

Landscape and Tree Standards

**Chapter
1125**



Section 1125-1 Purpose

- A. The purpose of landscaping, open space and natural feature requirements is to promote the public health, safety and welfare through the preservation and protection of the environment. It is further the purpose of this chapter to:
1. Promote the preservation of trees and the replacement of trees removed in the course of land development to mitigate the impact of development;
 2. Promote the proper utilization of landscaping as a buffer between certain land uses and minimize the possibility of nuisances including potential noise, glare, litter and visual clutter of parking and service areas;
 3. Protect, preserve and promote the aesthetic appeal, character and value of neighborhoods with the placement of landscaping;
 4. Offer a minimum standard for the consistent appearance of plant material in the community landscape; and
 5. Soften the appearance of building masses and paved areas and reduce the generation of heat and stormwater runoff

Section 1125-2 Applicability

- A. *New Sites.* No certificate of zoning compliance or certificate of occupancy shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area, except where landscaping for such development or construction has been approved as required by the provisions of this section.
- B. *Existing sites.* No building, structure or vehicular use area shall be constructed or expanded unless the minimum landscaping required by the provisions in this section is provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the entire site must be brought into compliance with the minimum requirements of this section. An alteration or expansion to an existing property is substantial when the alteration or expansion exceeds 25 percent of the square footage of the existing building, structure or vehicular use area.

Section 1125-3 Shade Tree Commission

- A. There shall be an advisory commission known and designated as the Shade Tree Commission composed of seven persons all of whom shall be residents of the City of Hilliard or of Franklin County, plus the Director of Public Service, or his/her designee, who shall serve as an ex-officio member. Members shall be appointed by the Mayor, upon the advice of the City Arborist and/or City Forester and subject to approval of City Council. Shade Tree Commission members shall serve a term of three years, with two members appointed or reappointed every year for the first two years, and three members appointed or reappointed the third year. All members shall serve until their successors are duly appointed by the Mayor and approved by Council. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made, and shall be for the remainder of the respective unexpired term.
- B. Within a reasonable time after the appointment of the Shade Tree Commission and the approval of the members by Council, the Shade Tree Commission shall meet and organize by the election of a Chairman, a Vice-Chairman and a Secretary. The Shade Tree Commission shall then provide for the adoption of rules and procedures for the holding of regular and special meetings as it shall deem advisable and necessary in order to perform the duties set forth therein. The Shade Tree Commission shall keep a written journal of its proceedings. A

majority of the members present at each meeting shall be a quorum for the transaction of business.

- C. Compensation, if authorized by City Council, shall be paid semiannually in the months of June and December.
- D. The functions of the Shade Tree Commission shall be as follows:
 - 1. To study the problems and make recommendations of the City in connection with its tree planting program, including recommendations for the care, selection, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets, alleys, highways and other public places;
 - 2. To assist the properly constituted officials of the City as well as Council and citizens in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the trees are on private or public property, and to make recommendations from time to time to Council as to desirable legislation concerning the tree program and activities for the City; and
 - 3. To provide regular and special meetings at which the subject of trees insofar as it relates to the City may be discussed by the members of the Shade Tree Commission, officers and personnel of the City and its several divisions and all others interested in the tree program; and
 - 4. To review and make recommendations on site plans and streetscape plans for developments and redevelopments within the City, as requested by the City Staff or Council.
 - 5. The Shade Tree Commission may recommend and assist in the creation of a Master Street Tree Plan with the City Arborist / Forester or designated staff member, specifying the types of trees to be planted on each of the streets or other public sites of the City.
 - 6. At the request of the City Arborist / Forester or designated staff member, the Shade Tree Commission may conduct a yearly tree inventory in the City, consisting of the street address, subdivision name, tree species, tree size (diameter), condition of tree, tree maintenance needs, and particular site conditions.

