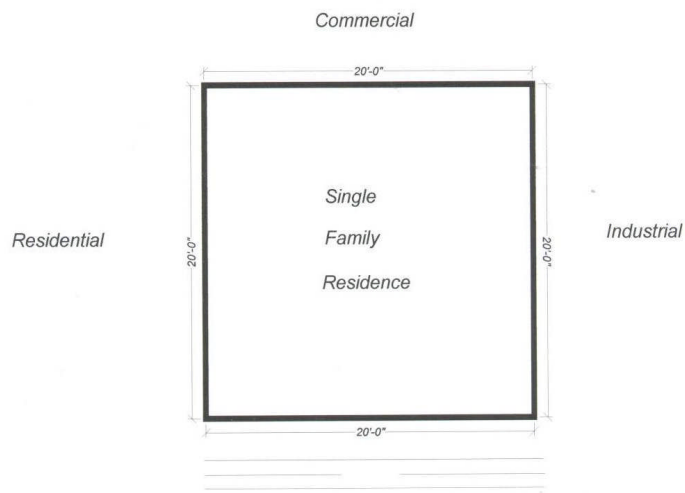


CHAPTER 32

LANDSCAPING REGULATIONS

The following is a summary of perimeter landscaping required by this Code. It is intended to provide the basic criteria necessary for new development in the Township as it pertains to buffers between non-compatible land uses.

Landscaping Requirements for a Single Family Residence;



The following is a listing of the landscaping requirements for a single family residence when constructed next to the non-compatible land use shown above:

Single Family Residence next to R-1-R-4

None

Single Family Residence next to B-1 & B-1

None

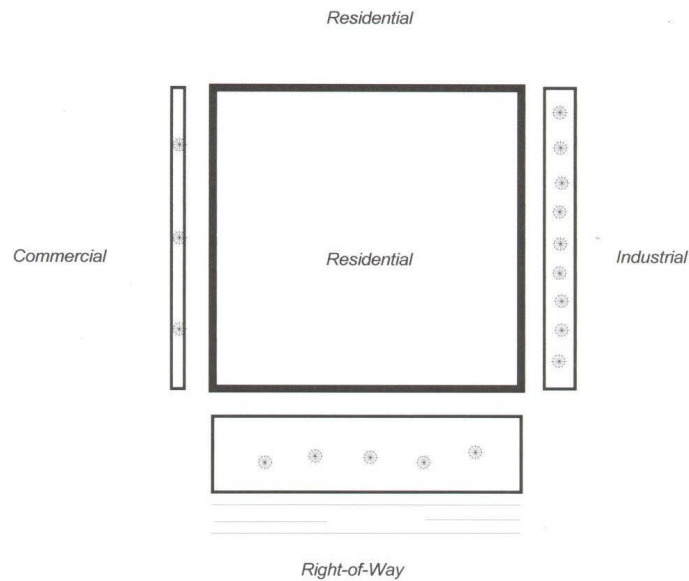
Single Family Residence next to M-1 & M-2

None

Single Family Residence next to Public Right-of-Way

None

Landscaping Requirements for a One or Two Family Subdivision;



The following is a listing of the landscaping requirements for a one or two family subdivision when constructed next to the non-compatible land use shown above:

Residential Subdivision next to R-1 & R-2

None

Residential Subdivision next to B-1 & B-2

A ten foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall require 1 tree every 40' plus a 6' continuous fence, wall, hedge or earth mound

Residential Subdivision next to M-1 & M-2

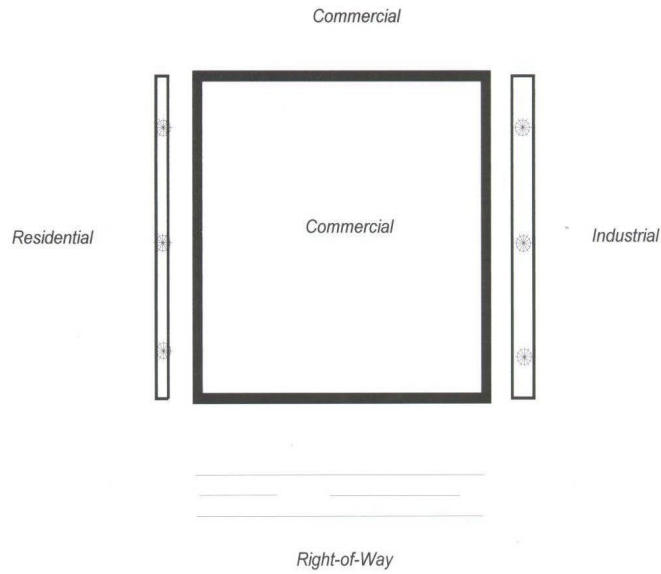
A twenty foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall consist of 1 tree every 10', plus a 6' continuous fence, wall, hedge or earth mound

Residential Subdivision next to Public Right-of-Way

None, unless located adjacent to US 22-3 or State Route 48, then the requirement shall be as follows:

A fifty foot buffer zone to be required along the frontage.
The buffer shall require 1 tree every 20' plus a 6' continuous fence, wall, hedge or earth mound.

