

ORDINANCE NO. 1317**AN ORDINANCE OF THE BOROUGH OF SOMERSET REGULATING  
LANDSCAPING IN CERTAIN APPLICATIONS**

***BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED*** as follows:

1. The provisions of this ordinance shall apply to all new construction and development of all uses other than single family and two-family residential in which the principal building on the lot exceeds 1,500 sq. ft. in floor area. The provisions of this ordinance shall not apply to existing developed properties (prior to the adoption of this section) unless one of the following occurs: A. An existing parking lot (paved or unpaved) is expanded or improved to add 10 or more spaces. B. An existing principal structure is expanded by 25% or more. The landscaping improvements are required for the expanded portion only.

2. Landscape Plan.

a. A landscape plan shall be submitted with each site plan application. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the methods of protecting the plantings during construction shall be included.

3. Site Protection and General Planting Requirements. These provisions are included to ensure that the development site is clean and presents no safety hazards. In addition, it allows landscaping to be installed properly, which in turn helps to lower future maintenance costs.

a. Topsoil preservation. Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces so as to provide at least (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 stumps 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.

c. Additional landscaping. 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.

d. Planting specifications. Deciduous trees shall have at least a two-inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. The developer shall replace dead and dying plants during the following planting season.

4. Buffering. Buffering is often required by ordinances to screen land uses that create nuisances, to divert or soften glare, to filter noise, to modify climatic conditions, or to create privacy.

a. Function and materials. Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

b. When required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening.

c. Amount required. Where more intensive land uses abut less intensive uses (e.g. commercial adjacent to residential), a buffer strip ten (10) feet in width shall be required. Parking lots, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeters by a buffer strip a minimum of five (5) feet wide.

d. Design. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. The arrangement of plant material shall be in informal rows in order to minimize the creation of a "wall-like" effect and to create a natural appearance whenever possible. A typical cross section for buffer planting shall include tall evergreen trees in the center, with deciduous trees and evergreen and/or deciduous shrubs at the edges in order to create a layered effect (see Fig. 3).

e. Planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

f. Maintenance. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

5. Parking Lot Landscaping. Landscaping can play a significant role in minimizing and moderating any adverse effects of parking lots. It breaks up the broad expanse of pavement and screens the lot from the street and surrounding properties. Planting strips and islands help guide the circulation of vehicles and pedestrians, creating a safe environment for both. Visual barriers minimize the hazard of nighttime glare from headlights, and plants moderate the microclimate on hot days and provide a buffer to winter winds.

a. Amount required. In parking lots, at least five percent (5%) of the interior parking area shall be landscaped with plantings, and a minimum of two (2) trees for each ten (10) parking spaces shall be installed. Landscaped areas planted with trees shall be located along the perimeter of all parking areas adjacent to streets and adjacent properties, and be a minimum of five (5) feet wide. Trees planted in parking lot street frontage screening areas shall be spaced a maximum of forty (40) feet apart, or with spacing consistent with existing trees along that street.

b. Location. The landscaping shall be located in protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.

c. Plant type. A mixture of salt-tolerant hardy flowering and/or decorative evergreen and deciduous trees may be planted. Native plant species shall be utilized whenever possible to minimize the likelihood of insect and drought susceptibility. The use of any known invasive plant species shall be prohibited. Evergreens shall be used along the perimeter of the lot screening, and deciduous trees for shade within the lot. The area between trees shall be mulched or planted with shrubs and ground cover. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material. Tree pits shall only be covered with paving materials if they are located within a walkway or sidewalk area.

6. Tree Preservation

a. Every development shall retain all existing trees 18 inches in diameter or more unless the retention of trees would unreasonably burden the development. Mature tree stock takes years to reestablish once removed from a site and replacement is a difficult and expensive process. Existing vegetation can provide a sense of permanence and continuity to a new development. No trees eighteen (18) inches in diameter shall be removed unless a developer demonstrates one or more of the following conditions:

1. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

- 3. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- 4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- 5. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
- 6. Any law or regulation requires the removal of the tree.

b. No excavation or other subsurface disturbance shall be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving and buildings) shall be located within 12-1/2 feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance would unreasonably burden the development. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

7. Attached Figures. The attached Figures labeled 1 through 8 are intended to be used only as examples and aids in interpreting and construing this Ordinance, but are not intended to be a part of this Ordinance. Should any conflict be detected between the terms of this Ordinance and the Figures, the text of this Ordinance shall control.

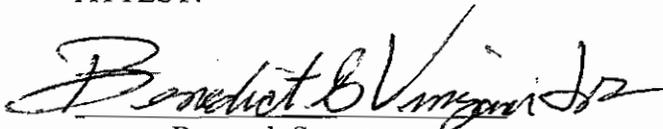
8. Repeal of Inconsistent Provisions. All existing ordinances or parts thereof that are inconsistent herewith are hereby repealed.

