

176.43 LANDSCAPING AND SCREENING STANDARDS.

1. Intent. The landscaping and screening regulations are intended to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, and noise and by promoting natural percolation of storm water; reducing the visual impact of parking lots, unsightly equipment, or materials from the view of persons on the public streets or adjoining properties and buffering from uncomplimentary land uses and by improving the quality of air, to buffer potentially incompatible land uses from one another and to conserve the value of property and neighborhoods within the City. The scale and nature of landscaping materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility. Growth characteristics should be considered.

2. Applicability. Landscaping and Buffering Standards shall apply to development within the R-5, R-6 and R-6A Multi-Family Residential Zoning Districts. The standards shall also apply to all Office Districts, all Commercial Districts, except the C-2 Zoning District, and all Industrial Districts. Parking Lot Landscaping and Street Front Landscaping shall be required of any development with off-street parking areas except single family residential development or development located in the C-2 Zoning District. The landscaping and screening requirements standards shall apply to:

A. New development, including principle and accessory structures on property located with the districts listed in this section.

B. Expansion and reconstruction of parking lots with forty (40) or more parking spaces.

C. Expansion and major renovation of an existing building that includes significant site modification as determined by the Planning and Development Department based on site conditions and improvements. Major renovation will generally increase the assessed valuation of the subject property by at least fifty percent

(50%). In the event that the property owner or developer does not agree with the Planning and Development Department determination regarding the applicability of the standards an appeal to that determination may be filed for review by Zoning Board of Adjustment.

D. The landscaping and screening requirements shall not apply to golf course, park, cemetery and nursery developments.

3. **Applicability and Exceptions of Landscaping and Screening Elements.** The landscaping and screening requirements include a number of design elements as identified in this section. These elements will have varying applicability depending on the Zoning District and adjoining land uses. For the purpose of this section, undeveloped properties shall be considered based on their expected use based on the Future Land Use Map of the Marion Comprehensive Plan.

Design Elements	Applicable Districts
Street Trees	Street trees are not permitted in any zoning district except by appeal to the Marion Tree Board
Street Front Landscaping	Multiple Family, Office, Commercial (except C-2) and Industrial Districts.
Parking Lot Landscaping	Multiple Family, Office, Commercial (except C-2) and Industrial Districts.
Bufferyards	All Multiple Family, Office, Commercial and Industrial Districts where the property adjoins Single, Two-family, Multiple Family Districts, Office Districts and Industrial Districts. See Matrix below. For the purpose of this section the term district shall also include property designated for such uses under the Future Land Use Map of the Marion Comprehensive Plan.

Bufferyard Matrix (X Denotes Required Bufferyard)					
District*	Adjoining District				
	Single Family	Multiple Family	Office	Commercial	Industrial
Single/Two Family					
Multiple Family	X				
Office	X	X			
Commercial	X	X	X		
Industrial	X	X	X		
*District shall mean areas zoned, developed, or designated for such use under the Future Land Use Map of the Marion Comprehensive Plan.					

4. **Definitions.** The following definitions shall be used for terms contained within this section.

- A. Berm - A mound or embankment of earth, usually two to six feet in height, used to shield or buffer properties from adjoining uses, highways or noise.
- B. Bufferyard - A landscaped area along lot lines provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. No structures except fences shall be allowed in the bufferyard.
- C. Deciduous overstory tree - A shade producing woody plant having a mature height and spread of at least thirty (30) feet with one well-defined trunk having no branches at or near the base.
- D. Deciduous shrubs - Woody plants that range from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.
- E. Deciduous understory tree - A woody plant at least fifteen (15) feet tall at maturity with one or more well-defined trunks.
- F. Evergreen/conifer shrub - A woody plant having green needle-like foliage throughout the year and ranging from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.
- G. Evergreen/conifer tree - An upright cone-bearing plant having green needle-like foliage throughout the year and at least fifteen (15) feet at maturity.
- H. Landscaped area - The area within the boundaries of a given lot consisting primarily of plant material, including but not limited to grass, trees, shrubs, flowers, vines, ground cover and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas as identified in this section.
- I. Landscaping Plan - A plan containing the information provided for in Section 176.43(3).
- J. Minimum street landscaping - The minimum landscaped area which must be provided in a street yard, expressed as a percent of the total area contained within that street yard.
- K. Street yard (Street Frontage) - A contiguous area along the street right-of-way.
- L. Vehicular use area (Parking Area) - All areas subject to vehicular traffic, including but not limited to access-ways, driveways, loading areas, service areas and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures, underground parking lots or public streets.

