

Ordinance No. 2022 – 10 I

**AMENDING ORDINANCE 2007-IB
HANCOCK COUNTY, INDIANA, ZONING ORDINANCE**

**AMENDING TITLE XV, CHAPTER 156, ZONING
OF THE HANCOCK COUNTY CODE OF ORDINANCES**

**REVISING
LANDSCAPING, BUFFERING AND SCREENING STANDARDS**

Be it ordained by the Board of Commissioners of Hancock County, Indiana, That

SECTION 1

Title XV, Chapter 156, Section 156.075 Landscape Standards and Section 156.076 Buffering and Screening Standards of the Hancock County Code are hereby deleted in their entirety and inserted in lieu thereof shall be the following:

§ 155.075 LANDSCAPING STANDARDS

(A) General Landscape Standards

- (1) **Intent:** The purpose of these landscaping standards is to reflect the essential role that landscape materials play in the improvement of every property. These minimum requirements for plantings benefit the public welfare by enhancing the biodiversity, reducing the atmospheric carbon, improving water quality, filtering the air, and reducing the heat island effect of development. These landscape standards also increase the compatibility of adjacent land uses to minimize the harmful impacts of noise, dust, headlight glare, artificial light intrusions, and other incompatible uses and activities.
- (2) **Applicability:** This Section shall apply to all zoning districts and uses. Additional requirements for single-family residential developments can be found in Section 156.065.
- (3) **Land Use Categories.** The land use categories referenced in this Section shall correlate to the categories in Section 156.021 of this chapter.
- (4) **Signage:** Refer to Sections 156.086 and 156.087 of this chapter for signage landscape requirements.
- (5) Refer to the list of approved tree species (Appendix 1), and examples of buffer yard installations (Appendix 2), at the end of this Section.
- (6) **General Requirements**
 1. All applications and improvement location permits require the submittal and approval of a landscape plan. Permits shall not be issued without an approved landscape plan.

2. The final certificate of occupancy shall not be issued until the entire landscape plan is implemented as approved. If a temporary certificate of occupancy is requested prior to the installation of plantings, a surety bond of 110 percent of the value of landscape material and labor shall be posted with the county. This bond shall be released when the final certificate of occupancy is issued.
3. Changes to the landscape plan after approval shall be resubmitted to the Planning Department for administrative review. Changes shall be noted using a revision cloud on any portion of the plan that has changed and a narrative describing what the changes are and why they have been made.
4. When a calculation results in a portion, anything over 0.5 shall be rounded up to the nearest whole number. Anything less than 0.5 shall be rounded down to the nearest whole number

(7) Submittal Plan Requirements

1. All landscape plans that affect more than 1,500 s.f. and/or more than 5% of the total site acreage shall be prepared and stamped by a licensed professional landscape architect in good standing in the State of Indiana.
2. Submittal plans shall include the following information
 - a) North arrow and scale
 - b) Name and contact information of the owner
 - c) Existing and proposed buildings on the site and on adjacent parcels
 - d) Existing property line, easements, ROW lines, above and below grade utilities, vegetation, and grading
 - e) Proposed easements, above and below grade utilities including light pole locations, and grading including berming and swales
 - f) Proposed plant material, including location, type, botanical name with cultivar designation, common name, quantity and size at time of planting
 - g) Ordinance chart documenting all landscape requirements and calculations for each landscape provision required on the site, including what is required per the ordinance and what is provided on the plan. If the provided amount of landscape material is less than what is required, provide an explanation for the lesser amount.
3. Submittal plans shall include provisions for the following types of landscaping, as applicable:
 - a) Overall Site Requirements
 - b) Building Base Requirements
 - c) Parking Lot Perimeter Requirements
 - d) Parking Lot Interior Requirements
 - e) Screening Requirements
 - f) Buffer Requirements