Section 1125-4 Landscape Design Standards

- A. *General Requirements.* For all development following the effective date of this Chapter, the following requirements shall apply and be met regardless of whether a specific written plan is required.
- B. *Individual lots under R1, R2, R3, R4, PUD, and HCD Districts.* There shall be tree plantings equal to one-half inch in caliper for every 500 square feet of surface covered by the structure. Such plantings shall be required within the lot. The zoning inspector may grant the applicant credit toward the tree planting requirements of this section for other proposed landscaping materials as defined Section 1125-4D which is to be located within the lot. Such credit shall be within the discretion of the zoning inspector with the intention of accomplishing the purpose of this chapter. No such credit shall be given for the street tree requirements of Section 1125-4G and street tree planting requirements shall be fulfilled as required.
- C. *All other zoning districts, except individual lots in R1, R2, R3, R4 PDD, and HCD.* In addition to the requirements outlined within this chapter, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building surface coverage area, or fraction thereof, and one inch in tree size for every 1,500 square feet of building surface coverage with a minimum tree caliper of two inches, whichever is greater. Such landscaped areas shall contain trees, planting beds, hedges, earthmounds, or other materials designed and located in a manner complimentary to the overall architecture of the

surrounding buildings.

D. *Selection.* Landscaping plantings, as required within this chapter, shall conform to the planting types and placements listed within this Section. The proposed landscape materials must complement the form of the existing trees and plantings, as well as the development's general design and architecture. Landscaping design and material shall consist of the following:

1. Trees.

- a. Large Trees – Species as defined in Section 12.2.A.3 of the Design Manual
- b. Medium Trees – Species as defined in Section 12.2.A.2 of the Design Manual
- c. Small Trees – Species as defined in Section 12.2.A.1 of the Design Manual
- d. Evergreen Trees – Species as defined in Section 12.2.A.4 of the Design Manual

2. Shrubs and Grasses.

- a. Shrubs – Species as defined in Section 12.2.B.1 of the Design Manual
- b. Ornamental Grasses – Species as defined in Section 12.2.B.2 of the Design Manual

3. Native Prairie Grasses and/or Wildflowers.

- a. Prairie Grass - Species as defined in Section 12.2.C.1 of the Design Manual
- b. Wildflower Pockets - Species as defined in Section 12.2.C.2 of the Design Manual
- c. No-Mow Turf - Species as defined in Section 12.2.C.3 of the Design Manual
- d. Naturalized - Species as defined in Section 12.2.C.4 of the Design Manual
- e. Temporary Cover Crop - Species as defined in Section 12.2.C.5 of the Design Manual

4. Prohibited Landscape Materials.

- a. Trees - Species as defined in Section 12.2.D.1 of the Design Manual
- b. Miscellaneous - Species as defined in Section 12.2.D.2 of the Design Manual

E. *Placement.*

1. Clustering. As defined in Section 12.2.E.1 of the Design Manual
2. Staggering. As defined in Section 12.2.E.2 of the Design Manual
3. Landscaping at Driveway and Street Intersections. To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways and streets, in accordance with Section 1121-3 C. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, and/or otherwise does not present a traffic visibility hazard.

F. *Duplicate Planting Requirements.* In instances where multiple planting requirements are applicable within the same area, the more restrictive of the requirements shall control.

G. *Public Street Tree Planting Requirements in All Zoning Districts.*

1. All builders and/or developers are required to plant trees along the public streets of their developments in a manner consistent with the Design Manual. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of

occupancy of each unit.

2. The developer shall be required to maintain and warrant the survivability of public trees for one year after each tree is inspected and approved by the City and planted. During this one-year warranty and maintenance period, the developer shall immediately replace any such tree that fails to survive or that does not exhibit normal growth characteristics of health and vigor. Each public tree replaced during the one-year warranty and maintenance period shall also be warranted and maintained by the developer for a period of one-year. A final inspection shall be made at the end of the warranty period. All such trees not exhibiting healthy, vigorous growing conditions, as determined by the zoning inspector, during the warranty period shall be replaced within one month at the expense of the developer.
 - a. Tree topping. Topping of public trees, as defined within the Design Manual, shall be unlawful as a normal practice for any public tree within the public right-of-way. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this section, as determined by the City.
 - b. Tree maintenance. Public trees shall be maintained in a manner consistent with the requirements as outlined within the Design Manual.
 - c. Reducing treelawn. No person shall by any type of construction reduce the size of a treelawn without first procuring permission from the Designated Enforcement Officer. A person who removes, damages or causes to be removed a public tree from the treelawn or other public place without prior approval shall be required to replace such tree at his/her own expense; the replacement tree shall have a minimum diameter of two inches.

