

## CHAPTER 19.61 LANDSCAPE REQUIREMENTS

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### **19.61.010 Purpose.**

The purpose and intent of this chapter is to provide landscape development and buffering requirements in order to maintain and protect property values, enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, and provide screening between incompatible land uses. The landscape requirements of this chapter are minimum standards; additional landscaping will be encouraged.

### **19.61.020 Scope.**

This chapter shall apply to all RM zones, MH zones, CS zones, I zones, public facilities, and any residential developments where the development is larger than four lots. No building permit, shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the City Planner or the Design Review Board where applicable. A landscaping plan is not required for a single family building permit.

### **19.61.030 Landscape Development Plan.**

Landscape development plans shall indicate all areas to be preserved and planted including proposed fencing and landscape features. The landscaping plan shall also show locations of individual trees and shrubs; and include name, size, spacing and quantity of the plant materials and all proposed irrigation lines and structures. It is recommended that a landscape architect or a professional nurseryman prepare required plans.

#### **19.61.040 Performance Bond.**

No permanent occupancy permit shall be granted until landscaping required under this chapter is completed. However, a permanent occupancy permit may be granted if a performance guarantee bond in the amount of 150% of the anticipated cost of the unfinished landscaping is posted guaranteeing the installation of required landscaping is posted within 180 days. If landscaping is not so completed, the City may finish it, in accordance with the approved plan, using the bond to pay the completion costs. The bond may be posted by certified check payable to the city, assignment of a restricted savings account to the City, or posting an irrevocable letter of credit or a bond with the City.

#### **19.61.050 Landscape Maintenance.**

Plantings including trees and shrubs shall be maintained in a healthy growing condition. Dead plants or trees shall be replaced by the property owner. If it becomes necessary for the City to take action in removal and/or replacement of required landscaping, the property owner will be billed for all costs associated with the removal and/or replacement. The property owner is also responsible to keep the landscaped areas reasonably free of weeds and trash.

#### **19.61.060 Plant Choices.**

All species shall be native to the area or recognized as being easily adaptable to the climate. The City will require the applicant to conform to the City's Design and Development Standards including modifying the plant choice to:

- A. Eliminate undesirable species which may conflict with power lines or sewers because of their growth or invasive root systems.
- B. Provide a diversity of species.
- C. Provide plant materials that will fulfill the buffering or landscaping purposes of that planting on a year-round basis.
- D. Provide visual relief on long facades.
- E. Provide species that are resistant to drought conditions.

#### **19.61.070 Landscaping and Planting Strip Types for Side and Rear Yards.**

##### **A. TYPE I. Ornamental Landscaping**

This landscaping shall consist of a combination of trees, shrubs and other landscaping materials, including bark and/or decorative rock, or grass. The landscaping shall be designed to improve the appearance of the development, not necessarily to obscure it. A mixture of evergreen and deciduous plantings reaching a maximum height of thirty inches is recommended. This does not apply to non-sight obscuring trees.

B. TYPE II. Mixed Trees, Shrubs, Low Plantings

This planting strip shall consist of one row of trees spaced a maximum of ten feet on center. The remainder of the planting strip shall be planted with plantings that will result in an attractive ground cover within two years.

C. TYPE III. Sight Screening Evergreen Hedge

The purpose of this landscaping type is to provide a sight, sound and psychological barrier between zones with some degree of incompatibility. The spacing of evergreen plants shall be such that they form a dense hedge within three years. The minimum height, at the time of planting, shall be four feet, except where the hedge would interrupt the clear vision triangle.

D. TYPE IV. Low Plantings, Trees, and Fencing

Evergreen conifer trees shall be spaced a maximum of fifteen feet on center, backed by a seventy-two inch fence which forms an effective barrier to sight, except where the fence would interfere with the clear vision triangle (see Chapter 15.28). The fence shall be placed on the inside of the planting strip. The remainder of the landscape area shall be planted with plantings that will result in an attractive ground cover within three years.

E. TYPE V. Wall of Trees

The purpose of this landscape type is to provide a sight, sound and psychological barrier between zones with a high degree of incompatibility. This planting strip shall consist of two rows of trees staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height, at the time of planting, shall be six feet, except where it would obscure the vision triangle.

F. TYPE VI. Boulevard or Parking Strip

Boulevard or parking strip plantings are encouraged. The strip should be planted with non-fruit bearing, deciduous trees a minimum of fifty feet on center. At the time of planting deciduous trees shall be at least three inches in diameter at four feet in height, and all necessary root barriers shall be installed.