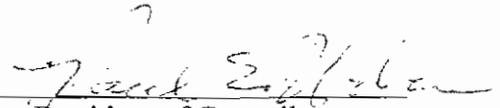
9. Effective Date. This Ordinance shall take effect thirty (30) days following final adoption.

**ENACTED AND ORDAINED** this 30th day of October, 2006, by the Borough Council of the Borough of Somerset.

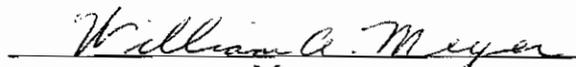
ATTEST:

BOROUGH OF SOMERSET

  
Borough Secretary

By   
President of Council

**APPROVED** this 30th day of October, 2006.

  
Mayor

This is to certify that the above is a true copy of an ordinance adopted and signed on October 30, 2006, advertised in the Somerset Daily American on October 18, 2006.

  
Borough Secretary

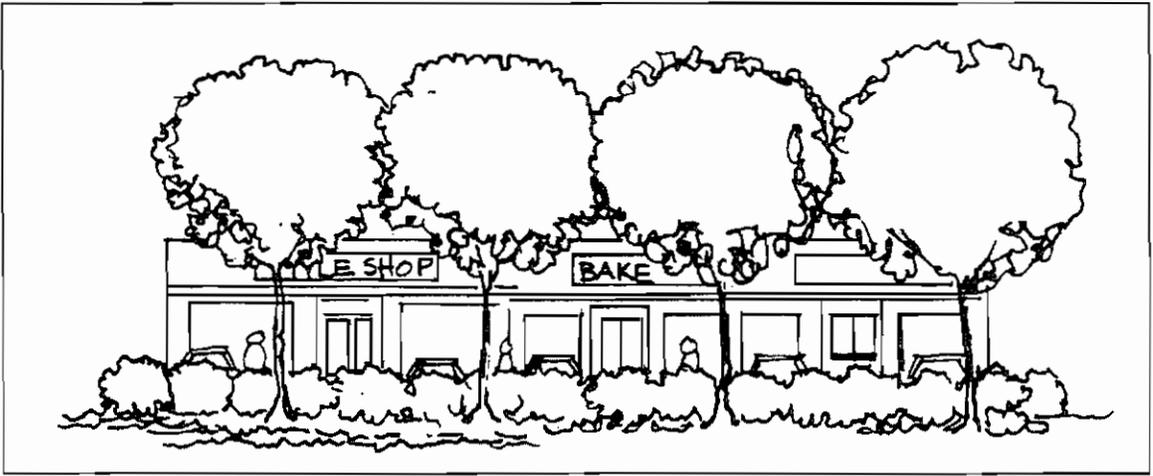


Figure 1 – Landscaping improves community appearance.

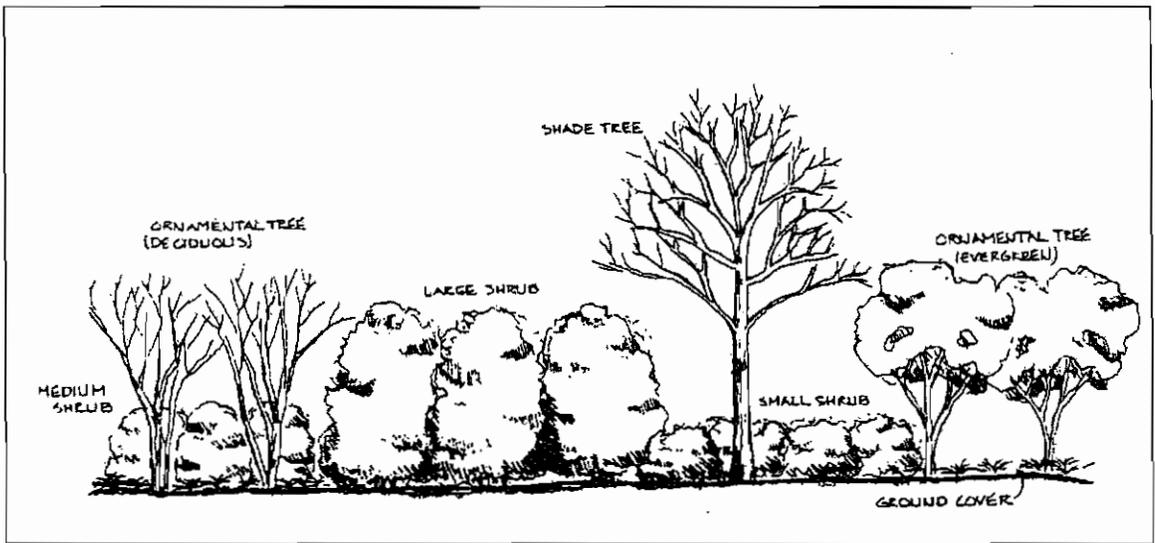


Figure 2 – Typical landscaping plant types.

