

AVON ZONING ORDINANCE

**CHAPTER 16. REVISION HISTORY**

**CHAPTER 16. LANDSCAPING AND SCREENING**

<b>Ordinance #</b>	<b>Plan Commission Approval Date</b>	<b>Town Council Adoption Date</b>	<b>Description</b>
2002-14	09-24-02	11-14-02	Adoption of Chapter 16.
2008-28	08-25-08	10-09-08	Section 16-8.3: Amendment to Parkway Landscaping; Species
2011-10	05-23-11	06-09-11	Section 3 & 14: Removal of Alternative Landscaping Plan Approval & Addition of Waiver Process and Standards

# AVON ZONING ORDINANCE

## CHAPTER 16. LANDSCAPING AND SCREENING

---

- Section 16-1. Purpose
- Section 16-2. Enforcement of Landscape Requirements
- Section 16-3. Landscape Plan
- Section 16-4. Selection, Installation and Maintenance of Plant Materials
- Section 16-5. Design Standards and Guidelines
- Section 16-6. Minimum Landscaping of Yards
- Section 16-7. Foundation Plantings
- Section 16-8. Parkway Landscaping
- Section 16-9. Preservation of Existing Plant Material
- Section 16-10. Parking Lot Landscaping
- Section 16-11. Landscape Buffers
- Section 16-12. Additional Screening Requirements
- Section 16-13. Changes to Approved Landscape Plans
- Section 16-14. Waiver of Standards

### **TABLES:**

- Table 16-1. Protected Trees by Genus and Species
- 

### **Section 16-1. Purpose**

The landscaping and screening requirements specified herein are intended to foster developments that will protect and preserve the appearance, character, health, safety, and welfare of the community. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses.

### **Section 16-2. Enforcement of Landscaping Requirements**

Wherever a landscape plan is required by this Ordinance, such plan shall become an integral part of any development review application. No improvement location permit shall be issued without first obtaining approval of a required landscape plan; and all plantings shall be installed as a condition on obtaining a Final Certificate of Occupancy. Temporary Certificates of Occupancy may be issued should weather conditions or planting seasons hinder the installation of the plant material. Failure to implement an approved landscape plan shall be deemed a violation of this Ordinance and subject to the procedures of Chapter 19 (Enforcement).

### **Section 16-3. Landscape Plan**

A landscape plan shall be required for any development or redevelopment that requires development plan review pursuant to Section 4-8 (Development Plans). The Zoning Administrator may also require a landscape plan as part of a site plan required for the issuance of an improvement location permit. All landscape plans shall be prepared in conformance with the requirements of this Chapter.

#### **1. Content of Landscape Plan**

All landscape plans submitted for review and approval shall contain or have attached thereto the following information.

- A. The location and dimension of all existing and proposed structures, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational

## AVON ZONING ORDINANCE

- facilities, and other freestanding structural features as determined necessary by the Zoning Administrator.
- B.** The location, quantity, size and name, both botanical and common, of all proposed planting materials at time of planting and the location, quantity, size and name, both botanical and common, of all existing planting materials that are of a protective size according to Section 16-8 as well as all plant materials to be retained.
  - C.** The location of existing buildings, structures and plant materials on adjacent property within twenty feet of the site.
  - D.** Existing and proposed grading of the site, including proposed berming, indicating contours, at two (2) foot intervals.
  - E.** Specification of the type and boundaries of all proposed ground cover, including grass.
  - F.** Elevations of all fences proposed for location on site and an indication of material to be used.
  - G.** Elevations, cross sections, and other details as determined necessary by the Zoning Administrator.
  - H.** A legend, scale and north arrow.

### **Section 16-4. Selection, Installation and Maintenance of Plant Materials**

#### **1. Selection**

All planting materials used shall be of good quality, and capable of withstanding the climate extremes of central Indiana, as well as, an individual site's microclimate. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant materials. The use of drought tolerant plant material is preferred. The use of salt tolerant plant material is required for landscaping near streets and other rights-of-way.

#### **2. Installation**

All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plant material required by this Chapter may be delayed until the next optimal planting season, as determined by the Zoning Administrator.

#### **3. Maintenance**

All landscaping materials shall be maintained in good condition so as to present a healthy and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. The owner of the premises shall guarantee all plant material to live for one year and shall provide the Town with a maintenance bond to that effect in an amount to be determined by the Zoning Administrator. The owner shall be responsible for the maintenance, repair, and replacement of all failed landscaping materials. Irrigation systems, if needed, shall be maintained in good operating condition to promote the health of the plant materials and the conservation of water. The replacement of all failed landscaping materials shall be done within six (6) months of a determination by the Zoning Administrator that a plant is dead or severely damaged or diseased, or within the next planting season, whichever is earlier.

