

## **ARTICLE 12. STANDARDS FOR OPEN SPACE, BUFFER YARDS AND LANDSCAPING**

### Section 12-1. Environmental Standards for all Subdivisions and Development Requiring Site Plan Approval

1. Perennial stream no-disturbance buffer.
  - a. A one-hundred-ten (110) foot natural buffer from all perennial streams, as described on the United States Geological Survey (USGS) 7.5 Minute Quadrangle Maps, shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
  - b. This buffer shall be transferred to the Mayor and Commissioners if designated on the Greenways Plan.
2. Intermittent stream no-disturbance buffer.
  - a. A twenty-five (25) foot buffer from all intermittent streams, as described on the United States Geological Survey (USGS) 7.5 Minute Quadrangle Maps, shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.
3. Sensitive soil no-disturbance buffer. The one-hundred-ten (110) foot perennial stream buffer shall be expanded to include contiguous hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) to a maximum distance of one hundred sixty (160) feet.
4. Nontidal wetland buffer. A twenty-five (25) foot setback from all nontidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the United States Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Nontidal Wetland Division.
5. Steep slopes.
  - a. No structure or impervious surface shall occur on any slope with a grade of twenty-five percent (25%) or more covering a contiguous area of ten thousand (10,000) square feet or more.
  - b. On slopes between fifteen percent (15%) and twenty-five percent (25%), good engineering practices shall be used to insure sediment and erosion control and slope stabilization before, during and after disturbance activities and to minimize cut and fill.
6. Habitats of rare, threatened and endangered species. Development shall avoid these areas as described by the Maryland DNR, Natural Heritage Program.

7. Forest conservation. All regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements as prescribed herein.

Section 12-2. Provision of Common Open Space

1. Common open space shall be an integral part of all minor and major subdivisions and all planned residential developments. It may be used to:
  - a. Unify the entire project.
  - b. Reduce conflicts between incompatible activities and uses.
  - c. Provide active recreation opportunities.
  - d. Provide passive recreation opportunities.
  - e. Provide for the protection of sensitive natural and or cultural resources.
  - f. Provide for the protection of historically significant resources.
2. Common open space (spaces designated and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures and improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space area shall meet the following requirements:
  - a. Be exclusive of road rights-of-way and parking areas.
  - b. Equal or exceed the percentages of the gross site area required in the Schedule of Density and Open Space Requirements.
  - c. No more than forty percent (40%) of the common open space required shall consist of those Areas designated as nontidal or tidal wetlands.
  - d. At a minimum, fifteen percent (15%) of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes or habitats of rare, threatened and endangered species.
3. Common open space design shall consider all existing natural and culturally historically significant man-made features and plan for their protection and enhancement. These include but are not limited to:
  - a. Watercourses or bodies and associated floodplain or floodway.

- b. Rare, threatened or endangered species and associated habitat protection area needed to ensure species survival.
  - c. Applicants for any new development shall make every possible attempt to locate required open space next to any significant and permanent open space area on-site or on adjacent or abutting sites.
- 4. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, expected population and the number and type of dwelling units proposed.
- 5. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures and improvements to be permitted in the common open space must be appropriate to the uses, which are authorized for the common space.
- 6. Fee In Lieu provision for infill and redevelopment projects: If it is determined by the Planning Commission an applicant cannot meet the hardscape amenities requirement for open space area, the applicant shall enter into a "Fee-In-Lieu Agreement for Off-Site Mitigation" and shall pay a fee to the Town of North East equal to the cost of the "hardscape amenities" which would have been required for approval of the project. The Fee-in-Lieu shall be collected by the Town, prior to the Town's signature of approval on the site plan or subdivision plat. Monies collected under this provision shall be deposited in a separate account of the Town and shall be used for off site mitigation within the Town's corporate limits. [ADDED PER ORDINANCE 2010-02-01]

### Section 12-3. Common Open Space Requirement

Common open space shall be provided in accordance with the chart and Appendix A found at the end of this Article.

When common open space includes a playground site, a playground site plan meeting the requirements of Section 10-3 and showing the proposed types and location of equipment and play areas shall be provided. The following statements shall be required on the playground site plan:

- 1. Complies to CPSC;
- 2. Complies to ASTM;
- 3. Complies to ADA;

4. The play components identified in this plan are IPEMA Certified. The use and layout of these components conform to the requirements of ATSM F1487;
5. An energy absorbing protective surface is required under and around all play areas;
6. Seal IPEMA Certified to ASTM F1487;
7. To promote safe and proper equipment use by children, it is recommended that the installation of either a safety sign or other appropriate safety signage near each entry point to inform parents and supervisors of the age appropriateness of the playground and general rules for safe play.

#### Section 12-4. Common Open Space Ownership

1. Private ownership. If open space areas or facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guaranties that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission.
2. Public ownership of open space dedication. Unless the Planning Commission finds that the size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the Town.

#### Section 12-5. Management of Common Open Space Property

The developer shall insure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:

1. The organization shall be established by the developer before sale or rental of lots or dwelling units in the development.
2. The financial and organizational structures, rules of membership and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

3. All property owners within the development shall be required to participate in such organization and shall be responsible for maintenance, preservation and improvement of common open space lands.
4. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to ensure the purpose for which the open space is provided will be achieved.

The Planning Commission counsel prior to recordation among the Land Records of Cecil County shall approve said instruments.

#### Section 12-6. Surety for Open Space Improvements

Prior to the recordation of a final plat, an irrevocable letter of credit or any other surety acceptable to and approved by the Town shall be filed for or deposited in escrow with the Town, in an amount sufficient to insure completion of such open space requirements.

#### Section 12-7. Landscape Standards

For all minor and major subdivisions, planned residential developments and commercial and industrial development required to file a minor or major site plan as prescribed in this Ordinance, the following shall apply:

1. Landscaping shall be provided as required in the chart and Appendix A found at the end of this Article.
2. Any landscaped area protected for use in the afforestation or reforestation requirements of the Cecil County Forest Conservation Regulations shall meet the standards outlined in the Cecil County Forest Conservation Regulations for area, size, density and materials.
3. Fee In Lieu: If it is determined by the Planning Commission an applicant cannot meet the planting requirements, the applicant shall enter into a "Fee-In-Lieu Agreement for Off-Site Mitigation" and shall pay a fee to the Town of North East of \$2.50 per square foot for the area to be planted. The Fee-in-Lieu shall be collected by the Town, prior to the Town's signature of approval on site plan or subdivision plat. Monies collected under this provision shall be deposited in a separate account of the Town and shall be used for off site mitigation within the Town's corporate limits. [ADDED PER ORDINANCE 2010-02-01]

#### Section 12-8. Landscape Plan Required

1. Landscape design and landscape planning shall be guided by an overall landscape plan, which may be approved in sections by the Planning Commission, but must follow an overall harmonious theme designed to provide an aesthetically pleasing result.