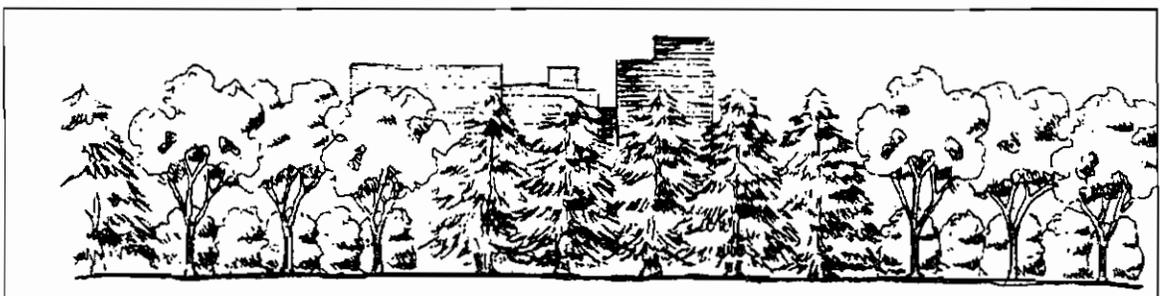


Figure 3 – Buffering screen with variety of tree species.

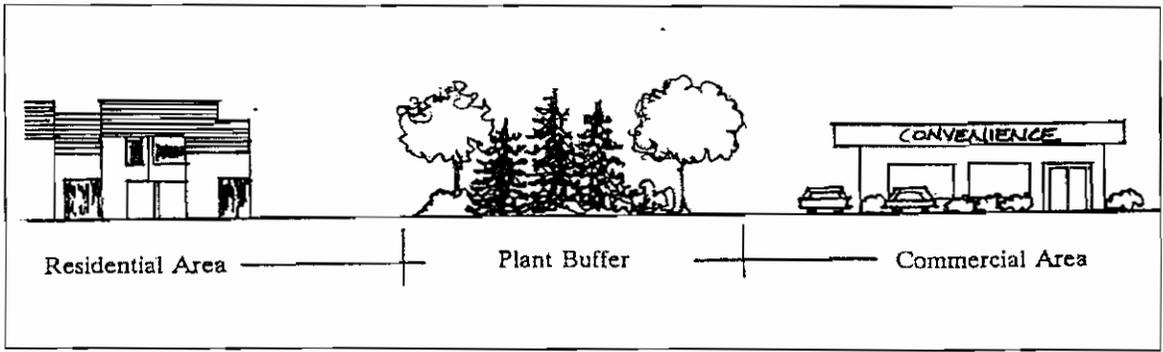


Figure 4 – Plant buffer separates dissimilar land uses.

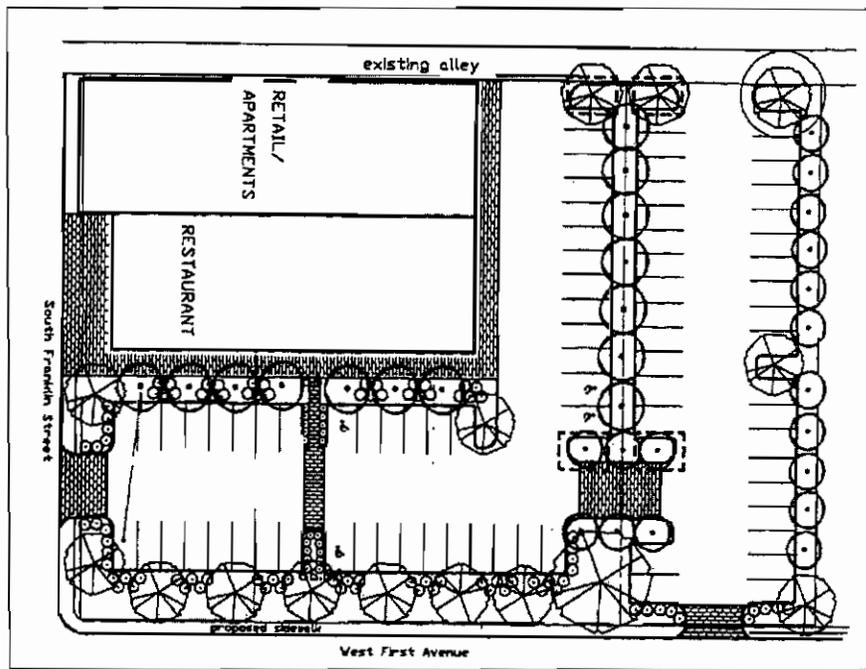


Figure 5 – Parking lot landscaping locations.