### **Section 16-5. Design Standards and Guidelines**

Landscape plans shall be prepared based on the following design standards and guidelines. Design standards are numerically measurable and can be definitively evaluated for compliance, however, design guidelines are not precisely measurable and therefore, compliance shall be evaluated based on appropriateness.

## AVON ZONING ORDINANCE

### 1. Design Materials

For the purposes of this Chapter, caliper measurements shall be taken four and one-half (4 ½) feet above grade. All trees shall be planted at a size that enables them to grow to an average minimum height of six (6) feet for shade and ornamental trees, and seven (7) feet for evergreens, within two (2) years, under normal conditions.

#### A. Shade Trees

All shade trees shall have a minimum trunk size of two and one half (2-1/2) inches in caliper, unless otherwise specified.

#### B. Ornamental Trees

All ornamental trees shall have a minimum trunk size of one and one half (1-1/2) inches in caliper, unless otherwise specified. These trees may be single or multiple trunk specimen plants providing screening and seasonal interest with attractive fruit, flowers and trunks or branching. Whenever shade trees are required by the ordinance, ornamentals may be substituted at a rate of two (2) ornamental trees for each shade tree, unless otherwise specified.

#### C. Evergreen Trees

All evergreens shall be a minimum of six (6) feet in height at the time of planting. Whenever shade or ornamental trees are required by this ordinance, evergreens may be substituted at a rate of one-half (.5) evergreen for each ornamental tree or one (1) evergreen for each shade tree, unless otherwise specified. Where evergreens are required by this chapter, ornamentals and shade trees may not be substituted.

#### D. Shrubs

All shrubs shall have a minimum height of eighteen (18) inches at planting. Shrubs used to form hedges shall be of a non-deciduous species and shall be spaced not more than three (3) feet apart so as to form a continuous visual screen. Where shrubs are required, trees may be substituted at a rate of one shade or evergreen tree per five (5) shrubs or one (1) ornamental tree per three (3) shrubs. Shrubs may not be substituted for required trees, unless otherwise specified.

#### E. Mounds

Mounds shall have a minimum top width of at least two (2) feet, a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1) and not to exceed eight (8) feet in height. Mounds shall be set back from the right-of-way line of a street and the property line of adjoining property so that the toe of the slope is not closer than five (5) feet from the right-of-way line and/or property line. Mounds shall be set back from retention and detention areas so that the toe of the slope is not closer than fifteen (15) feet from the top of bank or high water level of the retention or detention area. The design and location of a mound shall not interfere with the site triangle district of two or more intersecting streets or roads.

#### F. Fences and Walls

Fences and walls shall be, when provided as part of a landscaped treatment, consistent in shape, character, and placement with other fencing used within the development.

#### G. Ground Cover

Ground cover shall include living landscape materials or low-growing plants installed in such a manner so as to provide a continuous cover of the ground surface. Ground cover shall not exceed six (6) inches in height at maturity. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff of irrigation water.

# AVON ZONING ORDINANCE

## **H. Prohibited Materials**

Gravel and asphalt shall not be considered ground cover for the purposes of this Chapter. Neither shall rocks and bark be considered ground cover, although such materials may be permitted as decorative accents.

## **2. Design Guidelines**

### **A. Scale and Nature of Landscaping Material**

The scale and nature of landscaping materials shall be appropriate to the size of the structures. For example, large scaled plants should complement large scaled buildings.

### **B. Selection of Plant Material**

Plant material shall be selected for its form, texture, color, pattern of growth, and suitability to local conditions.

### **C. Evergreens**

Evergreens should be incorporated into the landscape treatment of a site and shall be required whenever a screen or buffer is required to ensure the integrity of such a screen or buffer through all seasons. Screening referred to in this chapter as “year round” shall consist of primarily evergreen plants so that the screen remains dense in seasons when deciduous plant materials have lost their leaves. Furthermore, plant material placement should be designed to reduce the energy consumption needs of a development.

- (a) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
- (b) Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

### **D. Softening of Walls and Fences**

Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect. This additional plant material shall not be required when decorative fencing, walls or other barriers with variations in design features are used, provided that the barrier’s architectural design varies as frequently as once every twenty (20) feet.

