

## 14.12.120 - Species and varieties.

- A. The department shall prepare lists of trees acceptable for planting in the public areas. Undesirable trees shall not be recommended for general planting, and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used to advantage.
- B. Only desirable trees of good appearance, beauty, adaptability, and generally free from injurious insects or disease shall be planted in public areas.
- C. Where street blocks have been assigned a particular species or variety on the master street tree plan, only that species or variety shall be planted, subject to revisions by the Director of Planning and Zoning.

(Ord. O-36-01 § 1: prior code § 6-78(B))

(Ord. No. O-20-20, § I, 9-14-2020)

## 17.09.030 - Landscape plan.

- A. Landscape Plan. Any application for a building or grading permit submitted in accordance with the requirements of this title, or any application for a development project requiring site design plan review in accordance with the requirements of Chapter 21.22 include a landscape plan at a scale of one inch to forty feet. The landscape plan shall be considered a part of the permit or site plan design review application and shall be subject to the review requirements and administrative procedures of this title or Chapter 21.22, whichever shall apply.
- B. Submittal Requirements. A landscape plan submitted in accordance with this chapter shall include:
  - 1. Limits of Disturbance (LOD). Within the limits of disturbance and within fifteen feet of the LOD, the location, diameter at breast height (DBH), and species of all existing trees equal to or greater than five inches DBH. If the size of the parcel and the number of affected trees renders the individual identification of all trees unreasonable, as mutually determined by the applicant and the Department of Planning and Zoning, accepted methods of forest cruising may be substituted, although all individual trees in excess of twelve inches DBH must be individually identified;
  - 2. Limits of Project Development. Depict building footprints, access drives, parking areas, public streets, existing and proposed utilities and stormwater management structures, proposed finished grades, and sediment and erosion control structures;
  - 3. All trees, regardless of size, or tree areas within the legal boundaries of the property which are to be preserved for incorporation into the proposed site design, noting all tree driplines;
  - 4.

Tree preservation details, in accordance with Sections 17.09.040 and 17.09.050 of this chapter;

5. Locations of trees to be replaced under Section 17.09.070 of this chapter, and areas proposed for additional landscaping. The plan shall show:
    - a. The tree name, both botanical and common,
    - b. Quantity of each species used in the plan,
    - c. Caliper measured six inches above ground,
    - d. Type of rootstock, and
    - e. Typical planting detail;
  6. Proposed and required buffer areas;
  7. Substantive agreement with the site design plan review as required by Chapter 21.22 of this code;
  8. Conformance with all applicable sections of this chapter;
  9. Other relevant information as may be required by the Department of Planning and Zoning.
- C. Guidelines for Selecting Trees for Preservation. In determining which trees shall be preserved in the development process, consideration shall be given to preserving those which:
1. Complement the project design, including the enhancement of building architecture and streetscape appearance;
  2. Exhibit strong branching and rooting capabilities and are disease and insect resistant;
  3. Are tolerant of environmental change, e.g., increased sunlight, heat, wind, alteration of water regime;
  4. Provide a good source of food, cover or nesting sites for wildlife, or act as a wildlife corridor;
  5. Exist in natural groupings, including islands of trees and wildlife corridors;
  6. Complement stormwater management designs;
  7. Augment or do not conflict with sedimentation and erosion control designs;
  8. Do not conflict with existing utilities or proposed utility installation;
  9. Do not have proposed structures, sidewalks, roads, parking lots etc. within driplines;
  10. Are specimens for the particular species or have recognized significance;
  11. Are within proposed buffer areas;
  12. Are recommended for preservation by Maryland Forest, Parks and Wildlife Service (or its successor agencies); or
  13. Are recommended for preservation by the Department of Planning and Zoning for some other reason demonstrated to be in furtherance of the purposes of this chapter as set forth in Section 17.09.020.

D.

Conflicting Criteria. In the event that two or more conflicting guidelines are present in the evaluation of the preservation of trees on a site, consideration shall be given to those criteria most relevant to the planned use of the proposed development.

- E. Applicability. No cutting, clearing, digging or grading may be undertaken within a development area until a landscaping plan has been approved. Neither may any landscaping be undertaken until approval of the permit application and subsequent issuance of the permit.
- F. Replacement Value of Removed/Damaged Trees. Any trees which have been designated for preservation on the landscaping plan, or are outside the limits of development, and subsequently have been removed or damaged within the boundaries of the property under development, or any adjacent properties, shall be replaced consistent with the mitigation requirements in Section 17.09.070(C).
- G. Exceptions.
  - 1. A landscape plan shall not be required under the terms of this chapter where the applicant can demonstrate clearly that there are no existing trees or tree areas within the proposed limits of development.
  - 2. A landscaping plan shall not be required for the regular maintenance of existing public utilities or the approved installation of public utilities, nor shall a replacement value be required or assessed.
  - 3. The provisions of this chapter do not apply to projects which were granted special exception approval, or building or grading permit approval prior to November 15, 1988, provided that they are in conformance with all other approved plans and conditions.

(Ord. O-1-04 Revised (part), 2005; Ord. O-11-04 § 1 (part), 2004; Ord. O-26-03 § 1 (part); Ord. O-39-97 § 1 (part); Ord. O-40-88 § 1 (part))

(Ord. No. O-12-16 Amended, § I, 5-23-2016)