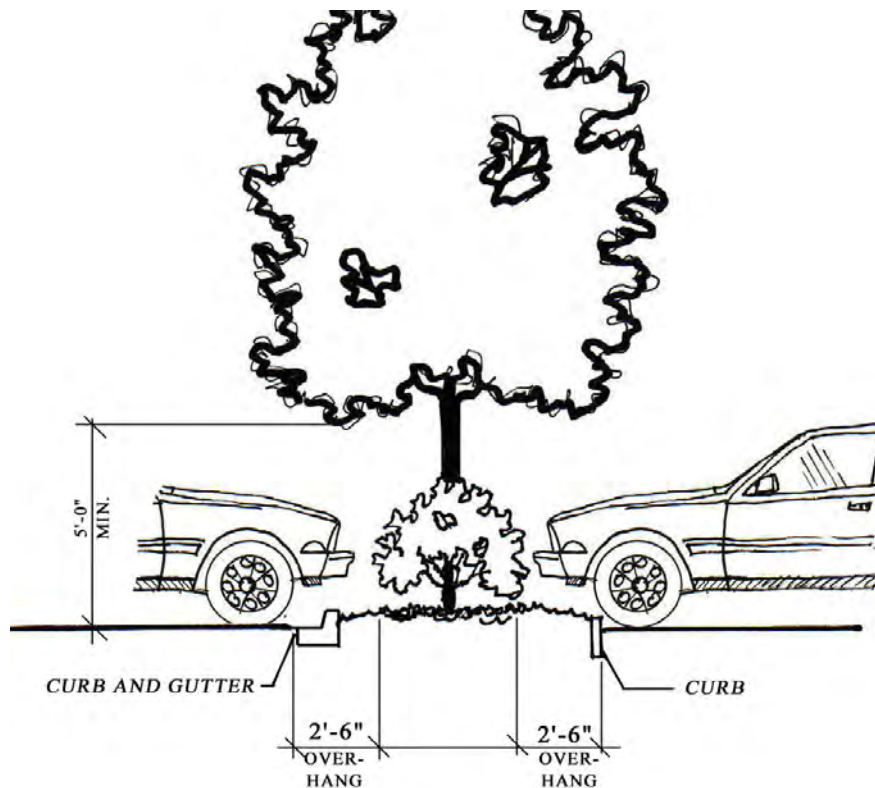
20,000 sq. ft. / 2,750 sq. ft. = 7.27 or 7 trees²

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.

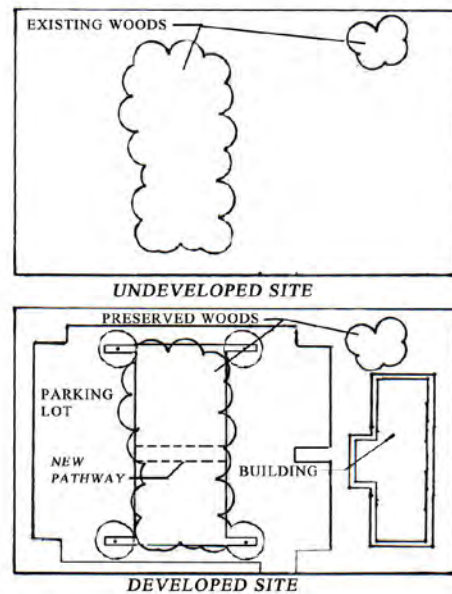


FIGURE 7: WOODLOT PRESERVATION

- 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 sounding 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).