### **E. Planting Beds**

Planting beds should be mulched with bark chips, feather rocks, or similar materials. Mulch shall not be used as a substitute for plant materials.

### **F. Detention/Retention Basins and Ponds**

Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and/or other plant materials. Where a detention/retention basin abuts a sidewalk, such landscaping shall also include a fence along any adjacent portion of the basin or pond of at least four (4) feet in height, and not to exceed the fence height permitted in its zoning district. The type of fence provided shall be consistent with the types of fences permitted in that zoning district (see Section 13-5).

### **G. Water Conservation**

Landscape design pursuant to the requirements of this Chapter must recognize the need for water conservation. While sprinkler irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use of water.

## AVON ZONING ORDINANCE

### **Section 16-6. Minimum Landscaping of All Yards**

All yards within the Town of Avon shall be landscaped primarily with turf or other plant materials. Pavement of yards other than for parking or loading purposes is prohibited. For all new residential subdivisions, shade trees, shall be provided for all lots at a rate of one (1) tree for every 3,500 square feet of lot area. For the purposes of calculating landscaping requirements, each fraction of a tree shall be counted as one whole tree.

### **Section 16-7. Foundation Plantings**

Landscaping shall be required at the base of all principal buildings to help achieve harmony between the buildings and the landscape in conformance with the requirements set forth below. Foundation planting areas shall be located adjacent to the building or, in the case of a sidewalk which runs adjacent to the building, within ten (10) feet of the building.

#### **1. Required Landscape Area**

A landscaped area a minimum of five (5) feet in width shall be provided around the perimeter of all principal buildings, exclusive of areas required for access to the buildings from the parking lot or sidewalks, such as loading areas and doorways. Pedestrian walkways shall not constitute access to the building, as landscape areas may be provided adjacent to the walkway.

#### **2. Coverage**

Required foundation landscaping areas shall remain open and free of all paving except where sidewalks to buildings and other similar paving is required.

#### **3. Plant Material**

Foundation landscaping shall consist of a combination of shade or ornamental trees, evergreens, shrubbery, hedges and/or other plant material. Plant material shall be provided according to the following equation: one (1) ornamental tree plus ten (10) shrubs per 50 linear feet of landscape area. Plant material substitutions may be made in accordance with Section 16-5.1 (A-D). Particular attention shall be given to screening mechanical equipment, softening large expanses of building walls, and accenting building entrances and architectural features.

#### **4. Ground Cover**

Except where occupied by planting beds, all foundation landscaping areas shall be planted with sod or another comparable ground cover as determined appropriate by the Plan Commission.

### **Section 16-8. Parkway Landscaping**

#### **1. Applicability**

The following requirements shall apply to the ground areas within the street right-of-way which are not covered by pavement or sidewalks.

#### **2. General Landscape Requirements**

All parkways shall be landscaped in conformance with the provisions of this Section. This shall involve improving the ground surface of the parkway with turf or other plant material, including parkway trees, shrubs, or hard surface treatments where permitted.

#### **3. Parkway Trees**

##### **A. Quantity and Spacing**

Parkway trees shall be provided at the equivalent of one per fifty (50) lineal feet apart in the right-of-way adjacent to the parcel. Where appropriate, parkway trees may be clustered in the right-of-way as determined by, as the case may be, the Plan Commission or the Zoning Administrator.

# AVON ZONING ORDINANCE

## B. Species

Parkway tree species and placement shall conform to the requirements of this Section. A variety of compatible species should be included in the planting plan for a specific site or development. The selecting of tree species shall be reviewed and approved by the Zoning Administrator with particular regard for site-appropriate species. Trees proposed for placement along streets should be selected from the following list:

Botanic Name	Common Name
Acer Campestre	Hedge Maple
Acer Freemanii	Freeman Maple
Acer Rubrum	Red Maple
Acer Saccharum	Sugar Maple
Carpinus Betulas 'Fastigiata'	Upright Eupropean Hornbeam
Carpinus Caroliniana	American Hornbeam
Celtis Occidentalis	Hackberry
Cercis Candensis	Eastern Redbud
Crataegus Crus-galli	Cockspur Hawthorn
Crataegus Phaenopyrum	Washington Hawthorn
Crataegus Viridis 'Winter King'	Winter King Hawthorn
Gingko Biloba	Gingko
Gleditzia Tricanthos Inermis	Thornless Honeylocust
Koelreuteria Paniculata	Golden Rain Tree
Liquidamber Styraciflua	American Sweet Gum
Malus Hybrids	Flowering Cranapple
Pyrus Calleryana	Ornamental Pear
Quercus Coccinea	Scarlet Oak
Quercus Imbricaria	Shingle Oak
Quercus Palustris	Pin Oak
Quercus Phellos	Willow Oak
Quercus Robur	English Oak
Quercus rubra	Red Oak
Sophora Japonica	Japanese Pagodatree
Syringa Reticulata	Japanese Tree Lilac
Tillia Cordata	Little-leaf Linden
Tillia Tomentosa	Silver Linden
Zelkova Serrata 'Village Green'	Village Green Zelkova

