

## **CHAPTER 1121. LANDSCAPING AND SCREENING REGULATIONS**

### **1121.01. Purpose.**

The intent of these landscaping and screening regulations is to promote and protect the public health, safety and welfare through the preservation and protection of the environment. In addition, these regulations are intended to achieve, among others, the following purposes:

- (a) To promote the proper utilization of landscaping and screening as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare and visual clutter of parking and service areas.
- (b) To protect, preserve and promote the aesthetic appeal, character and value of the City of Delaware's neighborhoods.
- (c) To establish a minimum standard for the consistent appearance of plant material in the community landscape.
- (d) To soften the appearance of building masses and paved areas and reduce generation of heat and storm water run-off.

### **1121.02. Sites affected.**

- (a) **New Sites.** No certificates of building and zoning compliance shall be issued hereafter for any development or the construction of any building, structure or vehicular use except where a final landscape plan for such development or construction has been approved according to the procedures set forth in Chapter 1105.
- (b) **Existing Sites.** No building, structure or vehicular use area shall be constructed or expanded unless the minimum landscaping and screening required by this chapter is provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:
  - (1) In the case of a building or structure that does not involve additional land, the square footage of the expansion exceeds twenty-five percent (25%) of the existing building.
  - (2) In the case where additional land is involved, the additional land or the expanded square footage of a structure exceeds twenty-five percent (25%) of the existing site or structure.
  - (3) Land as used herein includes land for open space, parking or building uses.
- (c) Single-family and two-family residences shall be exempt from Section 1121.10.

### **1121.03. General landscaping and maintenance of yards.**

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- (a) Each lot shall maintain open space with landscaping in compliance with the minimum percentage of the area of the lot specified in the district regulations.

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- (b) All screening shall be free of advertising or other signs, except for approved signage and other signs for the efficient flow of vehicles.
- (c) Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.
- (d) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.
- (e) Vehicle parking shall not be permitted in landscaped areas.

**1121.04. Tree preservation and replacement requirements.**

In all districts, trees shall be preserved or replaced in compliance with the provisions of Chapter 1122, unless exempted therein.

**1121.05. Street tree planting requirements.**

In all zoning districts, unless the requirement is waived by the Shade Tree Commission, developers shall plant and maintain shade trees along public and private streets in compliance with the following:

(a) Species and Location Requirements.

- (1) Trees shall be limited to species characterized as hardy, long-lived shade trees, as defined by the Shade Tree Commission. Tree species will be approved by the Shade Tree Commission and finalized development plans will be shared with the contractor. The development plan should be used to determine which species will be planted in each lot. Any changes to the species made by the contractor due to acquisition issues must be approved by the City Forester.
- (2) Location: The final development plan provides the total permitted trees that can be planted but is not intended to be an exact reference for planting location or quantity. The following specifications should be used to determine planting locations within each lot and throughout the development. A lot may receive less trees than depicted in the development plan or none at all if spacing does not permit.

(3)

	Height	Spacing	Tree Lawn Requirements <sup>1</sup>
Small Trees	25 feet tall or less	30 feet between trees	4 feet or larger
Medium Trees	25-50 feet tall	40' between trees	6 feet or larger
Large Trees	50 feet or taller	50 between trees	8 feet or larger

1 New development requires a minimum 8-foot tree lawn.

(4) Minimum Clearance of other Structures and Utilities.

- (1) Driveway, Fire Hydrant and Utility Pole: 10 feet
- (2) Underground Water or Sewer line and Street Sign: 5 feet
- (3) Light post: 20 feet
- (4) Utility Wires: Only small trees may be planted below wires.

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- (5) Intersections. Street trees are not to be planted where they will obstruct the view of stop signs or traffic signals and no tree shall be planted closer than 35ft to any street corner, measured from the point of nearest intersecting curbs or curb lines.
  - (6) Trees are to be planted within the rights-of-way of roads within and abutting the development as directed by the Shade Tree Commission.
  - (7) Each tree at the time of installation shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six (6) feet.
- (b) Planting Procedures.
- (1) The developer shall provide a map, drawn to an appropriate scale and illustrating the location and species of shade trees to be planted, to the Urban Forestry Department no less than three (3) days prior to planting.
  - (2) The contractor shall identify any underground impediments prior to beginning planting by contacting OUPS.
  - (3) The developer shall provide the Urban Forestry Department with a state inspection certificate and a certificate for tree species authenticity for each tree within five (5) days of planting.
  - (4) All nursery tags shall remain on planted trees until removed by the Department of Grounds and Facilities.
- (c) Maintenance. The developer shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree that dies within such two-year guarantee period.
- (1) Upon completion of the street tree planting, the landscape contractor shall contact the Urban Forestry Department.
  - (2) The two-year guarantee period shall begin after the approval of the Urban Forestry Department.
  - (3) A final inspection shall be made at the end of the guarantee period.
    - A. The developer shall notify the Urban Forestry Department within five (5) business days of the end of the guarantee period to schedule the final inspection.
    - B. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.
    - C. If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two-year guarantee period shall begin anew for each replacement tree.