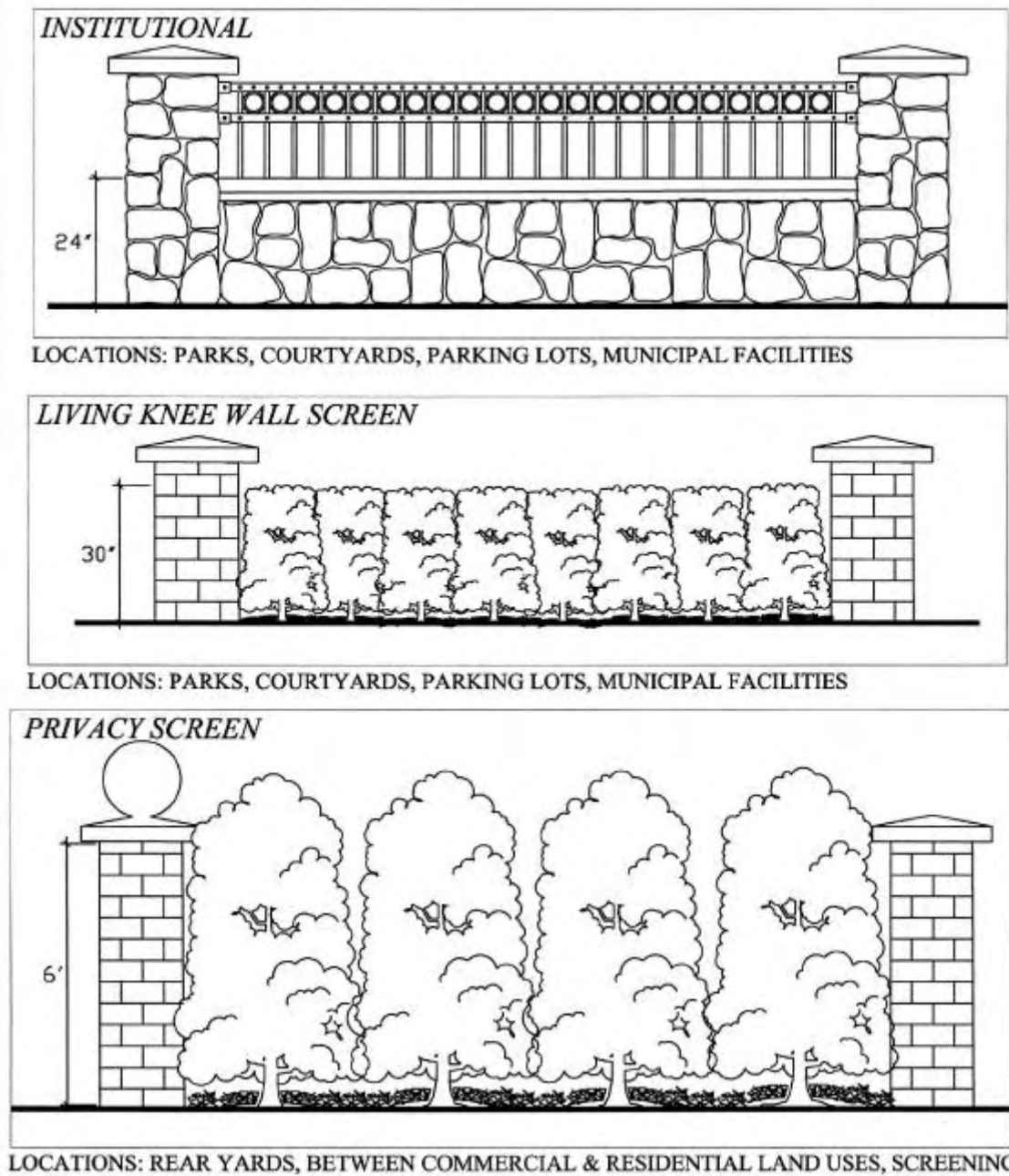
- 2) Natural access control. The physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping, and lighting.
- 3) Territorial reinforcement. The use of physical attributes that express ownership, such as fences, pavement treatments, art, 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.