2. The planting plan must be prepared in coordination with the approved site plan or preliminary and final subdivision plat and shall show the information required for a planting plan found in the Cecil County Forest Conservation Regulation Technical Manual.

#### Section 12-9. Street Trees Requirements

1. Along both sides of all newly created streets that are constructed in accordance with the Town street standards, the developer shall at a minimum either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty (50) feet from the center line of the street, there is for every fifty (50) feet of street frontage at least an average of one (1) deciduous tree that has or will have when fully mature a trunk at least twelve (12) inches in diameter.
2. Street trees shall be included in a landscape plan and guaranteed by an irrevocable letter of credit or any other surety acceptable to and approved by the Town.
3. Measurement of typical mature crowns of the species utilized shall be used to calculate area required for landscape percentages.
4. At the time of installation, shade trees shall be a minimum of 2.5" caliper and with branching beginning at a minimum six feet above grade. (ADDED PER ORDINANCE 2010-09-02)
5. The street tree planting design shall account for no more than ten trees of the same species adjacent to one another, unless otherwise approved by the Planning Commission. (ADDED PER ORDINANCE 2010-09-02)

#### Section 12-10. Landscaping of Parking Facilities

1. Intent

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare. It is further the intent of this Ordinance that the standards specified shall be minimum standards. The Planning Commission, at its discretion, may require additional plantings, larger specimen plants or such combination of plantings and landscaping that will address specific concerns that may be identified during the process of concept site plan, Preliminary site plan or Landscape plan review. The burden of proof shall rest with the applicant to demonstrate why the requirements imposed by the Planning Commission can not be met. [AMENDED PER ORDINANCE 2010-02-01]

## 2. Sites Affected

- a. New sites. Except for infill or redevelopment projects approved as per Section 5-15, no new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.
- b. Existing sites. Except for infill or redevelopment projects approved as per Section 5-15, no parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.
- c. Change of use. Except as allowed for infill or redevelopment projects approved as per Section 5-15, no use shall be changed to another use for which additional parking above that for the previous use is required, unless the parking facility perimeter landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.
- d. Change of zoning district. No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning district classification unless property perimeter landscaping as required herein has been provided.

## 3. Perimeter Landscaping

When more setback and/or plantings are required in Sections 12-7 and 12-11 the standards of those sections shall apply. Otherwise, the following minimum landscape standards shall apply:

- a. A planting strip shall be provided at least eight (8) feet wide adjacent to the back of any sidewalks or ten (10) foot wide adjacent to the property line where no sidewalk exists. Where the parking lot does not abut a property line or sidewalk, a five (5) foot planting area shall be provided.

- b. Except where otherwise specifically required by herein, a minimum ten (10) foot wide screening area shall be provided along all abutting property lines of a residential district.
- c. The following requirements shall apply to the design and construction of all parking lots for fifteen (15) vehicles or more:
  - (1) Perimeter Landscaping. An eight (8) foot landscaped area shall be provided adjacent to all driveways leading to the lot and around the outer edges of all parking lots.
  - (2) Screening Areas. A ten (10) foot screening area shall be provided abutting all residential districts except where a greater distance is required by the provisions of the zoning district in which the parking lot is located.
- 4. Each landscape area adjacent to a street right-of-way shall contain a minimum of one tree per forty (40) feet of landscape area parallel to the right-of-way. This requirement is in addition to the street tree requirements in Section 12-9. In addition, a vegetative screen, landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area shall be provided. The vegetative screen shall have an average continuous height of three (3) feet.
- 5. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
- 6. Special notes on existing natural vegetation:
  - a. In all cases where significant natural vegetation exists, as determined by the Zoning Administrator, there will be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.
  - b. In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage will be permitted.
  - c. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.
- 7. Trees required as a part of the parking lot street right-of-way landscaping may be placed on the right-of-way adjoining such parking area when



approved by the Planning Commission. Such trees shall be in addition to any street trees required by the subdivision regulations.

8. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.
9. In any parking lot perimeter landscaping area all trees shall be set back at least four (4) feet from the edge of paving.
10. Interior Landscaping for Parking Lots
  - a. For any parking lot containing more than six thousand (6,000) square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands. An interior parking lot landscape island or peninsula is defined as a landscaped area containing a minimum area of one hundred fifty three (153) square feet having a minimum width of eight and one half (8.5) feet and a minimum length of eighteen (18) feet. Where needed, based on maximum adjacent spaces in adjoining parking isles, landscape islands may be joined. The Planning Commission may require periodic spacing of landscape islands, of up to 612 square feet, to accommodate clusters of large canopy shade trees and attendant understory and shrub plantings in order to visually break up the large number of parking spaces required in Big-Box developments. There shall be a minimum of four (4) feet to all trees from the edge of paving where vehicles overhang. For purposes of Subsection d. below and subject to the limits established in e. below, up to four (4) islands can be combined. [AMENDED PER ORDINANCE 2010-02-01]
  - b. Where a parking area is altered or expanded to increase the size to six thousand (6,000) or more square feet of area or fifteen (15) or more vehicular parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
  - c. Landscape area. For each one hundred (100) square feet, or fraction thereof, of parking lot, ten (10) square feet of landscaped area shall, at a minimum, be provided and shall be subject to Planning Commission review and approval. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways.

or walkways within such setbacks. [AMENDED PER ORDINANCE 2010-02-01]

- d. Landscape islands or peninsulas - number required:
  - (1) For less than one hundred (100) spaces one island or peninsula is required for every seven (7) parking spaces.
  - (2) For one hundred (100) spaces or more, one island or peninsula is required for every eight (8) adjacent spaces. [AMENDED PER ORDINANCE 2010-02-01]
  - (3) Each eight (8) parking spaces shall require an interior planting island. [AMENDED PER ORDINANCE 2010-02-01]
  - (4) All interior parking aisles shall end in a landscape island.
- e. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than the following:
  - (1) Three hundred fifty (350) square feet in parking areas under thirty thousand (30,000) square feet.
  - (2) There shall be no maximum size limitation on individual landscaping areas within parking lots in excess of 30,000 square feet. However, the potential provision of large contiguous landscaped areas does not relieve the applicant from meeting all other landscaping requirements of this Ordinance or those special requirements established by the Planning Commission as a consequence of their case by case reviews. [AMENDED PER ORDINANCE 2010-02-01]
- f. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where the intent is to preserve existing significant stands of natural vegetation.
- g. Minimum plant materials. A minimum of one (1) tree for each two hundred fifty (250) square feet or fraction thereof of required landscape area or for each five (5) spaces of required parking or for each one hundred sixty one (161) square feet of island or peninsula, whichever is greater, shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed two (2) feet in height, or grass.