5. General Requirements. Landscaping and screening requirements shall be subject to the following general requirements:

A. Landscaping plans to be provided for each phase of the development review and building permit processes - the detail and extent of such plans shall include detailed landscape plans provided with the building permit. At a minimum the landscaping plan shall require the following:

- (1) The applicants name and address and interest in the property.
- (2) The owners name and address, if different from the applicant, and the owners signed consent to the filing of the plan.
- (3) The street address and legal description of the property.
- (4) Title, scale, north marker, and date.
- (5) Zoning classification of site and all adjoining property(s).
- (6) All lot lines, easements and rights-of-way.
- (7) All surrounding roads including names.
- (8) The total square foot of the vehicle use areas and the street yard.
- (9) Location, scientific name, common name, quantity and size of all existing plant materials and designation of all vegetation to remain and/or be removed.
- (10) Proposed landscaped planting by location, scientific name and common name, planting size and planting method. A plant list should be provided listing this information and keyed to plant location on the plan.
- (11) All existing and proposed drainage and detention areas.
- (12) Designation of area(s) to be used for snow storage.
- (13) Other information or documentation as the Zoning Administrator may deem necessary to allow a full and proper consideration and disposition of the particular plan.

B. Landscaping shall be provided within the minimum setback area along street frontages as provided in this section.

C. Bufferyards between various types of land use and residential areas, both existing and planned shall include design elements in a combination to provide effective buffering with consideration of existing topography and site conditions. The proposed plan for said design elements shall be reviewed by the Planning and Development Department to determine consistency with the provision of this section. Placement of trees and

shrubs shall be designated to meet City requirements regarding minimum sight lines from driveways and intersections, proximity to utility lines, and underground utility easements. These factors shall be addressed by the Marion Engineering and Planning and Development Department as part.

D. Landscaping plans provided for construction shall identify the minimum size and number of required trees, shrubs, and provisions for living groundcover such as grass. Non-living ground cover such as rock and walk on bark, that does not exceed twenty-five percent (25%) of the overall planting area may be used. Impervious materials, such as concrete or asphalt paving, shall not be used within required landscaping areas with the exception of sidewalk areas or edging.

E. Existing appropriate mature trees and vegetation may be incorporated into overall site design and shall be considered in meeting the requirements of this section. The extent that such existing vegetation meets the requirements of these standards shall be reviewed and approved by the Planning and Development Department.

6. Street Trees/Groundcover.

A. No trees are permitted to be located within the public street right-of-way without obtaining approval from the Marion Tree Board per the requirements of Section 152.05 (9). The location,

size, and number of trees within the right-of-way is to be determined by the Tree Board at time of appeal.

B. Living ground cover, such as grass, shall be provided within right-of-way areas of all districts. Non-living materials (such as walk on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the right-of-way exclusive of access.

7. Street Front Landscaping. All areas adjoining public or private street frontage shall be landscaped to include trees, shrubs, and living ground cover as required by this section. Landscape areas between the public or private street and parking areas are strongly encouraged to include mounding to enhance the screening of vehicles from the street. For the purpose of this section, said street front landscape depth of the Commercial and Industrial Zoning District shall average at least fifteen feet (15') along street frontages and ten feet (10') along street side frontages. Double frontage lots shall maintain a minimum street front landscape depth of five feet (5'). Landscape depth for Multiple Family and Office Districts shall comply with the underlying setback required under the Zoning District. Street front landscaping shall include all areas along public or private street frontage, public or private street side setbacks, and setbacks along other property lines boarding a public or private side setback, and setbacks along other property lines bordering a public or private street. For lots having a depth of less than one hundred fifty feet (150') and a total area not exceeding twenty thousand (20,000) square feet the minimum street frontage landscape depth shall be at least five feet (5').