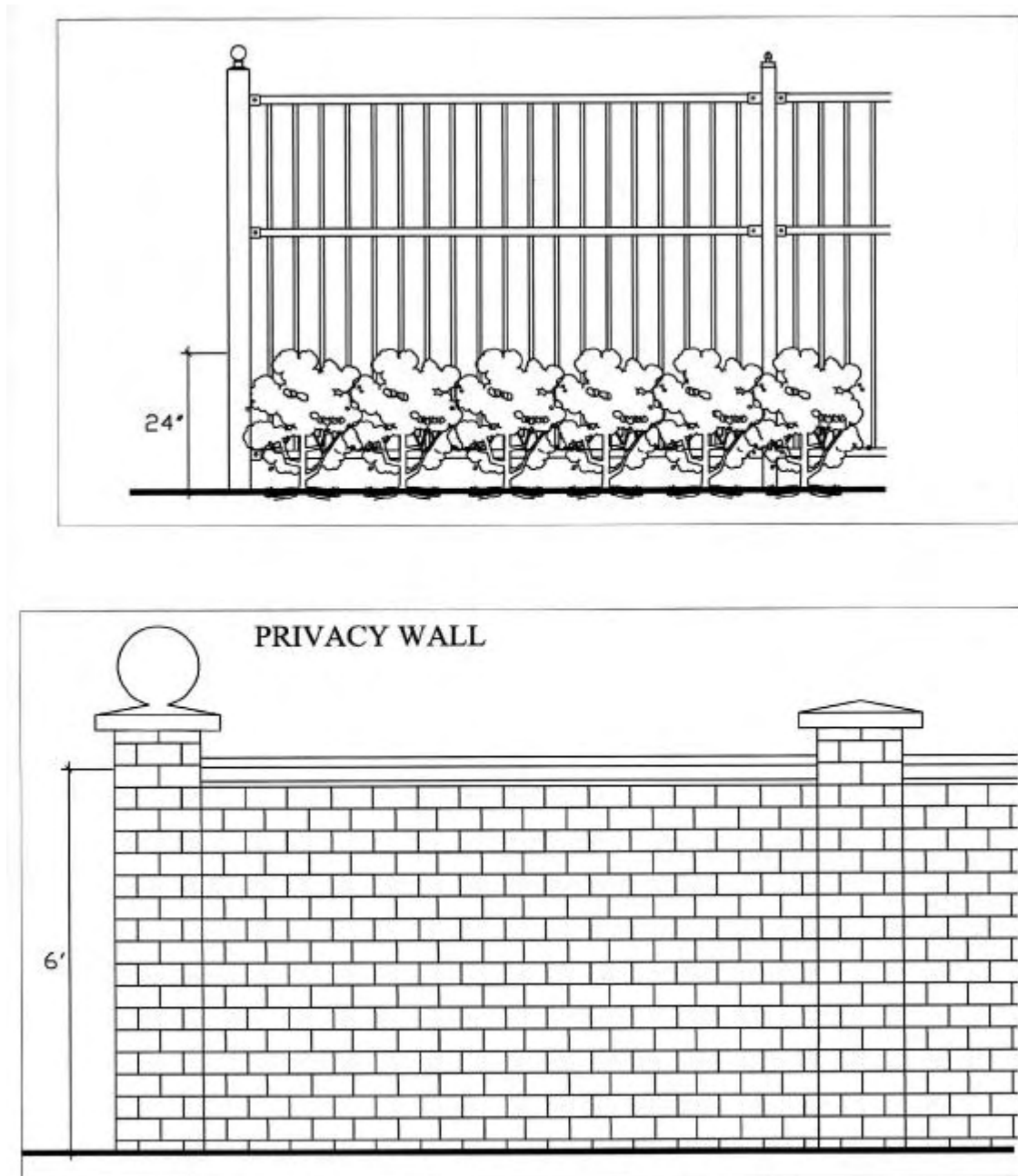
- 1) Buffers and screens. Physical buffers and visual screens between different, adjoining land uses are critical design elements that should be utilized to reduce undesirable visual impacts. In highly developed urban areas, visual screens should be a combination of structural elements (walls and fences) 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

Freeway, arterial or collector street.	20' wide with a 3' high continuous 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.	30' wide with a 6' high earth mound, 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 minimum 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 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 tree lawn, 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