## 4. Parkway Ground Surface Treatment

### A. Parkway Standards

The following standards apply to all properties that have street curbs and/or gutters. Vacant property owners may maintain native grasses to a maximum height of six (6) inches; however, these properties shall not maintain rocks, gravel, bark, or other similar materials within the public right-of way.

- (a) Turf. Turf may be permitted in all parkways and is recommended on slope grades up to fifty percent (50%) (2 horizontal: 1 vertical). Turf is not recommended on slopes greater than fifty percent (50%).
- (b) Driveways and Walkways. Driveways and walkways may be permitted in all parkways.
- (c) Prohibited Materials. Materials prohibited in parkways include brick-pavers, gravel, asphalt, ground cover and shrubs exceeding eighteen (18) inches in height at maturity, and concrete except in conjunction with driveways and walkways.

## Section 16-9. Preservation of Existing Plant Material

The purpose of the standards and regulations established in this Section are to promote clean air quality,

## AVON ZONING ORDINANCE

to reduce noise, heat and glare, to improve surface drainage and minimize flooding, to provide visual buffers, to beautify and enhance both improved and undeveloped areas, to advance the aesthetic quality of the community, to maintain property values and the quality of life in the Town of Avon and to promote the public health, safety and welfare through the preservation and replacement of trees.

### 1. Protected Trees

Consistent with the expressed purposes of this Section, all persons shall make reasonable efforts to preserve and retain any existing, self-supporting trees as defined herein. The size tree deemed self-supporting, referred to herein as “minimum protected size,” for Category I trees is six (6) caliper inches; for Category II trees, eight (8) caliper inches; and for Category III trees, two (2) caliper inches. Protected tree species shall be as listed in Table 16-1. No person shall take out, destroy, cause to be destroyed, move or remove any protected tree in preparation for development activity without first obtaining an Improvement Location Permit from the Zoning Administrator.

2. To further encourage the preservation of existing trees, each tree preserved greater than eight (8) inches in caliper may be counted toward the required landscape materials at a rate of two (2) required shade or evergreen trees or four (4) required ornamental trees. Preserved trees may not count toward the caliper inches required for mitigation of any trees removed.

### 3. Exemptions

The requirements of this Section shall be followed except:

- A. During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;
- B. If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree as verified prior to removal by the Zoning Administrator;
- C. For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements;
- D. In an area upon which a permanent structure is located or will be located within a lot building area for all zoning districts;
- E. With respect to trees on developed single-family lots;
- F. With respect to trees of less than twelve (12) caliper inches on all lots less than 20,000 sq. ft.;
- G. With respect to dead, substantially injured, diseased or damaged trees as verified prior to removal by the Zoning Administrator;
- H. Government agencies, tree farms, nurseries and agricultural uses shall be exempt from this Section provided tree removal is consistent with normal and regular business activity.

### 4. Requirements for Development Plans

In addition to the requirements listed in Appendix A, all applications for an Improvement Location Permit or Development Plan Review that will require tree removal shall include the following items:

- A. A tree survey plan which shall include:
  - (a) A scale map or a plot plan prepared and sealed by a registered landscape architect, registered land surveyor, or qualified professional engineer showing the proposed development (including but not limited to buildings, parking area, streets, sidewalks, driveways, utilities, and water retention areas) and noting the location of all protected trees at or greater than the minimum protected size within the area to be modified from its natural state. Areas of stands of trees can be outlined giving number, species, caliper and category of trees. Trees at or greater than the minimum protected size to be



## AVON ZONING ORDINANCE

removed shall be so indicated.

- (b) A schedule indicating the number and caliper inches by species of protected trees to be removed that are of the minimum protected size or greater.

**B.** A tree replacement plan which shall include:

- (a) The proposed location of all replacement trees within the proposed development. This information can be included as part of the overall landscape plan for the development.
- (b) A schedule indicating the number, size (caliper inches and height), and species of all replacement plantings. A total shall be provided for each species type.