- h. Interior landscaping for parking areas shall be installed and continuously maintained by the owner.
- i. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan.
- j. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Zoning Administrator.
- k. Alternative parking area landscaping design may be considered by the Planning Commission in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this section.
- l. Landscape material type and quality shall be as follows:
  - (1) Parking lots and areas that are required to be paved must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least twelve (12) inches in diameter.
  - (2) Each tree of the type described in subsection a. shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty percent (20) of the parking lot area will be shaded.
  - (3) Parking areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet, six (6) inches.

#### Section 12-11. Buffer Yards

- 1. Standards for Buffer yard design, where required, are found in the chart and Appendix A at the end of this Article.
- 2. The Zoning Administrator or Planning Commission may require buffer yards to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions.
- 3. As part of the overall site -landscaping plan, buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an

- existing or dedicated public or private street or right-of-way. Buffer yards shall not be located within a yard requirement in a townhouse development or planned residential development. No parking storage or structures except for fences shall be permitted within any required buffer yard.
4. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provide that:
    - a. The required planting units of the appropriate buffer yard in Appendix A are provided.
    - b. The total width of the buffer yard is maintained.
    - c. All other regulations of Article 12 are met.
  5. Where existing vegetation is to be used to meet the requirements herein, the surety requirement may be modified appropriately. However, to the extent that existing vegetation is or will be inadequate to meet the standards set herein, a planting plan meeting all of the requirements herein must be submitted.
  6. All plantings shall be inspected by the Town or their agent upon notification by the developer or owner and shall be approved according to the following standards:
    - a. The planting plan shall adhere to the approved plan.
    - b. All plants shall be protected from vehicular encroachment by wheel stops, curbs or other barriers unless distance provided adequate protection.
    - c. No planting shall be placed, planted or allowed to grow in such a manner as to impede vision at intersecting streets.
  7. All service structures shall be fully screened. See Section 6-17 of this Ordinance for definition and screening requirements.

#### Section 12-12. Surety of Plantings

1. The planting plan shall be accompanied by an estimate of the installation cost for all landscape material.
2. Upon approval of the plan and cost estimate, the developer or owner shall enter into an agreement and surety with the Town to provide plantings as required. The agreement shall be in the form and substance as approved by the Town Attorney. The agreement shall be accompanied by a surety as approved by the Town or a certified check or cash which

shall be deposited with the Town and held in an escrow by the Town in the public works engineering expense account of the general fund. The surety deposited with the Town shall include the cost of the retail plant material (plant material costs shall be approved by the Town) plus a 2.5 multiplier cost installation factor. (AMENDED PER ORDINANCE 2010-09-02)  
The surety:

- a. Shall assure that the buffer yard planting and maintenance is in accordance with the approved planting plan.
  - b. Shall be payable to the Mayor and Commissioners of the Town of North East.
  - c. Shall be issued by a financial institution authorized to do business in Maryland; and
  - d. May not be cancelled by the surety, bank or other issuing entity unless both of the following conditions are satisfied:
    - (1) The Mayor and Commissioners of the Town of North East and the obligee are notified in writing by registered mail of the intent to cancel not less than ninety (90) days prior to the cancellation- and
    - (2) At least forty-five (45) days prior to the cancellation date indicated in the notice, the obligee files a commitment for a surety, bank or other issuing entity to provide a substitute security, which will be effective on the cancellation date indicated in the notice.
3. The person required to provide surety under this section may request reduction of the amount of the financial security by submitting a written request to the Zoning Administrator with a justification for reducing the surety amount, including estimated or actual costs to ensure requirements are met. The amount may be reduced by no more than fifty percent (50%) of the initial financial security amount. At the time of the reduction the person may also change the type of guaranty with the approval of the Zoning Administrator. The request for release of surety shall follow the schedule outlined below. The release dates given are the earliest dates from which any release may be granted. Releases are not guaranteed and shall reflect the success rate of the planting plan being inspected. (AMENDED PER ORDINANCE 2010-09-02)

Planting Schedule/ Release of Security Schedule:

<b>Plant Date</b>	<b>Partial Release</b>	<b>Full Release</b>
Between 3/1 and 5/15	9/15 same year	9/15 following year
Between 5/15 and 6/30	6/15 following year	9/15 following year
Between 9/15 and 11/15	9/15 following year	9/15 second year

(AMENDED PER ORDINANCE 2010-09-02)

## Re-planting Schedule:

<b>Re-plant Date</b>	<b>Full Release</b>
Between 3/1 and 5/15	9/15 following year
Between 5/15 and 6/30	9/15 following year
Between 9/15 and 11/15	9/15 second year

(ADDED PER ORDINANCE 2010-09-02)

Note: Trees and shrubs planted between 6/15 and 9/15 will not be accepted unless they are irrigated throughout the summer months, in a manner approved by the Town. (ADDED PER ORDINANCE 2010-09-02)

4. The Zoning Administrator will determine if a lesser amount of surety is sufficient to cover the costs associated with the planting plan, taking into account: (AMENDED PER ORDINANCE 2010-09-02)
  - a. The number of acres;
  - b. The proposed methods of planting and maintenance;
  - c. The Cost of planting material, labor and maintenance replacement;
  - d. The types of material used; and
  - e. Other relevant factors.
5. If, after the dates for full release given in subsection above, the plantings associated with the planting plan meet or exceed the standards contained in the approved landscape plan, the amount of the surety shall be released. The full or complete release of the financial security shall follow the procedure below: (AMENDED PER ORDINANCE 2010-09-02)
  - a. The surety may be released on receipt of written notice from the Zoning Administrator stating that all the planting requirements have been met. (AMENDED PER ORDINANCE 2010-09-02)
  - b. Written notice shall be sent at the end of the required monitoring and maintenance period unless as provided in Subsection 6 below or unless noncompliance with this section is determined by the Zoning Administrator.
  - c. If the Zoning Administrator fails to send written notice by the end of the monitoring and maintenance period the surety shall be automatically released unless as provided in Subsection 6. (AMENDED PER ORDINANCE 2010-09-02)