4. Sight distance triangles shall be placed on the landscape submittal plan per Section 156.072.

(8) Plant Requirements

1. The following minimum plant sizes shall be provided with new landscape installations:
 - a) Shade Tree: 12 feet tall and 2.5" caliper as measured 12" above the root ball
 - b) Clump Form Shade Tree: 12 feet tall as measured from the top of the root ball and a minimum of three stems
 - c) Evergreen Tree: 6 feet tall as measured from the top of the root ball
 - d) Ornamental Tree: 6' tall and 1.5" cal. as measured 12" above to root ball
 - e) Clump form Ornamental Tree: 6' tall as measured from the top of the root ball and a minimum of 3 stems
 - f) Shrubs: 18" height as measured from the top of the root ball or 24" spread cross the narrowest length of the shrub
2. Plant substitutions shall be allowed as follows:
 - a) One (1) evergreen tree can substitute for three (3) shrubs within a buffer yard condition
 - b) Ornamental trees can substitute for shade trees when overhead utilities are present in a buffer yard or parking perimeter condition.
 - c) Ornamental grasses at least 3' in height at maturity can substitute for up to 40% of the shrub requirement in all conditions.
3. To encourage diversity, no more than 20% of any one given plant species shall be proposed on a site, or a minimum of 3 species shall be used for small scales projects
4. Plants identified as invasive by the State of Indiana shall not be installed for any reason in any development. This provision applies to all invasive species regardless of invasive rank or Indiana legal status. Any site renovation that affects more than 1/3 of the total acreage or increases the building square footage by more than 33 percent shall remove all existing plant material identified as invasive and be replaced with native or non-invasive species.
5. No trees or plants shall be placed under overhead utility lines or within utility easements unless approved in writing by the specific utility provider or intended to be part of the best management practice for a drainage swale or bioretention system.
6. Plants shall not be placed within a right of way (ROW) without written permission from the County Highway Engineer or Indiana Department of Transportation.

(9) Site Design Requirements

1. When existing trees that are greater than 8" caliper are present on a site, the site plan shall be developed in a way to preserve no less than 50% of the existing healthy and non-invasive tree canopy. Development shall be defined as any pavements, buildings, grading, drainage, and infrastructure required to provide a functioning site. Existing trees can be used towards meeting the requirements of this Section.

2. New tree and shrub arrangements shall be developed to accommodate plant growth, maintain clearances, and minimize unsafe conditions
 - a) Canopy and ornamental trees shall be placed to ensure at maturity, a minimum of 10 feet is provided between the tree trunk and structures, buildings, overhangs, walls, fences, and other trees.
 - b) Evergreen trees shall be placed in a staggered configuration to provide intended screening but avoid crowding. Inadequate air flow and shading of bottom branches causes disease and loss of needles on the bottom branches.
 - c) Shrubs shall be placed to allow for a minimum of 2-foot clearance at maturity when adjacent to a parking space to accommodate vehicle overhand and opening doors.
 - d) No trees or shrubs shall be planted within 10' of a hydrant or FDC standpipe to ensure the minimum 3-foot clearance is available when the plant is mature.
 - e) Trees shall be a minimum of 15' from all light poles
 - f) Evergreen trees shall be planted a minimum of 20 feet from a parking lot edge and 35 feet from a sidewalk or pedestrian path.
 3. No more than 30% of the site shall utilize stone or aggregate mulch as a ground cover or base around plantings. Lawn or an alternate living ground cover shall be provided in all other areas. Wood mulch shall be replaced, and lawn areas shall be repaired to ensure bare ground is not left exposed for more than a 3-month period.
 4. Stands of native plantings, including bioswales and prairie plantings, shall be encouraged in lieu of typical lawn. These areas shall be maintained to minimize weed species, including Canadian thistle, cat tails, Queen Anne's lace, clover, and other species that outcompete native forbs and grasses. Areas of native plantings shall be mown annually.
 5. Parcels located within the Airport Overlay District as defined in Section 156.043 shall follow all FAA planting restrictions and guidelines for plant spacing, species selection, and ground cover requirements. The FAA planting restrictions supersede requirements found within the zoning Section, but they do not relieve the owner from meeting the intent of this landscape Section.
- (10) Maintenance Requirements
1. All plant material shall have a one (1) year warranty and shall be replaced if dead, diseased, dying, or otherwise removed before the end of the first year following issuance of the final certificate of occupancy.
 2. Unless otherwise dictated by FAA guidelines, all plant material shall be allowed to
 - a) grow to its intended size and form, and
 - b) mass together into hedges.
 3. Trees that are "topped" shall be removed and replaced with an equivalent number of caliper inches of new trees

4. Shrubs that are sheared into individual plants shall be supplemented with a second row of the same shrub, staggered to fill in the bare spaces.
5. Trees that pose a safety concern due to poor health, poor form, or inappropriate location shall be removed, relocated to a more appropriate location, trimmed under the direction of a certified arborist, or replaced with a more appropriate species for the area.

