

DRAFT AMENDMENT

New text is underlined.

Deleted text is ~~struck through~~.

Recent changes are **highlighted**.

DWELLING DISTRICTS ZONING ORDINANCE

(f) Tree Canopy, ~~s~~Screening, landscaping, lighting and grounds maintenance. Tree Canopy coverage, ~~s~~Screening, landscaping, lighting and grounds maintenance shall be provided and maintained, for all attached multifamily dwelling projects and all mobile dwelling projects, in accordance with the required landscape plans and with the following regulations:

(1) Tree Canopy Coverage Area. Applicability.

Tree canopy coverage, Subsections (2), (3), (4) and (5), shall apply to:

- a. new development that occurs on an undeveloped lot,
- b. redevelopment on a lot where two-thirds or more of the total floor area of the lot’s buildings have been removed, or will be removed, to allow for redevelopment,

(2) Tree Canopy Coverage Area. Computation.

Tree canopy coverage shall consist of trees planted or transplanted and maintained, or preserved as individual trees, in groves or as natural vegetation areas.

- a. The minimum size of trees that may be used in calculating the tree canopy coverage area shall be as follows:

<b><u>Type of tree</u></b>	<b><u>Minimum size</u></b>
<u>Deciduous shade (overstory) trees</u>	<u>one and three-quarters (1 3/4) inch caliper measured at six (6) inches above the ground.</u>
<u>Deciduous ornamental (understory) trees</u>	<u>one and one-half (1 1/2) inch caliper measured at six (6) inches above the ground.</u>
<u>Multi-stemmed trees</u>	<u>five (5) feet in height</u>
<u>Evergreen trees</u>	<u>five (5) feet in height</u>

- b. The tree canopy coverage area of newly planted or transplanted trees shall be calculated using the following areas:

<b><u>Type of tree</u></b>	<b><u>Tree canopy coverage area</u></b>
<u>Deciduous shade (overstory) trees</u>	<b><u>1000</u></b> square feet
<u>Deciduous ornamental (understory) trees</u>	<b><u>250</u></b> square feet
<u>Multi-stemmed trees</u>	<b><u>250</u></b> square feet
<u>Evergreen trees</u>	<b><u>400</u></b> square feet

- c. The tree canopy coverage area of free-standing preserved trees shall be calculated using the following areas:

<b><u>Type of tree</u></b>	<b><u>Tree canopy coverage area</u></b>
<u>Deciduous shade (overstory)</u>	<u>greater of <b><u>1000</u></b> square feet or the ground</u>

<u>trees</u>	<u>area within the existing dripline of the tree</u>
<u>Deciduous ornamental (understory) trees</u>	<u>greater of 250 square feet or the ground area within the existing dripline of the tree</u>
<u>Multi-stemmed trees</u>	<u>greater of 250 square feet or the ground area within the existing dripline of the tree</u>
<u>Evergreen trees</u>	<u>greater of 400 square feet or the ground area within the existing dripline of the tree</u>

The tree canopy coverage area of preserved trees in groups shall be calculated using the following areas:

<b><u>Type of tree</u></b>	<b><u>Tree canopy coverage area</u></b>
<u>Deciduous shade (overstory) trees</u>	<u>ground area within the combined driplines of the trees in the group</u>
<u>Deciduous ornamental (understory) trees</u>	<u>ground area within the combined driplines of the trees in the group</u>
<u>Multi-stemmed trees</u>	<u>ground area within the combined driplines of the trees in the group</u>
<u>Evergreen trees</u>	<u>ground area within the combined driplines of the trees in the group</u>

