

Chapter 1216: Landscaping and Buffering

1216.01 PURPOSE (NEW)

It is the purpose of this section to promote and protect the public health, safety and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the City. It is further the purpose of this section to:

- (a) Ensure and encourage the planting, maintenance, restoration and survival of trees, shrubs, and groundcover;
- (b) Minimize soil erosion and sedimentation;
- (c) Reduce stormwater runoff and the related costs;
- (d) Protect and enhance property values and aesthetic qualities through quality design and buffering of different land uses; and
- (e) Provide visual screening, where appropriate.

1216.02 APPLICABILITY

- (a) The development standards of this section shall apply to new development and any collective, substantial expansion of existing structures. Substantial expansion of existing structures shall be defined as when the expansion of the structure meets or exceeds 25 percent of the square footage of the building footprint prior to expansion.
- (b) Section 1216.06 shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.
- (c) Where there is no expansion of a structure but the vehicular use area is expanded, the standards of Section 1216.08 shall apply for the newly expanded areas of the vehicular use area.

(d) Exemptions

The following uses and activities shall be exempt from the requirements of this section.

- (1) Single-family, two-family, and three family dwellings shall be exempt from all sections of this chapter except for:

- A. Section 1216.04; and
- B. Section 1216.07(a).

- (2) Any vehicular use area that contains five or fewer parking spaces.

(e) Planned Developments

All development in a PD shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process.

(f) Landscape Plan Required

- (1) When a development is subject to the provisions of this section, a landscaping plan shall be submitted with a certificate of zoning compliance application.

- (2) A landscaping plan shall be submitted with any application for alternative equivalent review if the request includes a variation of the landscaping standards of this chapter.
- (3) The landscaping plan shall demonstrate how the development will comply with the provisions of this chapter, and shall include, at a minimum, the location, size, spacing, species, form, and quality of all existing and proposed materials intended to fulfill the requirements of this section. The landscaping plan should also illustrate topography, the location of all utilities, private irrigation wells and/or any proposed underground sprinkler system or hose bib attachments.

1216.03 INSTALLATION (NEW)

Landscaping required as part of this section shall be installed prior to issuance of an occupancy permit or commencement of use, or at a different date mutually agreed to by the applicant and the Development Code Administrator if weather or material availability justifies a later installation date. In no case shall landscaping installation occur more than one year after the issuance of a certificate of occupancy.

1216.04 LANDSCAPING MATERIALS (NEW)

(a) Existing Landscape Material

- (1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this section in whole or in part provided they meet all requirements of this section.
- (2) The Development Code Administrator shall have the authority to determine if any existing landscape material can be used to satisfy the requirements of this section.

(b) Intersection Visibility

All landscaping shall be subject to the intersection visibility standards established in Section [1208.05](#).

(c) Walls and Fences Used for Landscaping

- (1) Walls and fences used to comply with the standards of this section shall also comply with Section [1208.06](#).
- (2) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this section.

(d) Planting Standards (New)

All plants utilized in the fulfillment of the requirements of this section shall meet the following requirements:

- (1) Plants installed shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition); and

- (2) Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.
- (3) Plant materials should consist of hardy, native and/or drought-tolerant vegetation to the maximum extent feasible.
- (4) All planting materials shall be free of noxious weeds, disease, and pests.
- (5) All trees selected to be protected shall be protected according to ANSI A300 standards.
- (6) Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the City.
- (7) Vegetation shall comply with the minimum size requirements established in [Table 1216-1](#).

TABLE 1216-1: MINIMUM SIZE REQUIREMENTS FOR VEGETATION	
VEGETATION TYPE	MINIMUM SIZE REQUIREMENT
Deciduous Trees (Canopy or Understory)	2 inch DBH
Evergreen Trees	6 feet in height when planted
Shrubs	2 feet in height when planted
Hedges	Size as needed so that the plant materials forms a continuous, unbroken screen within one planting season
DBH = Diameter at Breast Height	

- (8) A list of recommended trees for Middletown is on file with the office of the Development Code Administrator. Substitution can be accepted if approved by the Development Code Administrator.

(e) Species Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the standards of [Table 1216-2](#).