A. Landscaping shall comply with the general standards indicated below. It is intended that the standards shall provide landscape design flexibility in plant selection while still meeting the objectives of this section.

B. Trees. Street trees shall be provided at a rate of one tree per forty feet (40') of frontage excluding driveway openings. A minimum of fifty percent (50%) of the required trees shall be at least two inch (2") diameter shade trees. The remaining trees may be any combination, at least two inch (2") diameter shade trees, at least one and one-half inch (1½") flowering trees and/or six foot (6') high evergreen trees. Street frontage trees shall not be required for lots having a depth of less than one hundred fifty feet (150') and an area not exceeding twenty thousand (20,000) square feet.

C. Shrubs. Six (6) per one thousand square feet (1000 sf) of planting area where parking does not adjoin street and sufficient shrubs to provide sixty-six percent (66%) screening to a height of three feet (3') where parking adjoins a street. Up to twenty percent (20%) of the required shrubs may be replaced by ornamental grasses or perennial flowers at a rate of four (4) such plants per shrub replaced.

D. Ground Cover. Living ground cover, such as grass, shall be provided within all required street frontage landscaped areas. Non-living materials (such as walk-on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the landscaped area.

E. The specific location of trees and landscaping within the required setback area shall be approved by the Planning and Development Department based on site characteristics.

F. Mounding, not exceeding one foot (1') in height for every three (3) of depth is strongly encouraged to screen vehicles for street frontages adjoining parking lots with a depth of ten feet (10') or greater.

8. Parking Lot Landscaping. All parking lots shall include landscaping and trees located within the parking area as required by this section. Trees required by this section shall be in addition to trees and landscaping required under other sections of this section. It is the objective of this section to provide shade within parking areas and break up large expanses of parking lot pavement.

A. Trees at a rate of one (1) tree per twelve (12) parking spaces shall be provided for all parking lot areas. Required parking area trees shall be large shade tree varieties and have a minimum two inch (2") diameter at breast height at the time of planting.

B. For parking lot areas having forty (40) or more spaces such trees shall be located in protected landscape areas within the parking lot with the provision that up to fifteen percent (15%) of the required trees may be located within ten feet (10') of the parking lot perimeter. The location, size, and design of the landscaped areas shall be approved by the Planning and Development Department to ensure viability of the planting and protection from damage by vehicles while also meeting the objectives of this section.

C. For parking lot areas with forty (40) or more spaces, a continuous planter, including trees, shall be provided for every fourth parking bay. Said continuous planter shall include large shade trees planted no closer than twenty (20) foot centers. The width and design of said continuous planter shall be approved by the Planning and Development Department to ensure viability of the planting and protection from damage by vehicles.

D. Planter areas shall be a minimum width of six feet (6') measured from the inside of the protective curbing. These areas may be widened to accommodate head in parking with a thirty inch (30") vehicle overhang into the planter area so long as the required six foot (6') minimum width for the tree planting is maintained.

9. Bufferyards. Yards separating multiple family, office, commercial, and industrial development closer than one hundred feet (100') from Zoning Districts where bufferyard is required by this section shall provide an effective buffer as

indicated in this section. It is the objective of the bufferyard to lessen, rather than completely eliminate, land use conflicts between such uses. It is not expected that bufferyards will totally screen such uses. It is expected that the bufferyard design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Bufferyards may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the bufferyard as approved by the Planning and Development Department. Retention of existing mature trees is strongly encouraged in meeting the requirements of this section. The standards provided in the bufferyard options identified below may be used in combination to meet the intent of this section.

