

CHAPTER 1145
Minimum Landscape Requirements

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1145.01 DEFINITIONS.

- (a) *Landscaping* means the treatment of the ground, roof and parking lot surfaces with live plant materials such as, but not limited to, turf grass (i.e., lawns), ground covers, trees, shrubs, and other live plant material. In addition, a landscape design may include other decorative natural materials, as well as various types of mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:
 - (1) *Buffer zone* means a strip of land required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and noise barrier.
 - (2) *Caliper* means the diameter of a tree trunk in inches measured at diameter breast height (dbh) (i.e., four and one-half (4½) feet above the existing grade).
 - (3) *Deciduous* means a tree or shrub that sheds its foliage at the end of the growing season.
 - (4) *Drip line* means an imaginary vertical line that extends downward from the outermost tips of tree or shrub branches to the ground.
 - (5) *Evergreen* means a tree or shrub with persistent foliage (i.e., needles or broadleaves) that remains green throughout the year.
 - (6) *Greenbelt* means the land abutting a public street, private street or access drive that shall be reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors in accordance with this Chapter.
 - (7) *Ground covers* mean low-growing plants, including various types of:
 - a. Woody plants and vines (e.g., myrtle, pachysandra, ivy) planted to become dense after one (1) complete growing season and prevent weeds and soil erosion;
 - b. Perennials (i.e., flowers, herbs, ornamental grasses and other plants) which die back at the end of each growing season and regenerate at the beginning of the next growing season (including bulbs), planted to become dense after one (1) complete growing season and prevent weeds and soil erosion.

- c. Annuals (i.e., flowers, herbs, ornamental grasses and other plants) which die at the end of each growing season in USDA Plant Hardiness Zone 6a, planted at sufficient density to prevent weeds and soil erosion.
- (8) *Landscape features* mean various manmade items typically found in the landscape including, but not limited to, outdoor furniture (e.g., benches, tables, and chairs, etc.), statuary, and birdbaths.
- (9) *Mulch* means processed pervious organic (e.g., shredded bark, wood chips, etc.) and inorganic (e.g., pea gravel, larger stones and rocks, etc.) materials utilized in planting areas to prevent weeds and soil erosion and retain soil moisture.
- (10) *Plant schedule* means a listing of the plants proposed as part of a landscape design which is keyed to the landscape plan as includes the following information: quantity (i.e., number of plants), common name, botanical name (i.e., genus, species, and variety (if applicable)) type (as defined in this chapter), size (at time of installation), and root ball (i.e., ball and burlap (B&B), bare root, or container). Please see the plant schedule example.

Plant Schedule Example

Key	Quant.	Common Name	Botanical Name	Type of Plant	Size	Root Ball
AE	4	Celebration® Maple	Acer x freemanii 'Celzam'	Canopy Tree	3-in Cal	B&B
CF	1	Flowering Dogwood	Gorans florida	Ornamental Tree	8-ft height	B&B
EA	5	Dwarf Burning Bush	Euonymiis alatus 'Compacta'	Large Deciduous Shrub	3-ft height	Container
SJ	9	Little Princess Spirea	Spiraea japoniea 'Little Princess'	Small Deciduous Shrub	2-ft height	Container
CO	3	Hinoki Femspray Cypress	Cliaamaecyparis obtusa 'Filicoides'	Upright Evergreen Shrub	2-ft height	Container
TD	5	Densi Yew	Taxus densiformis 'Densi'	Spreading Evergreen Shrub	3-ft spread	Container
HH	80	Baltic Ivy	Hedera helix 'Baltica'	Ground Cover	N/A	Container

- (11) *Shrub* means a deciduous or evergreen plant which at maturity is less than thirteen (13) feet in height with multiple stems and having a general bushy appearance or maintained as a hedge.

- a. Small means a mature (or maintained) height of thirty (30) inches or less.
 - b. Large means a mature height between thirty (30) inches and thirteen (13) feet.
 - c. Upright form means taller than its width at maturity.
 - d. Spreading form means shorter than its width at maturity.
- (12) *Tree* means a woody plant which at maturity is thirteen (13) feet or more in height with a perennial trunk and having a definite crown of foliage.
- a. Canopy tree means a deciduous tree which has a height of twenty-five (25) feet or more and a single trunk with at least five (5) feet of clear stem at maturity.
 - b. Ornamental tree means a deciduous or evergreen tree that is typically grown because of its shape, flowering characteristics or other attractive features (e.g., exfoliating bark, multiple-stems, fruit, etc.) and typically grows to a mature height of twenty-five (25) feet or less.
- (13) *Turf grass* means any family of plants with narrow leaves normally grown as permanent lawns (i.e., turf) in northwest Ohio.

1145.02 GENERAL REQUIREMENTS – LANDSCAPE PLANS AND SITE PLAN REVIEW.

- (a) *Intent.* Landscaping is necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the city. The intent of this section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscape improvement. The requirements of this section are intended to help achieve a number of functional and environmental objectives such as:
- (1) To promote the implementation of the city's comprehensive plan and any related subarea plans;
 - (2) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, reduction of greenhouse gasses, groundwater recharge, and storm water runoff retardation, while at the same time aiding in noise, glare and the reduction of heat islands;
 - (3) To encourage the preservation of existing trees and vegetation;
 - (4) To assist in providing adequate light and air and in preventing overcrowding of land;
 - (5) To provide visual buffering and enhance the beautification of the city;
 - (6) To reduce the physical impact between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas;
 - (7) To safeguard and enhance property values and to protect public and private investment;
 - (8) To preserve, protect and restore the unique identity and environment of the City of Maumee and preserve the economic base attracted to the city by such factors;
 - (9) To define, articulate and integrate outdoor spaces, architectural elements, and various site elements;
 - (10) To conserve energy, and to protect the public health, safety, and general welfare;
 - (11) To provide habitat for living things that might not otherwise occur or be found in urban environs; and

(12) To provide reasonable standards to bring developed sites that existed prior to the adoption of these standards into compliance with the requirements contained herein.