### 5. Tree Removal Areas

Permitted tree removal areas are as follows:

- A.** Removal of protected trees is permitted within the area used, or to be used, by a permanent structure within the lot building area and ten (10) feet to either side, front, or rear of the structure, without replacement planting.
- B.** Removal of protected trees is permitted on the entire site for access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs provided replacement plantings are installed consistent with the provisions of 16-9[5].

However, it is required that reasonable effort shall be demonstrated to preserve protected trees at or greater than the minimum protected size within all tree removal areas. Reasonable effort shall include but not be limited to consideration of alternate building design, building location, parking area layout, parking area location, or water retention location.

### 6. Tree Replanting

- A.** When used for the replacement of protected trees of twenty-four (24) caliper inches or less, replanted Category I and Category II trees shall be at least ten (10) feet tall and have a trunk of not less than two (2) caliper inches, and replanted Category III trees shall be at least six (6) feet tall and have a trunk of not less than one (1) caliper inch.
- B.** When used for the replacement of protected trees greater than twenty-four (24) caliper inches, replanted Category I, II, or III trees shall be at least twelve (12) feet tall and have a trunk of not less than three and one half (3½) caliper inches.
- C.** It is desirable that the replanting of trees be compatible with the sites, and that native trees be used. Accordingly, replanted trees shall be from the same Category as those protected trees removed.
- D.** Trees shall be planted replacing one (1) caliper inch for every one and one half (1½) caliper inches designated to be removed and requiring replacement on the Tree Survey Plan. If the site cannot physically accommodate the number of caliper inches required to be replanted, the Plan Commission may approve a financial contribution for the value of the trees to the Town's Parks Department in lieu of a specific number of caliper inches.

### 7. Tree Removal without Approval

- A.** Replanted Category I and Category II trees shall be at least ten (10) feet tall and have a trunk of not less than three (3) caliper inches, and replanted Category III trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches.
- B.** Replanted trees shall be from the same Category as those protected trees removed.
- C.** Protected trees shall be replaced at the rate of one (1) caliper inch for every one (1) caliper inch that have been removed.

**AVON ZONING ORDINANCE**

**Table 16-1. Protected Trees by Genus and Species**

<b>CATEGORY I: Deciduous</b>					
Genus	Species	Common Name	Genus	Species	Common Name
Acer	negundo	Boxelder	Gymnocladus	dioicus	Kentucky Coffeetree
Acer	nigrum	Black Maple	Juglans	cinerea	Butternut
Acer	rubrum	Red Maple	Juglans	nigra	Black Walnut
Acer	saccharum	Sugar Maple	Liquidambar	styraciflua	Sweetgum
Aesculus	flava	Yellow Buckeye	Liriodendron	tulipifera	Yellow-poplar
Aesculus	glabra	Ohio Buckeye	Magnolia	acuminata	Cucumbertree
Aesculus	hippocastanum	Horse-chestnut	Morus	alba	White Mulberry
Aesculus	octandra	Sweet Buckeye	Morus	rubra	Red Mulberry
Amelanchier	arborea	Downy Serviceberry	Nyssa	sylvatica	Blackgum
Betula	alleghaniensis	Yellow Birch	Ostrya	virginiana	Eastern Hophornbeam
Betula	nigra	River Birch	Oxydendrum	arboreum	Sourwood
Betula	papyrifera	Paper Birch	Platanus	occidentalis	American Sycamore
Carya	(all)	Hickory, Pecan	Populus	(all)	Poplar, Aspen, Cottonwood
Castanea	dentata	American Chestnut	Quercus	(all)	Oak
Catalpa	(all)	Catalpa	Robinia	pseudoacacia	Black Locust
Celtis	laevigata	Sugarberry	Salix	alba	White Willow
Celtis	occidentalis	Hackberry	Salix	amygdaloides	Peachleaf Willow
Cladrastis	kentuckea	Yellowwood	Salix	babylonica	Weeping Willow
Diospyros	virginiana	Persimmon	Salix	nigra	Black Willow
Fagus	grandifolia	American Beech	Sassafras	albidum	Sassafras
Fagus	sylvatica	European Beech	Tilia	americana	American Basswood
Fraxinus	(all)	Ash	Tilia	heterophylla	White Basswood
Gleditsia	triacanthos	Honeylocust	Ulmus	(all)	Elm

<b>CATEGORY II: Evergreens</b>		
Genus	Species	Common Name
Juniperus	virginiana	Eastern Redcedar
Pinus	(all)	Pine
Taxodium	distichum	Baldcypress
Thuja	occidentalis	White-cedar
Tsuga	canadensis	Eastern Hemlock

