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**CHAPTER XXVIII**  
**LANDSCAPING, SCREENING, GREENBELTS, BUFFERS AND FENCING**

**Section 28.1 Intent and Purposes.**

The intent of this chapter is to promote public health, safety, and general welfare by minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

**Section 28.2 Application.**

These requirements shall apply to uses for which site plan review is required under Chapter XVIII. No site plan shall be approved unless the site plan shows landscaping, greenbelts, buffers, and screening in accordance with the requirements of this chapter.

**Section 28.3 Landscape Plan Required.**

A separate detailed landscape plan having a minimum scale of 1" = 100' shall be submitted as a part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following:

- (a) Location, spacing, size and description for each plant type proposed for use within the required landscape area.
- (b) Existing and proposed contours on-site and 300 feet beyond the site at intervals not to exceed two feet.
- (c) Typical straight cross-section including slope, height, and width of berms and type of ground cover including trees, and height and type of construction of walls or fences, including footings.
- (d) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- (e) Planting and staking details in either text or drawing form.
- (f) Identification of existing trees and other vegetative cover to be preserved.
- (g) Identification of grasses and other ground cover and method of planting.
- (h) Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the requirements of this chapter.

**Section 28.4 Screening Between Land Uses.**

As part of any land use for which site plan review is required, screening shall be constructed at least six feet in height along all adjoining boundaries with residentially-zoned or residentially-used property. Such screening shall be established and maintained on the subject property in accordance with this section.

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- (a) On lands devoted to commercial, office, multi-family dwelling and/or industrial uses, and which are adjacent to residentially-zoned or residentially-used land, there shall be screening at least six feet in height along all the boundaries with such residentially-zoned or residentially-used lands. Such screening may consist of a landscape buffer or solid wall, in accordance with this section. If the distance between existing buildings on adjoining parcels is greater than twice the minimum building setback that applies to the residentially-zoned or residentially-used land, then a fence in compliance with Section 28.11 may be installed and maintained instead of the landscape buffer or solid wall, if permitted by the Planning Commission in site plan review.
  - (b) A required landscape buffer may consist of earthen berms and/or living plant materials. At the time the berm, if any, is completed and at the time the plant materials are planted, the landscape buffer shall be sufficient to establish screening of a minimum opacity of 80 percent.
  - (c) In its discretion, the Planning Commission may require, as a part of site plan approval, that a solid wall shall be constructed and maintained, where the same is needed in order to provide a greater noise or dust barrier or to screen more intense development. Such a wall shall be at least six feet in height, or shall be of such lesser height as permitted by the Planning Commission, and shall be constructed of such materials and shall be so located as determined by the Planning Commission in site plan review.

#### **Section 28.5 Parking Area Landscaping.**

Separate landscaped areas shall be required either within or at the perimeter of off-street parking areas. There shall be one tree planted for each eight parking spaces, and a minimum landscaped space within any designated parking area of 50 square feet. A minimum distance of three feet shall be established between tree or shrub plantings and the back side of the curb or edge of the pavement.

#### **Section 28.6 Greenbelt Buffers.**

- (a) A strip of land with a minimum width equal to the minimum required front yard setback of the zoning district shall be located between the buildable area and the abutting right-of-way line of a public street or major thoroughfare, the strip of land shall be landscaped with a minimum of one tree which shall have a height of at least 12 feet or a minimum caliper of two and one-half inches at the time of planting for each 30 lineal feet, or major portion thereof, of frontage. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living landscape material.
- (b) Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.

#### **Section 28.7 Site Landscaping.**

- (a) In addition to any landscaped greenbelt and/or parking area landscaping required by this chapter, at least 10 percent of the site area, excluding existing street right-of-way, shall be landscaped.

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- (b) Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area, but shall not exceed five percent of the site area.

### **Section 28.8 Minimum Size and Spacing Requirements.**

Where landscaping is required, Tables 28A, 28B and 28C set forth the required minimum size and spacing requirements.