**1121.06. Landscaping requirements for front yards.**

Except for lots devoted to single-family detached dwellings and two-family dwellings, all areas within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained in compliance with the following:

- (a) One shade tree shall be provided for every fifty (50) linear feet of lot frontage or fraction thereof, not including drive entrances.
- (b) Each tree at the time of installation shall have a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Two 1.75-inch trees may be substituted for each 3.0-inch tree.

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- (c) One shrub shall be provided for every ten (10) linear feet of lot frontage or fraction thereof, not including drive entrances.
  - (d) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment, excluding paving or gravel.
  - (e) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

### **1121.07. Screening and buffering when a lot abuts a residential district or use.**

Screening and buffering along the entire length of a common boundary shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by Chapter 1105.

- (a) Screening and buffering shall be required according to the following:
  - (1) When a lot in any non-residential district abuts a residential district;
  - (2) When a lot in an R-MF abuts any residential district; and
  - (3) When a lot in a residential district is devoted to a non-residential conditional use.
- (b) Width of Buffer Yard.
  - (1) For developments of less than one (1) acre, the buffer shall be a minimum of twenty (20) feet.
  - (2) For developments over one (1) acre, the buffer shall be a minimum of fifty (50) feet.
- (c) Screening. When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or does not have a minimum height of six (6) feet along the entire length of the common boundary, screening shall be installed in compliance with the following:
  - (1) Screening Materials. Screening within the buffer yard shall consist of one or more of the following:
    - A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three (3) years after the initial installation.
    - B. Non-living opaque structures such as a solid masonry wall or a solid fence that is compatible with the principal structure.
    - C. A fence with openings through which light and air may pass together with a landscaped area at least ten (10) feet wide. A chain link fence shall not be permitted.
    - D. A landscaped mound or berm at least five (5) feet wide, with no more than a 3:1 slope.
  - (2) Location. The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect, as determined by the Planning Commission.
  - (3) Height of Screening. The height of screening shall be in accordance with the following:
    - A. Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six (6) feet high measured from the natural grade, except as set forth in subsection B. below.
    - B. Whenever the required screening is located within a front yard or within fifty (50) feet of a parking lot, drive, or driveway entrance, the required screening shall not exceed a height of three (3) feet.
    - C. When used alone, vegetation shall be a minimum of six (6) feet high, as measured from the natural grade, to accomplish the desired screening effect. The required height shall be achieved no later than two (2) years after the initial installation.

**1121.08. Landscaping and screening of parking lots.**

- (a) Landscaping on the Interior of Parking Lots. All new parking spaces and their associated driving aisle shall be defined by landscaped curbed island. In addition to those parking lot islands, larger parking lots shall provide additional intervening or midway islands to break up large expanses of asphalt, to provide shade for cars and pedestrians, and to be areas to absorb run-off. As such, additional interior landscaping of parking lots shall be provided in accordance with the following requirements:
- (1) Landscaped islands shall be developed and distributed throughout the parking lot to:
    - A. Define major circulation aisles and driving lanes; and
    - B. Provide visual and climatic relief from broad expanses of pavement.
  - (2) Each island shall be a minimum of ten (10) feet wide.
  - (3) Terminal islands shall be required at the ends of all parking bays.
  - (4) There shall be no more than fifteen (15) off-street parking spaces between landscape islands.
  - (5) Within the landscaped islands, one (1) shade tree shall be provided for every ten (10) parking spaces. Each tree, at the time of installation, shall have a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Two 1.75-inch trees may be substituted for each 3.0-inch tree.
    - A. At a minimum, 75% of all parking lot islands shall be planted with perennials and shrubs, not exceeding two feet in height. The remaining 25% may be covered by grass or mulch.
    - B. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.
  - (6) For the purpose of this Section the area of a parking lot shall be the total vehicular surface area including circulation aisles.
- (b) Landscaping on the Perimeter of Parking Lots. The following options may be used individually or in combination for perimeter parking lot landscaping:
- (1) Provide a landscape strip between the parking lot and any adjacent property line. The strip shall be ten (10) feet wide for any lots over ½ acre and five (5) wide for lots under ½ acre.
    - A. Within the landscape strip provide one tree and three shrubs per thirty-five (35) linear feet of parking lot perimeter adjacent to the property line.
  - (2) Provide a minimum of twenty-five (25) feet of existing woodlands.
- (c) Landscape strip requirements. When a parking lot in any zoning district is located adjacent to a public right-of-way, a landscape strip shall be provided on the property between the parking lot and the right-of-way. The landscape strip may not include any paved areas except sidewalks or side paths perpendicular to the roadway. In any district where a greater parking lot setback is required, the greater setback shall prevail. To meet this requirement, any of the following treatments may be used:
- (1) Provide a minimum ten (10) foot wide landscaped strip between the right-of-way and the parking lot to be planted with a maximum of one (1) shade tree and ten (10) shrubs per 35 linear feet of frontage, excluding driveway openings.
  - (2) Provide a berm, the top of which is at least two and one-half feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 3:1. Berms should be graded to

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appear smooth, rounded, and naturalistic with varying heights, not linear in design. Plant with a minimum of one (1) shade tree per thirty-five (35) linear feet of frontage, excluding driveway openings.