TABLE 1216-2: SPECIES DIVERSITY	
NUMBER OF TREES REQUIRED ON SITE	MAXIMUM PERCENTAGE OF TREES THAT MAY BE OF A SINGLE SPECIES
1-5	100%
6-19	50%
20-39	33%
40 or more	25%

(f) Mounding Specifications (New)

- (1)** Mounding provided in lieu of or in combination with walls, fences, and/or evergreen plantings shall consist of a strip of land as wide as necessary to obtain a maximum slope of 3:1 (angle of repose).
- (2)** Mounding may include rocks and other excavated materials, but one foot of dirt covered by six inches of topsoil shall be provided over the entire mounding. Trees, shrubs, wood, and other non- compactable items shall not be used in the construction of mounding.
- (3)** No mounding will be allowed in any required utility easements, except for perpendicular utility easement crossings. Mounding shall provide adequate access to utility easements adjacent to the mounding.
- (4)** Mounding shall be planted with a ground cover suitable to prevent erosion, and shall be maintained by the private property owner, in conformance with code, on which the mound rests. Other forms of vegetation may also be planted on the mounding.
- (5)** A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.
- (6)** Drainage patterns shall be considered, maintained and/or modified only with the approval of the City Engineer, when mounding is used.
- (7)** The property on which the mound is located is responsible for the maintenance of the mound including but not limited to grass cutting, tree trimming/replacement, etc.

1216.05 TREE PRESERVATION

- (a)** Site planning efforts must preserve natural vegetative areas, to the maximum extent possible through the placement of buildings, streets, and parking areas.
- (b)** Tree preservation is required in the BC District as follows:
 - (1)** All deciduous trees measuring at least a six inches DBH shall be preserved unless such trees are exempted as follows:
 - A.** Trees within public rights-of-way or utility easements, or a temporary construction easement.
 - B.** Trees within the building footprint of proposed structures or within 12 feet from the perimeter of such structures.
 - C.** Trees that are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.
 - D.** Trees removed for necessary drainage purposes.
 - E.** Trees within required vehicular use areas that cannot be preserved for use as required landscaping.

- (2) Preserved trees may be credited toward overall tree density and buffering requirements as follows:
 - A. < 6" DBH = 0 trees
 - B. 6" - 8" DBH tree = 1 tree
 - C. 8"- 12" DBH tree = 2 trees
 - D. 12"- 18" DBH tree = 3 trees
 - E. 19" - 24" DBH tree = 4 trees
 - F. > 25" DBH tree = 5 trees
- (3) Trees to be credited toward buffering requirements must be located in the required buffer area.
- (4) Trees designated to be preserved must be indicated on the plans submitted with the application by establishing tree preservation zones. The boundaries of the zone must be located at the drip line of the trees and marked clearly with fencing and signage. No construction activity, including grading, stacking materials, parking construction equipment or construction traffic is permitted within a tree preservation zone.

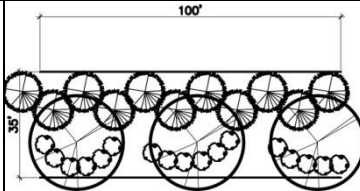
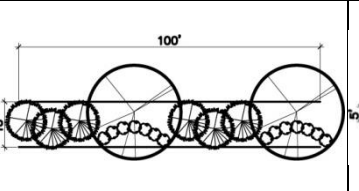
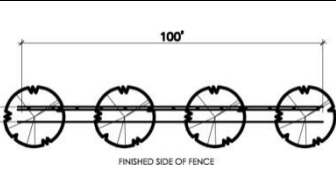
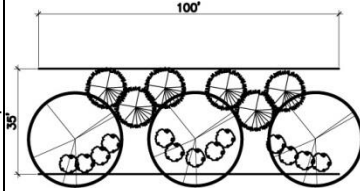
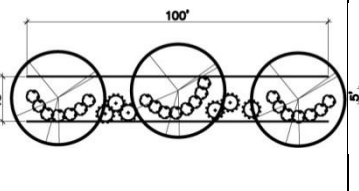
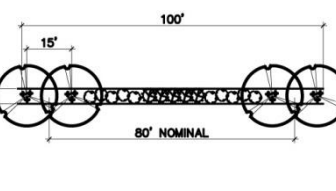
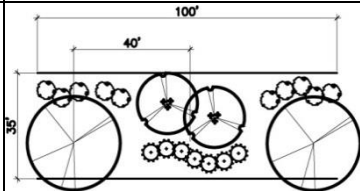
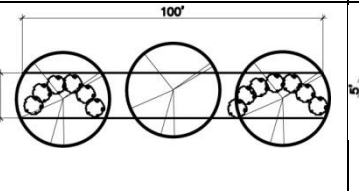
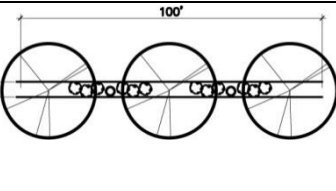
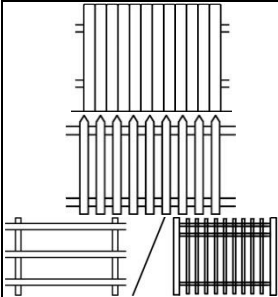







1216.06 LANDSCAPE BUFFERING REQUIREMENTS

Development subject to the requirements of this section shall provide buffering in accordance with this subsection.