(13) To offset the carbon “footprint” of buildings, structures, parking, etc.

(b) *Scope of application.*

(1) The requirements set forth in this section will apply to all uses, lots, sites, and parcels that are developed or expanded following the effective date of this section. No site plan that is reviewed in accordance with Chapter 1135, site plan review procedures and requirements, may be approved unless the site plan shows required landscaping consistent with the provisions of this section. Except for plans pertaining to one or two-family use, the landscape plan shall be prepared by a Landscape Architect registered in the State of Ohio.

(2) Where landscaping is required, a building permit will not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy will not be issued by the chief building official (or designee) unless provisions set forth in this section have been met or by providing either a performance guarantee, as authorized by **Section 1145.08**; or by entering into a development agreement with the city stipulating mile stones, costs and surety.

(3) The Zoning Administrator (or designee) will determine if the existing landscaping or screening identified for preservation meets the intent of this section (see subsection (d) of this section).

(4) Each landscape plan will be independently reviewed; the City Administrator, upon consultation with the Zoning Administrator (or designee) may determine that there exist unique circumstances that would prevent the installation of all or a portion of the required site landscaping, greenbelts, buffer zones, and parking lot landscaping or detention/retention basin landscaping requirements.

a. Such a determination must be made based upon criteria such as the following:

1. Topography;
2. Existing woodlands, wetland, floodplain, drainage conditions and poor soils;
3. Types and distance to adjacent land uses;
4. Dimensional conditions unique to the parcel;
5. Provision of adequate sight distances/clearance for motorists and pedestrians;
6. Health, safety and welfare of the city;
7. Clearance from overhead utility lines and separation from underground utilities; and
8. Accessibility to fire hydrants.

b. In return the applicant will be required to incorporate at least one (1) of the following elements in the landscape plan:

1. The utilization of credits obtained by preserving existing vegetation per the standards of subsection (c)(3)e.
2. Placing the required plant material elsewhere on the site, as approved by the Zoning Administrator (or designee);
3. Use of larger plant material (see subsection (c)(1) of this section); or

4. An alternative proposed by the applicant in writing and approved by the Zoning Administrator (or designee) (see subsection (g) of this section).
- (5) *Landscape plan review required.* A separate landscape plan detailing the landscape changes consistent with the standards of this chapter must be submitted to the Zoning Administrator (or designee) when:
- a. A full site plan (FSP) is mandated, per the requirements of chapter 1135;
 - b. Where the building and/or parking area is being increased by at least fifteen (15) percent or reconstructed; or
 - c. The building is being changed to a more intense use and/or has an existing legal non-conforming use or structure on the property, as determined by the City Administrator and/or Zoning Administrator (or designee). The change in use intensity must consider factors such as required parking, amount of traffic generated, maximum building occupancy or change to a different use category in the building code or zoning ordinance.
- (c) *Landscape plan specifications.*
- (1) *Minimum requirements.* The requirements contained in this section are considered the minimum necessary to achieve the intent of this section, but nothing herein will preclude the use of more extensive landscaping to further improve the function, appearance and value of the property. The use of larger plant material may be used to count towards the overall minimum planting requirements (i.e. planting a twelve-foot tall evergreen when a six-foot is required equals credit for one and one-half (1½) trees). All substitutions may be allowed at the discretion of the City Administrator upon consultation with the Zoning Administrator.
 - (2) *Appropriate design professional requirement.* The Zoning Administrator (or designee) may require the landscape plans to be prepared by an appropriate design professional due to the complexity of a project or another compelling issue.
 - (3) *Required information.* The landscape plan must demonstrate that all requirements of this section are met and must include the following information:
 - a. Illustration of the location, spacing, species, size and root ball of proposed plant material, including a plant schedule;
 - b. Separately identify compliance with the minimum numeric requirements (rounded up) for site landscaping, greenbelts, buffer zones, parking lot landscaping, and detention/retention ponds, rain gardens, rainwater harvesting systems, and hydrologic separators which utilize swirl concentration to separate trash, debris, sediment, and hydrocarbons from storm water runoff;
 - c. Clearly identify and delineate proposed planting beds and turf grass areas;
 - d. Provide typical cross sections to illustrate views from adjacent land uses, and the slope, height, and width of proposed berms or landscape elements, as required by the Zoning Administrator (or designee);
 - e. Existing vegetation survey. Provide a survey of existing vegetation in accordance with **Section 1145.03** of this chapter which denotes the following:
 1. Trees, noting their size (i.e., caliper or height) and type (i.e., canopy, evergreen, or other ornamental);
 2. Shrubs, noting their size and type/form (i.e., upright or spreading evergreen or small or large deciduous);