Landscaping Requirement for a New Commercial Property;



The following is a listing of the landscaping requirements for a commercial property when constructed next to the non-compatible land uses shown above:

Commercial Property next to R-1 & R-2

A ten foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall require 1 tree every 40' plus a 6' continuous fence, wall, hedge or earth mound

Commercial Property next to B-1 & B-2

None

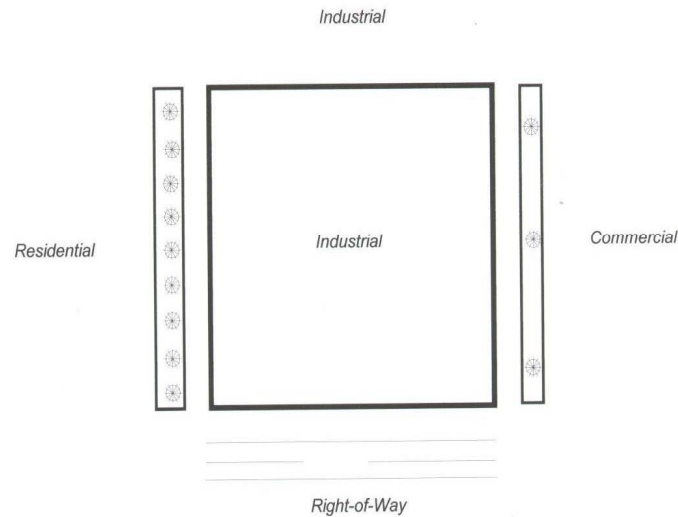
Commercial Property next to M-1 & M-2

A fifteen foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall require 1 tree every 40', plus a 6' continuous fence, wall, hedge or earth mound

Commercial Property next to Public Right-of-Way

None

Landscaping Requirements for an Industrial Property;



The following is a listing of the landscaping requirements for an industrial property when constructed next to the non-compatible land uses shown above:

Industrial Property next to R-1-R-4

A twenty foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall require 1 tree every 10', plus a 6' continuous fence, wall, hedge or earth mound

Industrial Property next to B-1 & B-2

A fifteen foot buffer zone adjacent to all common boundaries except the street frontage.
The buffer shall require 1 tree every 40' plus a 6' continuous fence, wall, hedge or earth mound

Industrial Property next to M-1 & M-2

None

Commercial Property next to Public Right-of-Way

None

32.1 Preface: Trees are recognized as a valid asset to the community, providing a more healthful and beautiful environment in which to live. Trees and other vegetation provide oxygen, shade, protection from the wind, glare, noise, blight, view barriers, aesthetics and a positive psychological counterpoint to a man-made setting. Landscaping is economically beneficial in attracting new residents, visitors and industry. When grown in the right place and of proper varieties, landscaping enhances the value and marketability of property and promotes the stability of desirable neighborhoods and commercial and industrial areas.

32.2 Intent and Purpose:

A. The intent of this chapter is to improve the appearance of vehicular use areas and property abutting public right of way; to require buffering between non-compatible land use; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

B. It is the purpose of this chapter to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities for nuisances. In the event there is a conflict between the requirements of this Landscape Code and any other Hamilton Township Resolution or with any State or Federal Law or Regulation, the more restrictive regulation shall apply.

C. The is further the intent and purpose of this Ordinance:

To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground water recharge and storm water runoff retardation, while at the same time aiding in noise, glare, blight and heat abatement;

1. To ensure that the local stock of native trees and vegetation is protected and replenished;
2. To provide visual buffering and enhance the beautification of the Township;
3. To safeguard and enhance property values and to protect public and private investment;
4. To preserve and protect the identity and environment of the Township and preserve the economic base attracted to the Township by such factors;
5. To conserve energy;
6. To protect the public, health, safety and welfare.

32.3 Applicability

- A. This Chapter shall apply to new property development and any collective substantial expansion of existing structures, except which are otherwise exempted by the following section. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 - and larger	10% or Greater

- B. The following lots shall be exempted from compliance with this Chapter:
1. Lots in R-1 through R-4 Residential Districts which are used for single-family or two family dwellings, except that when such lots are part of a new subdivision, perimeter landscaping is required.
 2. Any lot used for a single-family or two family dwelling which is a valid non conforming use in a nonresidential district.
 3. Golf courses, parks, playgrounds and similar types of uses, except that any new golf course, park, playground or similar type of use shall provide the required perimeter landscaping.
 4. Parking lots with five (5) or fewer spaces.