(B) Overall Site Landscape Requirements

(1) General

1. All plant material provided to meet other provisions of this Section shall be counted toward the Overall Site Landscape Requirement calculation.
2. When existing stands of trees are used to meet this requirement, the square foot area occupied by healthy, non-invasive trees to be saved and protected during construction shall be subtracted from the overall site acreage.

(2) Overall Site Landscape Requirements Table

OVERALL SITE LANDSCAPE REQUIREMENTS	
Land Use Category	Provide
Agriculture	none
Communications/Utilities	8 trees/acre
Single Family & Duplex Residential	1 tree/3,500 s.f.
Multi-family Residential or Manufactured Home Park	8 trees/acre
Institutional	5 trees/acre
Park	5 trees/acre
Commercial	5 trees/acre
Industrial	8 trees/acre
Airport District *	3 shade trees/acre
* Per FAA guidelines, parcels located within the flight path of the airport shall be restricted by plant spacing, type and species.	

(C) Building Base Requirements

(1) Multifamily and Commercial Uses:

1. Provide one (1) shade or ornamental tree/30 l.f. of the building perimeter. Trees can be grouped but no more than 60 l.f. between trees. Trees shall be planted to soften the building but shall be planted a minimum of 10 l.f. from the structure.
2. For facades facing a public ROW, provide a planting bed area equivalent to the length of the façade x 4 s.f. Beds shall include shrubs, ornamental grasses, and perennials and shall be coordinated with architectural features, including windows, entrance walks, plazas, outdoor dining areas, and porches.
3. For side and rear façades, provide one (1) shrub or ornamental grass/10 l.f. of building perimeter. Shrubs shall be grouped into planting beds and not spaced at 10 feet o.c.

(2) Institutional Uses:

1. Provide one (1) shade or ornamental tree/50 l.f. of building perimeter
2. For all facades facing a public ROW, provide 1 shrub/25 l.f. Shrubs shall be grouped into planting beds and not spaced at 25 feet o.c.

(3) Industrial Uses:

1. Provide one (1) shade or ornamental tree/50 l.f. of building perimeter that does not contain loading dock doors.

(D) Parking Lot Requirements

(1) These requirements apply to:

1. Parking lot installation or expansion areas
2. Parking lot expansions that increase the impervious surface area by more than 33% shall require the entire parking lot to be brought up to current zoning requirements.

(2) Parking Lot Perimeter

1. Parking lots facing a public ROW or a residential zone/use shall provide 1 shade tree and 10 shrubs/30 l.f.
 - a) Shrubs shall be arranged in a manner to provide 100% screening of the edge of the parking lot spaces.
 - b) Shrub species selections shall be able to reach a mature height of 42" and shall be maintained as a continuous hedge condition.
 - c) Evergreen shrubs shall make up 50% of parking perimeter shrubs
2. Parking drive lanes facing a ROW or a residential zone/use shall provide 1 shade tree and 5 shrubs/30 l.f.
3. Parking lots dedicated to the sale of motor vehicles or fronting an interstate ROW are exempt from the parking perimeter shrub requirement of this Section.
4. When parking lot edges are located within 50 feet of a bufferyard condition, the stricter requirement shall be provided.

(3) Parking Lot Interior

1. Provide 1 shade tree and 3 shrubs/15 parking spaces
2. Parking lot interior plantings shall be located within islands, medians, traffic delineators, or other areas that have pavement on a minimum of two sides
3. Trees shall have a minimum of 200 s.f. of soil as measured from the back of curb and be dispersed evenly throughout the parking lot.
4. No parking space shall be further than 70 l.f. from the trunk of a shade tree.
5. Shrubs shall be grouped to avoid damage from car doors and car overhangs.
6. All parking lot interior plantings shall be protected with a curb.

(E) Screening

(1) Screening comprised of a minimum 6-foot tall opaque screen made of masonry walls, berms and other solid, opaque materials that absorb noise shall be provided for the entire length of the following conditions when facing a public ROW or a residential zone/use. These screen elements shall be softened using plant material as defined under Subsection (F) regarding buffers.

1. Loading docks, including area required for truck circulation and unloading staging
2. Dumpsters and refuse collection areas
3. Trailer storage not intended for sales
4. Equipment/material/service storage yard

(2) Screening comprised of walls, evergreen shrubs and trees, parapets, mounding, opaque fencing, other screening elements, or the combination of these items shall be provided for the following conditions when facing a public ROW or residential zone/use. Access for maintenance shall be incorporated into the design of the space.