### **Section 28.9 Landscape Elements.**

The following minimum requirements shall apply:

- (a) **Quality.** Plant material and grasses shall be of generally accepted varieties and species, free of insects and diseases, hardy to Kent County. Use of native plant species is encouraged.
- (b) **Composition.** A mixture of plant material, including evergreens and/or deciduous trees and shrubs, is encouraged as a protective measure against insect and disease infestation. A limited mixture of hardy species is preferred over a large quantity of different species, so as to produce a more aesthetic, cohesive design and avoid a disorderly planting arrangement.
- (c) **Berms.** Berms, if permitted, shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface that is a minimum of two feet in width at the highest point of the berm, extending for the entire length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.
- (d) **Existing Trees.**
  - (1) Site plans should preserve all quality, existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged and all available measures shall be taken to maintain the trees in a healthy condition.
  - (2) Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
  - (3) The area below the dripline of an existing tree to be saved shall remain undisturbed. No impervious material shall be placed under the dripline and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols, notes and details shall be shown on the site plan.
  - (4) If existing plant material is labeled “To Remain” on site plans by the applicant, protective techniques, such as, but not limited to, fencing or barriers securely installed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used.
  - (5) In the event that healthy trees which are used to comply with the minimum requirements of this chapter or those labeled to remain are cut down, destroyed,

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damaged, or excavated at the dripline, they shall be replaced with trees which comply with the requirements of this chapter.

- (e) **Installation, Maintenance, and Completion.** All landscaping required by this chapter shall be planted prior to issuance of a certificate of occupancy. In cases where a certificate of occupancy is issued prior to fulfillment of the landscaping requirements, an irrevocable bank letter of credit or performance bond shall first be submitted to the Township in the amount of the cost of landscaping and conditioned upon the timely and proper completion of all required landscaping. The performance guarantee requirements of Section 18.11 shall apply.

**Section 28.10 Installation and Maintenance.**

- (a) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound manner and according to accepted planting and grading procedures.
- (b) The owner of property required to be landscaped by this chapter shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or during the next growing season, whichever occurs first. All landscaped areas shall be provided with a readily available and acceptable water supply.

**Section 28.11 Fencing and Screening.**

The fencing and screening requirements of this section pertain to only those uses for which site plan review, or similar approval is required. Unless otherwise determined by the Planning Commission, fencing and screening shall be six feet in height. Gateposts and other superstructures over site entrances and exits may be up to 12 feet in height. Fencing and structured screening materials of a height greater than three feet shall not be located within a required minimum front yard setback or required side yard setback adjacent to a street.

- (a) **Mechanical Equipment.** When located outside of a building, other than a single-family dwelling, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the equipment, as follows:
  - (1) **Roof-Mounted Equipment.** To be screened by architectural features from the view from abutting streets and parcels of land.
  - (2) **Equipment at Grade.** When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, or by a solid wall or fencing from the view from abutting streets and parcels of land.
- (b) **Outdoor Storage.** Outdoor storage areas shall be screened on all sides by a solid wall or fencing.
- (c) **Public Utility Substations.** Public utility substations shall be screened on all sides by a solid wall or fencing, and shall be landscaped as required by the Planning Commission in site plan review.
- (d) **Side and Rear Lot Lines.** The side and rear property lines of all non-residential uses shall be screened as follows:

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- (1) **Adjacent to a Residential Use or Zone.** The requirements of Section 28.4 shall apply.
  - (2) **Industrial and Commercial Zones.** A solid wall or fencing shall be located along the side and rear property lines of any site within an industrial or commercial zone that abuts a residential or agricultural zoning district or land use.

#### **Section 28.12 Exceptions to Fencing and Screening Requirements.**

- (a) **Buildings Abutting Property Lines.** Required screening or fencing may be omitted along any lot line where a building wall is located immediately abutting the lot line.
- (b) **Location Adjustment.** Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the minimum required building setback line, provided that the areas between the fence and the property lines are landscaped, or retained in their natural vegetative state, whichever may be required by the Planning Commission.
- (c) **Existing Screening.** Any fence, screen, wall or hedge which does not comply with the provisions of this chapter and which is legally existing at the effective date of this chapter may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as otherwise permitted by the terms of this Ordinance.
- (d) **Planning Commission Modification.** Any of the requirements of this section may be waived or modified by the Planning Commission through site plan review, provided that the Planning Commission first makes a written finding that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective, or where such fencing or screening would impair vision at a driveway or street intersection.

