

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵¹

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer yard means the width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses excluding single-family residences and two-family dwellings.

Caliper means a standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and 12 inches above the ground for larger sizes.

Deciduous means those plants that annually lose their leaves.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, clearing, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Evergreen means those plants that retain foliage throughout the year.

Ground cover means a prostrate plant growing less than two inches in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Ground cover material means any natural or artificial material such as bark chips, pine needles, stone, rock, wood mulch or similar materials used at the base of plants for the purpose of retaining water, minimizing weed growth or purely aesthetic purposes.

Heritage Tree means a live oak tree, with a caliper larger than 12"

Intensive commercial means a business use that has a gross floor area of greater than 10,000 square feet.

Landscaping means the process or product of site development, including grading, installation of plant materials, and seeding of turf or ground cover.

New construction means any construction other than renovation to existing structures where the size or intensity is not increased, which requires a building permit issued by the town, or which results in an increase of impervious surfaces or which requires the placement of fill soil or materials, including, but not limited to, multifamily, non-residential and parking lot construction.

Planter means a structure or area consisting of at least one understory tree surrounded by flowers and shrubs.

Planting area means a ground surface free of impervious material, which is utilized for landscape purposes.

Shrub means a woody plant or bush with a minimum height of 12 inches and maximum of ten feet. It is distinguished from a tree by having several stems rather than a single trunk.

Street tree means a tree planted along the street behind the right-of-way.

Street yard means a planting area parallel to a public or private street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Tree, canopy, means any tree that is normally more than 40 feet in height with a spread of at least 15 feet at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall be at least 2½ inches in diameter measured six inches above the ground and at least eight feet in height.

Tree, understory, means any tree that is normally less than 25 feet in height with a spread of at least five feet at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Multiple trunk understory trees shall have at least three trunks and be at least six feet in height.

Vision clearance. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches in height from the grade of the street. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting

street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

(Code 1986, app. A, § 8.5; Ord. No. 05-598, 7-12-2005; Ord. No. 06-634, 5-9-2006; Ord. No. 07-670, 1-9-2007; Ord. No. 09-785, 5-12-2009)

Sec. 40-177. - Tree/landscape plan.

- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan). [A tree permit is required for any proposed removal of trees within the town.](#)
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information [completed by a registered surveyor](#):
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting. [Species and location of all trees five inches' caliper at breast height and greater noted; trees to be left marked with an \(L\) on the plan \(marked with flagging on the ground\); trees to be removed marked with an \(R\) on the plan.](#)
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) [All new construction will be required to identify any heritage trees outside of the building footprint and either protect them or replace 1 heritage tree per 5000ft² of lot size.](#)

(e) No new construction nor expansions of a preexisting footprint may remove a heritage tree without replacement as dictated in (d).

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

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 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
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 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.

- (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will be required to submit a list of trees on the lot before construction, trees to be left marked with an (L) on the list (marked with flagging on the ground); trees to be removed marked with an (R) on the list. For each heritage tree removed, one five-inch caliper tree or two three-inch caliper trees must be planted.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

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Kimberlee Ward, Town Clerk

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- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
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 - (4) Locations, size and labels for all proposed plants.
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- (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will receive a reduced stormwater fee for preserving a heritage tree. One heritage tree will count as 500 square feet of impervious surface credit.
- (e) The allowable building area on each lot or parcel may be moved toward one side property line and either the rear property line or the front property line a distance of up to 25 percent of the required setback for the zoning district for the purpose of preserving natural areas and/or heritage trees. This section does not increase the maximum permitted length and width of the allowable building area. Such setback or yard modifications must be approved by the Zoning Administrator in writing prior to construction beginning. Setback adjustments must be noted on the final survey.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk