

Article II
Chapter 165. Zoning

Section 8: Landscaping Standards

§165-54 PURPOSE

A well prepared landscape plan integrates the various elements of a site's design, while preserving and enhancing the pre-existing identity of the site. It creates a sense of entry to a building and/or site. Landscape plans are required for all new developments to assure protection of the site's natural features and sensitive areas; to provide landscaping that is consistent with standards for crime prevention through environmental design; to enhance community design by using landscaping to buffer incompatible uses; to create seasonal interest through use of a variety of landscaping materials; and to improve the general appearance of public and private spaces, walkways and open spaces throughout the community. Landscape plans tailored to the location, design and use of a particular site, also enhance the Town's character. The landscaping standards are intended as a tool to implement the Town of Bel Air Comprehensive Plan goals of protecting sensitive areas, achieving quality growth and development and upgrading the Town's appearance.

§165-55 APPLICABILITY

A landscape plan shall be submitted with each subdivision or non-residential site plan application. The plan shall include all elements required in Section 165-57 of this Article.

Additionally, landscape plans are required for any enlargement exceeding 1,000 sf of an existing non residential building and/or construction or expansion of a parking lot.

§165-56 SUBMITTAL REQUIREMENTS

A landscape plan is required for all subdivision and non-residential development projects. The landscape plan may include plant materials such as trees, shrubs, ground covers, perennials, annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. The plan should specify the location, size, species of plant materials, method of installation and method for maintenance and retention of materials.

- A. Applicant shall submit a landscape plan, including a tree location plan, identifying all streams, floodplain zones and non-tidal wetlands, along with the preliminary plan. The plan shall indicate all plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers and the method of providing perpetual protection of any special flood hazard areas as required by the Floodplain Management Ordinance, Chapter 210 of the Bel Air Town Code.

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- B. Plan shall include street trees located within the public right of way wherever possible; emphasize use of native vegetation and incorporate sustainable development practices through the use of green roofs and associated sustainable planting practices wherever possible.
- C. Plan shall be reviewed by the Zoning Administrator and his/her designee and Director of Public Works for completeness, conformance with the requirements of this Article and for appropriateness of species and location.
- D. Following staff approval, the Plan shall be submitted to Planning Commission, if applicable, for final review.
- E. Any property owner seeking a modification to the approved Plan shall submit a written request to the Planning Department justifying the proposed change and a revised Plan graphically identifying the proposed modifications. Any significant revisions to the approved Plan, as determined by the Zoning Administrator and Director of Public Works, will require Planning Commission approval.
- F. The Planning Department shall forward said documentation to the Planning Commission for consideration if determined that revisions are significant. The Planning Commission shall then determine whether the modifications are comparable in quality, effectiveness and durability with the originally approved Plan and whether minimum standards of this Article have been satisfied. The modifications shall have no adverse visual effect on adjacent properties.

§165-57 GENERAL PLANTING REQUIREMENTS

A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. Evergreens should be used for screening, and deciduous trees shall be included for shade within the lot.

- A. General Planting Specifications.
 - 1. All deciduous trees shall have a minimum caliper of two (2) inches. The area beneath trees shall be mulched, as shall beds planted with shrubs or ground cover. Mulching shall be provided at a maximum of three (3) inches in depth.
 - 2. Trees shall be of substantially uniform size and shape and have straight trunks.

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3. Evergreen trees used as screening plantings shall be a minimum of five (5) feet in height.
4. All plant materials shall be healthy, vigorous, well rooted and free of defects, decay or disease infestations. After implementation, all required plant material shall be maintained by the property owner.
5. Within one (1) year of planting, any dead or dying trees or plant materials shall be replaced one (1) time by the applicant during the next planting season.
6. Selected plant species should be hardy for the climate of this area and appropriate in terms of function and size. (See Prohibited Invasive Landscape Material" Appendix B)
7. Existing vegetation shall be preserved to the maximum extent practical and possible. The landscape plan shall identify the protection area and method of protection for retained vegetation. The applicant shall be responsible for replacement of such vegetation should removal or loss occur during and/or within one year of construction.
8. No buildings, structures, storage of materials, or parking shall be permitted within designated buffer areas unless specifically approved by the Planning Commission.
9. All vegetation shall be located and sized to assure adequate visibility and sight lines at roadway intersections.

