

**300 Hamilton County Landscape Regulations**

301. Purpose

Hamilton County's scenic landscapes are closely tied to our community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Hamilton County's economy.

Landscaping also provides important environmental benefits such as reducing air pollution and storm water run-off, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools for protecting and enhancing our community's scenic quality.

The purpose and intent of this Article are the following:

- To promote the scenic quality of the community;
- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

302. General Provisions

A. Applicability

The requirements of this Section shall apply to:

- All new public/private development;
- Existing Public/Private Developments

For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.

Landscaping requirements will not prevent an existing manufacturing facility from expanding.

Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

- 1) Where a building expansion increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), the applicant can choose to either comply with the street yard or parking lot landscaping requirements for the entire property.
- 2) Where a building expansion increases GFA more than twenty-five percent (25%) but no more than fifty percent (50%), then the entire property shall comply with the street yard requirements; fifty percent (50%) of the existing parking lot and all of any expanded portions of the parking lot shall comply with the parking lot landscaping requirements; and the entire property shall comply with the screening requirements.

- 3) Where a building expansion increases GFA more than fifty percent (50%), the entire property shall comply with all of the provisions of this Article.
- 4) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces by no more than twenty-five percent (25%), the expanded portion of the parking lot shall comply with the parking lot landscaping provisions.
- 5) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%) but no more than fifty percent (50%), the entire expanded parking lot portion and fifty percent (50%) of the existing parking lot shall comply with the parking lot landscaping provisions.
- 6) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%), the entire property including the expanded parking lot portion shall comply with the parking lot landscaping provisions.

B. Exemptions

One-family detached, two-family, and three-family residential structures on their own lot are exempt from landscaping requirements.

C. Landscape/ Plant Installation Plan Submittal

Proposed developments, subject to the provisions of this Article, shall submit a landscape/ plant installation plan to the Building Inspections Office prior to receiving a Certificate of Occupancy. This plan may be incorporated into a parking/paving plan, provided the scale is not less than one (1) inch equals forty (40) feet.

The following elements shall be shown on the landscape site plan:

- 1) existing trees or natural areas to be retained;
- 2) the location of all required landscaped areas (Street Yard, Landscaped Peninsulas, Landscaped Islands, and Screening Buffers);
- 3) location, installation size, quantity, spacing between trees and shrubs used for screening are to be installed per Subsection 305 and 307 of this Landscape Regulation.

D. Hardships

This Article does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments where the GFA or parking areas are being increased, the loss of off-street parking spaces (if required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

1) Special Administrative Remedies

- a. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special remedies:
  - i. an automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and

- ii. a twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.
- b. Lots that front on more than one (1) street have the following special exception:
  - i. all street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet.
- c. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development, or a loss of greater than fifteen percent (15%) of the lot area, the following administrative remedies may be applied:
  - i. reduce the required minimum landscaped area widths up to fifty percent (50%)
  - ii. reduce the tree planting requirements by up to twenty-five percent (25%)

2) Administrative Guidelines

- a. Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
- b. The first priority is to provide trees along the street frontage.
- c. The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
- d. A screen should always be provided if it is required by this Article. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite fence, or masonry wall.

E. Conflict with other Articles in the Zoning Regulations and Existing Zoning Conditions

Where any requirement of this section conflicts with the requirement of another Article or Existing Zoning Conditions in the Zoning Regulations, the provisions of this landscaping section shall override unless more restrictive conditions are attached to a zone.

303. Street Yard Requirements

Intent - The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

A. Dimensions

- 1) Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.
- 2) The street yard shall have a minimum depth of eight (8) feet as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

B. Plantings

- 1) Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty-five (35) feet increments. Fractions of trees shall be rounded up to the nearest whole number.

- 2) The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet measured trunk to trunk.
- 3) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees).

C. Existing Woodlands

- 1) Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:
  - a. Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;
  - b. Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;
  - c. No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and
  - d. No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

D. Exemptions/Special Situations

- 1) Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:
  - a. Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;
  - b. If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street.
- 2) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the Hamilton County Building Inspector can be used to meet the street yard requirements.
- 3) Where overhead powerlines encroach into the street yard, Class II shade trees can be planted (see Plant Installations Specifications Section: Class II Shade Trees).
- 4) Stormwater facilities may be located within the street yard subject to the following conditions:
  - a. no riprap, crushed stone, concrete, or other impervious materials are exposed; and
  - b. trees and other living organic materials can be planted along the stormwater facility.
  - c. Stormwater facilities that utilize low-impact development (LID) such as rain gardens, small bioretention areas, etc. are encouraged.
- 5) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.
- 6) No trees shall be located within the sight triangle of intersecting streets or otherwise interfere with a driver's operation of a motor vehicle.

