

Article 11. Landscape

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11.1 SELECTION, INSTALLATION, AND MAINTENANCE OF LANDSCAPE

A. Selection

All plants must meet minimum quality requirements and be free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Horticulture Industry Association (AmericanHort). All plant materials must be capable to withstand the seasonal temperature variations of east-central New York (USDA Temperate Zone 2-5a), as well as the individual site microclimate. The use of species must be chosen from the City’s approved species list, which will be adjusted periodically.

B. Installation

All landscaping must be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A 300 Standard Practice for Tree, Shrub, and other Woody Plant Maintenance, most current edition and parts.

C. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 11-A: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.)When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

TABLE 11-A: PLANT DIVERSITY REQUIREMENTS		
Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
1-3	100%	1
4-7	60%	2
8-13	45%	3
14-22	40%	5
23-35	25%	8
36-50	30%	10
50+	15%	15

D. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest are jointly and severally responsible for the regular maintenance of all landscaping elements in good condition.
2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition.
3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed and replaced within 30 days of the beginning of the growing season.

11.2 LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

1. Shade trees must have a minimum trunk caliper as follows:
 - a. Small trees: 2.5 inch caliper
 - b. Medium and large trees: 3 inch caliper
2. Evergreen trees must have a minimum height of six feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of seven feet at planting.
4. Shrubs must have minimum height of 18 inches at planting.

B. Trees in Tree Belt

All trees planted within the tree belt must meet the following:

1. Trees must be a single stem tree form.
2. No clumps, shrubs, evergreens, or low branching habits.
3. Trees must be cultivated from a northern seed source (plant hardiness zone 2a-5b range) and harvested as balled and burlapped.
4. Only trees that mature to 30 feet in height or less can be planted under single or triple phase utility wires.

C. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development through passive heating and cooling strategies.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north and east sides of buildings to dissipate the effect of winter winds.
3. Trees should be placed so that at maturity they do minimize obstructions of solar energy systems.

11.3 REQUIRED SITE LANDSCAPE

A. All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubs, live groundcover, and other plantings. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.

B. All existing plantings that are maintained on a site may be counted toward any required on-site landscape.

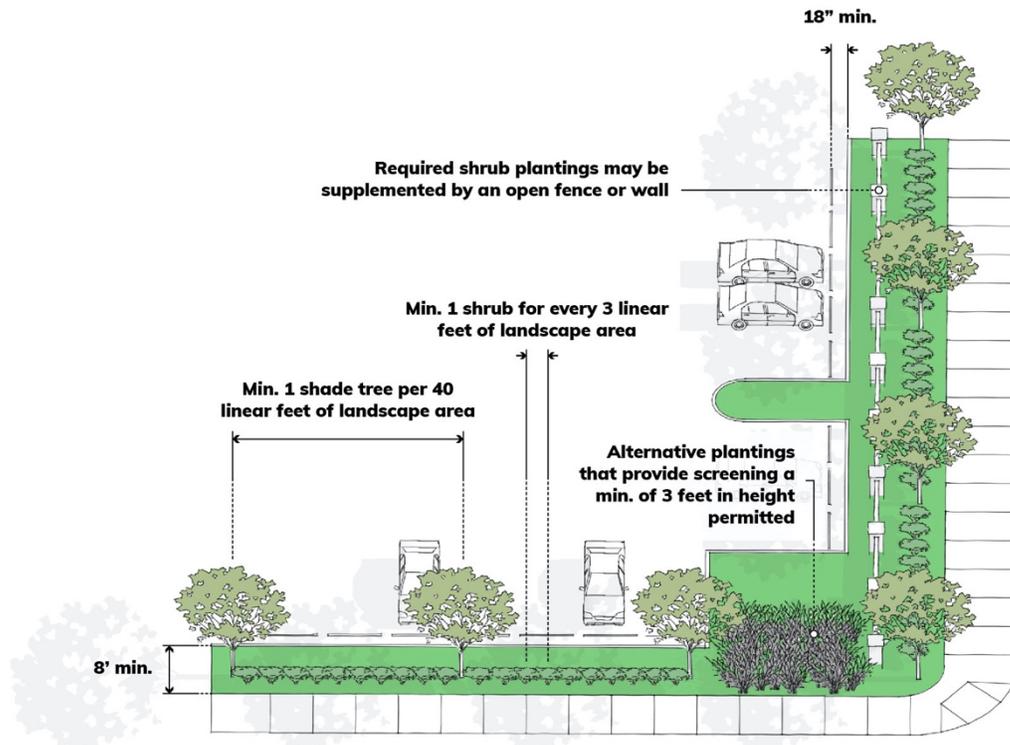
C. Where a structure is setback ten feet or more from a front or corner side lot line, the setback areas must be planted with a minimum of one shade tree or two ornamental trees and five shrubs for every 30 linear feet of setback area. This does not apply to single-family, two-family, and townhouse dwellings.