6. Forfeiture of surety. (AMENDED PER ORDINANCE 2010-09-02)
- a. Forfeiture of surety may be required if the obligee fails to implement: (AMENDED PER ORDINANCE 2010-09-02)
    - (1) The planting plan or any element thereof; or
    - (2) A correction action necessary to complete or carry out the planting plan as determined by the Zoning Administrator.
  - b. The Zoning Administrator shall notify the obligee, by certified mail, of the intention of the Zoning Administrator to initiate forfeiture proceedings.
  - c. The obligee has thirty (30) days from the receipt of the notice of forfeiture to show cause why surety may not be forfeited. (AMENDED PER ORDINANCE 2010-09-02)
  - d. If the obligee fails to show cause, surety shall be forfeited. (AMENDED PER ORDINANCE 2010-09-02)
  - e. The Zoning Administrator shall use the forfeited surety to perform the planting plan. (AMENDED PER ORDINANCE 2010-09-02)

## Appendix A

### Standards for Buffer Yard Design

#### A-1. Buffer yard specifications

The following illustrations graphically indicate the specifications of each buffer yard. Buffer yard recommendations are stated in terms of the width of the buffer yard and the number of plant units required per one hundred (100) linear feet of buffer yard. The recommended buffer yard should be one (1) of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials recommended for a given buffer yard is determined given a change in the width of that yard. The type and quantity of plant materials recommended by each buffer yard, and each buffer yard option, including berms, are specified in this section.

Afforestation or reforestation plantings required under the Cecil County Forest Conservation Regulations may occur in buffer yards, provided that such plantings meet the minimum requirements of the Forest Conservation Regulations.

The options within any buffer yard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as desirable are determined by the type(s) of soil present on the site. Each illustration depicts the total buffer yard located between two uses.

#### A-2. Plant Material

The following plant material substitutions may satisfy the recommendations of this section.

1. In Buffer Yards C, D and E, evergreen canopy or evergreen understory trees may be not be substituted for deciduous canopy forest trees.  
[AMENDED PER ORDINANCE 2010-02-01]
2. In Buffer Yards B, evergreen canopy or evergreen understory trees may be substituted as follows:
  - a. In the case of deciduous understory, without limitation.  
[AMENDED PER ORDINANCE 2010-02-01]
3. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
4. In all buffer yards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials



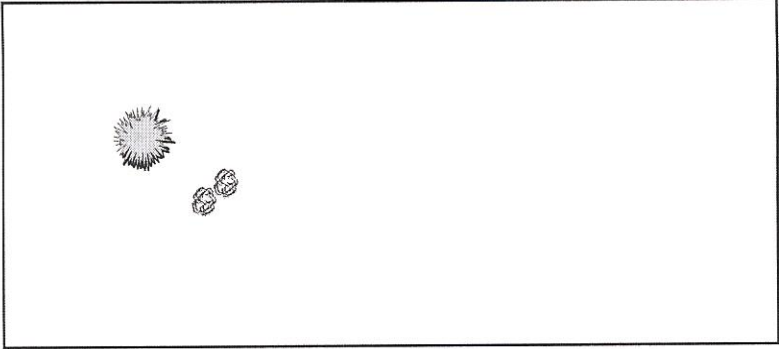
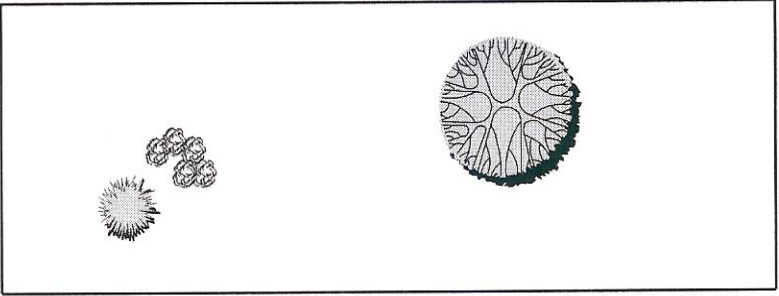
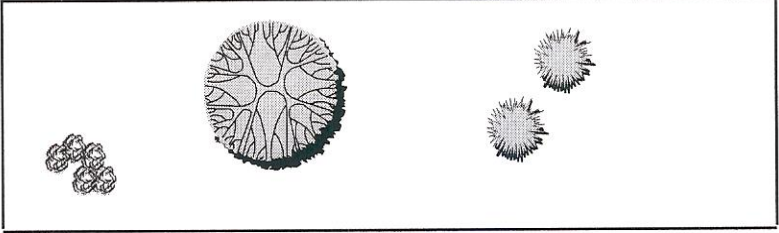
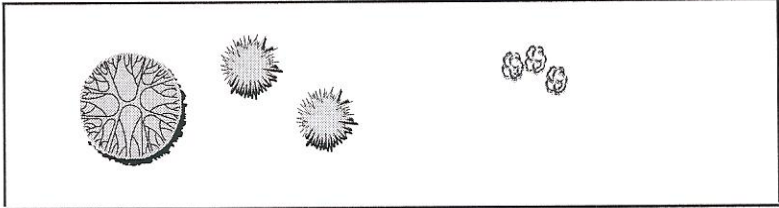
for canopy forest trees and understory plant materials, without limitation.