1. Ground-mounted utility units
2. Meter banks
3. Transformers
4. Mechanical equipment

(F) Buffers

(1) Buffer Yard Table: The buffer yard table, below, identifies the required buffers based on the use of the proposed site (along the top row) in comparison to the use of adjacent sites (along the first column). The number indicating where the two uses meet corresponds to the Buffer Yard Minimum Requirements table in Subsection (3), below.

(2) Planting Locations: Subject to Planning Director approval, buffer yard plantings may be placed outside the minimum buffer yard width as noted in the Buffer Yard Minimum Requirements table in Subsection (3), below, provided such plantings are located between the right-of-way line and the building façade.

BUFFER YARD TABLE		PROPOSED SITE USE							
		Agriculture	Communications / Utilities	Single Family & Duplex	Multi-Family	Institutional / Public	Parks	Commercial	Industrial
ADJACENT SITE USE	Agriculture	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE
	Communications / Utilities	NONE	NONE	NONE	1	1	1	1	NONE
	Single Family & Duplex	NONE	3	1	3	3	3	3	4
	Multi-Family	NONE	2	1	1	2	2	3	4
	Institutional / Public	NONE	2	1	2	1	1	2	3
	Park	NONE	2	1	1	1	1	2	2
	Commercial	NONE	2	2	1	1	1	1	2
	Industrial	NONE	1	2	1	2	1	1	1

(3) Buffer Yard Minimum Requirements Table:

BUFFERYARD MINIMUM REQUIREMENTS TABLE	MINIMUM YARD WIDTH*		SHADE OR EVERGREEN TREES	ORNAMENTAL TREES	LARGE SHRUBS
	FRONT	SIDE/REAR	NUMBER OF PLANTS PER 100 L.F.		
1	5'	10'	2	0	0
2	10'	20'	4	1	10
3	15'	25'	6	1	15
4	30'	30'	8***	2	6' TALL SCREEN**

- * YARD WIDTHS ARE IN ADDITION TO SETBACK REQUIREMENTS
- ** REFER TO SUBSECTION (E) SCREENING FOR WALL REQUIREMENTS
- *** AT LEAST 50% OF TREES ARE TO BE EVERGREEN SPECIES

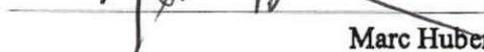
This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

Adopted this 18 day of October, 2022.

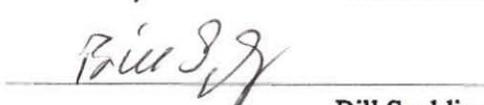
BOARD OF COMMISSIONERS OF HANCOCK COUNTY, INDIANA



John Jessup



Marc Huber



Bill Spalding

Attest:



Debra Carnes, Hancock County Auditor

Petitioner: Hancock County Area Plan Commission

This instrument was prepared by Mike Dale, Hancock County Planning Department.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Mike Dale

Appendix 1

APPROVED SHADE TREES	Common Name	Suitable for Parking Islands
Botanical Name	Sugar Maple	no
<i>Acer saccharum</i>	Ohio Buckeye/Horseshestnut	no
<i>Aesculus spp.</i>	River Birch	no
<i>Betula nigra</i>	European Hornbeam	yes
<i>Carpinus betulus</i>	American Hornbeam	no
<i>Carpinus caroliniana</i>	Hickory Tree	no
<i>Carya spp.</i>	Catalpa	no
<i>Catalpa speciosa</i>	Hackberry	no
<i>Celtis occidentalis</i>	Katsura Tree	no
<i>Cercidiphyllum japonicum</i>	Turkish Filbert	yes
<i>Corylus columa</i>	Beech Tree	no
<i>Fagus spp.</i>	Tri-colored beech tree	no
<i>Fagus sylvatica</i> 'Roseo-marginata'	Ginkgo	yes
<i>Ginkgo biloba</i> (male species)	Yellowwood	yes
<i>Gladastris lutea</i>	Thornless Honeylocust	yes
<i>Gleditsia triacanthos inermis</i>	Sweetgum	no
<i>Liquidambar styracflua</i>	Tulip Tree	no
<i>Lirodendron tulipifera</i>	Magnolia	no
<i>Magnolia spp.</i>	Sourgum Tree	no
<i>Nyssa sylvatica</i>	London Plane Tree	no
<i>Platinus x acerifolia</i>	Oak Species	no
<i>Quercus spp</i>	Bald Cypress	yes
<i>Taxodium distichum</i>	Little Leaf Linden	yes
<i>Tilia cordata</i>	Silver Linden	yes
<i>Tilia tomentosa</i>	Elm cultivars	yes
<i>Ulmus cultivars spp.</i>	Zelcova specels	yes
<i>Zelvoca serrata</i>		
APPROVED ORNAMENTAL TREES	Common Name	
Botanical Name	Paperbark Maple	no
<i>Acer griseum</i>	Serviceberry	yes