3. Ground covers, noting their size/coverage and type (i.e., woody plants and vines or perennials); and
 4. Identify the vegetation proposed for preservation and the credits (if any) that will be claimed per the standards cited in **Section 1145.03** of this chapter.
 5. Additional information may be required by the Zoning Administrator based on the existing conditions of a site. All credits to landscaping standards shall be approved at the discretion the City Administrator, upon consultation with the Zoning Administrator.
- f. Delineate the location of protective fencing around existing vegetation identified for preservation per the standards of **Section 1145.07 (d)** of this chapter. A detail of all such fencing must be provided on the landscape plan and meet the standards for such fencing included in **Section 1145.07** of this chapter;
 - g. Provide construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees, culverts, and/or drain tile to maintain natural drainage patterns;
 - h. Provide details to ensure proper installation and establishment of proposed plant material (e.g., tree stakes, guy wires, protective fencing, etc.), as directed by the Zoning Administrator (or designee); and
 - i. Identify a landscape maintenance program, including a statement that all diseased, damaged or dead materials will be replaced in accordance with the requirements of this section.
- (d) *Landscape standards.*
- (1) All landscaping must conform to the following standards, unless otherwise approved by the City Administrator upon consultation with Zoning Administrator (or designee), each of which will be calculated separately. A professionally designed landscape irrigation system shall be required to ensure plant life.

Table of Landscape Standards				
Location	Dimensions (min.)	Landscape Quantities ^(a)	Shrubs (min.) ^(b)	Other Materials
		Trees (min.)		
<i>Site Landscaping (n)</i>				
Within the lawn extension/terrace (i.e., between the sidewalk and	2.5"	1 canopy tree per each 30 linear feet of	Turf grass (i.e., lawns) and planting beds (per the requirements of subsection	

street curb)		frontage	(e)(6) of this section). Shrubs, stone, hard surfaces or walls are not allowed in the terrace area unless there are unusual circumstances present and the Zoning Administrator concurs.	
Cul-de-sac islands (if applicable)	2.5" or 7'-8' Spruce	1 canopy or evergreen tree per each 500 sq. ft. area	Turf grass (i.e., lawns) and planting beds (per the requirements of subsection (e)(6) of this section)	
Front Yard (new residential only) Between the principal structure and the sidewalk/right-of-way line	2.5"	1 tree per each 30 linear feet of frontage	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views to the adjacent street, as well as turf grass (i.e., lawns)	
Outdoor ground mounted equipment (i.e. HVAC units, etc.)			Mature evergreen hedge or privacy fence or wall no less than the height of the equipment	
Entire property - Open areas remaining after accounting for the required landscape areas	2.5"	1 tree per each 1,200 sq. ft. of total lot area	1 large shrub per each 400 sq. ft. of total lot area	Turf grass and planting beds
Greenbelts ^(c)				
All zoning districts or uses - Between the principal structure or use and the sidewalk/right-of-way line	2.5"	1 tree per each 30 linear feet of frontage ^(d, e)	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as	

			well as turf grass (i.e., lawns) ^(d, e)
Buffer Zones			
Multiple-family residential district or use adjacent to one-family and one- and two-family residential districts or uses - Between the principal structure or use and the property boundary	2.5" or 7'-8' Spruce	1 canopy or evergreen tree per each 20 linear feet	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns)
Institutional uses adjacent to any residential district or use - Between the principal structure or use and the property boundary	2.5" or 7'-8' Spruce	1 canopy or evergreen tree per each 20 linear feet	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns)
Commercial and industrial district or use adjacent to any residential district or use - Between the principal structure or use and the property boundary	2.5" and 7'-8" Spruce	1 canopy tree and 2 evergreen trees per each 20 linear feet	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns)
Industrial district or use adjacent to any commercial district or use - Between the principal structure or use and the property boundary	2.5" or 7'-8" Spruce	1 canopy or evergreen tree per each 20 linear feet	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns)

Berm and/or Masonry Wall ^(f)			
Along the lot line, but outside of the required front yard setback ^(g, h)	Between 4 and 6 feet tall ⁽ⁱ⁾	Applicable buffer zone landscaping may also be required	
Parking Lot Islands (parking areas must also comply with subsection (i) of this section)			
Within and/or immediately adjacent to the parking lot, protected by curbing, and spaced no more than 15 parking spaces apart in lots with less than 75 spaces or 20 spaces apart in lots with more than 75 spaces	9 feet wide, 150 sq. ft. in area, 9 foot curve radius adjacent to aisle lanes	2 canopy trees per 150 sq. ft. of the total area comprising parking lot islands ^(j)	Planting beds (per the requirements of subsection (e)(5) of this section)
Perimeter Parking Lot Landscaping (parking areas must also comply with subsection (i) of this section)			
Perimeter of the parking lot envelope	Parking lots must meet set back requirements from a right-of-way and abutting property lines, and required plantings must be within 10 ft. from the edge of pavement	1 canopy tree per each 2,000 sq. ft. of paved surface area ^(k)	3 foot tall perimeter hedge along a right-of-way or, if not feasible, sufficient shrubbery (as determined by the zoning administrator (or designee) located in clearly defined planting beds, as well as turf grace (i.e. lawns) ^(m, n)
Loading and Outside Storage Areas			
Loading and outside storage areas		The zoning administrator (or designee) may require additional landscaping/screening for loading areas and outdoor storage areas when visible from adjoining parcels or streets	
Detention and Retention Ponds ^(k)			
Rear or side yards within a natural or man-made depression designed to		1 tree per each 50 linear feet measured	10 shrubs per 50 linear feet measured at the top of the pond or, if not feasible, sufficient

appear natural or free formed		at the top bank of the pond ^(l, m)	shrubbery (as determined by the zoning administrator (or designee)), located in clearly defined planting beds plus a native seed mix on the slopes to prevent erosion ^(l, m)
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(2) Footnotes to the Table of Landscape Standards.