32.4 General Requirements for Submission: Landscaping plans shall be prepared by and/or certified by a design professional practicing within their area of competence. The landscaping plans shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 50' (The Township does reserve the right to request the submission of plans on a larger scale) and shall include the following information:
1. North arrow and scale.
 2. The name of the applicant/owner.
 3. The name, address and phone number of the person or firm responsible for the preparation of the landscaping plans.
 4. The dates the plans are submitted or revised.
 5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences, and other permanent features to be added and/or retained on the site.
 6. All existing plant material to be removed or retained.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. Contour lines to be shown of the grades are in excess of six (6) percent slope.
 9. Proposed elevation at sufficient locations and exiting elevations of the site to clearly show the drainage patterns.

10. All property lines and easements.

- B. Included on all plans shall be a table listing the existing plant material to be retained and all proposed plant material within the landscaped area. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the plant material selection.
- C. Details shall be shown for the planting of trees, shrubs and ground cover within the landscaped area.
- D. All landscaping plans shall indicate the location of one or both of the following:
 - 1. Outside hose attachment; or
 - 2. An irrigation plan which shall include the following:
 - a. Location and type of sprinkler heads.
 - b. Size and mainline of irrigation piping.
 - c. Location of size of water meter.
 - d. Location of backflow prevention device.
 - e. Location and size of all valves.
 - f. Location of irrigation controller.

32.5 Approval Process: Criteria of approval for landscaping plans shall be as follows:

- A. No Township zoning certificate or Warren County building permit shall be issued unless the following criteria has been fully satisfied with regard to an approved landscaping plan:
 - 1. Such plan has been fully implemented on site; or
 - 2. Such plan because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Township in the form acceptable to the Township Law Director and secured by a letter of credit, cash escrow, or other instrument acceptable to the Township Law Director in the amount equal to the cost of such installation plus a ten (10) percent allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.
- B. No development plan within a Planned Unit Development (PUD) shall receive final approval unless a landscaping plan has been submitted and approved as part of the Stage III Final Site Plan Hearings.

32.6 Minimum Landscape Requirements: This section describes the minimum requirements that shall be met in regard interior landscaping and perimeter landscaping for non-compatible land use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of land.

- A. Interior Landscaping Requirements: All new developments, regardless of type, and all alterations or expansions to existing developments shall provide interior landscaping. Interior landscaping shall consists primarily of new tree planting or the preservation of existing trees or hedges within the development site.
 - 1. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches as measured four and one-half feet from grade 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 approved by the County Engineer.
- b. Trees within the ground coverage of proposed structures or within twelve (12) feet from the perimeter of such structures.
- c. Trees that in the judgment of the zoning inspector 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.

It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting of such trees on a lot.

- 2. Preservation of wooded areas: It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas shall be maintained as a neutral area.
- 3. Tree planting requirements: For all new developments, the following landscape requirements shall apply:

<u>USE</u>	<u>MINIMUM REQUIREMENTS</u>
All Residential Districts, excluding lots used for single and two family dwellings.	One tree per 500 square feet, or fraction thereof, of living area or occupied area for all structures, each having a minimum of 2" caliper in size.
B-1 and B-2 Commercial	In addition to the tree planting requirements for residential districts shown above, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
M-1 and M-2 Industrial Districts	In addition to the landscape area requirements for commercial districts shown above, the following shall apply: there shall be tree plantings equal to one (1) tree for each 1000 square feet, or fraction thereof, of building or structure area.

For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this Chapter, the applicant or owner shall indicate on the landscaping plan the location and size of such plantings.

- B. Perimeter Landscaping Requirements: Unless otherwise provided, it is the intent that landscaping materials shall be installed to provide a minimum approximately fifty (50) percent winter opacity and approximately seventy (70) summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge or earth mound within four (4) years of installation. In some cases, a fence or wall may be approved as appropriate. The required landscaping shall be provided in buffer zones in certain zones or adjacent to vehicular use areas. A plant list shall be maintained at the Township Building to provide more detailed information on acceptable plant material.