11.4 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET

Landscape is required along all edges of a parking lot that abut a street, whether the parking lot is a principal use of the site or an accessory parking lot to a principal use. The landscape treatment must run the full length of that edge, except for required access points. The landscaped area must be improved as follows:

- A. The landscape area must be a minimum of eight feet in width.
- B. There must be a minimum linear clear distance of 18 inches between any wheels stops or curbs to accommodate vehicle bumper overhang. This area is not included in the minimum landscape area of item A above calculation.
- C. A minimum of one shade tree must be planted for every 40 linear feet of landscape area, spaced linearly on-center. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 40 linear feet of landscape area.
- D. A minimum of one shrub must be planted for every three linear feet of landscape area, spaced linearly on-center. This may be supplemented by an open fence or wall. Any one or combination of the following alternatives to shrub plantings are also permitted:
 - 1. The landscape area may be planted with a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.
 - 2. Stormwater management techniques, such as rain gardens and bioswales, that provide screening of a minimum of three feet in height.
- E. Landscape areas outside of shrub masses must be planted in live groundcover, perennials, grass, or trees.
- F. Fences or walls included in the perimeter landscape treatment must be constructed of high quality, durable materials such as masonry, stone, brick, iron, or any combination thereof.

PARKING LOT LANDSCAPE ABUTTING A STREET

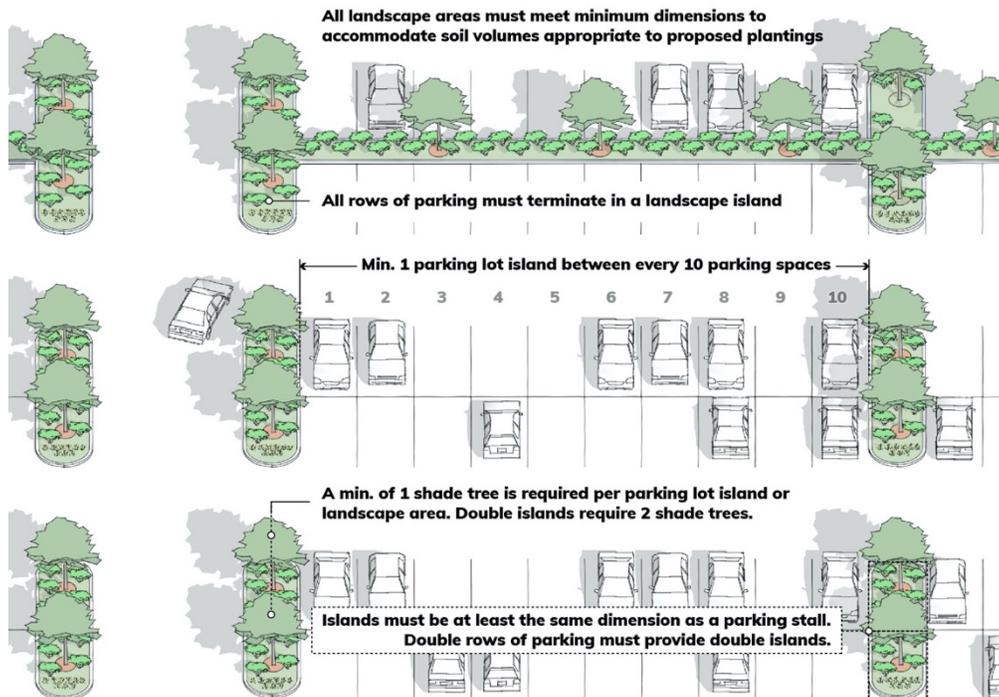


11.5 REQUIRED PARKING LOT INTERIOR LANDSCAPE

Any parking lot of 15 spaces or more, whether a principal use of the site or an accessory parking lot to a principal use, interior parking lot landscape is required.