Amelanchier spp	Eastern Redbud	no
Cercis canadensis	Pagoda Dogwood	no
Cornus spp.	American Smoketree	no
Cotinus abovatus	Thornless Hawthorn	no
Craetagus crus-galli inermis	Goldenrain Tree	no
Koelreuteria paniculata	Japaense Tree Lilac	yes
Syringa reticulata		

APPROVED EVERGREEN TREES

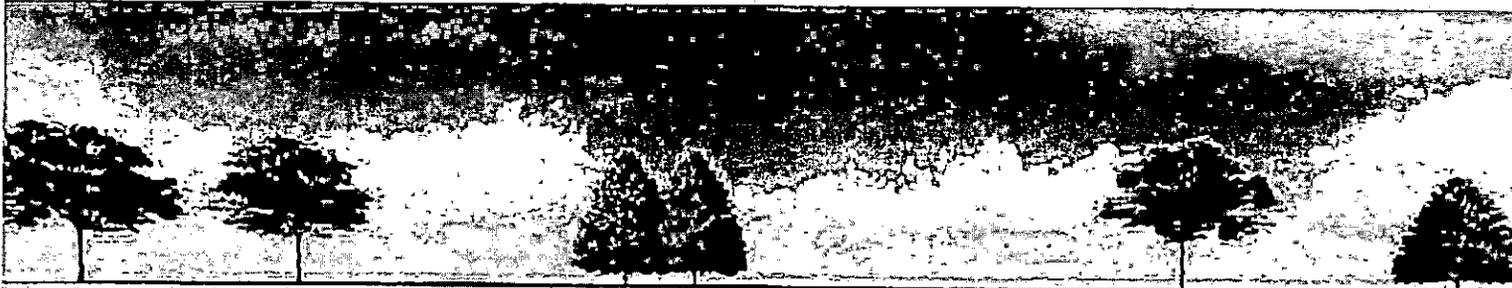
Botanical Name

Juniperus virginiana
 Thuja occidentals
 Tsuga canadensis
 Picea spp
 Pinus spp.