H. Tree Protection.

1. All existing trees shall be preserved by the property owner, developer or person in possession and control of the property. However, the zoning inspector may approve the removal of an existing tree, and issue a permit to do so, when the tree interferes with the proper development of a parcel; provided, that the parcel is the subject of an application for approval of a preliminary or final plat, a zoning certificate, site plan, variance or a conditional use permit, or demolition permit, and one of the following applies:
 - a. The tree is located within a public right-of-way or easement; or
 - b. The tree is located within the area to be covered by a proposed structure or within 12 feet from the perimeter of a structure, and the proposed structure cannot be located in a manner to avoid removal of the tree, while at the same time permitting desirable and logical development of the lot; or
 - c. The tree is located within a proposed driveway, vehicular use area, lot or structure; or
 - d. In the judgment of the zoning inspector, the trees are damaged, diseased, overmature, interfere with utility lines, are an inappropriate or undesirable species, are located in an unsafe manner or are located in an undesirable location
2. Tree Survey and Protection. Prior to any construction or demolition activities on a site containing existing trees, a tree preservation plan including a tree survey of existing trees (including trunk diameter, location and species) must be submitted to the City for review and approval. During all phases of demolition or construction, all steps necessary to prevent the destruction or damage to protected trees, including a 10 foot radius from any

public tree, shall be taken by the owner or developer or person in possession and control of the premises (the “tree preservation area”). All required protective fencing, frame or box, or other physical barrier must be erected around the tree preservation area and approved by the City prior to any construction, demolition or site clearing. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent encroachment and interference of construction vehicles, materials, spoils and equipment into or upon the tree preservation area.

3. The Developer or owner or person in possession of the property shall submit a tree preservation plan to the zoning inspector who may seek recommendations from the Shade Tree Commission. When preparing and reviewing subdivision plans and landscaping plans, the plan shall be designed to preserve natural growth areas. Streets, parcels, structures, and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas and outstanding tree specimens which are unique to the site and not easily replaceable. Developers of land are encouraged to designate heavily wooded areas as open space or park reserves.

I. Tree Replacement.

1. All trees removed during the course of development shall be replaced with the following minimum standards:
 - a. One inch of caliper replacement must be provided for every inch of Diameter Breast Height (DBH) removed from the site.
 - b. To reduce the burden of developing heavily wooded sites, a reduction of 50 percent may be granted for any tree replacement requirements in excess of 30 caliper inches per acre for the entire site.
 - c. Trees with a Diameter Breast Height (DBH) of six inches or less shall not require replacement.
 - d. To incentivize the preservation of large trees, trees with Diameter Breast Height (DBH) of 24 inches or greater at the time of removal shall be measured as double.
2. Tree replacement must be completed prior to issuance of a certificate of occupancy, or by later date as approved in writing by the zoning inspector. Failure to do so shall be penalized as specified within Section 1141-6.

- J. Application Variations.* The City Engineer, who may consult with the zoning inspector or the Shade Tree Commission, may vary the requirements for public trees if it is deemed that the placement of such trees will be in conflict with the placement or operation of any utilities.

Section 1125-5 Vehicular Use Areas

- A. *Extent / Applicability.* Where a vehicular use area or vehicular use area landscaping is legally existing as of the effective date of this code, but does not conform to the provisions of this code, such areas shall be considered legally non-conforming. Upon any expansion to such non-conforming vehicular use area of up to 25 percent of the original area of the location, the provisions within this section shall apply to the area of expansion. Vehicular use area expansions of over 25 percent of the original area of the lot shall be required to bring the entire vehicular use area into conformance with all provisions within this section.
- B. *Perimeter Landscaping.* The requirements for Perimeter Landscaping of vehicular use areas are intended to promote a uniform scheme, to protect the aesthetic quality of areas along public streets, and to minimize conflicts between different land uses.

