

**§ 14-16-3-10 LANDSCAPING REGULATIONS.****APPLICABLE TO APARTMENT AND NONRESIDENTIAL DEVELOPMENT.**

- (A) **Basic Requirement.** Landscaping is required for all apartment development and all nonresidential development in accordance with the regulations of this section.
- (B) **Intent.** The intent of the regulations in this section is to provide visually attractive landscape buffers around the perimeter of developments, provide a visually attractive streetscape, intersperse trees throughout off-street parking areas to provide shade and reduce large expanses of pavement and parked cars, provide landscaped areas around apartments, and reduce impacts of nonresidential uses on residences.
- (C) **Landscaping Plan.** See also the definition of this term in § 14-16-1-5 of this Zoning Code.
- (1) As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the Planning Director a landscaping plan prior to issuance of a related building permit; however, foundation permits may be issued on the basis of simple designation of appropriate areas of the site to be landscaped.
  - (2) Prior to design, the existence of underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs should be planted no less than three feet from existing gas mains or gas service lines.
  - (3) The landscaping plan shall show:
    - (a) The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name shall be used;
    - (b) Topography in the form of finished contour lines;
    - (c) The type of watering system;
    - (d) The parties responsible for maintenance of the landscaping;
    - (e) The square footage for each separate area of landscaping and also a total for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities of trees and shrubs, and their mature height and spread.
- (D) **Installation and Maintenance.**
- (1) Landscaping shall be installed according to the approved plan; installation shall be completed within 60 days of the related building's occupancy.
  - (2) Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials, which have been approved by the applicable public utility as part of a plan for landscaping on the public right-of-way, shall be the responsibility of such public utility. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and

return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials.

- (3) Landscaping shall have adequate maintenance. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.

**(E) Landscaping Area Requirements.**

- (1) The total landscaped area required for each development shall equal not less than 15% of the net lot area. For the purposes of this section, NET LOT AREA means the total area of the lot minus:
  - (a) The area of the lot covered by buildings;
  - (b) The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any adjacent lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscaping will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening; and
  - (c) The area of any approved landscaping that the property owner installs and maintains in the adjacent public right-of-way, exclusive of the area of any existing or planned public sidewalk.
- (2) Clear sight areas satisfactory to the Planning Director shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in Chapter 8, Traffic Code, and also in § 14-16-1-5 of this Zoning Code, shall be kept clear.
- (3) Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. On sites controlled by the shopping center regulations (§ 14-16-3-2) and planned development areas controlled by site development plans, these requirements shall be based on the entire area of the planning site unless otherwise approved by the Planning Commission. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. Landscaping approved within adjacent public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations and minimum widths shall be as follows:
  - (a) Front - Ten feet for sites of three acres or less, increasing at the rate of one foot in width per two-acre increase in site size to a maximum required width of 20 feet.
  - (b) Side - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.
  - (c) Rear - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.
- (4) Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the non-residential activities in the residential area:

- (a) The standard buffer landscaping shall be a landscaping strip at least ten feet wide where located along the residential/nonresidential boundary. The required landscaped setbacks specified in division (3) above may be utilized for this purpose;
  - (b) The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees;
  - (c) Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening;
  - (d) This division (4) requirement does not apply to lots which were entirely developed as of January 1, 1976.
- (5) **Special Screening Requirements for Certain Uses.** In addition to the above requirements in division (4), an additional screening requirement applies where a principal business is:
- (a) A mobile home sales lot; or
  - (b) Outdoor vehicle storage where the vehicles are typically not moved for one week or more: if the site is so developed after April 2, 1990, and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum eight foot high opaque wall or fence shall be required to visually screen the parking or display area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening.

**(F) Plant Sizes.** Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:

- (1) Trees. Two inches in caliper measured six inches above grade, or 10 - 12 feet in height;
- (2) Shrubs and low-growing evergreens: one gallon;
- (3) Ground cover and turf: adequate to provide general ground coverage within one growing season after planting.

**(G) Special Landscaping Standards.**

- (1) **Off-Street Parking Area Landscaping.** Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:
  - (a) One tree is required per ten parking spaces;
  - (b) No parking space may be more than 100 feet from a tree trunk;
  - (c) The minimum size of tree planters within off-street parking areas shall be 36 square feet per tree;
  - (d) At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

- (2) **Street Trees.** Street trees meeting the requirements of §§ 6-6-2-1 et seq., Street Trees, are required along all arterial and collector street frontages.
- (3) **Required Vegetative Ground Cover.** All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.
- (4) **Tree Requirements for Multi-Family Residential Developments.** In addition to the above requirements, multi-family residential sites must provide trees in areas around residential structures as follows:
  - (a) Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;
  - (b) At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.

('74 Code, § 7-14-40J)