- A. One parking lot island must be provided at a minimum between every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every ten spaces.
- B. Parking lot islands must be, at minimum, the same dimension as a parking stall. Double rows of parking must provide parking lot islands that are, at minimum, the same dimension as the double row.
- C. A minimum of one shade tree must be provided for every parking lot island or landscape area. Where a parking lot island is the same dimension as a double row of parking, two shade trees are required. The remaining area of a parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or grass.
- D. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. All landscape areas must meet a minimum dimension to accommodate soil volumes appropriate to proposed plantings. Parking lot landscape area along a street, as required in Section 11.6, is excluded from the calculation of total parking lot area and total parking lot landscape.
- E. All rows of parking spaces must terminate in a landscape area. Rows of parking containing 20 or more spaces must terminate in a landscape area a minimum of 300 square feet in area, to accommodate larger shade tree species.
- F. The use of stormwater management elements, such as sunken islands, perforated curbs, rain gardens and bioswales, is encouraged in landscape areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval when it is determined that trees may not thrive as part of such design.
- G. Interior parking lot landscape is encouraged to coordinate with the design of parking lot lighting, to avoid conflicts between lighting and plant material that may result in the need for pruning or topping of required plant material.

PARKING LOT INTERIOR LANDSCAPE



11.6 BUFFER YARD REQUIREMENTS

Buffer yards are located within rear and interior side setbacks, and must be reserved for planting material and screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.

A. Interior Side Setback Buffer Yards

1. Interior side setback buffer yards are required in the following situations:
 - a. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.
 - b. Where a nonresidential use is located within a residential district. This does not include parks/playgrounds.
 - c. Where a nonresidential district abuts a residential district. This does not include the INST-PR District or parks/playgrounds.
2. The minimum size and improvement of interior side setback buffer yards is as follows:
 - a. The buffer yard must be a minimum of ten feet in width.
 - b. A solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the yard length.
 - c. One shade tree is required for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 - d. One shrub must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 - e. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees.