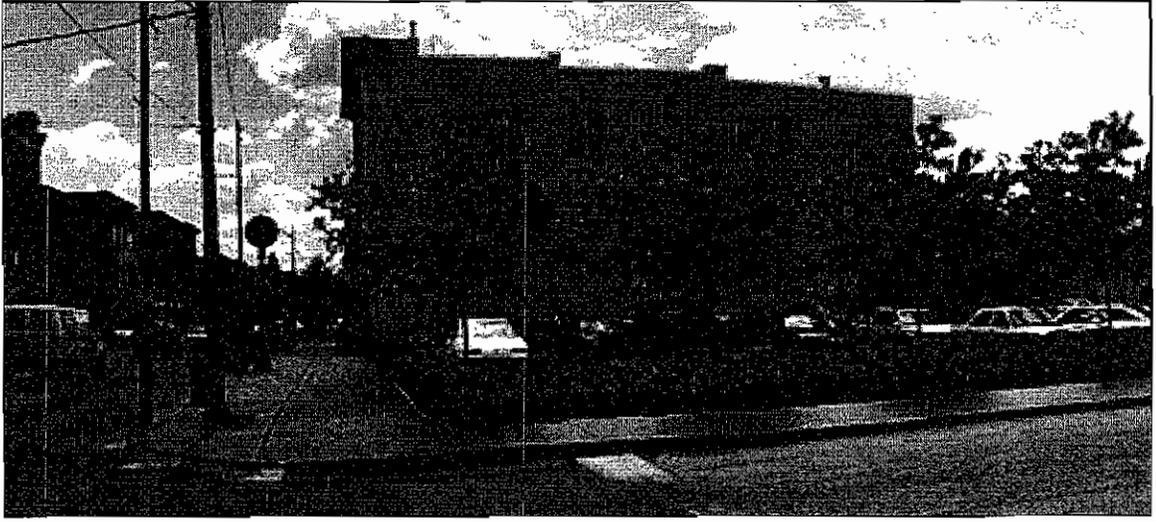


Figure 6 – Parking Lot Landscaping

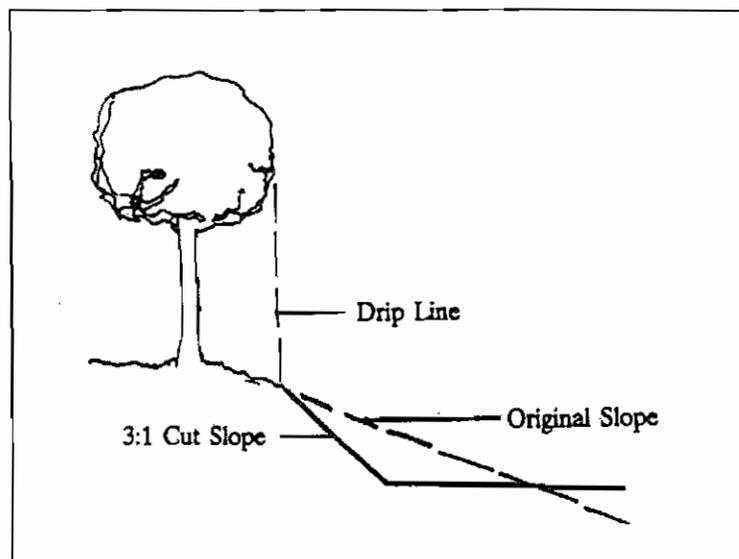


Figure 7 – To save existing trees, grading must not intrude inside 'drip line' of the tree canopy.

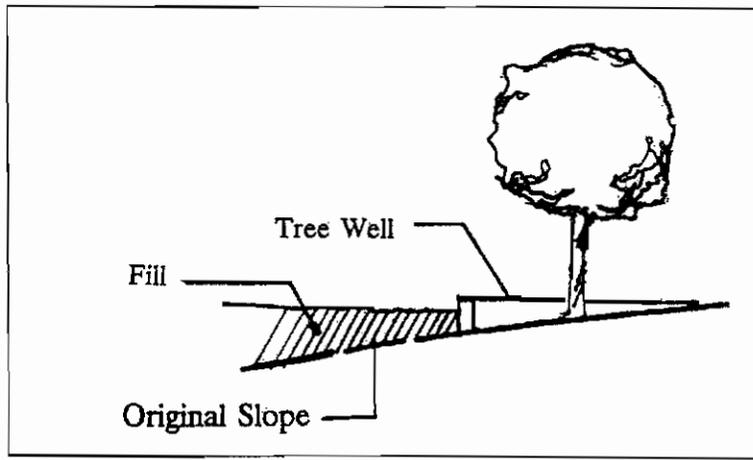


Figure 8 – Tree wells protect existing trees in minor cut or fill areas.