

LANDSCAPE REGULATIONS

154.330 INTENT.

Landscaping is an essential element of the site design process and is an important feature in promoting the public health, safety, comfort, convenience and general welfare of St. Joseph County. Landscaping is intended to: mitigate incompatibilities between adjacent land uses; reduce the negative impacts of higher intensity land uses on less intense adjacent land uses; provide a critical visual and noise buffering effect between higher intensity districts and less intense districts; lessen the impact of development on the environment by reducing glare and heat buildup; and, break up large expanses of pavement so as to reduce impervious surface area, storm water run-off and the level of pollutants from non-point sources.

(Ord. 51-05, § 8.08.01, passed 5-10-2005)

154.331 GENERAL LANDSCAPING PROVISIONS.

(A) *Applicability.* Within the unincorporated areas of St. Joseph County, all new developments and all additions to existing development (i.e., building additions, parking area expansions, etc.) shall provide landscaping as required by this subchapter for such new development or addition.

(B) *Location of Landscaping.* Required landscaping areas shall consist of four locations on a site:

- (1) Landscaping of required perimeter yards;
- (2) Foundation landscaping;
- (3) Interior parking area landscaping; and
- (4) Parking area screening.

(C) *Types of landscape screening.* Two types of landscape screening are provided for in this chapter: type 1: open; and, type 2: full screening.

(1) *Type 1: open landscaping.* The type 1: open landscaping creates a pleasant visual experience but provides a minimal visual or sound barrier. Therefore, type 1: open landscaping is intended for use on lots where the district of the abutting lots includes permitted uses with similar intensities, lights, sounds and regular operations and would have minimal, if any, negative impact on adjacent properties. Type 1: open landscaping requires a majority of the landscape materials to be of a shade tree variety with flexibility to add color, interest or heavier visual screening, if desired.

(2) *Type 2: full screening landscaping.* The type 2: full screening landscaping shall be designed to create a substantial visual barrier from grade to at least six feet above grade at time of planting. Type 2: full screening landscaping should also provide a sound

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barrier effect. Type 2: full screening landscaping is intended to be placed on lots in higher intensity districts which abut lots located in lesser intense districts that may be adversely impacted by the lights, sounds and regular operations of the higher intensity district. Type 2: full screening landscaping requires significant use of evergreen trees to provide year-round buffering while allowing flexibility to add color and interest with deciduous trees or shrubs/hedge plants. Any evergreen species that drops its lower branches (e.g., white pines, etc.) shall not be permitted as a "evergreen" tree in a Type 2: full screening landscaping area.



Example of Type 1 – Open Landscaping



Example of Type 2: Full Screening Landscaping

(D) *Live vegetation.* All trees and shrubs required by this chapter shall be living vegetation.

(E) *Ground cover.* Ground cover within landscape areas may consist of: grasses; preserved existing natural vegetation (i.e., thickets); or, mulch, chipped bark or other natural forms of ground cover. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed 20% of the area of the required landscape area in which it is used.

(Ord. 51-05, § 8.08.01A, passed 5-10-2005) Penalty, see § 154.999

154.332 LANDSCAPING OF REQUIRED FRONT YARDS AND REQUIRED SIDE AND REAR YARDS ABUTTING RESIDENTIAL DISTRICTS AND RESIDENTIAL USES.

(A) *Front yards.* The following landscaping requirements apply to any portion of a front yard, including yards along a limited access highway, which are located in any business/commercial district, industrial district, or residential districts for multifamily dwellings, residential districts for a special uses, nonresidential uses in a residential district, and which yard is not occupied by improvements permitted in the applicable district:

(1) *Deciduous shade trees.* A minimum of one shade tree planted for every 40 feet of the applicable lot line. Such trees may be evenly spaced at 40 feet on center or grouped together, provided however, in no case shall spacing between trees exceed 80 feet; or,

(2) *Deciduous ornamental trees.* A minimum of one ornamental tree planted for every 25 feet of the applicable lot line. Such trees may be evenly spaced at 25 feet on center or grouped together, provided however, in no case shall spacing between trees exceed 50 feet.