Property Perimeter Requirements shall be as shown in Table 1, as footnoted, on the following pages:

Table 1

Perimeter Landscaping Requirements			
A.	B.	C.	D.
When the following:	...is adjacent to or abuts the following or vise versa:	the minimum landscaping (within a minimum buffer zone of this average width ((with 3' as the least dimension)) is required. See footnote 3.).	...which will contain material to achieve opacity required.
1. Any Residential Zone.	Mobile Home Park.	10' adjacent to all common boundaries.	1 tree/40' of lineal boundary, OFT, (#2) including street frontage from Group A, B, C or D. Plus a continuous combination 6' high planting, hedge, fence or earth mound with no single material being used for more than 150 lineal feet. Alternate materials used for breaks must run for a minimum of 15 lineal feet. (#4)
2. Any Residential Zone.	Any Commercial Zone or institutional use.	10' adjacent to all common boundaries except street frontage.	Same as 1D except only Group A or B.
3. Any Residential Zone.	Any Industrial Zone.	20' located as above. (2C)	1tree/10 feet of lineal boundary, OFT(#2) from Group A, B, C or D with a minimum of 30% from Group D. Plus a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 lineal feet. Alternate materials used for breaks must run for a minimum of 15 lineal feet. (#4)
...continued...			

Table 1, continued

Perimeter Landscaping Requirements			
A.	B.	C.	D.
When the following:	...is adjacent to or abuts the following or vice versa:	the minimum landscaping (within a minimum buffer zone of this average width ((with 3' as the least dimension)) is required. See footnote 3.).	...which will contain material to achieve opacity required.
4. Any Residential Zone.	A freeway, arterial or collector street.	50' located adjacent to all common boundaries.	1 tree/20' of lineal boundary (OFT). Group A, B, C or D with a minimum of 30% from Group D. Plus a continuous combination 6' high planting, hedge or earth mound with no single material being used for more than 150 lineal feet. Alternate materials used for breaks must run for a minimum of 15'. (#4)
5. Any Commercial Zone.	Any Industrial Zone.	15' located as above. (4C)	Same as 2D.
6. Any Zone except Residential.	A freeway or arterial street prohibiting driveways.	10' adjacent to freeway or arterial.	1 tree/30',OFT, Group A plus continuous 6' High planting, hedge, wall, fence or earth mound.
7. Any Zone except Industrial.	Railroads.	Same as 6C, adjacent to railroad boundaries.	Same as 6D.
8. Any property boundary, including street right-of-way.	Utility substations, junk yards, landfills, sewage plants or similar uses.	15' adjacent to all boundaries except only 5' for utility substations measured adjacent to the enclosure.	Same as 6D.

See footnotes on next page

C. Vehicular use area perimeter requirements.

In addition to the requirements shown in Table 2 on the following page, parking lots shall have a perimeter buffer zone with a minimum width of 6½ feet containing evergreen plant material that will achieve an effective, dense screen of a height of at least three (3) feet at the time of installation. Perimeter buffer zone shall also contain deciduous trees.

Table 1 Footnotes

(#1) Grass or ground cover shall be planted on all portions of the buffer zone not occupied by other landscape material.

(#2) OFT means or fraction thereof. Trees do not have to be equally spaced, but may be grouped.

(#3) Six feet shall be the least dimension for any commercial zone or industrial zone with three feet as the least dimension for any other zone.

(#4) Depending on the site topography, buffer zones may have to be relocated to obtain the desired screening effects. This determination will be made at the discretion of the appropriate governing body.

Table 2

Vehicular Use Area Perimeter Landscaping Requirements

A.	B.	C.	D.
When the following:	...is adjacent to or abuts the following or vice versa.	the minimum landscaping (within a minimum buffer zone of this average width ((with 3' as the least dimension)) is required. See footnote 3.).	...which will contain material to achieve opacity required.
1. Any property in any zone.	Any vehicular use area (See #2) on any adjacent property,	10' adjacent to portion of vehicular use area that faces adjacent property; 4' minimum to all trees from the edge of the paving where vehicles overhang.	1 tree/40' of boundary of vehicular area OFT, (See #4). Group A, B, or C, plus a 3' average height continuous planting, hedge, fence, wall or earth mound.
2. Any public or private street right-of-way or access road or service road, except a freeway.	Any vehicular use area in any zone.	Same as 1C above, except applies to VUA (#2) portion facing a public or private street.	1 tree/40' OFT from Group A or B, plus 3' average height continuous planting, hedge, fence, wall or earth mound.
3. Same as 2A.	Any vehicular use area in a vehicular sales facility, the entire street frontage.	Same as 2C.	1 tree/30', OFT, from Group A or B, with at least a 3" caliper along the entire street frontage plus a 3' average height continuous planting, hedge, fence, wall or earth mound along at least 75% of the street frontage. The remaining street frontage, not to exceed 25%, shall include a 12' vegetation planting. (See #5).

See footnotes next page

D. Interior Landscape Requirements for Vehicular Use Areas.

Landscaping for any outdoor parking area shall be provided around the perimeter as indicated in the matrix in Section 32.6.B. Parking areas containing five (5) or more spaces shall provide for perimeter landscaping. Parking areas included in commercial or industrial district parcels of two (2) acres or more, shall provide interior landscaping of the peninsular or island types or un-compacted, well drained soil as well as perimeter landscaping. For each 100 square feet or fraction thereof of vehicular use area, at least five square feet of landscaping area shall be provided.