- a. Adjustments in the placement of plantings are subject to any required site clearance triangles, per the requirements of **Section 1145.06** of this chapter.
- b. The type of shrubbery must be a mix of each type noted in subsection (e)(2) of this section.
- c. Pertains to the entire street frontage of a property, as measured from the right-of-way, excluding access drives (i.e., driveway cuts).
- d. Greenbelt plantings must be arranged to emulate the landscape character of the surrounding areas. Subject to Zoning Administrator (or designee) determination, the greenbelt plantings may be waived within the C-3 (uptown commercial) district when the buildings are located at or within 1' from the front property line.
- e. Nothing but landscaping, including decorative fencing and landscape features is allowed within the greenbelt.
- f. A berm and/or masonry wall may be required as part, or in place of, the buffer when deemed necessary by Zoning Administrator (or designee) to meet the intent of subsection (e)(9) of this section and must conform to **Section 1145.07** of this Chapter.
- g. The location may be modified by the Zoning Administrator (or designee) at the discretion of the City Administrator (or designee) due to unique circumstances, such as conflicts with underground utilities and better screening provided at alternative locations.
- h. See **Section 1145.07** of this Chapter for berm construction standards.
- i. Up to an eight-foot berm and/or wall may be permitted within the commercial and industrial districts.
- j. No branches may remain within five (5) feet above the grade of the parking lot, if the drip line extends outside of the landscape area.
- k. Decorative treatment may be incorporated into the perimeter parking lot landscaping such as the inclusion of tree clusters and decorative fencing and landscape features. Treatment provided must be compatible with, or a site improvement to, surrounding properties. This decorative treatment is encouraged on sites within the commercial districts and multiple family developments near the Uptown Commercial District.
- l. The basin or berm slopes must be sculptured to filter and soften the views and at a slope not to exceed 5 to 1.

- m. The plantings must be clustered in a natural pattern around the basin with trees above the freeboard line (i.e., the high water mark designed for the pond), and all other plantings must be tolerant of wet/moist soils. (e.g., London Plane Trees (*Platanus x acerifolia*), Red Maples (*Acer rubrum*), etc.) The location of plant material will also be done in consideration of the need to provide access for and minimize disruption of plant material during routine pond maintenance.
 - n. The total tree count for any lot shall not be lower than one (1) tree per 2180 square feet of total lot area. Under special circumstances, the City Administrator, upon consultation with the Zoning Administrator, may approve a total tree count which is lower than this amount.
- (e) *Specifications for landscape improvements and plant materials.*
- (1) *Plant material.* All plant material must be hardy to the City of Maumee (i.e., USDA Plant Hardiness Zone 6a), be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nursery and Landscape Association.
 - (2) *Minimum sizes and spacing.* The minimum plant sizes must be provided in accordance with the following:

Table of Minimum Plant Sizes and Spacing		
Plant Type	Minimum Plant Size	Spacing Requirements (max. on center)
Canopy Trees	Two and a half-inch caliper	Thirty (30) feet
Coniferous Trees	Seven to eight-foot height ^(a)	Fifteen (15) feet
Other Ornamental Trees	Six-foot height	Fifteen (15) feet
Large Deciduous Shrubs	Three-foot height	Four (4)—six (6) feet
Small Deciduous Shrubs	Two-foot height	Three (3) feet
Upright Evergreen Shrubs	Two-foot height	Three (3)—four (4) feet
Spreading Evergreen Shrubs	Two-foot spread	Three (3)—four (4) feet
Perennial Flowers	1 Gallon	Fifteen (15) inches
Perennial Grasses	2 Gallon	Twenty (20) inches

- (3) *Footnotes to the Table of Minimum Plant Sizes and Spacing.*
- a. Height of coniferous trees shall be measured at the third tine from the top, not a measurement of overall height.
- (4) *Mixing of species.* The overall landscape plan may not contain more than one-third (33.3%) of any one (1) plant species for each type of planting specified in the Table of Landscape Standards (see subsection (d) of this section). The use of native species and mixture of plants from the same plant community is strongly encouraged.
- (5) *Trees not permitted.* Various trees are not permitted for the following reasons, although the Zoning Administrator (or designee) may allow them when associated with an appropriate ecosystem, for historic preservation, or another compelling objective:
- a. *Easily damaged or short lived.* Including, but not limited to, Black Locusts (*Robinia pseudoacacia*), Silver Maples (*Acer saccharinum*), and various Poplars and Cottonwoods (*Populus* species);
 - b. *Bears nuisance leaves, fruit, or other characteristics.* Including, but not limited to, Weeping Willows (*Salix babylonica*), nut-bearing Horse Chestnuts (*Aesculus* species), female Ginkgoes (*Ginkgo biloba*), various Mulberries (*Morus* species), Catalpas (*Catalpa speciosa*), various Poplars and Cottonwoods (*Populous* species), Honey Locusts with thorns (*Gleditsia triacanthos* (i.e., not var. *inermis*)), and Hawthorn, Thornapple, May-tree, Whitethorn, or Hawberry (*Crataegus* species);
 - c. *Weedy or invasive.* Including, but not limited to, Box Elders (*Acer negundo*), various Poplars and Cottonwoods (*Populus* species), Trees of Heaven (*Ailanthus altissima*), and Black Locusts (*Robinia pseudoacacia*);
 - d. *Roots clog drains and sewers and crack sidewalks and foundations.* Including, but not limited to, Weeping Willows (*Salix babylonica*) and Silver Maples (*Acer saccharinum*); and
 - e. *Unusually susceptible to disease or insects.* Including, but not limited to, American Elms (*Ulmus americana*) and various Ashes (*Fraxinus* species).
- (6) *Planting beds.*
- a. Planting beds are clearly defined areas surrounding a single tree, shrub, or grouping of trees and shrubs and may also include annuals, various other types groundcovers, and mulch.