<b>CATEGORY III: Ornamentals</b>		
Genus	Species	Common Name
Cercis	canadensis	Eastern Redbud
Cornus	alternifolia	Alternate-leaf Dogwood
Cornus	florida	Flowering Dogwood
Magnolia	tripetala	Umbrella Magnolia
Malus	coronaria	Sweet Crab Apple
Malus	ioensis	Prairie Crab Apple
Prunus	(all)	Cherry, Plum, Peach

**Section 16-10. Parking Lot Landscaping (In All Zoning Districts)**

**1. Applicability**

All parking lots designed for ten (10) or more parking spaces shall provide landscaping in accordance with the provisions of this Article. Parking lots designed for less than ten (10) parking spaces shall provide landscaping as may be deemed appropriate by the Zoning Administrator.

**2. Interior Parking Lot Landscaping**

**A. Area Required**

## AVON ZONING ORDINANCE

Not less than five percent (5%) of the interior of a parking lot shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement of the lot shall not be included toward satisfying this requirement.

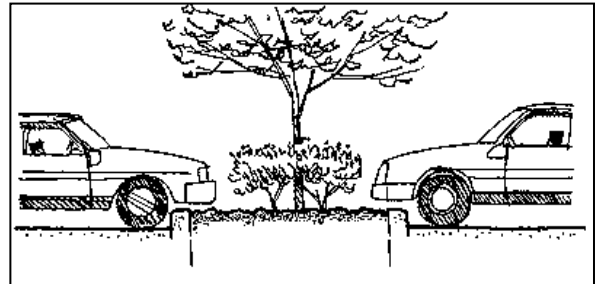
### B. Landscaped Areas

The landscaped areas defined in Subsection A, above, shall be improved as follows:

- (a) Location. Interior parking lot landscaping areas (planting islands at least six (6) inches above the surface of the parking lot) shall be dispersed throughout the parking lot in a design and configuration that aesthetically corresponds to the size and shape of the parking lot.
- (b) Design of Landscape Areas. Landscape areas which are to be counted towards the requirements of this section shall follow one or more of the following designs:

- (1) Landscaped Islands. Interior landscape islands may be used to meet the requirement of Section 15-4(5), in which case islands shall be provided at the terminus of each parking row and once at least every fifteen (15) parking spaces. Landscape islands which are not terminal islands should be evenly spaced throughout the parking lot to consistently reduce the visual impact of long rows of parked cars. Islands should be utilized where needed to control vehicular circulation and define major drives.

- (2) Divider Medians. As an alternative to landscape islands, interior parking areas may be consolidated into landscaped divider medians. Divider medians shall form a continuous landscaped strip installed between abutting rows of parking spaces. Divider medians, when used shall occur consistently throughout the entire parking lot.



Example of a Divider Median

- (c) Curbing. All landscape areas shall be separated from vehicular use areas by concrete curbing. Roll curbs may not be used for this separation.
- (d) Size. Interior parking lot landscaping areas shall be a minimum of one hundred and thirty (130) square feet in area and shall be a minimum of eight (8) feet in width at their narrowest point, as measured from back of curb to back of curb.
- (e) Landscape Material. The plant material used to improve the landscape areas defined above shall conform to the following:
  - (1) Type. The primary plant materials used in parking lots shall be shade tree species in conformance with applicable provisions of Sections 16-5[1][A] above. Ornamental trees may be substituted for shade trees as provided below. Shrubbery, hedges, and other plant materials may be used to supplement the tree plantings, but shall not be the sole contribution to such landscaping.
  - (2) Quantity. One (1) shade tree shall be provided for every three hundred (300) square feet of landscaping area, provided that each landscape island shall have a minimum of one shade tree. Ornamental trees may be substituted for shade trees according to the provisions set forth in Section 16-5.1 (A-D).
  - (3) Groundcover. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two years. Mulch may

## AVON ZONING ORDINANCE

be substituted for other ground cover if it is applied to the landscaping area and maintained at a thickness of at least two (2) inches.

### 3. Perimeter Parking Lot Landscaping.

#### A. Purpose

Perimeter parking lot landscaping is to provide for the enhancement of parking lots by requiring a uniform scheme of landscaping along public streets and between adjoining properties. The perimeter landscaping shall require a higher level of landscaping for residential uses (principally multiple-family uses) than for non-residential uses. Landscape areas shall in no way interfere with the vision clearance area as described in Section 13-1(7).