(B) *Side and rear yards abutting residential districts and residential uses.* Landscaping required in any portion of a side yard or rear yard located in a:

(1) Business/commercial district;

(2) Industrial district; or,

(3) Residential district occupied by a special use or nonresidential use, and which is not occupied by improvements permitted in the applicable district, shall consist of either type 1: open landscaping, or type 2: full screening landscaping as specified below and in Table 154-1: Landscaping Abutting Residential Districts or Residential Uses.

Table 154-1: Landscaping Abutting Residential Districts or Residential Uses								
Zoning of Adjacent Property	Zoning of Subject Property							
	<i>SU / U⁽¹⁾</i>	<i>O/B</i>	<i>O</i>	<i>B</i>	<i>C</i>	<i>L</i>	<i>M</i>	<i>PUD</i>
R	1	1	1	2	2	2	2	(2)
R-2	1	1	1	2	2	2	2	(2)
PUD⁽³⁾	1	1	1	2	2	2	2	(2)
(1) Special use located in a residential district; or U: University District or other special use districts								
2) Landscaping may be type 1: open landscaping or type 2: full screening landscaping and shall be determined as part of the review and determination of the planned unit development								
(3) Residential portion of a PUD								
1. Type 1: open landscaping. See § 154.332(A) above								
2. Type 2: full screening landscaping shall contain a minimum of 4 evergreen trees for every 30 feet of the length of a lot line which abuts a residential district or a residential portion of a PUD district; the trees shall be evenly spaced in a staggered double row where the rows are not more than 12.5 feet apart.								

(C) *Utility easement landscaping.* In those instances where overhead utilities are located within required yards, plant material selections shall be limited to small growing trees

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which typically do not exceed 25 feet in height at maturity. Appropriate utility easement plant materials include: ornamental trees, such as the redbud, dogwood and crabapple; or, evergreen trees (narrow spread), such as the emerald green arborvitae. See § 154.339 for additional limitations.

(D) Note: See § 154.339 for alternate landscape materials or landscape design options.

(Ord. 51-05, § 8.08.01B, passed 5-10-2005) Penalty, see § 154.999

154.333 FOUNDATION LANDSCAPING.

Foundation landscaping shall be provided for all new buildings and building additions in all districts (except for the following: agricultural uses, single family dwellings or two family dwellings) in compliance with the following requirements.



Example of Foundation Landscaping

(A) *Generally.* Foundation landscaping shall be applicable to any elevation of a new building or building addition which:

- (1) Is over 35 feet in width; and,
- (2) Includes the main or primary customer entrance or is oriented toward a front yard.

(B) *Requirements.* When required, foundation landscaping shall be provided at a rate of:

- (1) One shade tree for every 50 feet of width of the applicable elevation;
- (2) One ornamental tree or one evergreen tree for every 35 feet of width of the applicable elevation; or,
- (3) Ten hedge plants or shrubs for every 50 feet of width of the applicable elevation.

(C) *Combined or pro-rated.* The above rates of foundation landscaping may be combined or pro-rated, as necessary, based upon the length of the applicable elevation.

(D) *Dimensions.* Foundation landscaping areas shall maintain a minimum dimension of six feet in the smallest dimension, with a minimum of 36 square feet of foundation landscaping area provided for each tree and for every two hedge plants or shrubs.

(E) *Location.* Foundation landscaping areas shall be located along or adjacent to the applicable building elevation, provided, however, where a portion of the building elevation is devoted to pedestrian ingress/egress, vehicular ingress/egress, loading or drop-off zones, foundation landscaping areas may be aggregated into one or more locations along or abutting such building elevation.

(F) *Relationship to buildings.* Foundation landscaping areas shall be located:

(1) Adjacent to the building; or,

(2) So as to begin within 15 feet of the building (i.e., to allow for a walkway or similar improvements adjacent to the building).

(Ord. 51-05, § 8.08.01C, passed 5-10-2005) Penalty, see § 154.999

154.334 INTERIOR OFF-STREET PARKING AREA LANDSCAPING.

All new surface, off-street parking areas containing 30 parking spaces or more and all expanded surface off-street parking areas which are increased by 30 parking spaces or more, whether such increase occurs at one time or in successive stages, which are located in any commercial/business district, residential district for multifamily dwellings, residential districts for special uses or nonresidential uses, shall be subject to the following regulations:

(A) All such off-street parking areas shall include at least one required interior landscape island for every 30 parking spaces (or fraction thereof), or 10,000 square feet of off-street parking area, whichever yields the greater number.