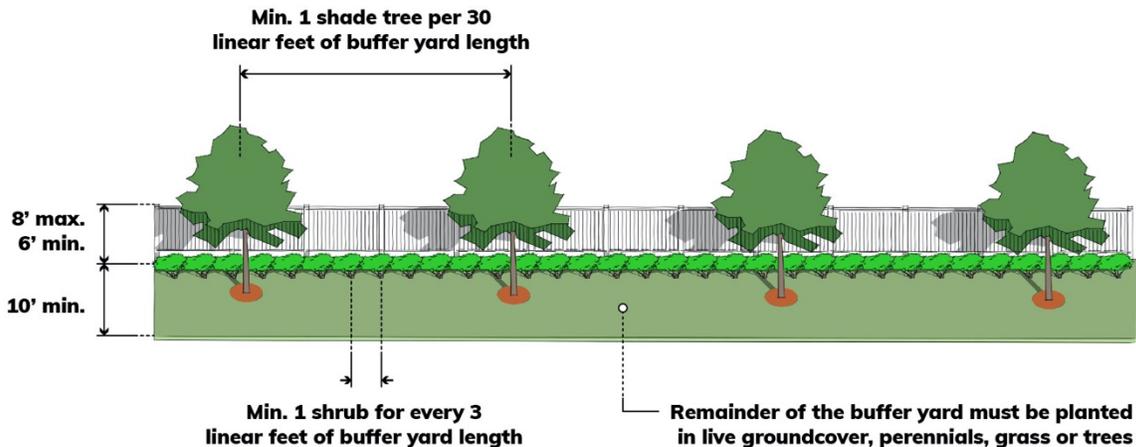
B. Rear Setback Buffer Yards

1. Rear setback buffer yards are required in the following situations:
 - a. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.
 - b. Where a nonresidential use is located within a residential district. This does not include parks/playgrounds.
 - c. Where a nonresidential district abuts a residential district. This does not include the INST-PR District or parks/playgrounds.
2. The rear setback buffer yard for lots of more than 90 feet of lot depth are must meet the following buffer yard requirements:
 - a. A buffer yard must be a minimum of ten feet in width.
 - b. One shade tree is required for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 - c. A solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the yard length.
 - d. One shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.

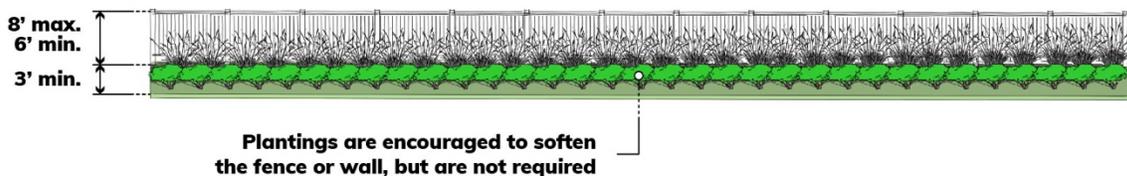
e. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees.

3. The rear buffer yard for lots of 90 feet or less of lot depth are required to provide a solid fence or wall a minimum of six feet and a maximum of eight feet in height, erected along 100% of the rear setback buffer yard length and located at the rear lot line. The rear buffer yard must be three feet in depth. Plantings are encouraged to soften the effect of the fence or wall, but are not required.

BUFFER YARD



REAR BUFFER YARD EXCEPTION - LOTS 90 FEET OR LESS IN DEPTH



11.7 STREET TREES AND ON-SITE TREES

A. Purpose

In order to restore and preserve the urban canopy, shade trees are required to be planted both on-site and/or in the tree belt of rights-of-way. Table 11-B: Required Shade Tree Planting lists the requirements for each district. Existing trees in the tree belt are counted toward this required minimum number.

B. Applicability

This section and Table 11-B: Required Shade Tree Planting applies only to new construction as of the effective date of this Ordinance, (*insert the effective date of this Ordinance*).

C. Requirements

1. Where on-site trees are required in Table 11-B, such trees must be planted within the first 20 feet of the front yard. However, single-family, single-family - attached, two-family, and townhouse dwellings may choose to plant such trees in the tree belt with permission of the Department of Public Works.
2. All trees planted within the tree belt and anywhere within the right-of-way require approval of the Department of Public Works. All plantings in the tree belt must follow Department of Public Works standards. When planting within the tree belt, all invasive species must be removed.

3. No trees planted may be interfere with pedestrian, bicycle, or vehicle traffic.
4. All trees within the tree belt must be spaced a minimum of 30 feet apart.
5. On-site trees must be planted by the applicant for new construction. Once the individual lots are sold, the trees are the responsibility of the property owner if the property owner is not the applicant. Trees planted within the tree belt and right-of-way become Department of Public Works property and responsibility. Maintenance requests for trees planted within the tree belt and right-of-way can be submitted to the Department of Public Works.

TABLE 11-B: REQUIRED SHADE TREE PLANTING		
District	On-Site Trees	Trees in Tree Belt per Linear Feet of Lot Abutting the Tree Belt
Residential Subdivision	1 per home site	1 per 40' linear feet along public or private streets
RR	2	None
SR	1	None
UR-1	1	None
UR-2	1	None
UR-3	1	None
UR-4 Excludes SF, SF-A, 2F dwellings	1	None
R-MHP	2 per acre of manufactured home park	None
NCU	None	1 per 40' linear feet
OMB	2 per acre of site	1 per 40' linear feet
GC	2 per acre of site	1 per 40' linear feet
GB	None	1 per 40' linear feet
WRB	None	None
T-4	None	1 per 40' linear feet
T-5	None	1 per 40' linear feet
T-6	None	1 per 40' linear feet
INST-ED	2 per acre of site	1 per 40' linear feet
INST-HTR	2 per acre of site	None
INST-MP	2 per acre of site	1 per 40' linear feet
INST-PR	None	None
IND-L	2 per acre	1 per 40' linear feet
IND-G	2 per acre	1 per 40' linear feet
IND-X	None	None

11.8 TREE PRESERVATION

The tree preservation requirements of this section apply only to on-site trees. It does not apply to trees within the tree belt or right-of-way.