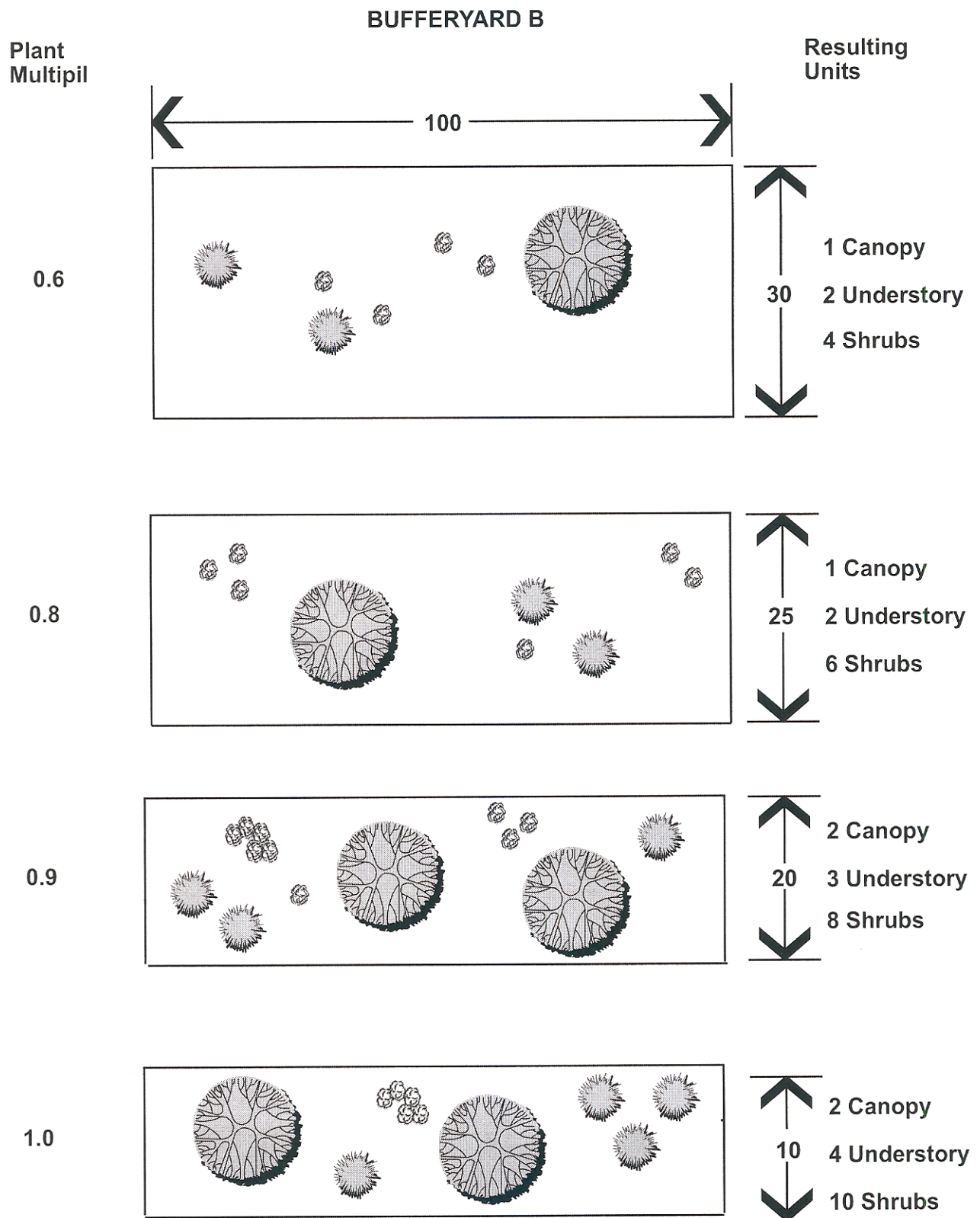
If the development on the adjoining parcel is existing, planned or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access. Any existing plant material which otherwise satisfies the requirements of this section should be used.

Although the exact placement of recommended plants and structures is the decision of each user, the following is recommended:

- a. Except as specified in Buffer Yard A, evergreen (or conifer) Class III and IV plant materials should be planted in clusters rather than singly in order to maximize their chances of survival.
- b. Berms (B1, B2 and B3) recommended with Buffer Yard D and E options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials.
- c. Bufferyard Berms with a side slope of 3:1 or greater shall be avoided. (ADDED PER ORDINANCE 2010-09-02)

All buffer yard areas should be seeded with lawn unless ground cover is already established.

BUFFERYARD A		
Plant Unit Multiplier	100	Resulting Plan Units Required
0.6		25 1 Understory 2 Shrubs
0.8		20 1 Canopy 1 Understory 4 Shrubs
0.9		15 1 Canopy 2 Understory 5 Shrubs
1.0		10 1 Canopy 2 Understory 6 Shrubs