1. Dead, diseased or hazardous trees are not eligible for the calculation of the tree canopy coverage area.
  2. To encourage the preservation of existing vegetation, the canopy coverage area of existing trees shall be multiplied by 1.5 to determine the total tree canopy coverage area from preserved trees.
  3. The commission shall maintain a list of undesirable tree species eligible for computation of the tree canopy coverage area but not eligible for the 1.5 multiplier. The list shall be entitled “List of Undesirable Tree Species not Eligible for the Tree Canopy Coverage Area Multiplier.”
- d. Those portions of a site used and maintained as turf or other permeable surface for sports fields such as football fields, soccer fields, baseball diamonds, volleyball courts or the in-bounds playing area of golf courses may be deducted from the area of the site prior to the computation of the tree canopy coverage area.
- e. Those portions of a site within the right-of-way or easement of an electric or natural gas transmission line may be deducted from the area of the site prior to the computation of the tree canopy coverage area.
- f. Trees required by subsection (7) of this section (f) shall be included in the tree canopy coverage area. If tree canopy coverage area of the trees required by subsection (7) of this section (f) exceeds the required tree canopy coverage area for the site, the trees required by subsection (7) of this section (f) shall still be provided.

**(3) Tree Canopy Coverage Area. Required coverage area.**

All lots shall have a tree canopy coverage area equal to or greater than 45% of the open space required by the development standards of the applicable zoning district.

(4) Tree Canopy Coverage Area. Protection of trees during construction.

During groundwork and construction activity, protective care and physical restraint barriers at the dripline, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area. Parking, storage or maneuvering of construction equipment or materials shall not occur within the dripline of the tree.

(5) Tree Canopy Coverage Area. Protection of preserved trees.

All existing trees that are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Ongoing maintenance of preserved trees shall include protection of the trees from:

- a. Changes in depth of the soil within their driplines.
- b. Construction of walls and foundations within the dripline.
- c. Improper pruning techniques such as topping.
- d. Other activities that may hinder root growth, kill the trees or cause immediate or long-term decline in the health of the trees.

(6) (4) Screening:

- a. Front yard of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50) percent, may be used in conjunction with the required landscaping. Chain link fencing is not permitted. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c. of this ordinance.
- b. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chainlink fencing is permitted provided it is black vinyl covered chainlink and does not include slats. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c. of this ordinance.

Provided, however, if any portion of a mobile dwelling project or a multifamily project abuts land zoned so as to permit single-family or two-family dwellings, the perimeter yard between the project and the district shall be screened and landscaped for the purpose of buffering. In addition to the landscape requirements of section 731-221(f)(27), screening shall be provided and maintained according to the following minimum requirements:

1. Screening shall include any combination of an earthen mound; a solid hedge; a wall or fence of ornamental block, stone, brick, or solid wood fencing; and,
2. Effective screening height shall be at least six (6) feet, as measured from the parking area's grade level, and so constructed to prohibit any view therethrough; and,
3. If fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,
4. If an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of four (4) feet above grade and the incline shall

not exceed a three (3) to one ratio, with the exception of previously existing natural outcroppings.

- c. Trash containers. All trash containers exceeding six (6) cubic feet shall:
  1. Be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and,
  2. Be accessible only from an interior access drive of the project; and,
  3. Not be located in any required perimeter yard.

(7) ~~(2)~~ Landscaping:

- a. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall be limited to only twenty (20) percent of the area of the required yard in which it is used.
- b. Within the perimeter yards, there shall be at least one (1) tree planted or maintained for every thirty (30) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E.)
- c. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a three (3) to one (1) ratio with the exception of previously existing, naturally occurring outcroppings.
- d. Within mobile dwelling projects, at a minimum, one (1) tree shall be planted or maintained on every mobile dwelling site. Said required tree shall not be located within any required yard or common recreational area(s).
- e. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided however:
  1. That the proposed tree to be substituted is not an existing tree, and
  2. That no more than twenty (20) percent of the required trees are substituted with shrubs, and
  3. That the shrubs are planted or maintained five (5) feet or less on center, and
  4. The shrubs substituted are in addition to any underplanting requirements, and
  5. That a grouping of five (5) shrubs may be substituted for one (1) tree.
- f. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
  1. Deciduous shade (overstory) trees: Two and one-half (2 1/2) inch caliper at six (6) inches above the ground.