(B) Each required interior landscape island shall measure a minimum of eight feet by 18 feet.

(C) Each required interior landscape island shall contain a minimum of one deciduous shade tree, one deciduous ornamental tree or one evergreen tree.

(D) Interior landscape islands shall be located at the end of parking bays so as to define vehicular and pedestrian traffic patterns.

(E) All trees shall comply with the size at time of planting as indicated in Table 154-2: Minimum Size at Time of Planting.

(F) Area devoted to interior landscape islands shall be in addition to any required perimeter yard landscaping, foundation landscaping or parking area screening required by this Chapter.

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(G) Off-street parking areas shall include areas used for the parking or display of automobiles, boats, truck or farm equipment associated with a dealership or leasing business.

(H) Off-street parking areas shall not include areas used for semi-truck loading areas, semi-truck maneuvering areas and semi-truck parking areas.



Example of Interior Off-Street Parking Area Landscaping

(Ord. 51-05, § 8.08.01D, passed 5-10-2005) Penalty, see § 154.999

154.335 OFF-STREET PARKING AREA SCREENING.

(A) The regulations of this section shall apply to all new surface, off-street parking areas and expanded surface off-street parking areas for any use except a single family dwelling or two family dwelling.

(B) In addition to perimeter yard landscaping, foundation landscaping and interior parking area landscaping, if an off-street parking area is located: between a front building line and a front lot line; between a side building line and any side lot line abutting a residential district or residential use; or, between a rear building line and any rear lot line abutting a residential district or residential use, the edge of the parking area facing such front lot line, side lot line or rear lot line shall be screened by a compact row of shrubs/hedge plants planted three feet on-center across the front of the parking area and a minimum of 24 inches in height at the time of planting and located between such front lot line, side lot line or rear lot line and the edge of the parking area.



Example of Off-Street Parking Area Screening

(Ord. 51-05, § 8.08.01E, passed 5-10-2005) Penalty, see § 154.999

154.336 MINIMUM PLANT MATERIAL SIZES AT TIME OF PLANTING.

All plant materials specified by this §§ 154.330 through 154.339 shall comply with the minimum sizes at time of planting as specified in Table 154-2: Minimum Size at Time of Planting.

<i>Table 154-2: Minimum Size at Time of Planting</i>	
<i>Plant Category</i>	<i>Minimum Size</i>
Deciduous Shade Tree (a.k.a. Overstory Tree)	2 ½ inch caliper at 6 inches above the ground
Deciduous Ornamental Tree (a.k.a. Understory Tree)	1 ½ inch caliper at 6" above the ground
Evergreen Tree	6' high
Evergreen Tree (Narrow Spread)*	4' high
Hedge Plants / Shrubs	24" high
* Evergreen tree (narrow spread), such as arborvitae, may only be used as an alternate plant material subject to the provisions of § 154.339	

(Ord. 51-05, § 8.08.01F, passed 5-10-2005) Penalty, see § 154.999

154.337 INSTALLATION OF LANDSCAPING.

All landscaping required by this chapter shall be installed prior to the issuance of a final certificate of occupancy for the use on the real estate. If seasons, weather conditions or other conditions beyond the applicants' control create a situation which is not appropriate for the installation of landscaping immediately prior to the issuance of a final certificate of occupancy, the Zoning Administrator may issue a temporary certificate of occupancy pending the installation of landscaping required by this chapter not later than three months after the start of the next planting season after the use of the real estate is commenced. The start of planting seasons shall be March 15 and August 15 of each year.

(Ord. 51-05, § 8.08.01G, passed 5-10-2005)

154.338 MAINTENANCE OF LANDSCAPING.

(A) The owner shall be responsible for the replacement of any required planting, which is removed or dies after the date of planting. Such replacement shall occur within three months after the start of the next planting season.

(B) Failure to maintain required landscape areas shall constitute a violation of this Ordinance enforceable under the provisions of §§ 154.615 through 154.620.

(Ord. 51-05, § 8.08.01H, passed 5-10-2005) Penalty, see § 154.999

154.339 ALTERNATE LANDSCAPE PLAN APPROVAL.

The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate landscape plan prepared in accordance with the following requirements:

(A) *Redistribution of Plant Materials.* The Zoning Administrator may approve a redistribution of plant materials required for perimeter yard landscaping to other locations on the lot, or, a redistribution of plant materials required for a foundation landscaping area to other locations on the lot. The Zoning Administrator shall not have the authority to modify the landscape requirements of this subchapter pertaining to yards abutting residential districts or residential uses.