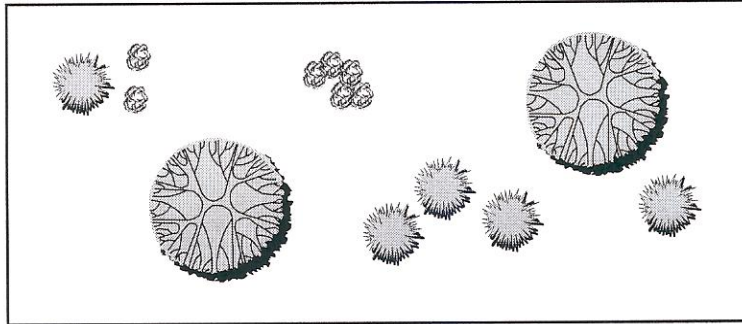
# BUFFERYARD C

Plant Unit  
Multiplier

100

Resulting Plan  
Units Required

0.6



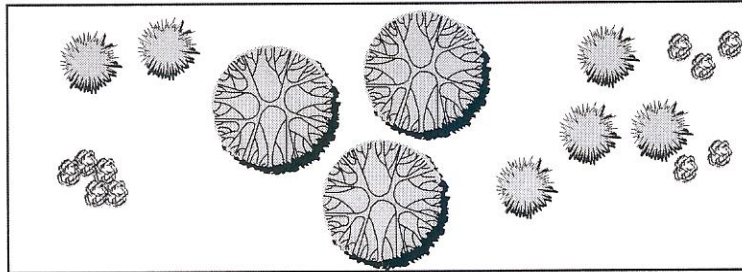
2 Canopy

5 Understory

7 Shrubs

30

0.8



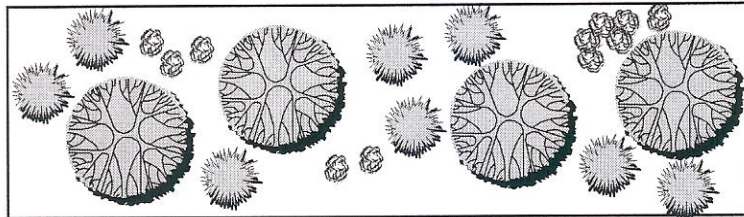
3 Canopy

6 Understory

10 Shrubs

25

0.9



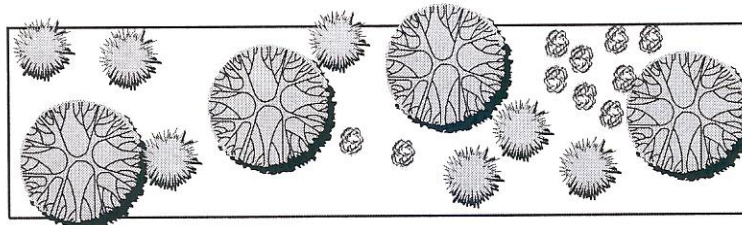
4 Canopy

7 Understory

11 Shrubs

20

1.0



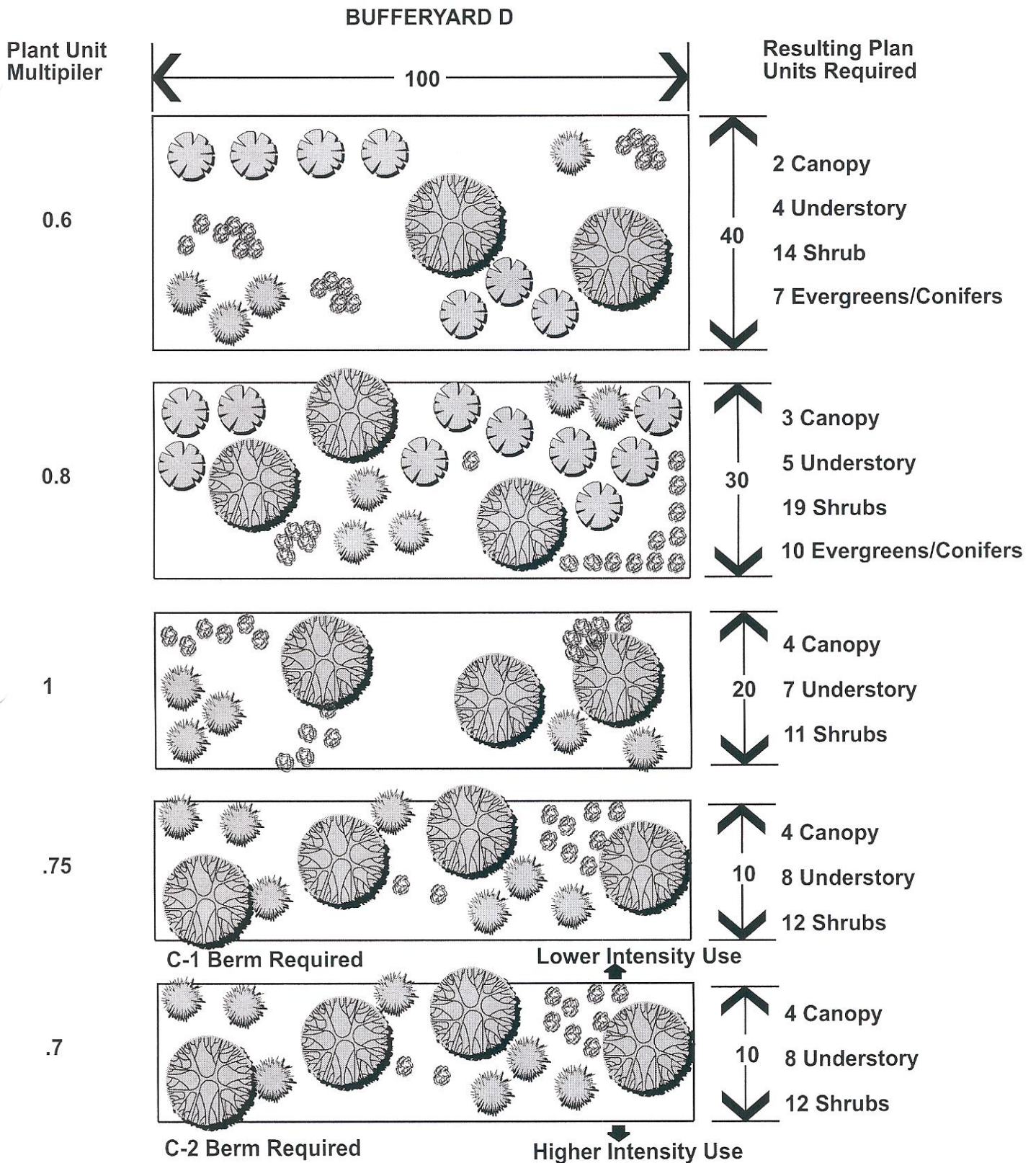
4 Canopy

8 Understory

12 Shrubs

10





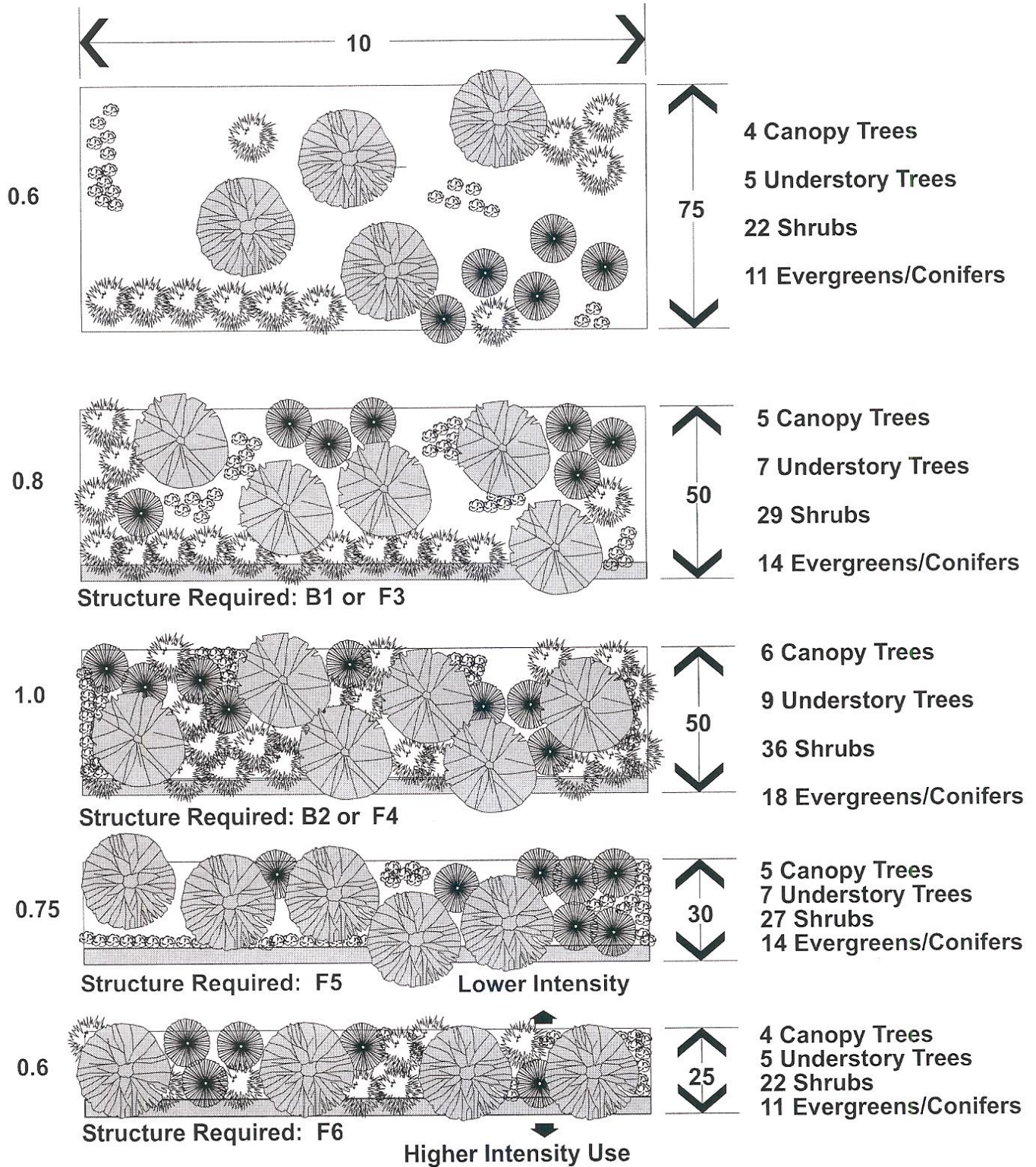
Appendix A Bufferyard Standards	<b>BUFFERYARD D</b>	North East Zoning Ordinance
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Plant  
Multipl