2. Deciduous ornamental (understory) trees: One and one-half (1 1/2) inch caliper at six (6) inches above the ground.
  3. Multistemmed trees: Eight (8) feet in height.
  4. Evergreen trees: Five (5) feet in height.
  5. Deciduous shrubs: Twenty-four-inch spread or two (2) feet in height.
  6. Evergreen shrubs: Twenty-four-inch spread or two (2) feet in height.
- g. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.
- h. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Nursery and Landscape Association of Nurserymen (a copy of which is on file in the Office of the Division of Planning and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weedfree appearance.
- ~~i. Prior to any construction activity, the removal from any minimum, required yard of any existing deciduous tree over three-inch caliper at six (6) inches above ground or of any existing shrub or evergreen tree over six (6) feet in height, must first be approved in writing by the Administrator. Removal of said tree(s) without written approval from the Administrator, shall require the replanting of replacement tree(s) so that the total number of caliper inches replanted equals or exceeds the total number of calipers removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal or the next planting season, whichever occurs first. Replacement trees shall not be considered a required tree for the figuring of the minimum number of trees required in any perimeter yard but rather as an additional tree.~~
- i. j. All existing trees larger than ten-inch caliper at six (6) inches above the ground ~~which~~ that are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and storage of construction equipment or materials of any kind shall not be any closer to the tree than the drip line of the tree or ten (10) feet whichever is closer.
- ~~j. k.~~ Prior to the issuance of an Improvement Location Permit, the Administrator may require a tree survey for a specified time to be completed for a site or portion of a site. Such survey shall become a part of the file and requirements for an Improvement Location Permit. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area with seventy-five (75) percent branch coverage of the ground surface), the outer boundary of the tree stands' drip line and location with a listing of the predominant species and caliper size may be substituted for a detailed inventory.
- k. l. The Administrator, upon written request by the applicant and upon receiving a suitable alternative landscape plan, shall have the power to modify any landscape requirements deemed by the Administrator to be infeasible or

unreasonably burdensome. Such modification shall be written and become a part of the file and requirements for the Improvement Location Permit.

(8) (3) Landscape plan and tree canopy coverage area plan: A landscape plan or tree canopy coverage area plan shall:

- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) showing exact location, outlines and dimensions of all property lines, structures, buildings, mobile dwelling sites, mobile dwelling paved stands, patios, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, ~~benches~~, screens, walls, fences, natural vegetation areas, open space, recreational areas, perimeter yards, ~~adjacent property uses and physical features~~, utility easements, and all underground and overhead lines with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided; and,
- b. Show dimensioned detailed elevation or section drawings of any trash enclosures, walls, fences, and signs (~~including sign content~~); and,
- c. Show all existing elevations and proposed land contour lines having at two-foot intervals; and,
- d. Show location and nature of existing and proposed drainage systems, ~~and~~ their flow, ~~and easements~~; and,
- e. ~~Include a tree survey indicating the exact location of existing trees of over two and one-half (2 1/2) inch caliper one (1) foot above the ground and all flowering trees, shrubs and evergreens; all being accurately labeled in the drawing as existing (to remain), existing to be removed or to be transplanted with species and caliper size indicated. Exception: those trees and shrubs located in natural vegetation areas (e.g., woods, thickets or meadows) that will not be developed, but will be left and maintained as a natural untouched area may be indicated by the delineation of the area's outer boundary; and, Show the location of any existing tree that will be counted as a required tree in yards or transitional yards required by this ordinance. Such trees shall be accurately labeled with species and caliper size and indicated as an existing tree to remain; and,~~
- f. Show all proposed plantings and transplantings with plants and plant groups labeled in the drawing as to ~~quality~~, species, ~~shape~~, size, ~~and~~ spacing (on centers); ~~and purpose (visual or noise abatement screen, hedge, specimen or ground cover);~~ and,
- g. In addition to paragraphs a through f above, a tree canopy coverage area plan shall show the location and dripline of free-standing trees and the location and combined dripline of trees in groves that are to be preserved as part of the tree canopy coverage area. Such trees shall be accurately labeled with species and area within the dripline and indicated as an existing tree to remain. The tree canopy coverage area plan shall also show existing natural vegetation areas to be preserved as part of the tree canopy coverage area. The plan shall show the combined dripline of the existing natural vegetation area, calculation of the area within the dripline, and characterize the species, tree sizes and condition of the natural vegetation area.