Common Name

Eastern Red Cedar
 White Cedar
 Hemlock
 Spruce Tree
 Pine Species

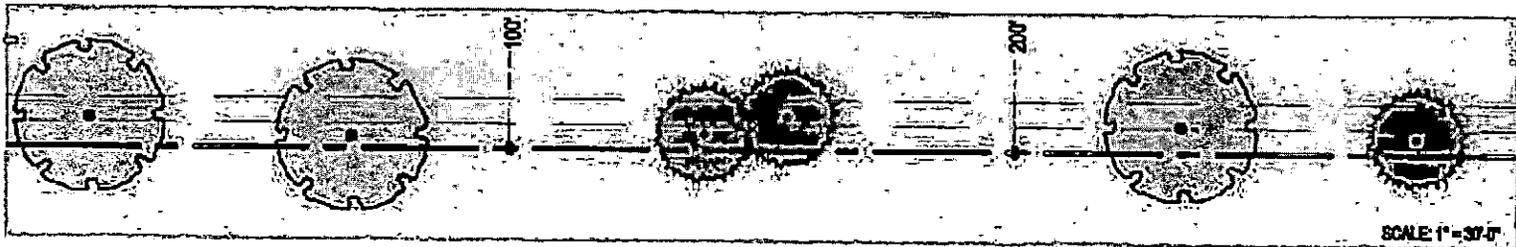
Appendix 2 - Buffer Yard Illustrations



Elevation: Year 5



Elevation: Year 1



10' side yard setback
5' front yard setback
property line

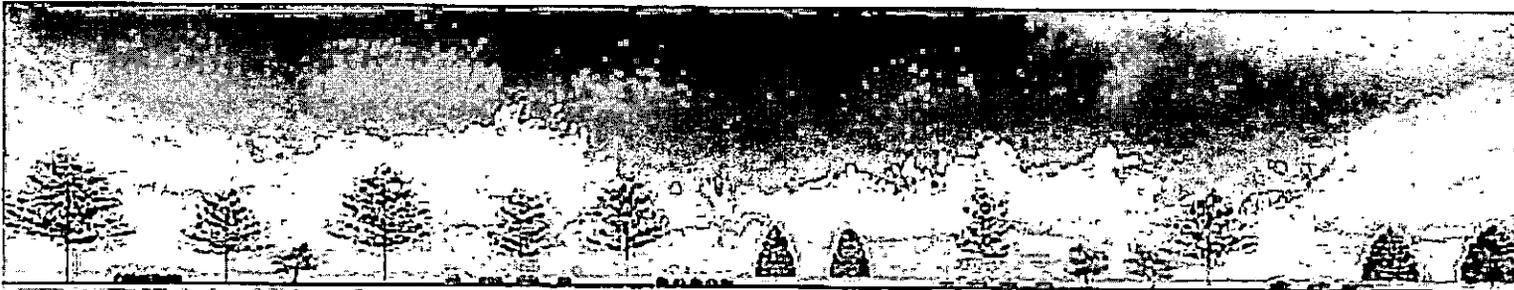
SCALE: 1" = 30'-0"

BUFFER TYPE 1

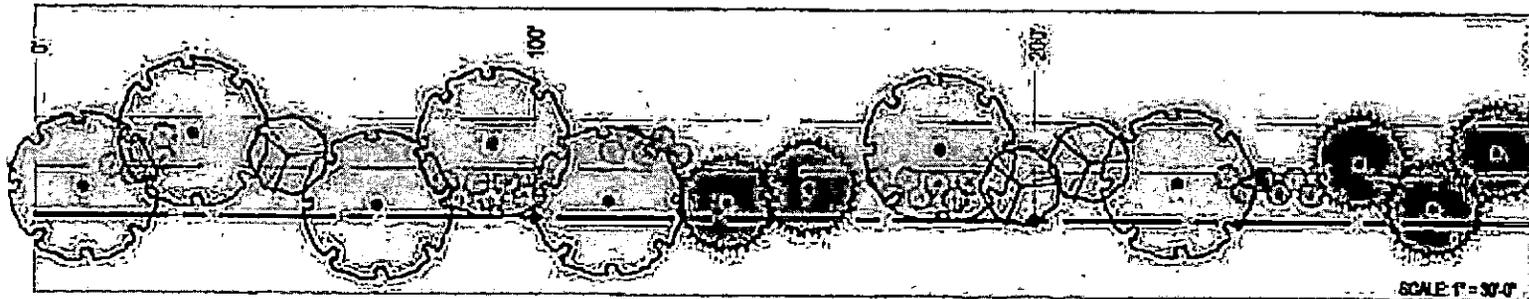
Requirement: Provide 2 shade/evergreen trees/100 l.f.



Elevation: Year 5



Elevation: Year 1



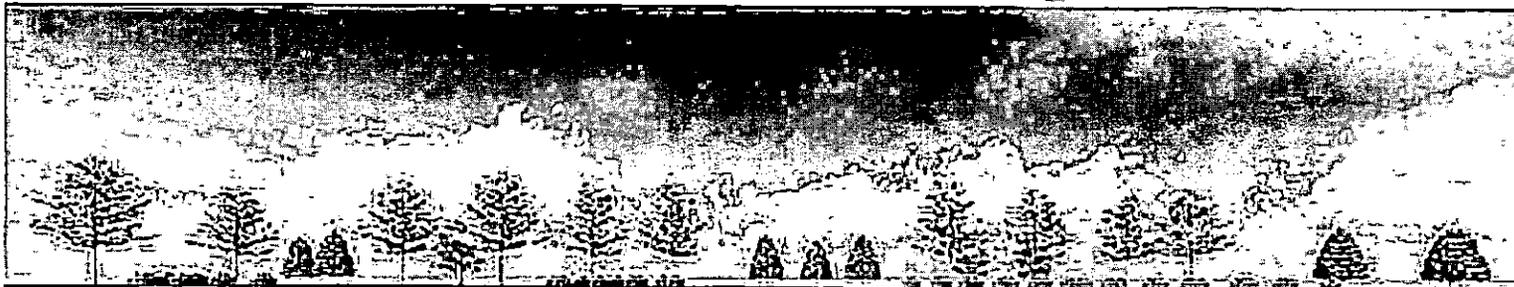
20' side yard setback
10' front yard setback
property line