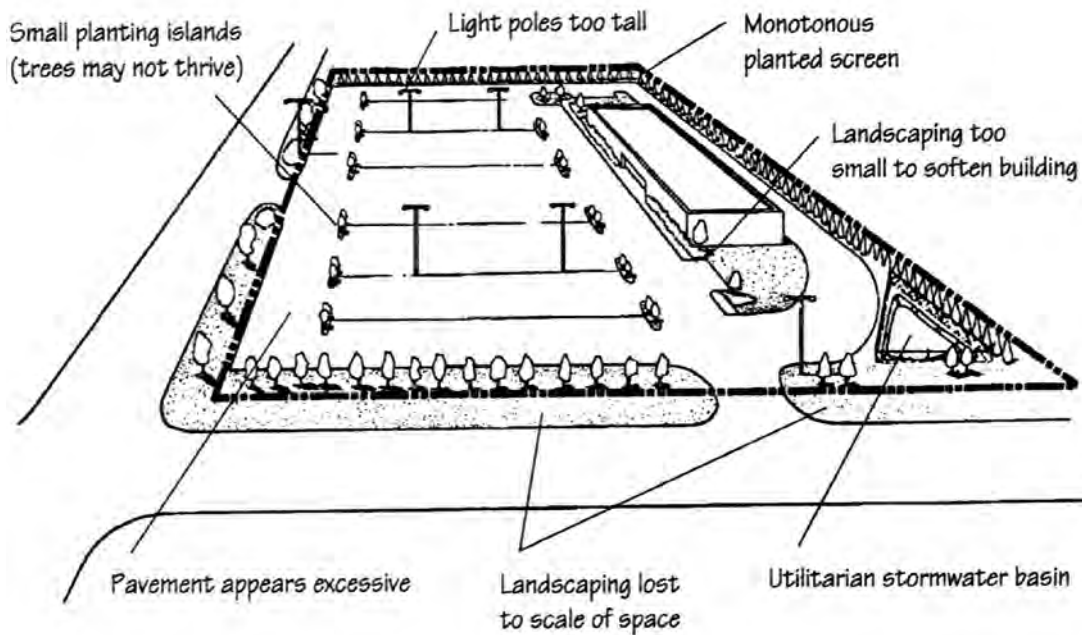
As an alternative to the above standard, a landscape area with a minimum width of five (5) feet can be provided between two rows of parking that runs the entire length of the parking row. If this alternative is chosen, every other double row of parking shall have a landscape median. One (1) tree shall 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.

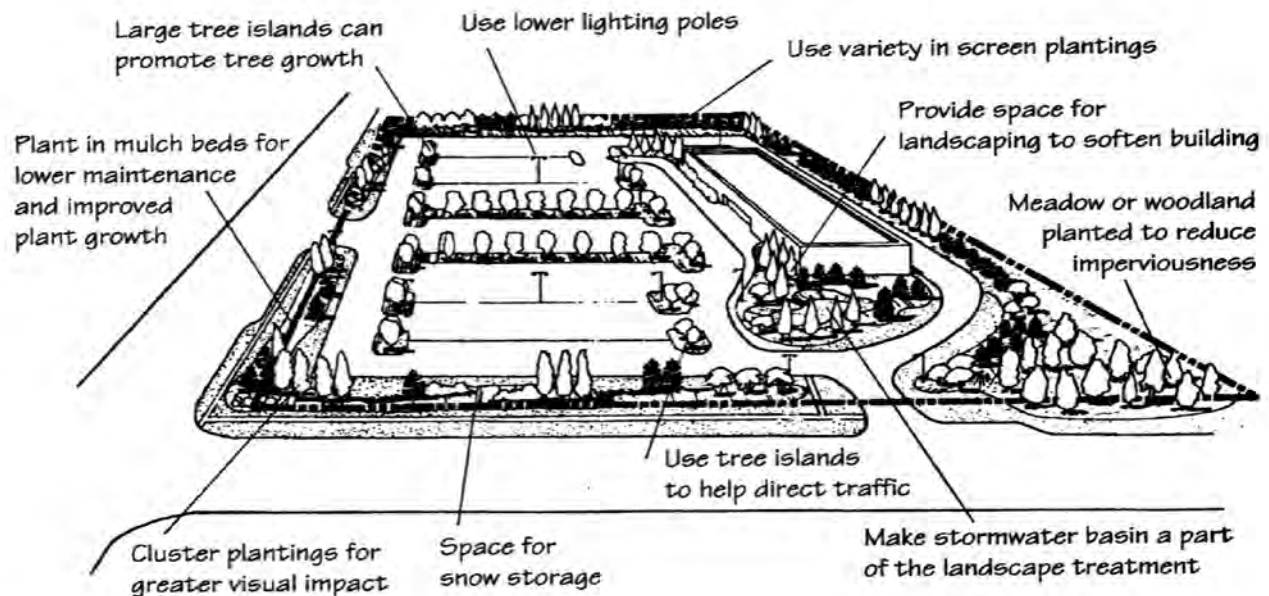
(Planned Unit Development Landscape Standards, Continued)