B. Screening Plans and Materials.

1. Every development shall provide sufficient screening when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need (a) to shield neighboring properties from any adverse external effects of a development; or (b) to shield the development from negative impacts of adjacent uses such as streets.
2. In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy.
3. When landscape buffers are used as screening, the buffers shall be measured from side and rear property lines, excluding driveways.

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4. Screening shall provide a year- round visual shield in order to minimize adverse impacts.
 5. Screening may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.
 6. Arrangement of plantings in screening shall provide an adequate visual buffer. Possible arrangements include planting in parallel, serpentine, or broken rows.
 7. If planted berms are used, the minimum top width shall be four (4) feet, and the maximum side slope shall be 2:1.
 8. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season.
 9. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.
- C. Tree Plantings. In addition to general planting requirements noted above, any tree planting in close proximity to overhead power lines shall satisfy the following specifications and standards:
1. Any trees planted within 15 feet from the center of a distribution pole line (<69 kilovolts) shall conform to the recommended tree list for trees that attain a height of less than 30 feet at maturity as stated in Appendix B, “Prohibited Invasive Landscape Material”, of the Town of Bel Air Development Regulations.
 2. Any trees planted in an area beginning at the 15-foot line, up to 40 feet from the center of a distribution pole line, should not have a mature height exceeding 30 to 50 feet as indicated in Appendix B.
 3. Any trees that are allowed to generate to satisfy the Forest Conservation Plan or other vegetation enhancement requirements shall conform to the requirements noted in items 1 and 2 above. These conditions shall be appended to any existing and future Town approved Forest Conservation Plans and associated Declarations of Covenants, Conditions and Restrictions, and within any recorded easements that may encumber the property through which a pole line or utility easement is situated.
 4. Trees shall be watered regularly and in a manner appropriate for the specific species through the first growing season. Treed areas shall be maintained and

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kept free of all debris, rubbish, weeds and tall grass.

§165-58 STREET TREES

- A. Location. Where practical, shade trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Trees shall be either massed or spaced evenly along the street, or both. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size, as follows:

<u>Tree Height</u> <u>(in feet)</u>	<u>Planting Interval</u> <u>(in feet)</u>
Large Trees (40+)	50 - 70
Medium Trees (30-40)	40 - 50
Small Trees (to 30)	30 - 40

When the spacing interval exceeds forty (40) feet, small ornamental trees may be placed between the larger trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendations of a certified landscape architect. The trees shall be planted so as not to interfere with utilities (buried and overhead), roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Planning Commission as part of the landscape plan. The approved plan must be submitted to the Department of Natural Resources, Forest Service, with a tree planting permit request. No planting shall occur until a permit has been issued by the Forest Service. Where possible, street trees should be planted in a right of way area located behind the sidewalk to allow room for root growth.

- B. Tree Type. Tree type may vary depending on the overall effect desired. Generally, trees on a street may be the same kind except to achieve special effects. Selection of tree type shall be approved by the Zoning Administrator or his/her designee and Director of Public Works. Safety and Visibility. Street trees shall be located to minimize adverse impacts on safety and visibility requirements. Street trees shall not restrict sight lines at intersections, nor restrict the approach view of any traffic or road sign or device. The Planning Commission may waive street tree location requirements if their placement would have an adverse impact on safety requirements

§165-59 MINIMUM PLANTING REQUIREMENTS

- A. Residential

1. Buffer/Screening

- a. A mix of trees and shrubs at least ten (10) feet in width shall be provided

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along the periphery of townhouse, apartment or other high density residential properties adjacent to single family units or commercial or industrial developments as necessary to provide a visual screen.

- b. Entryway plantings establishing a monumental entrance to the development are encouraged.
- c. A minimum ten (10) foot buffer planted with a mix of trees and shrubs is required for all residential units backing to a roadway.
- d. Multi family complexes shall provide screening in the form of landscaping and/or fencing around any proposed garbage or utility areas.

2. Street Trees

- a. Street trees shall be provided as required in Section 165-58 of this Article.
- b. Retention of existing tree stands may, at the Planning Commission's discretion, offset a portion of the street tree requirement.