There is no size limit for a planting bed as long as dedicated open areas of mulch does not exceed one-third (33.3%) of its total area. Plant coverage will be determined as follows:
 1. An eighteen-inch radius circle around the trunk of a canopy tree;
 2. The drip-line of an ornamental tree or shrub at the time of planting; and
 3. Groupings of ground cover (excluding annuals) planted to become dense and touch after one (1) complete growing season.
Mulch is required in those areas at the time of planting, but only half will be included when determining the percentage of a planting bed dedicated to open areas of mulch.
 - b. Mulch must be maintained at a minimum of three (3) inches deep in order to prevent weed growth and soil erosion and to retain soil moisture.

- c. Material in planting beds shall be identified on the landscape plan and approved by the Zoning Administrator (or designee) and maintained in good condition.
 - d. Mulch and stone landscape beds will be permitted in parking islands contained by curb and gutter.
- (7) *Top soil.* Top soil must consist of a four (4) inch base for lawn areas and an eight (8) to twelve (12) inch base within planting beds. This also applies to berms.
- (8) *Proximity to utilities.* Plant material cannot be located in a manner that will interfere with or cause damage to underground or overhead utility lines, public roads or other public facilities.
- (9) *Turf grass.* Turf (i.e., lawn) grass must be planted in species normally grown as permanent lawns in cool/humid area of the North American Climate Zone. Turf grasses may be seeded or sodded. Only rolled sod, erosion reducing net or suitable mulch may be used in swales or other areas susceptible to erosion and must be staked where necessary for stabilization. When complete sodding or seeding is not possible, nurse grass (i.e., fast growing temporary) seed must be sown and mulched for immediate protection until permanent coverage is achieved. Turf grass sod, seed, and top soil must be free of weeds and noxious pests or disease. Areas of turf grass must be adequately irrigated for the first two (2) growing seasons.
- (10) *Regulations pertaining to sight distance.* All proposed landscaping adjacent to the intersection of two or more streets or access drives must meet the standards of **Section 1145.06** of this Chapter.
- (f) *Minimum standards for installation, irrigation and maintenance.*
- (1) *Timing of planting.* All required plant materials must be planted prior to issuing a certificate of occupancy by the chief building official (or designee) in consultation with the Zoning Administrator (or designee). In the event that the project is completed during a time of year when planting is impractical, a performance guarantee, as authorized by **Section 1145.08** of this Chapter, must be provided equal to the amount of installation of the proposed landscaping.
- (2) *Completion of improvements.* Tree stakes, guy wires, and tree wrap installed to satisfy subsection (c)(3)h. of this section must be removed by the date indicated on the landscape plan.
- (3) *Irrigation.* Except in one or two-family uses, an automatic irrigation system shall be required for all landscaped areas and must be indicated on the landscape plan and approved by the Zoning Administrator (or designee).
- (4) *Maintenance.* The owner of the property is responsible for the regular maintenance of all landscaping. Landscaped areas and plant materials required by this section must be kept free from refuse and debris. Plant materials, including turf grass (i.e., lawns), must be maintained in a healthy growing condition, neat and orderly in appearance per the intent of the approved site plan. Additionally, all plantings approved as part of a site plan must be maintained in perpetuity or an amended landscape plan must be submitted for consideration by the Zoning Administrator (or designee). However, if any required plant material dies or becomes diseased, it must be replaced. Replacement must be within thirty (30) days unless an extended time period is necessary due to weather in which case a written request may be submitted and reviewed by the Zoning Administrator (or designee) prior to its potential authorization.
- (g) *Proposal by applicant for complying with requirement.*
- (1) *Proposal by applicant.* If the applicant demonstrates that compliance with this section is not feasible on the property, in lieu of complying with all of a part of the

specific requirements set forth in this section for landscaping, the applicant may propose in writing an alternative means of compliance. Subject to approval by the City Administrator, upon consultation with the Zoning Administrator (or designee), for a particular property and circumstance, such alternative may include, by way of example, installing landscape materials in the immediate area of the property being developed or paying moneys into the city tree fund in an amount by multiplying the total quantity of plantings that would not be installed by the cost per plant. That proposal must include a timetable for performance, and state whether a performance guarantee (see **Section 1145.08** of this chapter) would be filed to secure such performance.

- (2) *Review by the Zoning Administrator (or designee).* The Zoning Administrator (or designee) will review the written proposal of the applicant and determine whether the proposal would be accepted in place of the landscape requirements that would not be completed in accordance with this section. Any deviation shall be a component of a required development agreement approved by the City Administrator if and to the extent the Zoning Administrator (or designee) is satisfied that the applicant has demonstrated that it would not be feasible to fully comply with the landscaping requirements in this section, the determination by the Zoning Administrator (or designee) on whether to approve an applicant's proposal will be based on the standard of most closely achieving the intent of the ordinance, to the extent reasonably feasible. The expense of complying with this section shall not be a basis of consideration by the Zoning Administrator (or designee). Any bonding to be a part of the proposal shall be subject to review by the city attorney, and shall conform with customary bonding requirements for development in the city.
- (3) *Effect of approval.* If the applicant's written proposal is approved by the Zoning Administrator (or designee), the proposal shall be deemed to be a regulation required under this section, and a failure to comply with the approved proposal shall be deemed to be a violation of this section.