- 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

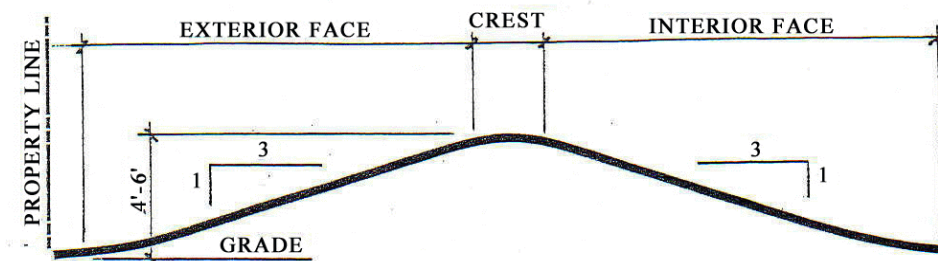
Landscape Materials

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

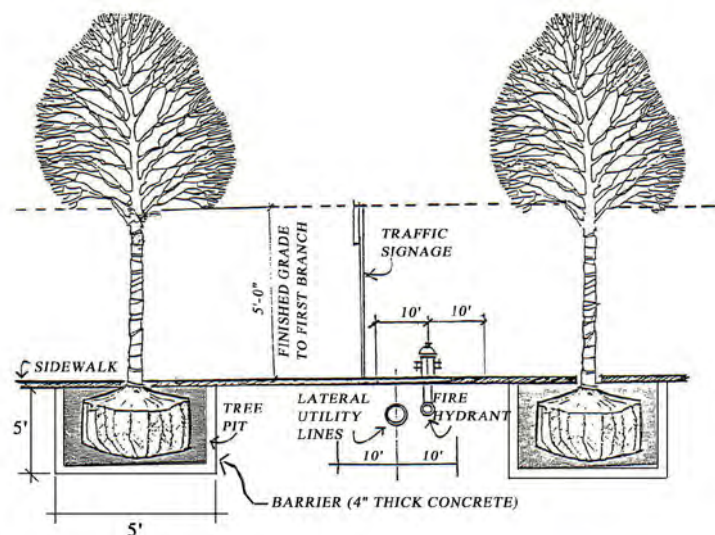


- 2) **Protection from erosion.** All required earth mounds shall be planted with sod, ground cover, or other suitable live plant material to protect the earth mound from erosion so that it retains its height and shape.
- B) **Plants.** Artificial plants are prohibited. All plant materials shall be living 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.

Except as otherwise provided for in this Chapter, it shall be required that all subdividers 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. (Ordinance 13-92, passed November 18, 2013)

- 1) The tree to be planted shall not be an undesirable tree species, as those listed in Appendix B or supplemental sheet. (Ordinance 13-92, passed November 18, 2013)
- 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) Street tree plantings should be designed to accommodate a variety of trees to prevent the widespread destruction should a disease or infestation occur. Each subdivision or street may accommodate different designs based upon different factors such as street length, home types, number of cross streets among others. Street tree designs should be flexible to allow for replacement species should a particular tree not thrive in the selected environment. Suggested options for street tree designs include, but are not limited to:
 - a) The same genus and species planted continuously down both sides of the street;
 - b) Multiple genus and species planted down both sides of a street (whether in a pattern or random design);
 - c) The same genus and species planted at regular intervals, broken up by cross streets or other design features such as open space or architectural features;
 - d) Planning Commission or the City Planner may be consulted on other appropriate designs for street tree plantings.