**19.61.080 Residential Landscape Requirements.**

Objective – To enhance the aesthetics of communities through the installation of landscape and the screening undesirable elements. Also, to enhance safety and function of residential properties through appropriate maintenance of landscape plantings.

A. Detached Residential Single Family (RS) Landscape Requirements

1. Property owners may landscape adjacent to sidewalks on any city street provided that at no time the landscape encroaches into the path of the sidewalk which would impede pedestrian movement or create unsafe

conditions. It is the property owner's responsibility to maintain the landscape in this manner.

2. Hedges. To facilitate visibility along streets and sidewalks, hedges which fully block visibility must not be planted within 3 feet of the sidewalk. View triangles, which protect sight distance, at street intersections may require additional height restrictions.
3. Street trees are required at the time of plat as outlined in Chapter 18.14. Additionally, the installation or replacement of street trees may be required to this standard when building permits are sought for additions, decks, remodeling, or the construction of accessory structures.
4. All plantings on city property are subject to removal by the property owner at the City's discretion and property owner's expense. In the case that the property owner does not remove the planting, the removal will be done by the City and the property owner will be billed.

#### B. Multi-Family Residential (RM) and Attached Single Family Landscape Requirements

All proposed multi-family and attached single-family development greater than two attached units in these zones shall comply with the following standards. Variances, in accordance with the process set forth in Chapter 17.17 LMC, may be authorized by the planning director where factors such as but not limited to, topography, other site constraints prevent strict compliance.

1. All public streets will be required to include street trees between the curb and sidewalk, unless a variance to the street section standard and design is granted.
2. Entry areas, access easements, and driveways shall be landscaped to create a feeling of identification and continuity of plant materials related to the plantings around the buildings and parking areas. The primary entrances to the multi-family development, defined for this section as the entrances from public roadways, shall have landscaped areas on either side of the entrance. This landscape area shall be a triangle beginning at a point where the back of the sidewalk and the driveway intersect and running a distance of twenty feet parallel with the street, and fifteen feet from the back of the sidewalk along the driveway, and diagonally connecting the two lines. These areas may be utilized as rain gardens.
3. Plant choices should include those plants that are native to the region, have minimal maintenance requirements and high survival rates. Large, more mature plant materials are encouraged to ensure that some immediate effect on the project's appearance will be attained within two

years of planting. The following sizes and spacing are suggested and/or required for plant materials at time of installation.

- a. Street trees shall have a minimum caliper size of two inches. Trees located along drives and in the street side of planting areas adjacent to parking areas or buildings shall have a minimum caliper size of one and one-half inches. Trees located elsewhere are to have a minimum caliper size of one inch and equivalent to a fifteen-gallon container size.
  - b. At the time of installation, shrubs must be a variety of sizes (one to five-gallon pots) and upright shrubs must have a minimum height and spread of eighteen to thirty-six inches. Spreading shrubs should have a minimum of twelve to eighteen inches (smaller shrub sizes may be approved where it is more appropriate within the particular landscape plan). Hedge material must have a minimum height of four feet at the time of planting.
  - c. Ground covers planted from flats shall have a maximum spacing of twelve inches on center or, when planted from one-gallon pots, a maximum spacing of twenty-four inches on center.
4. Earth berms and rain gardens are convenient devices for providing variation in the ground plane and for screening interior portions of the site. The bermed areas should be as long, as gradual and as graceful as space will allow. Maximum slopes for bermed areas should not exceed 4:1.
  5. Building foundation plantings are required around all areas of the building except immediately adjacent to entries or garage doors. Sidewalks shall not be included within these areas. Installation of plant material is required and must be appropriate to the scale of the building. Area required is as follows:
    - a. Buildings containing 2-4 units must provide a planting area a minimum of 4 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 2 feet.

Buildings containing more than 4 units must provide a planting area a minimum of 6 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 3 feet.

#### **19.61.090 Minimum Landscape Standards for Required Landscaping.**

- A. In order to reduce the incompatible characteristics of abutting properties with different land use classifications, minimum landscaping standards shall be applied to planting strips on the interior property lines of the most intense land use. In the case of a less intense land use being developed directly adjacent to an existing land use of higher intensity, the landscaping requirements may be established as a permit

condition and may be placed on the interior property line of the less intense land use.