(h) *City tree fund.*

- (1) All revenues raised in lieu of complying with all of a part of the specific requirements set forth in this section for landscaping (per subsection (g)(1) of this section) must be placed in a city tree fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the planting of trees and shrubs within public rights of way, public property, and/or public parks.
- (2) No part of the funds held in the city tree fund may be transferred to the general operating fund or used for any purpose other than undertaking the planting of trees and shrubs in the city.

(i) *Landscape requirements for parking areas:*

Landscaping within parking areas, including both ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking area is required in accordance with the following specific requirements and all other requirements of this Chapter and Chapter 966.

- (1) All parking lots must include adjoining landscaping strips at least four (4) feet in width along each side and rear lot line. Such landscaping strips shall include hedges or plantings of shrub material which meet the requirements of subsection (e) of this section.
- (2) For all parking areas that contain more than twenty-five (25) spaces, a minimum area equal to one parking space for each twenty-five (25) spaces (or fraction

thereof) shall be provided and shall be landscaped and permeable in accordance with this Chapter and Chapter 966. Landscaped islands shall be irrigated. Said 1 parking space landscape requirement shall be in addition to all other landscape requirements.

- (3) All permanent landscape screened areas shall be maintained in a healthy growing condition, neat and orderly in appearance.
- (4) All screen planting and fencing required under the provisions of this section shall be adequately protected so as to prevent damage thereto by automobiles parking in such parking areas.
- (5) When it is proposed that a parking area provide substantially more parking than is permitted by applicable sections of this ordinance, additional landscaping shall be provided to help mitigate impact of large amounts of hard surfaces. The specific amount of area that is to be landscaped and permeable shall be at the discretion of the Zoning Administrator and may be determined as follows:

Parking Landscape Requirements For Parking Areas Exceeding the Maximum Permitted Number of Parking Spaces	
Parking Requirement	Required Increase in the Amount of Landscaping
The parking area represents no more than 100 percent of the maximum permitted parking spaces pursuant to Section 1141.06 (Off-Street Parking Requirements).	As defined in Subsections (1) and (2) above.
The parking area represents more than 100 percent, but less than 150 percent of the maximum permitted parking spaces pursuant to Section 1141.06 (Off-Street Parking Requirements).	As defined in Subsections (1) and (2) above, except as follows: 1) the width of the adjoining landscaping strips shall be increased to six (6) feet along each side and rear lot line, and landscaping materials shall include a combination of hedges, shrubs and ground cover with a minimum of four (4) feet in height at the time of planting and spaced four (4) to six (6) feet apart, and 2) For all parking areas that contain more than twenty-five (25) spaces, a minimum area equal to two (2) parking spaces for each twenty-five (25) spaces (or fraction thereof) shall be provided and shall be landscaped and permeable in accordance with this Chapter and Chapter 966. Landscaped islands shall be irrigated.,
The parking area represents 150 percent or more of the maximum permitted parking spaces pursuant to Section 1141.06 (Off-Street Parking Requirements).	In addition to those additional requirements defined above for when the parking area represents more than 100 percent, but less than 150 percent of the maximum permitted parking spaces pursuant to Section 1141.06 (Off-Street Parking Requirements), the applicant shall demonstrate how the use of more extensive landscaping and creative site design effectively interrupts large expanses of parking area and effectively screens view of proportionately larger parking to the satisfaction of the Zoning Administrator as part of the Site Plan review process.

1145.03 PRESERVING EXISTING VEGETATION.

(a) *Preserving existing vegetation.*

- (1) *Intent.* The intent of this section is to preserve existing vegetation unless there are no other site design alternatives. Where healthy plant material exists on a site prior to its development or redevelopment, as determined by the Zoning Administrator (or designee) or the Planning Commission, variations from the landscape requirements contained in this Chapter may be approved to allow credit for such plant material if such adjustment is in keeping with the intent of this section and is further approved by the City Administrator, upon consultation with the Zoning Administrator.
- (2) *Inspection.* All existing vegetation must be inspected by the Zoning Administrator (or designee) to ensure the vegetation is high quality and will fulfill the requirements of this section.
- (3) *Credit for trees.* Credit for tree preservation may be applied at the discretion of the City Administrator, upon consultation with the Zoning Administrator (or designee) at the following rate:
 - a. For preserved trees of equal to or greater than twelve (12) inches in caliper, a credit of two (2) trees may be permitted but in no case shall the credit reduce trees required in the terrace or parking lots. No credit shall be afforded for a tree that is considered invasive.
 - b. For preserved trees less than twelve (12) inches in caliper, a credit of one (1) tree may be permitted but in no case shall the credit reduce trees required in the terrace or parking lots. No credit shall be afforded for a tree that is considered invasive.
- (4) *Credit for shrubs.* No credit shall be considered for shrub preservation
- (5) *Removed credit trees.* In the event healthy plant material credited towards required plantings are removed, damaged, or destroyed, as determined by the Zoning Administrator (or designee), they must be replaced at a rate of two (2) to one (1) with new plant material meeting the standards of this section.
- (6) *Mitigation.* Every attempt must be made to preserve healthy mature existing vegetation. In the event that an existing tree with greater than a four-inch caliper or eight (8) feet tall is removed when there are obvious alternatives to its removal, as determined by the zoning administrator (or designee), all such trees must be replaced at a ratio of 2 for 1. Each new tree must have a caliper of no less than three (3) inches or a height of no less than six (6) feet.