(Ordinance 13-92, passed November 18, 2013)

- 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

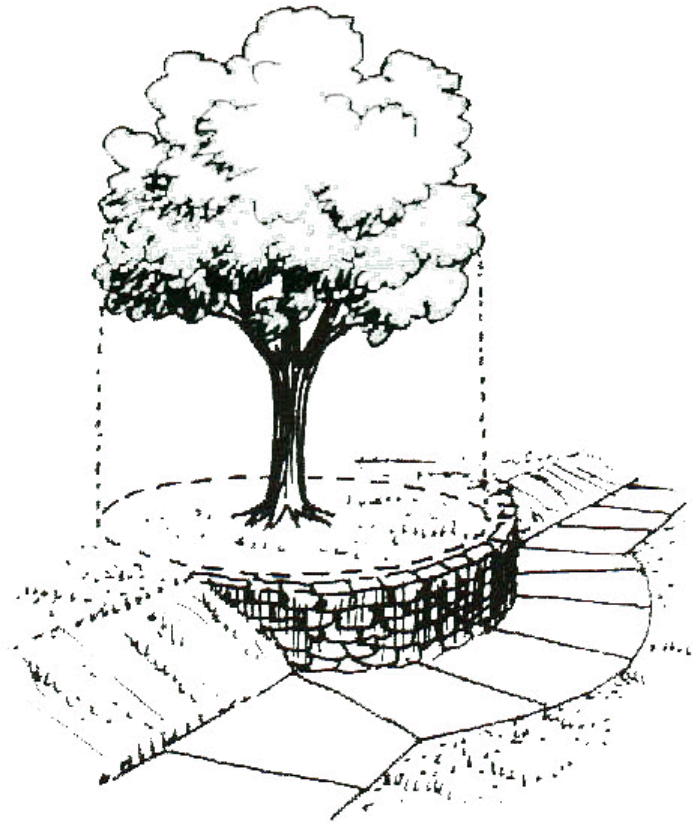