A. Intent

Existing significant trees should be preserved to the maximum extent feasible to act as buffers between adjoining developments and as site amenities in common areas and open spaces. Where preservation is not feasible, trees that are removed should be replaced on-site with a comparable native tree that will reach the same size at maturity.

B. Applicability

These standards apply to all multi-family dwelling, nonresidential, and mixed-use developments, and planned unit developments. Trees that are dead or dying, or species deemed to be undesirable by the City, or found to be a threat to public safety are exempt from these provisions.

C. Site Plan Review: Tree Survey or Plan Requirement

As part of site plan review, a tree survey depicting the species, size, location, and condition of any existing significant trees on the site by a land surveyor or registered arborist is required, including a preservation and replacement plan to demonstrate compliance with these standards. An applicant may use an aerial survey to estimate canopy coverage of the site, including the use of randomly selected sample plots within the survey area, to determine typical canopy coverage. The aerial survey may include species for the area covered by the aerial survey.

D. Landscape Credit

Existing significant trees preserved on a site that are of good health are credited towards fulfillment of the landscape requirements of this Ordinance with the exception of required parking lot islands. Every significant tree that is preserved within a required landscape area is credited as two required trees. A tree may only be credited once.

E. Permitted Tree Removal

Any person wishing to remove a significant tree must indicate such intent on the landscape plan and such tree is required be replaced in accordance with this section. As part of the landscape plan submittal, a certified arborist must certify the reasons for the removal of the tree. The Chair of the Planning Board has the authority to grant permission to remove a significant tree. In order to receive permission to remove a significant tree, the Chair may consider the following factors among others:

1. The tree poses a hazard. In order to verify that a hazard exists, the Chair may require a tree hazard assessment to be performed by a qualified arborist.
2. The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.
3. The roots of the tree are causing irreparable damage to paved areas or sewer and plumbing lines.
4. The tree has an incurable disease or pest infestation that cannot be eliminated. The Chair may require this condition to be verified by a qualified arborist.
5. The tree has been damaged to the point that it cannot recover and grow properly, or it will grow in a misshapen or unsightly manner.
6. The Chair determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.
7. The tree is an invasive species ranked by New York State from high to very high.

F. Tree Replacement or Mitigation

1. If a significant tree is removed according to an approved landscape plan in accordance with this section, or is removed or damaged during clearing, grading, or construction, the applicant must replace the removed or damaged trees. Replacement trees must be a comparable native tree that will reach the same size at maturity. The tree may be replaced in the same location as the removed tree, or within the required landscape areas as approved as part of site plan review.
2. The Chair of the Planning Board may allow trees to be replaced with other types of landscape if one or more of the following conditions are met:
 - a. The property includes other trees that provide sufficient shade so that additional trees are not necessary.
 - b. If a replacement tree would be out of character in conjunction with an approved landscape plan.
 - c. If there is no suitable location on the property for a replacement tree.

G. Construction Protection

The following standards must be followed during construction to protect significant trees:

1. During construction all standards from the following must be implemented and followed to protect significant trees:
 - a. ANSI A300 (Part 5)-2012: Management of Trees and Shrubs During Site Planning, Site Development, and Construction, most current edition.
 - b. International Society of Arboriculture - Best Management Practices (BMP) - Managing Trees During Construction, most current edition.
2. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
3. Trees located on public property, including the tree belt, must be protected and may not be cut, damaged, or removed without first obtaining approval from the Department of Public Works.

H. Clear-Cutting of Forest Prohibited

Clear-cutting, which is the felling and removal of all trees from a given tract of land, is prohibited unless specifically permitted by the Planning Board.