Vehicular Use Areas adjacent to or abutting any:	Minimum Perimeter Landscape Width	Required Trees (per 100 linear feet)	Required Shrubs (per 100 linear feet)
Public street or private street	20 feet	Two (2) staggered Large or Medium Trees	Thirty (30) staggered deciduous or evergreen shrubs
Residential use or zoning district	25 feet	Three (3) staggered Large or Medium trees and two (2) small trees	Thirty (30) staggered deciduous or evergreen shrubs
Non-residential use or zoning district	10 feet	Two (2) staggered small trees	Thirty (30) staggered deciduous or evergreen shrubs

satisfied concurrently with other buffering requirements, so long as the minimum plantings and buffer widths in this section are met.

3. Allowable vehicle overhang of curb or edge of pavement shall not count toward the required perimeter landscaping area. Such vehicle overhang areas shall be planted with turf and kept free of landscape materials that could interfere with vehicle parking.
4. Perimeter landscape requirements for all vehicular use areas within the Old Hilliard Districts may be satisfied by the construction of a brick screening wall not less than two feet six inches in height and subject to approval by the city planner.

C. *Interior Landscaping.* Any vehicular use area containing more than 4,000 square feet of area or being comprised of 12 or more vehicular parking spaces, shall provide "interior" landscaping that may be peninsular or island in nature and shall be distributed throughout the vehicular use area.

1. All single row parking landscape islands and peninsulas shall be a minimum of 180 square feet in area with a minimum width of nine feet measured from back of curb to back of curb. Each island and peninsula shall contain a minimum of one large or medium tree and four evergreen or deciduous shrubs or ornamental grasses.
2. All double row parking landscape islands shall be a minimum of 240 square feet in area with a minimum width of nine feet measured from back of curb to back of curb. Each island and peninsula shall contain a minimum of two large or medium trees and eight evergreen or deciduous shrubs or ornamental grasses.
3. All interior parking rows shall be terminated at both ends with landscape islands. All parking islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred feet in length.
4. Any area of interior lot landscaping not occupied by trees or shrubs shall be planted in turf or other approved ground cover in an appropriate density to achieve complete cover within two years.
5. If the specific application of the interior landscape requirements will seriously limit the functions of the building site, the city planning staff or Planning Commission shall have the authority to permit consolidation and relocation of these landscaped areas on the building site.

Section 1125-6 Buffering and Screening

A. *Extent / Applicability.* Land use buffers shall be provided in accordance with the standards of this section, provided the city planning staff and/or Planning Commission shall be authorized to modify or waive buffer or landscape planting requirements. When landscape buffer requirements are modified or waived, the city planning staff and/or Planning Commission may require that additional plant material be added within remaining buffers or elsewhere on the site. Buffer requirements may only be waived if it is determined that:

1. Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity and maintenance already exist on the adjacent parcel;
 2. Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading display or service areas; or
 3. The area of required buffers would exceed 25 percent of the site proposed for development.
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- B. *Exemptions.* Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.
- C. *Determination of Required Buffers.* The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table of this Section shall apply:
 1. Determine the type of use proposed for the site that is being developed. This is the “Proposed Use” (Column 1);
 2. Determine the use type that exists on the adjacent parcels. This is the “Use or Zoning of Adjacent Site”;
 3. Identify the type of landscape buffer required along the developing site’s boundary (A, B, C, D, E, or F);
 4. Refer to the “Buffer Types” table to determine the dimensions and landscaping / improvements required within the buffer area.

Table 1125-6

Proposed Use	Use or Zoning of Adjacent Site									
	Residential Type		Civic / Institutional	Business Type		Industrial Type		Miscellaneous Type		
	1	2		1	2	1	2	1	2	3
Residential Type 1	-	A	A	A	A	A	A	A	A	B
Residential Type 2	A	-	A	A	A	A	A	A	A	B
Civic / Institutional	C	C	-	-	-	B	B	B	B	B
Business Type 1	C	C	A	-	-	-	-	-	-	-
Business Type 2	D	D	B	-	-	-	-	-	-	-
Industrial Type 1	D	D	C	A	A	-	-	-	-	-
Industrial Type 2	E	E	D	C	B	-	-	-	-	-
Misc. Type 1	E	E	E	E	E	C	C	-	B	B
Misc. Type 2	F	F	F	E	E	C	C	B	-	C
Misc. Type 3	B	B	-	-	-	-	-	-	-	-

Residential Types: Type 1 = Single family detached, Single family attached, Two family, Bed & breakfast. Type 2 = All other residential uses

Civic / Institutional: Churches, schools and public or semipublic buildings

Business Types: Type 1 = All properties within B-1 and B-2 Districts. Type 2 = All properties within B-3 and B-4 Districts.