FIGURE 13: TREE PROTECTION

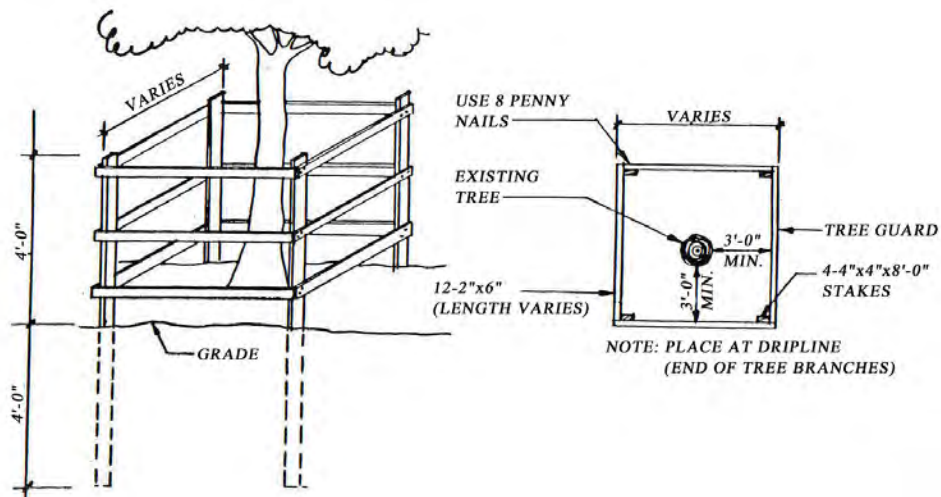
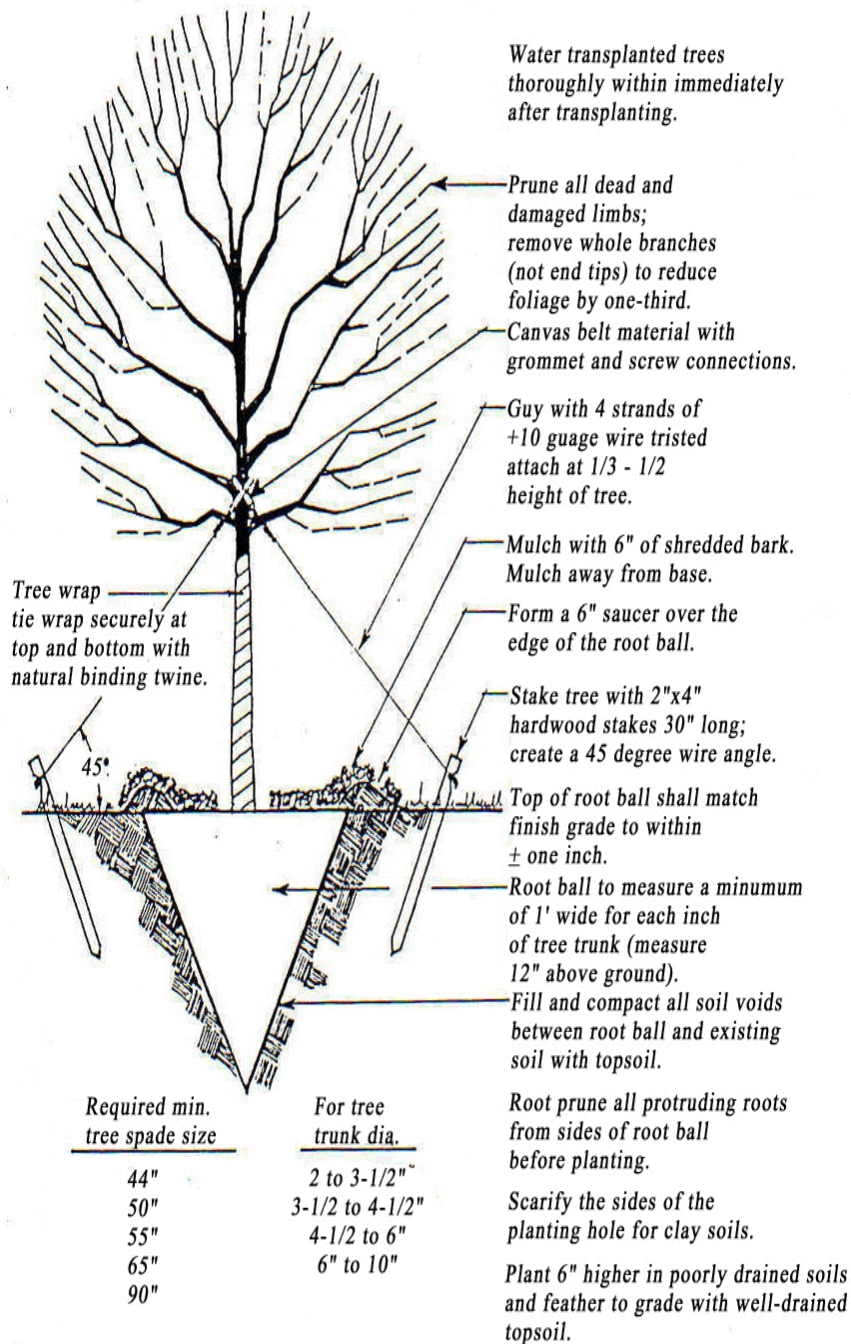
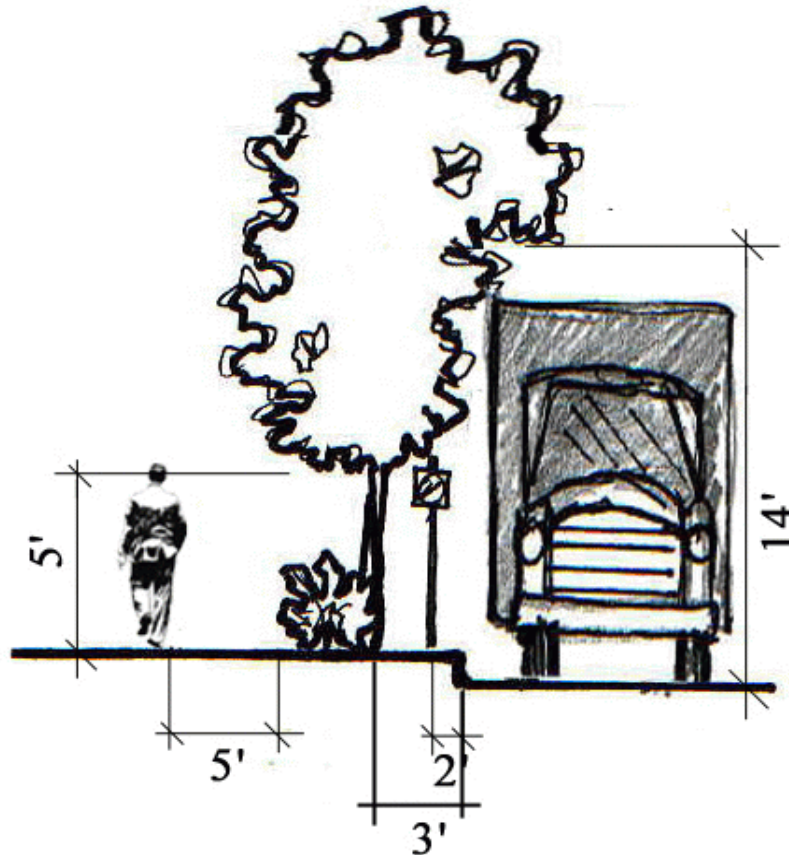