1. Minimum Area. The minimum landscape area permitted shall be 64 square feet with a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang.
2. Maximum Contiguous Area. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size in parking areas less than 30,000 square feet and no individual area shall be larger than 1,500 square feet in parking areas over 30,000 square feet. In both cases, the least dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

Table 2 Footnotes

(#1) These provisions may be included within the property perimeter requirements as set forth in Table 1, where landscape buffer zones are also applicable.

(#2) A vehicular use area (VUA) is any open or un-enclosed area containing more than 1800 square feet of area and/or used by five or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sale and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph and where intervening curbs, sidewalks, landscaper strips, etc., do not eliminate adjacency.

(#3) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.

(#4) OFT means Or Fraction Thereof.

(#5) Purpose Statement: The intent of these requirements is to improve the appearance of vehicular use areas and property abutting streets. The vehicular use area perimeter requirements for vehicular sales facility allows the creation of picture frame(s) along streets for vehicular sales display. The following formula shall be used to determine the display area allowed per street frontage: Linear Distance of Street Frontage (from lot line to lot line or from lot line to corner in feet) x .25 = Display area (in feet). Vehicles in the display area shall be parked at grade. Screening requirements for the remaining vehicular use areas at installation is increased and the spacing between trees is reduced. These requirements will help mitigate the glare from artificial lights.

3. Minimum Tree Specification. A 2" diameter tree for medium and large trees and 1¼" diameter tree for small trees (as measured 6 inches above ground) shall be planted for each 5000 square feet of total ground coverage, structures and pavement for vehicular use. Refer to the plant list for a listing of trees.

To retain visibility, trees shall have a clear trunk of at least five feet above grade. The remaining area shall be landscaped with shrubs and/or ground cover not to exceed three (3) feet in height.

4. Vehicle Overhang. Parked vehicles may hang over the interior landscaped area no more than 2½ feet. Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration on the landscaped area.

E. Landscaping for Service Structures

Service Structures shall be screened from view from residential districts and from the street in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, propane tanks, dumpsters, utility vaults which extend about the surface and other equipment or elements providing service to a building or site, but shall not include water meter pits, electrical transformers and fire hydrants. Structures may be grouped together, however, screening height shall be based upon the tallest of the structures.

1. Location of screening. A continuous (having one hundred (100) percent opacity) planting, hedge, fence, wall of earth, which would enclose any service structure on all sides unless the structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height requirement set out in this section. No interior landscaping shall be required within an area screened for service structures.
2. Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material or other protective measures. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

F. Landscape Requirements as a Screen Around Service Areas and Particular Accessory Uses

1. Screening of Service and Storage Areas. For all property which is subject to the requirements of this Landscape Code, all areas used for service storage and loading/unloading activities shall be screened from adjacent residential properties and the public right-of-way. Screening shall consist of continuous walls, fences, natural vegetation, earth mound or acceptable combination of these elements, provided that the screening must be at least six (6) feet high and located not less than three (3) feet from the property line. Fences or walls shall be located not less than twelve (12) inches from the property line. Natural

vegetation shall have a minimum opaqueness of seventy-five (75) percent during full foliage when viewed from between two and five feet from the ground. Full opaqueness shall be achieved not more than three (3) years from planting. The use of year round vegetation, such as pines, spruce, fir and evergreens, is encouraged. No interior landscaping shall be required within a service or storage area.

2. Screening and Landscaping of Accessory Uses. In all districts, except lots used for single family and two family dwellings in Residential Districts, the following accessory uses shall be screened or landscaped so as to shield them from direct view from adjacent properties and/or enhance their appearance:
 - a. Prefabricated metal or wood storage sheds.
 - b. Satellite dish-type antennas or receivers.

Such landscaping shall consist of plantings of not less than six (6) feet in height. The use of year-round vegetation, such as pines, spruce, fir and evergreens is encouraged

- G. Location of Landscape Areas. The landscape buffer zone and material required adjacent to any street under this Chapter shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape buffer zone and materials:

1. May be placed on either adjoining parcel or astride the boundary, if both are owned and being processed by the same owner; or
2. Generally shall be placed on the activity listed under Table 1, column B, when adjoining parcels having different owners; or
3. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Planning and Zoning Department, as a public record; or
4. Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Table 1, lines 7 and 8; or
5. Shall not be required along the common boundary if the requirements of this Chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this Chapter; or
6. In the case of a zoning or use change, the property of the newly created zone or use change will provide the buffer zone.

- H. Requirements conflicts. Whenever a parcel or activity falls under two or more of the categories listed in the Table 1, only one category, that with the most stringent requirements shall be enforced.