#### **Section 28.13 Materials for Fencing and Screening.**

Materials for fencing and screening may consist of the following:

- (a) Solid board fences with wood posts not less than four inches by four inches and solid board cover not less than one inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight feet apart, measured between centers. The finished side of the wood shall face abutting properties.
- (b) Wrought iron, open mesh or slatted fencing, provided that a ratio of one part open to six parts of solid fencing is not exceeded.
- (c) Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. Such walls shall be constructed on both sides with face brick, poured-in-place simulated face brick, or pre-cast brick panels having simulated face brick, stone, or other decorative masonry material.

#### **Section 28.14 Barrier Fences.**

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Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.

**Section 28.15 Fire Hazard.**

No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department to buildings threatened by fire, or which will constitute a hazard to street traffic or to pedestrians.

**Section 28.16 Overlay District.**

All lands located within the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the requirements of this chapter and with the additional landscaping requirements provided in Chapter XXVII. In the event that a conflict exists between requirements in this chapter and requirements in Chapter XXVII, the requirements in Chapter XXVII shall apply with respect to lands in the Overlay District.

*(Chapter 28 adopted 12/21/06; eff. 01/10/06.*





**Table 28A  
Size and Spacing Requirements**

Description	Minimum Size Allowable							Maximum On-Center Spacing (in feet)												
	Height				Caliper		18''-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18''-2'	2''	2 1/2''														
<b>Evergreens:</b>																				
Fir	•										•									
Spruce	•										•									
Pine	•										•									
Hemlock	•										•									
Douglas Fir	•										•									
<b>Narrow Evergreen Trees:</b>																				
Red Cedar	•											•								
Arborvitae	•											•								
Juniper (selected varieties)	•											•								
<b>Large Deciduous Trees:</b>																				
Oak						•				•										
Maple						•				•										
Beech						•				•										
Linden						•					•									
Ash						•				•										
Ginko (male only)						•				•										
Honeylocust (seedless, thornless)						•				•										
Birch						•					•									
Sycamore						•				•										
<b>Small Deciduous Trees (ornamental):</b>																				
Flowering Dogwood (disease)						•					•									
Flowering Cherry, Plumb, Pear						•					•									
Hawthorn (thornless)						•					•									
Redbud						•					•									
Magnolia						•					•									
Flowering Crabapple						•					•									
Mountain Ash						•					•									
Hornbeam						•					•									
Russian Olive						•					•									



**Table 28B  
Size and Spacing Requirements**

Description	Minimum Size Allowable									Maximum On-Center Spacing (in feet)										
	Height				Caliper		18"-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"														
<b>Large Evergreen Shrubs:</b>																				
Irish Yew			•											•						
Hicks Yew			•											•						
Upright Yew			•											•						
Spreading Yew							•							•						
Pfitzer Juniper							•							•						
Savin Juniper							•							•						
Mugho Pine							•							•						
<b>Small Evergreen Shrubs:</b>																				
Brown's, Ward's Sebion Yews							•									•				
Dwarf Spreading Juniper							•									•				
Dwarf Muho Pine							•									•				
Euonymous varieties							•									•				
<b>Large Deciduous Shrubs:</b>																				
Honeysuckle			•											•						
Lilac			•											•						
Border Privet (hedge planting)				•															•	
Sumac		•												•						
Buckthorn		•												•						
Weigela			•											•						
Flowering Quince		•												•						
Barberry		•												•						
Cotoneaster (Peking and spreading)		•												•						
Sargent Crabapple		•												•						
Dogwood (Red Osier and Grey)		•												•						
Euonymous varieties		•												•						
Viburnum varieties		•												•						
Tall Hedge (hedge planting)			•											•						



**Table 28C  
Size and Spacing Requirements**

Description	Minimum Size Allowable						Maximum On-Center Spacing (in feet)												
	Height			Caliper		18"-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18"-2'	2"														
<b>Small Deciduous Shrubs:</b>																			
Dwarf Winged				•															•
Regal Privet				•															•
Fragrant Sumac				•															•
Japanese Quince				•															•
Cotoneaster (Rockspray, Cranberry)				•															•
Potentilla				•															•
<b>Ground Cover:</b>																			
Periwinkle																			•
Baltic Ivy																			•
Euonymous varieties																			•
Hall Honeysuckle																			•
Pachysandra																			•
<b>Vines:</b>																			
Euonymous varieties																			•
Virginia Creeper																			•
Baltic Ivy																			•
Wisteria																			•