(B) *Credit for preservation of existing trees and vegetation.* In order to encourage the preservation of existing trees and vegetation, the Zoning Administrator may approve a Preservation Landscape Plan which utilizes the designation of one or more tree save areas in lieu of new plantings within a required yard, a required foundation landscaping area or an interior parking area island. Such Preservation Landscape Plan shall:

(1) Demonstrate that sufficient trees or vegetation shall be preserved to equal or exceed the level of screening required by the basic provisions of this subchapter; and,

(2) Provide that, in the event trees designated for saving in the tree save area are damaged or die within three years of completion of construction on the site, replacement trees shall be planted in the designated tree save area sufficient to provide landscaping which is, at a minimum, equivalent to the minimum requirements of this subchapter for new plantings.

(C) *Alternatives for front yard, side yard and rear yards in all business/commercial districts, industrial districts, residential districts for multifamily dwellings and along a limited access highway.* In order to provide flexibility and creativity in landscape designs, the Zoning Administrator may approve the following plant substitutions in a required front yard, side yard or rear yard:

(1) Hedge plants or shrubs may be substituted for a maximum of 25% of the required number of shade trees (rounded down to the nearest whole number) at a rate of 10 hedge plants or shrubs for each shade tree so replaced;

(2) Hedge plants or shrubs may be substituted for a maximum of 25% of the required number of ornamental trees (rounded down to the nearest whole number) at a rate of six hedge plants or shrubs for each ornamental tree so replaced;

(3) Evergreen trees may be substituted for ornamental trees at a rate of one (1) evergreen tree for each ornamental tree so replaced;

(4) Evergreen trees may be substituted for shade trees at a rate of three evergreen trees for every two shade tree so replaced;

(5) Ornamental trees and shade trees may be substituted with each other at a rate of three ornamental trees for every two shade trees; and

(6) Evergreen trees (narrow spread) may be substituted for evergreen trees at a rate of three evergreen trees (narrow spread) for each evergreen tree.

(D) *Landscaping alternatives abutting residential districts or residential uses.* In order to provide flexibility and creativity in landscape designs, the Zoning Administrator may approve the following plant substitutions abutting residential districts or residential uses:

(1) Hedge plants or shrubs may be substituted for a maximum of 10% of the required number of evergreen trees (rounded down to the nearest whole number) at a rate of ten hedge plants or shrubs for each evergreen tree so replaced;

(2) Ornamental trees may be substituted for a maximum of 10% of the required number of evergreen trees (rounded down to the nearest whole number) at a rate of one ornamental tree for each evergreen tree so replaced;

(3) Shade trees may be substituted for a maximum of 10% of the required number of evergreen trees (rounded down to the nearest whole number) at a rate of one shade tree for each evergreen tree so replaced;

(4) Evergreen trees (narrow spread) may be substituted for a maximum of 10% of the required number of evergreen trees (rounded down to the nearest whole number) at a rate of four evergreen trees (narrow spread) for each evergreen tree; and

(5) In no case shall the total combined percentage of hedge plants or shrubs, shade trees, ornamental trees, or evergreen trees (narrow spread) which are substituted for evergreen trees exceed 25%.

(E) *Foundation landscape alternatives.* In order to provide flexibility and creativity in landscape designs, the Zoning Administrator may approve a foundation landscape plan which includes any combination of shade trees, ornamental trees, evergreen trees, or hedge plants/shrubs, provided that the total amount of plant materials along the building remains proportional to the base requirements of 154.333(B); above.

(F) *Parking area screening alternatives.* In order to provide flexibility and creativity in landscape designs, the Zoning Administrator may approve a parking area screening plan which includes hedge plants or shrubs in combination with: an ornamental or decorative fence; a masonry wall; or, an earthen berm, provided that:

(1) Between a front building line and a front lot line:

(a) The ornamental or decorative fence or masonry wall is not less than 24 inches in height nor more than 36 inches in height, with an open space percentage equal to or less than 70%; or,

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(b) The earthen berm is not less than 24 inches in height nor more than 36 inches in height.