304. Parking Lot Requirements

- A. Intent - The intent of this section is to break up the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.
- B. Design Criteria
  - 1. No parking space can be more than sixty (60) feet from a tree.
  - 2. A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten (10) contiguous parking spaces.
  - 3. A landscaped peninsula shall border ends of perimeter bays.
  - 4. Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way.
- C. Dimensions/Planting Criteria
  - 1. Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet.
  - 2. Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.
  - 3. The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees). In the special situations specified below, smaller Class II Shade Trees may be substituted for Class I Shade Trees:
    - a. an overhead obstacle such as a canopy or power line limits the tree height; or
    - b. the tree is located within twenty (20) feet of a building.
  - 4. All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.
  - 5. The screening material for loading docks and delivery stalls shall consist of the following:
    - a. One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center (See Plant Installation Specifications Section for a list of recommended plantings); and
    - b. Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen.
  - 6. Variances that meet the needs of Low Impact Development (LID) practices such as curb cuts for bioretention cells or rain gardens may be granted if the appropriateness of these practices for specific sites is certified by the Water Quality Manager.

305. Screening Requirements

- A. Intent - To provide transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.
- B. Procedure - Refer to the Landscape Screening Matrix attached hereto and incorporated herein by reference to determine any screening requirements for the proposed development. First, identify the type of

zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix).

- Manufacturing/ Warehousing: M-1, M-2, M-3, M-4
- Commercial: C-1, C-2, C-3, C-5
- Office: O-1
- High-Density Residential: R-3, R3MD, RT-1, R-T/Z
- Low-Density Residential: A-1, R-1, R-2, R-2A, R-5, MH

Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided herein.

When classifying a zoning district for the Screen Matrix, if the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less intensive zone may be applied. For example, a proposed commercial use within a manufacturing zone may be classified as a commercial zone for the purposes of using the Screening Matrix.

LANDSCAPE SCREENING MATRIX		EXISTING ADJOINING PROPERTY				
		Manufacturing/ Warehousing	Commercial	Office	High-Density Residential	Low-Density Residential
PROPOSED DEVELOPMENT	Manufacturing/ Warehousing	X	C	B	A	A
	Commercial	X	X	X	B	B
	Office	X	X	X	C	C
	High-Density Residential	A	B	C	X	C

C. Screening Types

1. Screening **Type A**: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.
  - b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
  
2. Screening **Type B**: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-

center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.

- b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
3. Screening **Type C**: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center.
  - b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
4. Screening of Dumpsters: Dumpsters shall be screened in the manner described below:
  - a. Screening shall be a minimum height of six (6) feet;
  - b. All four (4) sides of the dumpster shall be screened;
  - c. The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;
  - d. Screening materials can be any combination of evergreen plantings, wood, or masonry material.
5. Stormwater Facilities: may be located in the landscaped yard subject to the following conditions:
  - a. No rip-rap, crushed stone, concrete or other impervious materials are exposed; and
  - b. Trees and other living organic materials can be planted along the storm water facility.

306. Reserved

307. Plant Installation Specifications

- A. Intent: All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.
- B. Class I Shade Trees: These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum caliper of 2 inches as measured from 2-1/2 feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

## Recommended Species

<u>Common Name</u>	<u>Scientific Name</u>
River Birch	Betulanigra
Princeton American Elm	Umlauts americana
Allee Elm	Ulmus parvifolia
Athena Elm	Ulmus parvifolia
Drake Elm	Ulmus parvifolia
Ginkgo	Ginkgo biloba (male)
Golden	Raintree Koelreuteria paniculata
Black Gum	Nyssa sylvatica
Sweetgum	Liquidambar styraciflua
Seedless Honey Locust	Gleditsia triacanthos cultivars
American Hophornbeam	Ostrya virginiana
American Hornbeam	Caprinus caroliniana
European Hornbeam	Carpinus betulus and cultivars
Katsura Tree	Cercidophyllum japonicam
Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa
Red Maple	Acer rubrum and cultivars
Southern Sugar Maple	Acer barbatum
Sugar Maple	Acer saccharum and cultivars
English Oak	Quercus robur
Northern Red Oak	Quercus borealis
Overcup Oak	Quercus lyrata
Pin Oak	Quercus palustris
Red Oak	Quercus rubra
Sawtooth Oak	Quercus acutissima
Scarlet Oak	Quercus coccinea
Shumard Oak	Quercuss humardii
Swamp White Oak	Quercus bicolor
Water Oak	Quercus nigra
White Oak	Quercus alba
Willow Oak	Quercus phellos
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'
Chinese	Pistache Pistacia chinensis
Japanese	Pogoda treeSophora japonica
Dawn Redwood	Metasequoia glyptostroboides
Japanese	Zelkova Zelkova serrata
Yellowwood	Cladrastis kentukea

- C. Class II Shade Trees:** These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1-1/2) inches as measured at two and one-half (2-1/2) feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.

