

**CHAPTER 1331**  
**LANDSCAPING, SCREENING, AND BUFFER REGULATIONS**

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**1331.01 PURPOSE**

The purpose of the following standards are to enhance the appearance and natural beauty of the City, to improve the overall environmental quality, aid in pollution control, and to protect and preserve the appearance, character and property value of surrounding neighborhoods, thereby promoting the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities.

Specifically, these standards are intended to reduce excessive heat, glare, or dust; to provide privacy from the noise and visual intrusion of unlike or incompatible uses; to prevent the erosion of soil, excessive run-off and drainage and the pollution of water bodies; to aid in oxygen production.

**1331.02 GENERAL REQUIREMENTS**

The following provisions shall apply to use in all Zoning Districts:

1. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
2. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.
3. All landscaping, trees and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles, and excessive run-off or improper drainage.
4. To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

5. Where lot size and shape or existing structures make it unfeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning Board may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.
6. In cases where the edge of the pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.
7. The owner, tenant, or agent, if any, shall be responsible for maintenance of all landscaped areas so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

### **1331.03 REQUIRED LANDSCAPING**

A front landscaped area shall be required for all uses in all residential zoning districts and all other districts not otherwise controlled. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. As a minimum, one shade tree having a caliper of 2 inches shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot but not to screen the use from view.

#### **1331.03-1 RESIDENTIAL DISTRICTS**

In all residential districts, the required front yard, except for the driveway or walkway, as long as the total paved area does not exceed 50 percent within the required front yard, shall be landscaped with grass or other suitable ground cover, trees, and/or shrubs.

#### **1331.03-2 NON-RESIDENTIAL DISTRICTS**

In all non-residential districts, not otherwise controlled, there shall be a landscaped strip equal to at least 50 percent of the required front yard but not less than 5 feet wide along and contiguous to the front lot line of the property, and if a building is set back from the front lot line by 25 feet or more, there shall also be a landscaped area 5 feet wide abutting the front of the building.

### **1331.04 BUFFER AREA REQUIREMENTS**

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along all boundaries of a special permit or conditional use, or non-residential lot abutting any lot in a Residential District. Such buffer area shall comply with at least the following minimum standards:

- A. The buffer area shall be located within the boundaries of the subject property within the Non-Residential District; however, the buffer area may be located on abutting property in a Residential District provided:
  - 1. The owners of all abutting residential properties agree in writing.
  - 2. Said agreement is recorded on the land records and runs with the land.
  - 3. Said agreement is approved by the Planning Board with such stipulations regarding maintenance and upkeep as it deems necessary.
- B. The minimum width of buffer areas shall be as follows (*for*):
 

Residential District	10 feet
All Business Districts	10 feet
All Industrial Districts	25 feet
- C. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Planning Board may modify the width requirements provided the buffer area meets the intent of these regulations.
- D. The buffer area shall be of evergreen planting of such type, height, spacing, and arrangement as, in the judgment of the Planning Board, will effectively screen the activity of the lot from the neighboring residential area.
- E. An earthen berm, wall, or fence of location, height, design, and materials approved by the Planning Board may be substituted for any portion of the required planting and/or buffer area.
- F. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

Special

**1331.05 LANDSCAPED PARKING AREA**

In addition to the front landscaped area and buffer area requirements, parking areas shall comply with the following minimum standards:

- 1. All uses required to provide thirty or more off-street parking spaces shall have at least 10 percent of the paved portion of the area landscaped, with at least one tree for every ten parking spaces or fraction thereof.
- 2. Each required landscaped area(s) shall be planted with grass, shrubs, or other ground cover acceptable to the Director of Inspections. Trees shall be of not less than two inch caliper.
- 3. In addition, a landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area which is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of not less than 2 inch caliper for every 50 feet along the perimeter of the parking area. In cases where the

parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge of the sidewalk.

4. All planted materials shall be suitable for Niagara's climate and soils and should be a species acceptable to the Director of Inspections.
5. To insure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and 8 feet above the ground, or otherwise does not present a traffic visibility hazard.