#### B. Landscape Area

Where perimeter landscaping is required, it shall be provided at least five (5) feet in width as measured from the back of curb, and excluding any parking space overhang area. Perimeter landscaping shall be required on all sides of the parking lot that are not immediately adjacent to the building which the parking lot is serving.

#### C. Required Improvements

The perimeter landscape area shall provide the following landscape improvements in combination or individually.

- (a) Shade Trees. One (1) tree for every fifty (50) lineal feet of length; however, shade trees may be clustered based on specific site requirements.
- (b) Shrubs. Shrubs, measuring a minimum of eighteen (18) inches at planting and not to exceed four (4) feet at maturity, clustered or spaced linearly to form a continuous dense hedge. A shrub hedge shall run the full length of the lot when abutting a residential use and seventy-five percent (75%) of the lot when abutting a non-residential use. Evergreen shrub hedges shall be required adjacent to residential properties in order to limit headlight glare in all seasons.
- (c) Wall. A masonry wall having a significant design variation evenly spaced at intervals of not more than twenty (20) lineal feet.
- (d) Groundcover. Landscaped areas outside of tree and/or shrub masses shall be planted in turf or other groundcover.

### Section 16-11. Landscape Buffers

#### 1. Applicability

The regulations of this Section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between uses.

#### 2. General Restrictions

Landscape buffers shall be reserved for the planting of material and installation of mounds and fencing as required within this Section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized by, as the case may be, the Plan Commission or the Zoning Administrator. Landscape buffers in commercial and industrial districts may be located within required yards or required landscape yards as established in the applicable district regulations. Landscape buffers in residential districts shall be in addition to the required yard established by the applicable district regulations. Where both landscape buffers and parking lot landscaping is required, the more restrictive shall apply. For the purposes of calculating landscaping requirements, each fraction of a tree shall be counted as one whole tree.

#### 3. Location of Landscape Buffers

## AVON ZONING ORDINANCE

Landscape buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except when prohibited by certain easements or road rights-of-way. In such cases the landscape buffer shall extend to such easement or right-of-way. Landscape buffers shall run the entire length of the lot line along which they are required.

### 4. Size and Improvement of Landscape Buffers

The size and improvement of landscape buffers for various situations shall be as follows. Where a continuous solid screen is required, the frequency of the planting shall accomplish the formation of a solid visual screen within three years of the date of planting.

#### A. Multiple Family Districts

Where a multiple family development abuts a single-family or two-family residential district or use, or another multiple family development, a landscape buffer a minimum of ten (10) feet in width shall be provided. Within the required landscape buffer, the following improvements shall be provided individually or in combination in order to create a solid, year round screen that effectively screens to a height of six (6) feet.

- (a) Evergreen trees or shrubs, shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of six (6) feet.
- (b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees effective in creating a solid, year round screen to a height of six (6) feet.
- (c) A solid opaque fence six (6) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of a buffer yard.
- (d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

#### B. Commercial Districts

Where a lot in a Commercial District abuts a residential district or use, a landscape buffer a minimum of thirty (30) feet in width shall be provided. The arrangement of plantings in the buffer yard shall be effective in creating a solid, year round screen that screens to a height of eight (8) feet. The use of mounding in combination with plantings is encouraged to ensure that the minimum height is reached within three (3) years of planting. Where mounding is not used, either dense evergreens or a solid opaque fence shall be used to ensure the screening is continuous at all times of the year. Within the required landscape buffer, the following improvements individually or in combination shall be provided.

- (a) Evergreen trees or shrubs shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of eight (8) feet.
- (b) Mounding, with a minimum top width of at least two (2) feet, a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a

## AVON ZONING ORDINANCE

combination of ground cover, shrubs and trees, effective in creating a solid, year round screen to a height of eight (8) feet.

- (c) A solid opaque fence six (6) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of a buffer yard.
- (d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

### C. Industrial Districts

Where a lot in a Industrial District abuts a residential district or use, a landscape buffer forty (40) feet in width shall be provided. The arrangement of plantings in the buffer yard shall be effective in creating a solid year-round screen that screens to a height of eight (8) feet. The use of mounding in combination with plantings is encouraged to ensure that the minimum height is reached within three (3) years of planting. Where mounding is not used, either dense evergreens or a solid opaque fence shall be used to ensure the screening is continuous at all times of the year. Within the required landscape buffer, the following improvements, individually or in combination, shall be provided.