1145.04 TRASH CONTAINER SCREENING.

Trash containers designed to service more than one (1) residential unit or to service a nonresidential structure shall not be located in a front yard and shall be screened on four (4) sides by one (1) gate, walls or fences and natural vegetation or an acceptable combination of these elements approved at the discretion of the Zoning Administrator. Material used in the construction of the dumpster screening shall be of like, or complimentary, material to the main structure. Gates shall be constructed of sturdy material and shall not have a supporting structure constructed of wood or plastic. The height of such screening shall be at least six (6) feet or six (6) inches taller than the trash container, whichever is greater. The maximum height of walls and fences shall not exceed ten (10) feet. Vegetation shall have a minimum opaqueness of seventy-five (75) percent at all times within two (2) years of planting. Vegetation shall be a variety and size that will attain six (6) feet in height within two (2) years of planting and shall meet all other requirements of this Chapter.

1145.05 SERVICE COURTS, STORAGE AREAS, AND LOADING DOCKS.

Service courts, storage areas, and loading docks shall be screened along the entire rear lot line and side lot lines as necessary. Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements approved at the discretion of the Zoning Administrator, provided that screening must be at least six (6) feet in height.

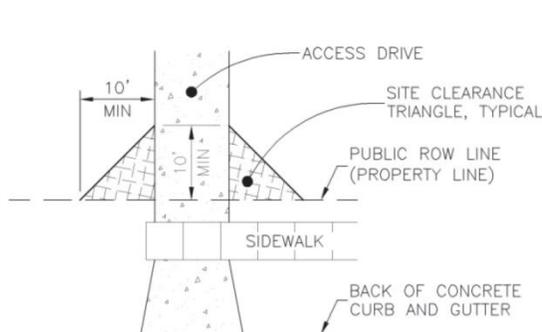
1145.06 VISIBILITY AT INTERSECTIONS.

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all fences, walls, hedges, screens, structures, plantings or other landscaping within the site clearance triangle areas described below must permit unobstructed cross-visibility. Shrubs and groundcover located in a site clearance triangle may not be permitted to grow to a height of more than two and one-half (2½) feet above the grade at the edge of the pavement. Portions of required berms located within sight clearance triangle cannot exceed a height of two and one-half (2½) feet above the pavement grade at the edge of the pavement. Canopy trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Other landscaping, except turf grass or ground cover maintained at a height of two and one-half (2½) feet, cannot be located closer than three (3) feet from the edge of a driveway.

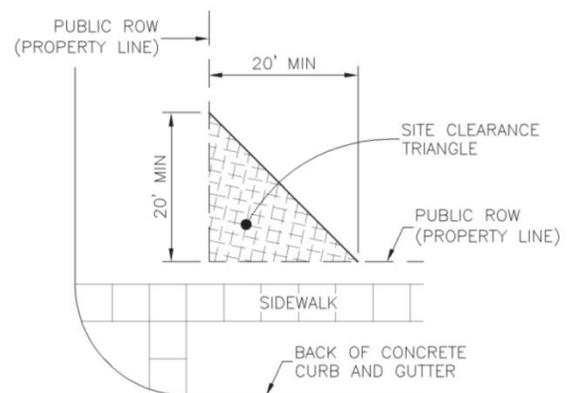
The site clearance triangles referred to above are:

- (a) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and access drive line and the third side being a line connecting these two (2) sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.
- (b) The area formed at a corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty (20) feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two (2) sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.

Sight Clearance Triangle Figures



Driveway



Public Rights-of-Way

1145.07 STANDARDS FOR WALLS, LANDSCAPE BERMS, AND TEMPORARY FENCES.

All walls and landscape berms of any nature, type or description located in the City of Maumee must conform to the following regulations:

- (a) *Approval required.* The erection, construction or alteration of any wall or other type of protective barrier must be approved by the Zoning Administrator (or designee) as to conformance with the requirements of the zoning district and this section.
- (b) *General wall and landscape berm standards.*
 - (1) Wall or landscape berm height measurement. The height of a wall or landscape berm will be measured using the following method:
 - a. The permitted height of all walls and landscape berms will be measured from the ground elevation adjacent to the wall or berm, as determined by the Zoning Administrator (or designee).
 - b. Where elevations differ by more than four (4) feet within ten (10) feet of side or rear lot lines, the Zoning Administrator (or designee) may allow additional wall or landscape berm height for the property at the lower elevation.
 - c. The permitted height of walls will not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a taller wall than permitted by this chapter (e.g. the height of walls erected on a berm will be measured from the finished grade adjacent to the edge of the berm).
 - (2) *Masonry walls.* Masonry walls must be constructed of the same or complementary building material to that of the principal structure and must be un-pierced (except for pedestrian and vehicular connections) and have a decorative cap. Cement or slag blocks will not be permitted.
 - (3) Decorative fences, walls and landscape berms. Fences, walls, and landscape berms which are two and a one-half (2½) feet or less in height are considered decorative and do not require a permit.
 - (4) Landscape berms. Where provided, landscape berms must conform to the following standards.
 - a. Berms must comply with the height restrictions for walls in subsection (c) of this section, but in no case may they be maintained at a continuous height. All berms must be undulating and include gaps where deemed necessary.
 - b. Sides of the berm must be constructed with slopes no steeper than one (1) foot vertical for each five (5) feet horizontal unless otherwise approved by the Zoning Administrator.
 - c. In measuring slope and height, grade elevation will be the average ground elevation adjacent to the proposed berm.
 - d. Side slopes must be protected from erosion by sod, seed or other living ground cover. If slopes are seeded, they must be protected until the seed germinates and a permanent lawn is established.