A. Rear bufferyards shall have a minimum depth of fifteen feet (15') and include standards as identified below.

(1) Natural Buffers. Four (4) evergreen variety trees, two flowering variety trees, and ten (10) shrubs per one hundred feet (100') of linear distance (evergreen shrubs to be spaced at five feet (5') on center with a minimum mature height of five feet (5') or fifteen (15) large deciduous shrubs, per one hundred feet (100') of linear distance planted in a staggered double row.

(2) Structural Buffers. Solid six foot (6') high wall or fence with two (2) evergreen variety trees, two (2) flowering variety trees, and five (5) large shrubs per one hundred feet (100') of linear distance.

(3) Earthen Berm Buffer. Minimum fifteen foot (15') rear bufferyard with berming not to exceed a 1"3 slope, three (3) large evergreen trees, two (2) flowering variety trees per one hundred (100) feet of linear distance, and sufficient evergreen shrubs with a combined height (berm and mature shrub) of five feet (5') to form a continuous screen within three (3) years of planting and/or sufficient deciduous shrubs with a combined height of five feet (5') to form a continuous screening within three (3) years of planting.

B. Side bufferyards shall have a minimum depth of fifteen feet (15') and include standards as identified below.

(1) Natural Buffer - Evergreen. Four (4) evergreen variety trees, two (2) flowering variety trees and ten (10) evergreen shrubs per one hundred feet (100') of linear distance.

(2) Natural Buffer – Deciduous. Four (4) deciduous variety trees, two (2) flowering variety trees, and fifteen (15) large shrubs per one hundred feet (100') of linear distance.

(3) Structural Buffers. Solid six foot (6') high wall or fence with two (2) flowering trees and five (5) large shrubs per one hundred feet (100') of linear distance.

10. Additional Landscaping/Screening Requirements. Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required.

A. Screening of Ground Mounted Mechanical Units. For all uses, except any individual lot occupied by a single-family, two-family, or three-family dwelling, all ground-mounted mechanical

units, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

B. Screening of Roof Mounted Mechanical Units. All roof-mounted mechanical units shall be screened from adjacent public thoroughfares by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening such as a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in the adjoining properties.

C. Screening of Trash Receptacles. For all uses, except any individual lot occupied by a single-family, two-family, or three-family dwelling, using a common trash receptacle and all nonresidential uses:

- (1) Solid material screening or full screening landscaping on three sides to a height that screens the containers, typically six feet (6'). Use of materials that are not solid, such as slates in chain-link, shall not be used to meet this requirement.
- (2) Enclosure openings directly visible from a public right-of-way and/or adjoining residential areas shall have a solid material gate. For larger enclosure areas a separate gate access is encouraged.
- (3) Access drives shall be constructed of material and thickness to accommodate truck loading. Year round accessibility to the enclosure area for service trucks shall be maintained by the property owner or tenant.
- (4) Enclosures shall be of an adequate size to accommodate expected containers. It is encouraged to design the enclosure area to be expandable to accommodate future additional containers.
- (5) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, or other similar means.
- (6) Materials and elevations for enclosures that are attached to buildings shall be designed to be compatible with the main structure.
- (7) If enclosures are to be attached to buildings they shall comply with applicable fire and building codes.

(8) Trash enclosures shall not be located within a required street front or street side setbacks or occupy area used for required parking spaces.

11. Administrative Requirements.

A. Previously Approved Site Plans. Any site plan or landscaping plan approved by the Planning and Development Department prior to the effective date of the ordinance codified in this section shall remain enforceable and in force.

B. Installation. All landscaping required by this section shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of June 1 immediately following the date of said temporary certificate of occupancy.

C. Maintenance of Required Landscaping. Trees and vegetation, irrigation systems, fences, walls and other landscaping elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease; pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition in order to maintain the required landscaping of the site.

D. Rights-Of-Way, Easements, and Drainage. Required landscaping shall not disturb drainage systems or be placed upon easements of rights-of-way.

12. Changes to Approved Landscape Plan. The landscaping shall be installed and maintained according to the approved landscape plan except where authorized changes are permitted. The approved landscape plan and supporting data shall be binding on the applicants, their successors, and grantees.

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