1. Landscape Area conflicts. The required landscape area may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape area more than two and

one-half feet and wheel stops or curbs shall be required. Trees shall not be planted within five (5) feet from water and sanitary sewer mains.

2. Existing landscape material. Existing landscape material in good shape shall be shown on the required plan with provisions to protect existing trees and any material in satisfactory condition may be used to satisfy these requirements in whole or part when, in the opinion of the zoning inspector, such materials meets the requirements and achieves the objectives of this Chapter.
 - a. Landscaping at driveway and street intersections. To insure that landscape materials do not constitute a driving hazard, a Clear View Area shall be observed at all street intersections or intersections of driveways with streets. Within this Clear View Area, no landscaping material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within the Clear View Area, trees shall be permitted as long as, except during early growth stages, only the tree trunk is visible between grade and eight (8) feet above grade or otherwise does not present a traffic visibility hazard in the opinion of the zoning inspector. The Clear View Area defined in the previous sections, is illustrated in Section 21.6.
 - b. Driveway intersection in the Clear View Area. At intersections of driveways with streets, the Clear View Area shall be established by locating the intersection of the street curb with the driveway edge and by measuring from this point a distance of twenty (20) feet along the street curb to a point and connecting these points.
 - c. Street intersection Clear View Area. At street intersections, the clear View Area shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points.

I. Landscape Materials.

1. Earth Mounds. Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. 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. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:
 - a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the zoning inspector to ensure that proper erosion prevention and control practices have been utilized.
 - b. Berms and earthforms shall be designed with physical variations in height and alignment throughout their length.
 - c. Landscape plant material installed on berms and earthforms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
 - d. The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques to demonstrate compliance with the above provisions.

- e. Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
 - f. No part of any berm or earthform which is elevated more than eighteen (18) inches above natural grade shall be located within twenty feet (20) feet of any right of way or property line.
2. Walls and Fences. When walls and fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be allowed when used to satisfy bufferyard and landscaping requirements.
3. Plants. All plants are to be living and part of the acceptable plant list identified in this Chapter. Plant materials used in conformance with the provisions of this section shall have passed any inspection required under state regulations. 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 containers.
- a. Deciduous Trees. Deciduous trees shall have a minimum caliper of at least 2 inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Section must be used to create a dense buffer.
 - b. Evergreen Trees. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of fifteen (15) feet on center to provide an effective, dense screen within four (4) years of planting.
 - c. Shrubs and Hedges. Shrubs and hedges shall be at least thirty-six (36) inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within four (4) years after the date of the final plat approval. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.
4. Grass and Ground Cover. Grass of the Fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted or other species normally grown as permanent lawns in Warren County. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Warren County Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one (1) foot on center to provide seventy-five (75) percent complete coverage after two growing seasons.
5. Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times.

All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first; while other defective landscaping material shall be replaced or repaired within three months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Department to refuse a certificate of zoning occupancy or institute legal proceedings.

6. Pruning and Growth Inhibitors. Landscaping materials used to fulfill code requirements or conditions or approval, as authorized by the Township Trustees, Board of Zoning Appeals or Zoning Commission, may not be pruned or otherwise treated so as to reduce the overall height or level of opacity required. Landscape materials are intended to grow, spread and mature over time; and pruning and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance and to preserve the relative health of the material involved. The use of growth inhibitors is not permitted to be used on any plant material used to fulfill code requirements or conditions of approval.
- J. Planting Materials. Developers are requested to refer to the Planting Manual and Plant List, which are available at the offices of the Township Building for minimum requirements to use as guidelines in meeting the provisions of this Chapter.

32.7 Appeals and Variances

If the Zoning Inspector disapproves a landscape plan submitted by any person, such person may appeal such decision within 30 days of such decision by filing an application to the Hamilton Township Board of Zoning Appeals, pursuant to Chapter 26 of the Hamilton Township Zoning Code.

If the Board of Zoning Appeals or Township Trustees disapprove a landscaping plan submitted by any person, such person may appeal such decision within 30 days of such decision by filing a petition in the Court of Common Pleas of Warren County, Ohio as an appeal pursuant to the Ohio Revised Code provisions regarding administrative appeals.

- A. Upon application of any person, the Hamilton Township Board of Zoning Appeals or Township Trustees may authorize a variance from the terms of this Chapter as will not be contrary to the public interest where, owing to specific conditions, a literal enforcement of the provisions of this Chapter would result in practical difficulties. In evaluating a request for a variance, the governing body shall include, but not be limited to the following criteria:
 1. The specific condition(s) which are unique to the applicant's land and do not exist on other land within the same zone.
 2. The manner in which the strict application of this Chapter would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone.
 3. The unique conditions and circumstances are not self-created after the adoption of the Chapter; and
 4. Reasons that the variance shall preserve, not harm the public safety and welfare and shall not alter the essential character of the neighborhood.