- (c) *Walls in commercial and industrial districts.*
- (1) No wall may exceed eight (8) feet in height, unless otherwise approved by the Zoning Administrator (or designee).
 - (2) No walls may be located in the required and addressed front yard.
 - (3) All walls must be ornamental in nature and should be made of brick, stone, and similar replication of these materials unless a varied material is approved by the Zoning Administrator for the purpose of conforming to architectural standards elsewhere on the property.
 - (4) No walls are permitted within the required site clearance triangles (see **Section 1145.06**).
- (d) *Temporary protective fencing associated with construction projects.* During construction, protective fencing must be placed around existing vegetation proposed for preservation and other site elements which cannot be easily removed or stored.
- (1) Proposed protective fencing must be clearly identified on the landscape plan. The Zoning Administrator (or designee) must also determine compliance with these standards.
 - (2) Protective fencing cannot be located closer than one (1) foot outside the perimeter of the following, as identified on the landscape plan:
 - a. The drip lines of existing trees and shrubs; and
 - b. Planting beds and other site element.
 - (3) *Materials.*
 - a. Fencing must be comprised of high density polyethylene mesh fabric or chain link with a nominal two-inch diamond design not less than forty-eight (48) inches above grade.
 - b. Steel posts must be at least eight (8) feet long and at least one (1) inch wide with a nominal weight of one (1.08) pounds per foot exclusive of the anchor plate. Steel posts must include an anchor plate and be notched, studded or have other means for holding the fabric in place on the post.
 - c. Fencing must be attached to each post with at least five (5) eleven (11) gauge galvanized or aluminum coated wire fasteners.
 - (4) *Installation.*
 - a. Install steel posts a maximum of ten (10) feet apart. Steel posts must be installed plumb with a post driver into undisturbed earth. Bent or broken posts are prohibited. Line posts shall have a minimum bury depth of thirty (30) inches. Corner posts shall have a minimum bury depth of forty-two (42) inches and must be braced as necessary to ensure that the posts remains plumb and the protective fencing remains taut once it is attached.
 - b. Install line posts with the anchor plate turned to parallel with the fencing. Install corner posts with the steel plate turned to cross the inside of the angle formed by the fence runs on each side of the corner post.
 - c. Stretch fence fabric taut and fasten to each post using wire fasteners. Fasteners must be spaced no greater than twelve (12) inches apart on the steel posts with the bottom fastener being located no more than two (2) inches above the ground.
 - (5) *Maintenance.* The temporary fencing must be regularly inspected and any broken sections of fence must be immediately removed and replaced. Bent or leaning posts

must be removed, replaced and anchoring methods improved so that the posts remain plumb. Fence fasteners must be visually inspected and replaced should any be found to have come undone or to have torn through the protective fencing.

- (6) *Duration.* The installation and removal of temporary fencing associated with a construction project must coincide with the start and completion of the construction project.

1145.08 PERFORMANCE GUARANTEES FOR IMPROVEMENTS.

- (a) Prior to the issuance of a temporary or permanent certificate of occupancy is issued, the Zoning Administrator (or designee) may require, as a condition to the issuance of the certificate, the following:
 - (1) A deposit with the City Finance Department certified check, or irrevocable letter of credit covering the cost of improvements associated with the activity or project for which the certificate is sought.
 - (2) An agreement providing for an easement allowing the city access to the property to make the required improvement(s) associated with the activity or project for which the certificate is sought, if that becomes necessary.
 - (3) The applicant/developer/owner and City Administrator shall approve a development agreement on behalf of the City of Maumee which includes but is not limited to, timelines for planning and construction, building elevation, plans, city incentives, and surety.
- (b) The applicant may propose to the Zoning Administrator (or designee) a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The Zoning Administrator (or designee) will review the proposal, and, if reasonable, may establish a schedule as submitted by the applicant or as modified as the Zoning Administrator (or designee) deems appropriate.
- (c) In establishing the requirement for the performance guarantee, a specific number of days for completion of the improvements and the amount of the security shall be specified by the Zoning Administrator (or designee).
- (d) If the improvements have not been completed on or before the date specified for completion by the Zoning Administrator (or designee), all or part of the performance guarantee posted by the applicant, as needed for completion may be utilized upon direction by City Council. Any and all costs incurred by the city in completing the improvements shall be taken from the performance guarantee. Any balance remaining following completion of the improvements shall be returned to the applicant.
- (e) If the amount of the deposit is not sufficient to complete the project, the applicant shall be responsible for all deficiency. In addition, the applicant shall be responsible for all costs incurred by the city to enforce this section, including but not limited to court costs and reasonable attorneys fees.

1145.09 CONFLICTS

When there is a conflict between Chapter 1145 and another part, chapter or section of the Codified Ordinances of the City of Maumee, the City Administrator, upon consultation with the Zoning Administrator, shall determine which part, chapter or section shall apply.