- (3) Provide a minimum ten-foot-wide landscaped strip and a minimum three-foot grade drop from the right-of-way line to the adjacent parking lot pavement. Plant the resulting embankment with a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage excluding driveway opening.
  - (4) Provide a minimum seven-foot-wide landscaped strip between the right-of-way line and the parking lot with a minimum three-foot high brick, stone, or finished wall, matching the architecture, construction materials, and colors of the principal structure. Plant with a minimum of one shade tree per thirty-five (35) linear feet of frontage, excluding the driveway openings.
- (d) Bioswales and raingardens. The use of bioswales and raingardens is encouraged within parking lots and may supplant the requirements of this Section. The final design of any bioswale or raingarden must be reviewed and approved by the City Engineer.

**1121.09. Additional screening requirements.**

For all single-family attached (more than two units per structure) and multiple-family developments; non-residential districts; and for non-residential conditional uses in residential districts, screening of accessory uses shall be provided according to the following:

- (a) Trash Receptacles.
  - (1) Trash receptacles in all developments shall consist of a solid, opaque enclosure constructed of brick, decorative concrete, integrated color concrete block or other decorative masonry and shall be consistent with the architectural character of the principal structure. The open end of the enclosure shall have a 100% solid opaque metal, vinyl, PVC, or wooden gate that includes stop pins to lock the gates open for servicing and which are not readily degradable due to sunlight, moisture, or wind, with self-closing hinges.
  - (2) Trash receptacles may be further regulated according to the provisions of Section 1130.XX.
- (b) Ground mounted and roof mounted mechanical equipment.
  - (1) All ground mounted and roof mounted mechanical equipment such as HVAC systems and the like, shall be screened from ordinary public view, from the public streets, public rights-of-way, and from abutting or adjacent properties.
  - (2) Screening of ground mounted mechanical equipment shall consist of either:
    - A. A solid opaque enclosure constructed of brick, decorative concrete, integrated color concrete block, or other decorative masonry and shall be consistent with the architectural character of the principal structure
    - B. Landscape material such as shrubs, grass, and or evergreen trees to create an opaque natural enclosure
  - (3) Screening for roof mounted mechanical equipment shall consist of parapet walls or other screening consistent with the materials of the building.
- (c) Loading and Service Areas. Each loading area shall be screened along any perimeter that can be seen from a street right-of-way or adjoining property according to the screening requirements of Section 1121.07(c).
- (d) Accessory Drive-Thru Lanes. Drive-Thru lanes visible from a public right-of-way shall be screened according to the requirements of Section 1121.07(c).

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- (e) Outdoor Storage. Permitted accessory outdoor storage of goods, supplies or equipment used in the operation of an establishment shall be screened according to the requirements of Section 1121.07(c).

### **1121.10. Approval process for required landscaping, fences and walls.**

Proposed landscaping, fences or walls required to fulfill the standards and criteria of this chapter shall be reviewed and approved as part of a development plan pursuant to Chapter 1105.

(1) Fences and Walls.

- (1) When a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Director of Planning and Community Development.

- (2) Fences and walls shall comply with the regulations set forth in Chapter 1130.

(b) Required Landscaping. When landscaping is required, no certificate of building and zoning compliance shall be issued until the required landscaping is completed as certified by City inspection.

- (1) Upon completion of the planting, the landscape contractor shall contact the Planning and Community Development department for a final inspection.

- (2) All plantings not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder. If the City determines that replacement of a planting is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer.

(c) Upon final inspection, if landscaping has not been installed per the approved landscape plan and the requirements of this Chapter, a revised landscape plan shall be submitted to the Planning and Community Development Department in the form of an incidental modification to the approved development plan for reapproval and reinspection, per the procedure set forth in Chapter 1105.

- (1) Said plan shall show additional landscaping proposed to be installed in order to adequately meet the requirements of this Chapter.

- (2) Upon completion of the supplemental planting, the landscape contractor shall contact the Planning and Community Development department for a final inspection.

(d) Maintenance. The developer and/or property owner shall be required to maintain the required landscaping in perpetuity after the items are planted and to replace any that dies.

### **1121.11. Flexibility.**

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards, the appropriate Reviewing Body may:

- (a) Adopt a "Planting Manual" and "Plant List" establishing minimal requirements to use as guidelines for meeting the provisions of this chapter.
- (b) Exercise discretion and flexibility with respect to the placement and arrangement of the required elements to ensure that the objectives of this district and the proposed development or redevelopment are best satisfied.