All applications for a variance shall be accompanied by the same fee required to file a variance

request from the Zoning Code.

32.8 Violations and Enforcement

No person shall use, construct, change, modify or maintain any property in violation of the provisions of this Chapter. Without limitation, the Township shall enforce compliance with the provisions of this Chapter by criminal action, civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, refusal of zoning compliance certificate and any other enforcement procedure or measure available to the Township under law.

32.9 Penalty

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00 for each offense. Each and every day during or on which a violation occurs or continues shall be deemed a separate offense.

Plant Lists

The following plants are representative of those to be utilized in the bufferyard as indicated in the matrix in Section:

PLANT LIST A

Shade Trees

These trees are deciduous and reach a mature height as indicated by the following: Large -60', Medium -40', Small - 20'. Other shade trees which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscape or bufferyard area.

Large Trees

Common Plant Names	European Beech	Norway Maple
Plant Botanical Name	Fagus sylvatica	Acer platanoides
Specie Cultivars		Columnaire Crimson King Summershade
Common Plant Names	Ginkgo	Pin Oak
Plant Botanical Name	Ginkgo biloba (male only)	Quercus Palustris
Specie Cultivars	Autumn Gold Fastigiata Sentry	Sovereign Crown Rite
Common Plant Names	Green Ash	Red Maple
Plant Botanical Name	Fraxinus pennsylvanica lanceolata	Acer rubrum
Specie Cultivars	Marshall Seedless	Autumn Flame October Glory Red Sunset
Common Plant Names	Scarlet Oak	Red Oak
Plant Botanical Name	Quercus coccinea	Quercus rubra
Specie Cultivars		
Common Plant Names	London Plane Tree	Tulip Poplar
Plant Botanical Name	Plantanus x acerifolia	Liriodendron tulipifera
Specie Cultivars		
Common Plant Names	Sugar Maple	Sweetgum
Plant Botanical Name	Acer saccharum	Liquidambar styraciflua
Specie Cultivars		
Common Plant Names	Willow Oak	Elm
Plant Botanical Name	Quercus phellos	Ulmus parvifolia
Specie Cultivars		Lace Bark Elm
Common Plant Names	Shumardi Oak	Shingle Oak
Plant Botanical Name	Quercus shumardii	Quercus imbricaria
Specie Cultivars		

Medium Trees

Common Plant Names Plant Botanical Name Specie Cultivars	Callery Pear <i>Pyrus calleryana</i> Aristocrat Chancellor	Littleleaf Linden <i>Tilia cordata</i> Chancellor Greenspire June Bride
Common Plant Names Plant Botanical Name Specie Cultivars	Japanese Pagoda Tree <i>Sophora japonica</i> Regent	Japanese Zelkova <i>Zelkova serrata</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Thornless Honey Locust <i>Gleditsia triacanthos</i> Moraine Shademaster Skyline Imperial	Yellowwood <i>Cladrastis lutea</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Amur Cork <i>Phellodendron amurense</i>	River Birch <i>Betula nigra</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Katsura Tree <i>Cercidiphyllum japonicum</i>	Hess Ash <i>Fraxinus excelsior</i>

Small Trees

Common Plant Names Plant Botanical Name Specie Cultivars	Sourwood <i>Oxydendron arboreum</i>	Hedge Maple <i>Acer campestre</i> Queen Elizabeth
Common Plant Names Plant Botanical Name Specie Cultivars	Amur Maple <i>Acer ginnala</i> Flame	Paperbark Maple <i>Acer griseum</i>
Common Plant Names Plant Botanical Name Specie Cultivars	European Hornbeam <i>Carpinus betulus</i>	Hornbeam <i>Ostrya virginiana</i>

PLANT LIST B

Flowering Trees

These trees are deciduous and reach a mature height not exceeding 30 feet.

Common Plant Names Plant Botanical Name Specie Cultivars	Callery Pear <i>Pyrus calleryana</i> Aristocrat Chancellor	Downy Serviceberry <i>Amelanchier canadensis</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Crabapple <i>Malus</i> varieties Bob White Sargeant Snowdrift White Angel	Allegheny Serviceberry <i>Amelanchier laevis</i> Robin Hill
Common Plant Names Plant Botanical Name Specie Cultivars	Eastern Redbud <i>Cercis canadensis</i> Flame Forest Pansey Royal	Sweetbay Magnolia <i>Magnolia virginiana</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Dogwood <i>Cornus florida</i> <i>Cornus kousa</i> <i>Cornus mas</i>	Lilac <i>Syringa reticulata</i> Japanese Silk Lilac Ivory Silk Lilac
Common Plant Names Plant Botanical Name Specie Cultivars	Golden Raintree <i>Koelreutraria paniculata</i>	Witch Hazel <i>Hamamelis virginiana</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Green Hawthorne <i>Crataegus virdis</i> Winter King	Flowering Ash <i>Fraxinus ornus</i>
Common Plant Names Plant Botanical Name Specie Cultivars	Sargent Cherry <i>Prunis sargentil</i> Columnaris Kwanzan	
Common Plant Names Plant Botanical Name Specie Cultivars	Saucer Magnolia <i>Magnolia soulangiana</i>	
Common Plant Names Plant Botanical Name Specie Cultivars	Star Magnolia <i>Magnolis stellata</i>	