(a) Buffer Types

[Table 1216-3](#) describes three different buffering standards in terms of opacity. Where a particular buffer type is required in [Table 1216-4](#), the requirements may be met with the combination of minimum buffer width and planting requirements specified in [Table 1216-3](#) on the following page.

TABLE 1216-3: BUFFER TYPES

	OPTION 1: BUFFER WIDTH 35'	OPTION 2: BUFFER WIDTH 15'	OPTION 3: BUFFER WIDTH 5'
<p>BUFFER TYPE A: OPAQUE</p> <p>This perimeter buffer functions as an opaque screen and prevents visual contact between uses and creates a strong impression of total separation.</p>	 <ul style="list-style-type: none"> • 3 shade trees, 40' O.C. • 11 evergreen trees, 12' O.C. • 17 large shrubs¹, 5.5' O.C. 	 <ul style="list-style-type: none"> • 2 shade trees, 40' O.C. • 6 evergreen trees, 12' O.C. • 14 small shrubs¹, 4' O.C. 	 <ul style="list-style-type: none"> • 4 fastigate trees, 30' O.C. • 6' opaque fence or brick or stone wall
<p>BUFFER TYPE B: SEMI-OPAQUE</p> <p>This perimeter buffer functions as a semi-opaque screen.</p>	 <ul style="list-style-type: none"> • 3 shade trees, 40' O.C. • 6 evergreen trees, 12' O.C. • 13 large shrubs², 5.5' O.C. 	 <ul style="list-style-type: none"> • 3 shade trees, 40' O.C. • 6 large shrubs², 5' O.C. • 22 small shrubs², 4' O.C. 	 <ul style="list-style-type: none"> • Cluster of 2 ornamental or fastigate trees, 80' O.C. between clusters • 10 columnar evergreen shrubs², 4' O.C. • 10 small shrubs², 4' O.C.
<p>BUFFER TYPE C: LIGHT</p> <p>This buffer functions as an intermittent visual obstruction and creates the impression of spatial separation without eliminating visual contact between uses.</p>	 <ul style="list-style-type: none"> • 2 shade trees and clusters of 2 ornamental trees, 40' O.C. between shade trees/ clusters • 2 ornamental trees, 15' O.C. • 17 large shrubs³, 5.5' O.C. 	 <ul style="list-style-type: none"> • 3 shade trees, 40' O.C. • 13 large shrubs³, 5.5' O.C. 	 <ul style="list-style-type: none"> • 3 ornamental or fastigated trees, 40' O.C. • 14 small shrubs or mix of shrubs/perennials³, 4' O.C. or planted in clusters, 40' O.C. between clusters.
 <p>Opaque Fence</p> <p>Semi-Opaque Fence</p> <p>Transparent Fence</p>	 Shade tree: 2.5" caliper  Fastigate Tree: 2.5" caliper  Ornamental Tree: 7' height	 Evergreen tree: 7' height  Columnar evergreen shrub: 6' height  Large shrub: 2'-4' height  Small shrub: 1.5'-2' height	

¹: May substitute shrubs with 6' opaque fence or brick or stone wall

²: May substitute shrubs with 6' semi-opaque fence or brick or stone wall

³: May substitute shrubs with 4' transparent fence or 3' brick or stone wall segments

O.C.: On Center; all On-Center dimensions are approximate

(b) Required Buffers

- (1) [Table 1216-4](#) specifies the type of landscape buffer that a new development shall provide between it and adjacent properties, based on the use of the development site and that of adjacent properties. The buffer type is indicated by a letter corresponding to one of the three buffer types depicted in [Table 1216-3](#).
- (2) Landscape buffers shall only be required along lot lines that are adjacent to lots located within the Middletown municipal boundaries or are located adjacent to residential subdivisions, regardless if the subdivision is within the Middleton municipal boundaries.
- (3) No buffer shall be required in the UC District, except for when a vehicular use area has frontage along a public street, in which case, the vehicular use area shall be buffered with a Type C Buffer.
- (4) A residential subdivision or the construction of a single-family, two-family, or three-family dwelling shall not be required to install a buffer when adjacent to a different use.
- (5) When reviewing a conditional use application, the Planning Commission may require additional buffer treatments or may waive certain requirements based on a case-by-case basis.