(2) Between a building line and any required side or rear lot line abutting a residential district or residential use:

(a) The ornamental or decorative fence or masonry wall is not less than three feet in height nor more than:

1. Six feet in height if the open space of the fence is less than 20%; or,

2. Ten feet in if the open space of the fence is 20% or greater; or,

(b) The earthen berm has a minimum height of not less than four feet and a maximum height not to exceed ten feet.

(3) The total number of shrubs/hedge plants shall not be reduced by more than 50% of the number of shrubs/hedge plants required in § 154.335, above.

(G) *Fence, wall or berm alternatives.* In order to provide flexibility and creativity in landscape designs, the Zoning Administrator may approve a fence, wall or berm installed in compliance with the following regulations as a substitute for up to 50% of the number of shade trees, ornamental trees or evergreen trees required to be installed in a perimeter yard pursuant to § 154.332.

(1) *Fence or wall in a front yard.* An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping required in a front yard or in a residential district for a special use or nonresidential use, provided such fence or wall used in a front yard shall:

(a) Maintain a minimum height of three feet with a maximum open space of 20%;

(b) Not exceed three feet in height if the open space of the fence is less than 20%; or,

(c) Not exceed four feet in height if the open space of the fence is less than 50% but greater than 20%.

(2) *Fence or wall in a side or rear yard abutting a residential district, residential districts for special uses or residential districts for nonresidential uses.* An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping in a required side yard, rear yard or in a residential district for a special use or nonresidential use, provided such fence or wall shall not exceed:

(a) Maintain a minimum height of six feet with a maximum open space of 20%;

(b) Six feet in height if the open space of the fence is less than 20%;
and

(c) Ten feet in height in any business commercial district or industrial district if the open space of the fence is less than 50% but greater than 20% or greater.

(3) *Berm regulations.*

(a) *Berm in a front yard.* An undulating earthen berm, may be used in conjunction with the landscaping required in a front yard or in a residential district for a special use or nonresidential use, provided such berm shall have a maximum height not to exceed:

1. *Residential district or business/commercial district.* Three feet; or,

2. *Industrial district.* Six feet.



Example of 6' Berm with Mature Landscaping

(b) *Berm in a side yard or rear yard abutting a residential district or residential use.* An undulating earthen berm, may be used in conjunction with the landscaping in a required side yard, rear yard, or in a residential district for a special use or nonresidential use, provided such berm shall have a minimum height of not less than four feet and a maximum height not to exceed 10 feet.

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(c) *Construction of berm.* A berm utilized as a landscaping element shall be constructed in accordance with the following regulations:

1. Each berm shall have a minimum crown width of two feet;
2. Each berm shall have a side slope of not greater than three feet horizontal to one foot vertical;
3. Each berm shall be planted and covered with live vegetation; and,
4. A retaining wall may be used on the side of the berm facing away from the public right-of-way or away from the side lot line or rear lot line.

(d) *General regulations for a fence, wall or berm.* A fence, wall or berm may be used as an element of a landscape plan subject to the following regulations.

1. *Location of fence, wall or berm.* A fence, wall or berm shall be located in such a manner as to not interfere with any regulations of § 154.078.
2. *Design of fence, wall or berm.* A fence, wall or berm shall be designed to not interfere with any walkway or pedestrian/bikeway system serving the site.

(H) *Interior landscape island design alternatives.* The Zoning Administrator may approve a design in which the area devoted to individual interior landscape islands may be aggregated into one or more larger landscape islands. When aggregated into one or more larger landscape islands, such larger landscape islands shall, at a minimum, include the number of trees and area of landscaping as required for individual interior landscape islands, and shall function to: preserve existing trees; create boulevard treatments; create landscape features; create common open space areas for passive recreational activities; or, define vehicular and pedestrian traffic patterns.



Example of Aggregating Interior Off-Street Parking Area Landscaping

(I) *Appeals.* If the Zoning Administrator disapproves of a proposed alternative landscape plan, the applicant may, within five business days, appeal the Zoning Administrator's decision by filing an Administrative Appeal with the Board of Zoning Appeals, stating the reasons and justification for the appeal. Such petition shall be filed consistent with the provisions of §§ 154.555 through 154.565 and any applicable Rules of Procedure.

(Ord. 51-05, § 8.08.01I, passed 5-10-2005) Penalty, see § 154.999