# BUFFERYARD E

Resulting  
Units



APPENDIX A-1  
LANDSCAPE STANDARDS AND SPECIFICATIONS  
(ADDED PER ORDINANCE 201-09-02)

All plant material must be selected from nurseries that have been inspected and certified by state plant inspectors. Inspection certifications shall be presented upon request of the Town and/or Landscape Architect.

All plant material shall conform to the current issue of the American Standard for Nursery Stock published by the American Nursery and Landscape Association.

Trees shall exhibit normal growth habit and pattern for the species.

Trees shall not have been sheared except for needle evergreens less than 6 feet in height.

The Contractor shall use the Town approved planting/ mulching detail.

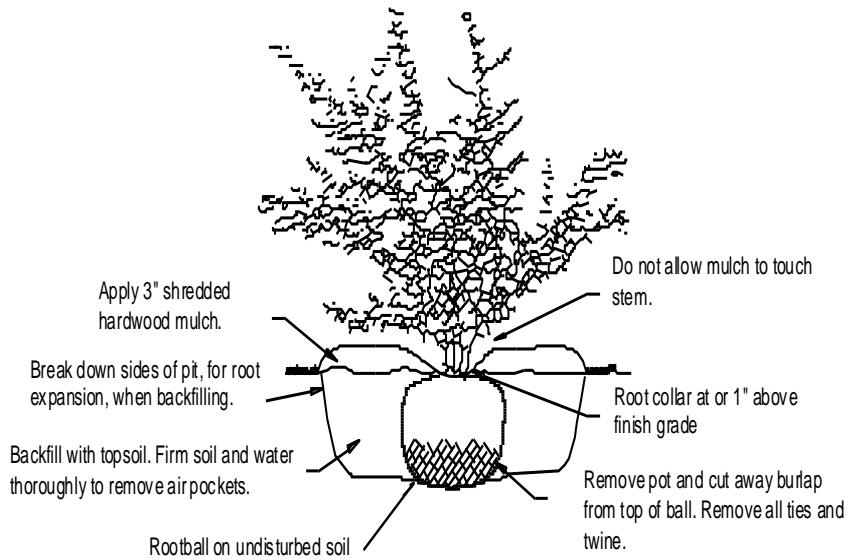
No substitutions of species, cultivar or size shall be made without written approval of the Town and/or Landscape Architect.

At the end of the warranty period described in this Ordinance, all plants shall be alive and in satisfactory growth.

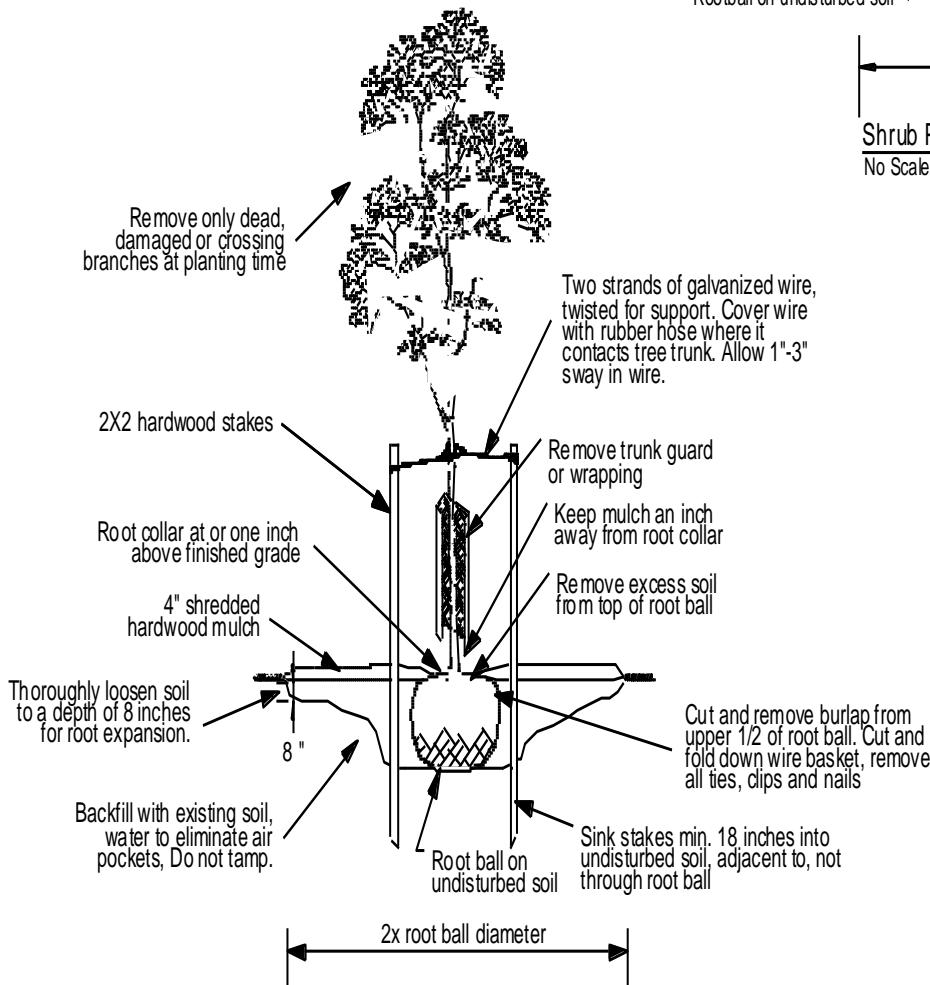
For purposes of this Ordinance, alive and satisfactory growth means:

- Any material that is 25% dead or more shall be considered dead and must be replaced at no charge.
- A tree shall be considered dead when the main leader has died back or 25% of the crown is dead.
- Trees which drop their leaves in the first year, those that have bark damage, have been girdled or have girdling roots will not be acceptable.