- (a) Evergreen trees or shrubs shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of eight (8) feet.
- (b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees, effective in creating a solid, year round screen to a height of eight (8) feet.
- (c) A solid opaque fence eight (8) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of the buffer yard.
- (d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

### D. Planned Unit Development Districts

For all Planned Unit Development Districts a landscape yard a minimum of forty (40) feet in width shall be provided along the entire perimeter of the development. The buffer shall be indicated on the plan as a common area or as a landscape easement, with provisions in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements shall be provided.

- (a) One (1) tree plus six (6) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.
- (b) When used, mounding shall meet the following requirements: a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight feet (8)

## AVON ZONING ORDINANCE

in height and shall be planted with a combination of ground cover, shrubs and trees in accordance with the ratio stated above. Mounding shall be required adjacent to perimeter roads.

- (c) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

### **E. Residential Subdivisions and Mobile Home Parks**

For all one and two family Subdivisions and Mobile Home Parks a landscape yard a minimum of forty (40) feet in width shall be provided along where the subdivision abuts an existing public roadway, a zoning district of lesser intensity, or an existing subdivision of lesser intensity. The buffer shall be indicated on the plat as a common area or as a landscape easement, with provisions in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements individually or in combination shall be provided.

- (a) One (1) tree plus six (6) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.
- (b) When used, mounding shall meet the following requirements: a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight feet (8) in height and shall be planted with a combination of ground cover, shrubs and trees, in accordance with the ratio stated above. Mounding shall be required adjacent to perimeter roads.
- (c) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

### **F. Districts that Abut an existing Agricultural District**

For all Districts and Uses a landscape yard of three hundred (300) feet in width shall be provided along where the district or uses abuts an existing Agricultural District (AG). The buffer shall be indicated on the plat as a common area or landscape easement, with provisions in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements shall be provided.

- (a) Ten (10) trees plus sixty (60) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design so long as the result would be sufficient to provide a solid year round screen to the height of six (6) feet.
- (b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall not be less than four (4) feet in height and shall be planted with a combination of ground cover, shrubs and trees effective in creating a solid, year round screen to a height of six (6) feet.
- (c) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.
- (d) Perimeter trails may be incorporated into the buffer.
- (e) The Agricultural District landscape buffer may contribute to the overall open space requirements of the District or Use.

## **Section 16-12. Additional Screening Requirements**

### **1. Refuse Disposal Dumpsters**

## AVON ZONING ORDINANCE

Refuse disposal dumpsters in all zoning districts shall be screened on three sides by a solid wood, brick or masonry structure to a height of not less than six (6) feet but not more than eight (8) feet. The fourth side which provides access to the dumpster for refuse collectors shall be gated with an solid, opaque gate; and such gate shall remain closed at all times that trash is not being loaded or unloaded. All refuse shall be contained within the dumpster with the lid closed.

### **2. Loading Berths**

All loading berths shall be completely screened by a uniformly solid fence, wall, or densely planted, mature shrubbery or any combination thereof, not less than six (6) feet but not more than eight (8) feet in height.

### **3. Mechanical and Electrical Equipment**

All building mechanical and electrical equipment which is visible from any public thoroughfare or residential use or district shall be screened from view by means of walls, landscaping, camouflage, or other approved method. All screening shall be architecturally compatible with the primary structure.

### **4. Outdoor Uses and Storage**

All non-residential manufacturing, assembling, repairing, maintenance and storage which takes place outdoors and which is within fifty (50) feet of a public street or residential zoning district shall be completely enclosed by a six (6) foot high screen consisting of a solid fence, masonry wall, dense plant material, mounding, or any combination thereof.

### **Section 16-13. Changes to Approved Landscape Plans**

Any change or deviation to an approved landscape plan shall require the approval of the Zoning Administrator or the Plan Commission, whichever party granted the initial approval, provided that changes in planting materials due to the unavailability of approved species or changes to placement as a result of site constraints identified during construction may be approved by the Zoning Administrator, provided the quantities are not altered. Changes that do not conform to the provisions of this Chapter shall be subject to the procedures for a variance as established in Chapter 4 Section 4-3 (Variances). The death of plant material shall constitute as a deviation from the approved landscape plan, and such plant material shall be replaced within the next planting season. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this Ordinance and subject to the procedures of Chapter 19 (Enforcement).

### **Section 16-14. Waiver of Standards**

The provisions of Chapter 16, Sections 4 through 10 may be waived in accordance with the terms of Chapter 4-8(7)D.