Industrial Types: Type 1 = All properties within the M-1 District. Type 2 = All properties within the M-2 District.

Miscellaneous Types: Type 1 = Outside sale or storage of building material or construction equipment. Type 2 = Auto and metal salvage operations and mineral extraction, storage or processing. Type 3 = Any railroad. Any freeway or arterial street prohibiting driveways.

Standard	Buffer Type					
	A	B	C	D	E	F
Minimum Buffer Depth – No landscaping or screening (feet from property line)	20	25	50	60	100	500
Minimum Buffer Depth – With landscaping and screening (feet from property line) (must conform to all minimum standards below)	10	12.5	25	30	50	250
Large or Medium Trees (per 100 feet)	2	3	3	7	9	11
Small Trees (at least 50% to be evergreen variety) (per 100 feet)	2	3	4	4	4	4
Shrubs (per 100 feet)			25	25	40	50
Required screening height for improved buffers (minimum feet above grade) (Privacy fence, wall, earthen mound, shrubs, or combination thereof, subject to approval by City Planner and/or Planning Commission)	-	4'	6'	6'	8'	8'

Section 1125-7 Public Trees

A. Permits required.

1. **Removal of public trees.** A permit from the City Engineer, or designee, shall be obtained prior to the removal and/or replacement of any public tree or shrub. Permit fees shall be waived for private homeowners on single family lots. The person receiving the permit shall abide by the specifications and standards as detailed within the Design Manual.
2. **Excavation near public trees.** No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of 10 feet from any public tree or shrub without first obtaining a written permit from the City Engineer or designee.
3. **Permit requirements.**
 - a. Application for permits shall be made at the office of the City Engineer not less than two business days in advance of the time the work is to be done.
 - b. The City Engineer or designee shall issue the permit if the proposed work is in accordance with the specifications and standards as detailed within the Design Manual.
 - c. Permits shall contain a definite date of expiration and work shall be completed in the time allowed on the permit and in the manner as specified within the Design Manual.
 - d. Notice of completion shall be given within five days to the City Engineer or designee for inspection.

B. City rights and responsibilities.

1. The City shall have the right to plant, prune, maintain and remove public trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
2. The City Engineer or the zoning inspector may order the removal of any public tree that is

deemed to be harmful to sewers, electric power lines, gas lines, water lines or other public improvements.

3. The City Engineer or the zoning inspector may order the removal of any public tree if deemed to be unhealthy or of any species susceptible to disease or infestation or as otherwise specified within the Design Manual.
4. Public trees removed in connection with maintaining or upgrading public facilities shall be replaced by the City in a manner most closely resembling the original configuration and consistent with the standards within the Design Manual.
5. Pruning and maintenance of public trees after the one year warranty required for developers shall be the responsibility of the City. Public trees shall be pruned and maintained at a regular maintenance interval and in accordance to the standards and specifications as detailed within the Design Manual.
6. This section does not prohibit the planting, pruning or maintenance of public trees by private property owners provided that the work is in accordance with the provisions of this chapter and the Design Manual. Fees for all required permits shall be waived for private landowners on single family lots.

C. *Interference with the City.* No person shall hinder, prevent, delay or interfere with the City or any of its agents or contractors while engaged in the execution or enforcement of this chapter. However, nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

D. *Abuse of public trees.*

1. Unless specifically authorized by the City Engineer or the zoning inspector, no person shall intentionally damage, cut, carve, transplant or remove any tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.
2. If abuse of a public tree has occurred, the City shall have the authority to collect damages for replacement of the damaged trees. Any order issued by the City Engineer or zoning inspector shall be served by mailing a copy to the last known address of the property owner by certified mail providing the owner with 14 days to comply. Should the order be returned unclaimed, the City shall send the order via regular mail to the owner's last known address, and shall provide the property owner with 14 days from the date of mailing to comply with the order.

E. *Penalty.* Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (See Chapter 1141 for penalties, including those for Organizations). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person or organization that commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.