## Recommended Species:

<u>Common Name</u>	<u>Scientific Name</u>
Autumn Flowering Cherry	Prunus subhirtella var. autumnalis
Okame Cherry	Prunus campanulata
Yoshino Cherry	Prunus yedoensis

Crapemyrtle	Lagerstroemia indica cultivars
Flowering Dogwood	Cornus florida and cultivars
Kousa Dogwood	Cornus kousa and cultivars
Thornless Cockspur	Crataegus crusgalli var. Hawthorne inermis
Winter King Hawthorne	Crataegus viridis 'Winter King'
Sweetbay Magnolia	Magnolia virginiana
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Trident Maple	Acer buergeranum
Golden Raintree	Koelreuteria paniculata
Redbud	Cercis canadensis
Serviceberry	Amelanchier species

- D. Screening Trees:** Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum height of eight (8) and have a minimum expected mature spread of eight (8) feet.

Recommended Species:	
<u>Common Name</u>	<u>Scientific Name</u>
Atlas Cedar	Cedrus atlantica
Deodar Cedar	Cedrus deodara
Eastern Red Cedar	Juniperus virginiana
Leyland Cypress	Cupressocyparis leylandii
Carolina Hemlock	Tsuga caroliniana
Canadian Hemlock	Tsuga canadensis
American Holly	Ilex opaca
Foster Holly	Ilex attenuata 'Fosteri'
Southern Magnolia	Magnolia grandiflora
Loblolly Pine	Pinus taeda
Virginia Pine	Pinus virginiana
White Pine	Pinus strobus

- E. Screening Shrubs:** All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.

Recommended Species	
<u>Common Name</u>	<u>Scientific Name</u>
Burford Holly	Ilex cornuta 'Burfordii'
English Holly	Ilex aquifolium
Nellie R. Stevens Holly	Ilex cornuta 'Nellie Stevens'
Cherrylaurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Fragrant Olive	Eleagnus pungens
Leatherleaf Viburnum	Viburnum rhytidophyllum
Wax Myrtle	Myrica cerifera

- F. **Prohibited Plants:** The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

Kudzu Vine	Garlic Mustard
Purple Loosestrife	Paulownia
Japanese Honeysuckle	Multiflora Rose
Shrub Honeysuckle	Siberian Elm
Autumn Olive	Silver Poplar
Common Privet	Mimosa
Tree of Heaven	Mulberry
Lespedeza	Silver Maple

308. Utility Easement Policy

- A. Intent: Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.
- B. Special Exceptions:
1. Written permission has been obtained from the holder of the utility easement.
  2. Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.
- C. If none of the special exceptions apply, the following options shall be considered in order of priority:
1. **Priority #1:** Plant the tree as close to the easement as possible.
  2. **Priority #2:** For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.
- D. Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

309. Maintenance

The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Article.

310. Certificate of Occupancy/Bonding

- A. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:
1. Property owner posts a performance bond or irrevocable letter of credit with the Hamilton County Treasurer;
  2. The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape plan;

3. The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).

### 311. Appeals

Any person aggrieved by the administration, interpretation, or enforcement of this Landscape Regulations section may appeal for a variance to the Board of Zoning Appeals within sixty (60) days of the decision. Decisions of the Board of Appeals may be appealed to a court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this Landscape Regulations section unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it not found invalid.

### 312. Definitions

Caliper - a measurement of the tree trunk diameter measured six (6) inches above grade level.

Class I Shade Trees - any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.

Class II Shade Trees - any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.

Gross Floor Area (GFA) - total interior space as defined by the Southern Building Code.

Impervious Surfaces - includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Bay - all parking bays that do not qualify as a perimeter bay.

Landscape Area/Landscaped Yard - an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped Island - a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula - a landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped Median - a landscaped area bordering two (2) adjoining parking bays.

Natural Buffer - an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

ARTICLE V

New Development – construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

Parking Space/Parking Bay – includes spaces and areas for all vehicles except tractor trailers.

Perimeter Bay - all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs - evergreen shrubs that maintain their foliage year-round.

Screening Trees - evergreen trees that maintain their foliage year-round.

Street Yard - a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.