FIGURE 14: TRANSPLANTING TREE GUIDELINES

**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 modifications of approved 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: (Ordinance 13-92, passed November 18, 2013)
- 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.
- C) **Modifications for Replacement of Street Trees.** Notwithstanding the rules and regulations as set forth in the Landscape Ordinance, after the maintenance period described herein has expired, if a tree dies or is removed, it shall be up to the homeowners association to enforce the replacement of the tree or to select a new tree, provided the tree is not listed in appendix B of this Ordinance. For Subdivisions and areas without homeowners associations any authorized group or individual may submit a request directly to the City Planner for approval of a replacement tree. (Ordinance 13-92, passed November 18, 2013)
- D) **Modification to Appendix B and Appendix C.** Planning Commission or the City Planner or authorized designee may make additions or deletions as necessary to Appendix B (Unacceptable Trees for Street Tree Use) and Appendix C (Recommended Trees for Mason, Ohio) based upon information such as growth characteristics, disease resistance, drought tolerance, blight resistance, or tendency for insect infestation within the City of Mason. (Ordinance 13-92, passed November 18, 2013)

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 $\frac{1}{4}$ 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 plutinosa</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</u> ‘Bradford’
Upright English Oak	<u>Quercus robur</u> ‘fastigiata’
Black Locust	<u>Robinia pseudoacacia</u>
Willow	<u>Salix species</u>
European Mountain Ash	<u>Sorbus aucuparia</u>
Moline American Elm	<u>Ulmus americana</u> ‘Moline’
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 dioica</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 american</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	obovoid	Y	N	Y	Y	early white flowers; delicate form; single or multi-stemmed
Fringe Tree	<u>Chionanthus virginicus</u>		10-20	10-20	obovoid	Y	Y	Y	Y	fragrant, white flowers; lovely tree when single-stemmed
Thornless Cockspur* 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

BEFORE



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.

Landscape 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.

AFTER



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.

Landscape 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.



Interior Landscaping for Vehicular Use Areas

May 13, 2002





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.

Landscape 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