TABLE 1216-4: REQUIRED BUFFERS						
ADJACENT TO:	ANY USE IN A R-1, R-2, R-3, OR R-4 DISTRICT	ANY LOT IN AN R-5 DISTRICT	ANY LOT WITH A PUBLIC OR INSTITUTIONAL USE IN A NONRESIDENTIAL DISTRICT	ANY LOT IN A O-1, O-2, B-1, OR UC DISTRICT	ANY LOT IN A B-2, B-3, OR BC DISTRICT	ANY LOT IN AN I-1 OR I-2 DISTRICT
PROPOSED USE:						
Multi-family dwellings and uses in the Group Living Use Category	C	None				
Any Public and Institutional Use	B	C	None			
Any use in the O-1, O-2, or B-1 Districts	B	B	None			
Any use in the B-2, B-3, or BC Districts	A	B	None			
Any use in the I-1 District	A	A	C	None		
Any use in the I-2 District	A	A	C	C	C	None

(c) Alternative Buffering Options

An applicant may propose an alternative to the buffer requirements if approved through the alternative equivalent compliance procedure. See Section [1226.09](#).

(d) Buffer Establishment

Once a buffer has been approved by the Development Code Administrator and established by the owner, it may not be used, disturbed or altered for any purpose unless otherwise permitted by the City.

(e) Location of Buffers

- (1)** The landscape buffer shall be provided along the entire lot line between the two adjacent uses identified in [Table 1216-4](#).
- (2)** Buffers required by this section shall be located completely on the lot subject to the buffer requirement and only along the outer perimeter of the lot where it abuts another lot, and shall extend to the lot line or right-of-way line.
- (3)** The only exceptions to paragraph (2) are:
 - A.** If a landscape buffer, required by this code, is established on the adjacent lot and is permanently protected as a buffer in accordance with the provisions of this code and cannot be removed or disturbed in the future; or
 - B.** If a unique characteristic of the lot (e.g., an existing stand of woods or existing vegetation that is not on the perimeter of the site) would create a better option to the required buffer type.

(f) Development within Required Buffers

The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, except for the following features:

- (1)** Fences or walls;
- (2)** Sidewalks, trails, and other elements associated with passive recreation, if all required landscaping is provided;
- (3)** Signs and light posts;
- (4)** Driveways, access roads, and similar uses if they cross perpendicularly across a required buffer, are designed to limit disturbance of vegetation, and have a maximum width of 24 feet; or
- (5)** Overhead and underground utilities required or allowed by the City.

1216.07 SITE LANDSCAPING

(a) Site Landscaping for Single-, Two-, Three-, and Four-Family Dwellings**(1) Public Space/Front Yards**

- A.** Front yards shall be landscaped with plants and ground covers to enhance the dwelling.
- B.** At least 15 percent of the front yard shall be landscaped with shrubbery, hedges, and flowering types of planting materials.

- C. For purposes of this section the front yard area shall be the minimum front yard setback multiplied by the minimum lot width for the specific development or zoning district in which the dwelling is located.
- D. For corner lots this landscape area shall be increased to 20 percent based on the yard area for a single frontage, however this 20 percent landscaping area may be applied to either or both street frontage.

(2) Trees

- A. A minimum of three trees shall be provided in each front yard area, up to two which may be planted between the sidewalk and the street curb.
- B. Each tree shall be a minimum of one and one-half inch caliper DBH.

(b) Site Landscaping in the BC District

- (1) A minimum of 15 trees per gross acre are required in the BC District.
- (2) This requirement may be met through any of the required landscaping (e.g., buffering, site landscaping, landscaping in vehicular use areas, etc.) as well as tree preservation.
- (3) In order to enhance and soften the appearance of buildings, at least 50 percent of the area within 10 feet of all principal buildings shall consist of planted areas and contain a combination of trees, grass, flowers, shrubs, and other ground cover (See Figure <>. ¹⁶). If foundation planting requirements overlap with buffer requirements in Section 1216.06, the buffer requirements may satisfy this standard.

¹⁶ A new graphic will be added

1216.08 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS

- (a) This section establishes the minimum standards by which vehicular use areas (off-street parking, loading, stacking, and access drives) will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of parking areas.
- (b) Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bollards, wheel blocks, or curbing (See Section 1218.04(g)(5).) to avoid damage by vehicles.
- (c) **Applicability**
Unless otherwise stated, this section shall apply to any lot that contains 20 or more parking spaces.
- (d) **Perimeter Areas Adjacent to Public Streets (New)**
 - (1) Vehicular use areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than five feet in width, not including the sidewalk or any other paved area.
 - (2) The landscape strip shall be planted with one tree for each 40 linear feet or fraction thereof and shall include a hedge, wall, or other opaque durable landscape barrier, which will be at least two feet in height at maturity, along the entire length of the landscape strip. See Figure 1216-A. The landscape strip shall be covered with grass or other ground cover, e.g. wood chips.



Figure 1216-A: The above image illustrates an example the provision of a two-foot landscape barrier along the street right-of-way.

- (3) If the above two-foot landscape barrier is constructed of non-living materials, one shrub or vine shall be planted every 10 feet along the barrier.
- (4) The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscape treatment.

- (5) Any public right-of-way or areas reserved for future rights-of-way in compliance with the adopted thoroughfare plan shall not be used to satisfy the requirements of this section. The Development Code Administrator may waive this requirement if, with consultation from the City Engineer, they determine that thoroughfare will not realistically be expanded due to the existing development adjacent to the right-of-way or lack of need for future expansion.
- (6) Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area.

(e) Interior Parking Area Landscaping Required

- (1) Such landscaping shall be in addition to landscaping adjacent to public streets and screening requirements as specified in this chapter.
- (2) A minimum of five percent of the total vehicular use area shall be used for interior landscaping areas for every parking space.
- (3) The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in Section 1216.08(d), and shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area. See Figure <>. ¹⁷



Figure 1216-B: The above images show different options for landscaped islands with the top image illustrating landscaped islands that run the full length of parking spaces. The bottom image illustrates a smaller landscaped island at the end of a parking bay.

- (4) Landscape islands shall have a minimum size of 180 square feet within a minimum dimension of eight feet in any direction to provide a suitable living environment for the landscaping.
- (5) If an existing tree is to be used to meet the requirements of this subsection, the landscape island shall be equal in size to the tree's drip line area to protect the root system of the existing tree.

¹⁷ A new graphic will be added

- (6) At least one deciduous tree and two shrubs must be provided per ten parking spaces within landscape islands, provided there is no impairment to visibility of motorists or pedestrians. In no case shall there be less than one tree and three shrubs planted in each landscaped island.

1216.09 PEDESTRIAN AMENITIES IN THE BC-H

- (a) Pedestrian amenities shall be required in the BC District and include outdoor pedestrian plazas with benches, outdoor dining, outdoor playground area, water features, clock towers, public art, or similar outdoor feature that provides an amenity and/or focal point for pedestrians.
- (b) At least one square foot of pedestrian amenities per off-street parking space is required in the BC-H Sub-district.
- (c) Pedestrian amenities should be placed in front of a building near the public sidewalk or near building entrances.
- (d) Pedestrian amenities may be provided as an alternative to buffer requirements along arterials and foundation planting requirements, as follows:
 - (1) The length of perimeter landscaping for which landscaping is required may be reduced by the length of street frontage for which pedestrian amenities are provided.
 - (2) The area within ten feet of a building for which foundation planting areas are required may be reduced by the area for which pedestrian amenities are provided.

1216.10 SCREENING REQUIREMENTS

(a) General Requirements

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(b) Screened Items

- (1) The following areas shall be screened in accordance with this section:
 - A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
 - B. Off-street loading areas;
 - C. Pipes, conduit, and cables associated with the building or use;
 - D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
 - E. Ground-level or façade-mounted mechanical equipment and utility structures; and

- F.** Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2)** Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent residential lots.
- (3)** All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.

(c) Screening Methods

- (1)** The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
 - A.** Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 1216-C.](#)); or
 - B.** An opaque fence or wall consistent with the standards for Buffer Type A in Section [1216.06\(a\)](#); or
 - C.** Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.
- (2)** The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code including, but not limited to, Section [1208.06](#).
- (3)** Alternative screening materials that are not listed or alternative configurations may be proposed as part of an alternative equivalent review application. See Section [1226.09](#).
- (4)** To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.



Figure 1216-C: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

(d) Configuration of Vegetative Materials

In cases where vegetative materials are used for screening in accordance with this subsection, the vegetative materials shall:

- (1)** Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;
- (2)** Be configured in two staggered rows or other arrangement that provides maximum screening;
- (3)** Be upright, large evergreen shrubs or a hedge and be capable of reaching at least six feet in height within three years of planting; and
- (4)** Be spaced no farther than necessary to create an opaque screen when the shrubs or trees are fully grown. In no case shall trees used for screening be spaced further than eight feet apart on center.

1216.11 MAINTENANCE

- (a)** The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (b)** All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (c)** Violation of these installation and maintenance provisions shall be subject to the enforcement provisions of [Chapter 1228: Enforcement and Penalties](#).