PLANT LIST C

Evergreen Trees

These trees are evergreen, can reach a mature height over 30 feet and if not limbed-up, can create a screen from the ground level up.

Common Plant Names	American Holly
Plant Botanical Name	<i>Ilex opaca</i>
Specie Cultivars	Xanthocarpa
Common Plant Names	Austrian Pine
Plant Botanical Name	<i>Pinus nigra</i>
Specie Cultivars	
Common Plant Names	Canadian Hemlock
Plant Botanical Name	<i>Tsuga canadensis</i>
Specie Cultivars	
Common Plant Names	Carolina Hemlock
Plant Botanical Name	<i>Tsuga caroliniana</i>
Specie Cultivars	
Common Plant Names	Eastern Red Cedar
Plant Botanical Name	<i>Juniperus virginiana</i>
Specie Cultivars	
Common Plant Names	Colorado Blue Spuce
Plant Botanical Name	<i>Picea pungens</i>
Specie Cultivars	Glanca
Common Plant Names	Norway Spruce
Plant Botanical Name	<i>Picea abies</i>
Specie Cultivars	
Common Plant Names	Scotch Pine
Plant Botanical Name	<i>Pinus sylvestris</i>
Specie Cultivars	
Common Plant Names	Southern Magnolia
Plant Botanical Name	<i>Magnolia grandiflora</i>
Specie Cultivars	
Common Plant Names	White Fir
Plant Botanical Name	<i>Abies concolor</i>
Specie Cultivars	
Common Plant Names	White Pine
Plant Botanical Name	<i>Pinus strobus</i>
Specie Cultivars	

PLANT LIST D

Deciduous Shrubs

These perennial woody plants grow at least three feet in height and are deciduous.

Common Plant Names	Burning Bush
Plant Botanical Name	<i>Euonymus alatus</i>
Specie Cultivars	Compactus
Common Plant Names	Doublefile Viburnum
Plant Botanical Name	<i>Viburnum plicatum tomentosum</i>
Specie Cultivars	
Common Plant Names	Forsythia Species
Plant Botanical Name	
Specie Cultivars	
Common Plant Names	Glossy Abelia
Plant Botanical Name	<i>Abelia grandiflora</i>
Specie Cultivars	
Common Plant Names	Quince
Plant Botanical Name	<i>Chaenomeles speciosa</i>
Specie Cultivars	
Common Plant Names	Shrub Cinquefoil
Plant Botanical Name	<i>Potentilla fruticosa</i>
Specie Cultivars	
Common Plant Names	Spirea Species
Plant Botanical Name	
Specie Cultivars	
Common Plant Names	Spreading Cotoeaster
Plant Botanical Name	
Specie Cultivars	<i>Cotoneaster divaricata</i>
Common Plant Names	Winterberry Barberry
Plant Botanical Name	<i>Berberis julianae</i>
Specie Cultivars	

PLANT LIST E

Evergreen Shrubs

These perennial woody plants grow at least three feet in height and are evergreen.

Common Plant Names	Anglojap Yew
Plant Botanical Name	Taxus x media
Specie Cultivars	Brownii Densiformis Hicksii Wardii
Common Plant Names	Blue Holly
Plant Botanical Name	Llex x meserveae
Specie Cultivars	Blue Angel Blue Prince Blue Princess
Common Plant Names	Chinese Juniper
Plant Botanical Name	Juniperis chinensis
Specie Cultivars	Hetzil Keteleeri Mint Julip Robusia Green
Common Plant Names	Japanese Holly
Plant Botanical Name	Llex creata
Specie Cultivars	Microphylla Rotundifolia
Common Plant Names	Japanese Yew
Plant Botanical Name	Taxus cuspidata
Specie Cultivars	Capitata Intermedia Nana
Common Plant Names	Korean Boxwood
Plant Botanical Name	Buxus microphylla koreana
Common Plant Names	Leatherleaf Viburnum
Plant Botanical Name	Vibernum rhytidophyllum
Common Plant Names	Mugho Pine
Plant Botanical Name	Pinus mugho
Common Plant Names	Spreading Yew
Plant Botanical Name	Taxus x media
Specie Cultivars	