Stakes and guy wires shall be removed prior to final acceptance.



3x ball diameter  
**Shrub Planting Detail**  
No Scale



2x root ball diameter  
**TREE PLANTING DETAIL WITH STAKING**  
No Scale

TOWN OF  
NORTH

APPROVED: October 13,  
2010  
DATE

STANDARD  
PLANTING AND



EAST MARYLAND	<u>MAYOR AND</u> <u>COMMISSIONERS</u>	MULCHING DETAIL (ADDED PER ORDINANCE 2010- 09-02)	
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REQUIREMENTS FOR COMMON OPEN SPACE, BUFFER YARDS AND LANDSCAPING FOR SUBDIVISIONS (MINOR & MAJOR) AND SITE PLANS

Common Open Space, Buffer Yards and Landscaping shall meet the requirements of Article 12 of this Ordinance. The following minimum Common Open Space, Buffer Yards and Landscaping requirements shall be required.

	Residential Districts R-1 and R-2	Multi-Family Apartments and Townhouses	Planned Residential Development & MPC	Commercial Districts GC, VC and VM	Highway and Industrial LI, HC, HI
<b>Common Open Space</b>	15% OF THE GROSS SITE AREA WHEN SUBDIVISION INVOLVES ALL DETACHED SINGLE FAMILY DWELLINGS.  20% INVOLVING ANY OTHER TYPE OF DWELLING UNIT.	COMMON OPEN SPACE SHALL BE PROVIDED AS STATED BELOW AND SHALL NOT INCLUDE ROADS, PARKING AREAS OR ACCESSORY STRUCTURES AND SHALL BE IMPROVED BY THE DEVELOPER WITH RECREATIONAL AMENITIES AS REQUIRED BY THE PLANNING COMMISSION.  15% OF THE GROSS SITE AREA WHEN SUBDIVISION INVOLVES ALL DETACHED SINGLE FAMILY DWELLINGS.  20% INVOLVING ANY OTHER TYPE OF DWELLING UNIT.	25% OF THE GROSS SITE AREA		
<b>Buffer Yards Requirement</b>	BUFFER YARD FROM COLLECTOR OR ARTERIAL ROADWAYS – ROW OF STREET TREES.  BUFFER YARD ALONG INTERNAL STREETS – ROW OF STREET TREES.  BUFFER YARD FROM AGRICULTURAL USES SHALL BE BUFFER YARD STANDARD A APPEARING IN APPENDIX A FOUND AT THE END OF ARTICLE 12. THIS MAY BE WAIVED BY PLANNING COMMISSION IF PRINCIPAL STRUCTURES ARE SETBACK 300 FEET FROM THE BOUNDARY LINE.	A MINIMUM 25 FOOT BUFFER YARD MEETING STANDARD C APPEARING IN APPENDIX A FOUND AT THE END OF ARTICLE 12 SHALL BE PROVIDED AROUND THE PERIMETER OF THE DEVELOPMENT TRACT.  NO PARKING AREAS, ROADWAYS OR ACCESSORY STRUCTURES SHALL BE PERMITTED IN THE 25 FOOT PLANTED BUFFER.	BUFFER YARD FROM COLLECTOR OR ARTERIAL ROADWAYS – ROW OF STREET TREES.  BUFFER YARD ALONG INTERNAL STREETS – ROW OF STREET TREES	BUFFER YARD FROM COLLECTOR OR ARTERIAL ROADWAYS SHALL BE BUFFER YARD STANDARD “D” IN “GC” AND “VC” and “VM” APPEARING IN APPENDIX A FOUND AT THE END OF ARTICLE 12.  BUFFER YARD ALONG INTERNAL STREETS AND ROADWAYS – ROW OF STREET TREES.	BUFFER YARD FROM COLLECTOR ROAD OR ARTERIAL ROADWAYS SHALL BE BUFFER YARD STANDARD D IN “HC” and “LI” AND STANDARD E IN “HI” APPEARING IN APPENDIX A FOUND AT THE END OF ARTICLE 12.  BUFFER YARD ALONG INTERNAL STREET OF INDUSTRIAL PARKS – ROW OF STREET TREES.  BUFFER YARDS BETWEEN THE HIGHWAY AND INDUSTRIAL USE AND ANY RESIDENTIAL ZONE SHALL BE BUFFER YARD STANDARD D APPEARING IN APPENDIX A FOUND AT THE END OF ARTICLE 12.
<b>Landscaping Requirement</b>	A MINIMUM OF 20% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED. (SEE NOTE 1 BELOW)	A MINIMUM OF 25% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED. (SEE NOTE 1 BELOW)	A MINIMUM OF 20% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED. (SEE NOTE 1 BELOW)	“V-C” and “VM” - A MINIMUM OF 20% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED.  “G-C” – A MINIMUM OF 25% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED.	“HC” AND “LI” – A MINIMUM OF 20% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED.  “HI” – MINIMUM OF 25% OF THE DEVELOPMENT ENVELOPE SHALL BE LANDSCAPED

NOTE 1: THE LANDSCAPE PLANS FOR THE PROPOSED DEVELOPMENT SHALL PROVIDE A VISUALLY HARMONIOUS AND COMPATIBLE SETTING FOR STRUCTURES ON THE SAME LOT AND ON ADJOINING OR NEARBY LOTS AND SHALL BLEND WITH THE SURROUNDING LANDSCAPE. NATURAL-APPEARING LANDSCAPE FORMS ARE STRONGLY ENCOURAGED; FORMAL PLANS AND THE APPEARANCE OF STRAIGHT HEDGES ARE DISCOURAGED. THE SCALE OF THE PROPOSED LANDSCAPING SHALL BE IN PROPORTION TO THE BUILDING. IF IS DEEMED APPROPRIATE THE PLANNING COMMISSION MAY REQUIRE ADDITIONAL LANDSCAPING THAN IS PROPOSED.

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