B. Non-Residential Development

1. Parking Lots - General Requirements

- a. Landscape areas shall divide the parking spaces so as to relieve the monotony of large expanses of paving and contribute to the efficient circulation of traffic. Expansions of existing parking lots that do not meet landscaping requirements shall provide landscaping consistent with the requirements of this section for the expansion area only.
- b. Parking Area Perimeter Buffer – In the front yard setback area, the developer shall provide a minimum three (3) foot landscape buffer between the back edge of sidewalk or right of way area and the parking lot. This buffer shall include a mix of tree and shrub plantings necessary to provide a visual separation. Plant and tree spacing shall be based on selected species.
- c. In the side and rear yard setback areas, the developer shall provide a minimum buffer of five (5) feet if parcel is 50,000 square feet or more; three (3) feet if parcel is smaller. Landscaping shall include at a minimum; one (1) tree or three (3) shrubs per forty (40) foot length. Where more intensive land uses (i.e. commercial, industrial uses) abut less intensive uses (i.e. residential), a screened buffer strip ten (10) feet in width shall be required.

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Spacing shall be based on selected species. Fencing may be used to provide a screen between dissimilar uses.

- d. All service, dumpster, storage and utility areas shall be screened.

2. Parking Lots - Interior Lot Landscaping

- a. Interior Lot landscaping is defined as the area located within the outside edge of all macadam area used for parking lot and vehicular access.

Interior Lot landscaping is required for all proposed sites containing structures exceeding 5,000 square feet. Island areas shall be evenly distributed throughout the parking area. Any island area compacted during parking area construction must be excavated and backfilled with topsoil prior to planting.

<u>Interior Planting Parking Lot Size</u>	<u>Requirements</u>
5,000 - 49,999	5%
50,000 - 149,999	8%
150,000 sq.ft. or larger	10%

§165-60 SITE PROTECTION

- A. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- B. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law.

No tree stumps or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Director of Public Works.

- C. Protection of Existing Planting. Tree and plant maintenance provisions shall be incorporated in the required landscape plan. Maximum effort should be made to save mature trees. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or within the critical root zone of trees designated on the landscape

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plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

- D. Slope Plantings. Slope protection measures, when necessary, shall be incorporated in the required landscape plan. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.
- E. Additional Landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy, or other reasons in accordance with the landscape plan approved by the Planning Commission and taking into consideration cost constraints. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the Planning Commission.

Additionally, entranceway planting shall be provided in order to maintain an attractive appearance and strong definition of the entrance to the development.

§165-61 INSPECTION AND MAINTENANCE

- A. The approved landscape plan must be implemented in its entirety prior to issuance of a final Use & Occupancy Certificate for the project. Completion of all landscaping requirements shall be certified by the Zoning Administrator.
- B. Prior to issuance of grading permits, the applicant shall provide a performance guarantee in a form acceptable to the Town. The performance guarantee shall be in the amount of the estimated cost of the landscaping as provided on the approved landscape plan. All landscaping as shown on the approved landscape plan shall be completed in accordance with the plan prior to release of the surety. The financial surety shall be included as part of the improvement guarantees specified in Section 165-119 of the Town of Bel Air Development Regulations. If required, this financial surety shall be held for a warranty period of one (1) year or one (1) growing season, whichever is longer, to ensure the integrity of the plan. The length of time designated as the warranty period shall be determined by the Zoning Administrator at the time of

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Use and Occupancy issuance.

- C. Prior to the end of the warranty period, all stakes, tree wrapping and associated protective and/or supportive materials used in association with the approved landscape plan shall be removed.
- D. A reinspection shall be made prior to the release of the financial surety received by the Planning Department for a landscape project. The Zoning Administrator or his/her designee, will inspect the condition of all landscaping on the site. All plant material indicated by the Zoning Administrator or his/her designee as dead or dying shall be replaced by the property owner. A reinspection of the site will be made to verify replacement of dead or dying material prior to release of the financial surety.

The property owner/or builder, depending on conditions under which the lots were purchased, is responsible for replacement of landscape material. Should he/she be unable or otherwise refuse to replace any landscape material as so required, the Zoning Administrator may utilize the surety in order to complete the landscaping requirement for the project.

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