BUFFER TYPE 2

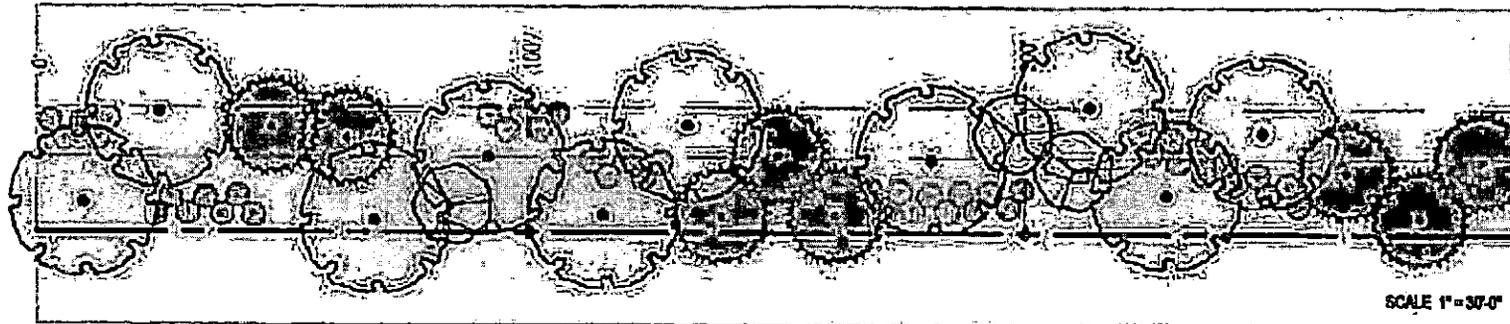
Requirement: Provide 4 shade/evergreen trees + 1 ornamental tree + 10 large shrubs/100 l.f.



Elevation: Year 5



Elevation: Year 1



25' side yard setback

15' front yard setback

property line

SCALE 1"=30'-0"

BUFFER TYPE 3

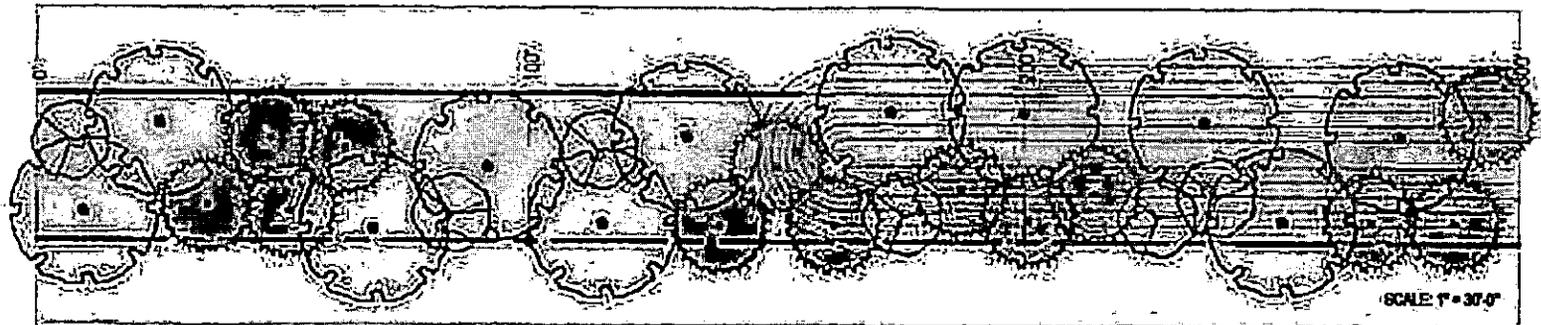
Requirement: Provide 6 shade/evergreen trees + 1 ornamental trees + 15 large shrubs/100 l.f.



Elevation: Year 5



Elevation: Year 1



30' setback

property line

SCALE: 1" = 30''

BUFFER TYPE 4

Requirement: Provide 8 shade/evergreen trees (min. 50% to be evergreen) + 2 ornamental trees/100 l.f. + 100% coverage of a 6' masonry wall or 6' tall berm.