- B. For the purpose of this ordinance, the following is a listing of land uses in order of intensity from the highest to the lowest: ID, CSL, HBD, CSR, IBZ, TR, MH, RM-4, RM-3, RM-2, RM-1, RMD, RS-7,200, RS-8,400, RS-10,000.
1. All I zones adjacent to all CS zones: Type III planting strip, ten feet in width.
  2. All I zones adjacent to public, semi-public or PU areas: Type III planting strip, fifteen feet in width.
  3. All I zones adjacent to MH zones: Type III planting strip, ten feet in width.
  4. I zones adjacent to TR zones: Type III planting strip, fifteen feet in width.
  5. All I zones adjacent to RM housing: Type IV planting strip, ten feet in width. If IBZ, fencing is optional.
  6. All I zones adjacent to RS housing: Type V planting strip, fifteen feet in width.
  7. CS zone adjacent to all MH: Type III planting strip, ten feet in width.
  8. All CS zones adjacent to public or semi-public or PU areas: Type III planting strip, ten feet in width.
  9. All CS zones adjacent to RM housing: Type II planting strip, ten feet in width.
  10. All CS zones adjacent to RS housing: Type IV planting strip, fifteen feet in width.
  11. TR zone adjacent to RM zones: Type III planting strip, ten feet in width.
  12. TR zone adjacent to RS zones: Type IV planting strip ten feet in width.
  13. MH zone adjacent to RS housing: Type IV planting strip, ten feet in width.
  14. MH zone adjacent to RM housing: Type III planting strip, ten feet in width.
  15. RM housing adjacent to RS housing: Type IV planting strip, ten feet in width. Fencing is optional.
  16. PRD adjacent to all other zones: Type II planting strip five feet wide, except I and CS zones where it shall be ten feet in width.
  17. Public buildings and utility sub-stations within all RS and RM zones: Type I planting strip five feet wide.

### **19.61.100 Landscaping Requirements for Commercial and Industrial Parking Lots**

Landscaping requirements for parking lots should incorporate LID techniques as feasible and meet the following:

- A. Parking lots fronting on a public street right-of-way shall have fifty square feet of "Type I" landscaping for every thirty-five hundred square feet of parking area.

Additional landscaping is encouraged, provided that the planting shall not obstruct the vision triangle at street intersections and driveways.

- B. Additional plantings may be placed on street right-of-way behind the sidewalk line if the owner agrees to remove the landscaping, at the owner's expense, upon request of the City. The owner will maintain all landscaping placed in the right-of-way.
- C. No landscaping area shall be less than fifty square feet in area,
- D. No parking stall shall be located more than fifty feet from a landscaped area. The Planner may approve landscaping plans involving alternatives to this specification for individual properties if the proposed alternative would be more effective in meeting the purposes of this chapter.
- E. All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in satisfaction of these requirements.
- F. Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the landscaping area requirements.
- G. When a parking lot abuts residentially designated property along any interior property line, a "Type III" buffer, or a minimum five-foot wide "Type IV" buffer with plantings spaced to form a solid sight-obscuring screen within three years, shall be installed along the property line. An earthen berm may be substituted for the above landscaping requirements, provided that the berm acts as a substantial buffer or screen, is height and width appropriate to the area and is planted with grass or other appropriate ground cover. This requirement shall not apply when the abutting residentially designated property is six feet or more above or below the elevation of the immediately adjacent parking area.
- H. All landscaped areas shall be protected from vehicle damage by a six-inch protective curbing and, if necessary, wheel blocks.

#### **19.61.110 Tree Removal or Planting.**

- A. No person shall remove any tree(s) or shrub from any street, alleys, boulevard or parking strips of the City of Lynden without first having applied for and received a permit from the City to do so. The application for the permit and the permit shall be on forms prescribed by the City and there will be no charge for such a permit.
- B. No person shall plant any tree(s), or shrubs on the streets, alleys, boulevard or parking strips of the City of Lynden without first having applied and received a permit from the City. There will be no charge for such a permit.

#### **19.61.120 Boulevard or Parking Strip – May be required**

Boulevard or parking strips are encouraged and may be required by the City as part of development permit approval. Planting requirements are listed above as Type VI planting strips. Where street trees are required, the trees fronting a building lot must be installed prior to final occupancy for that building constructed on the building lot. At the

time of plat approval, a note shall be placed on the face of the plat indicating that it is the responsibility of the property owner to maintain all trees placed within the City right-of-way abutting their property.

#### **19.61.130 Boulevard or Parking Strip – Development and Maintenance**

- A. Street trees shall be planted in accordance with accepted commercial planting procedures and appropriate root barriers shall be installed at the time of planting.
- B. Street trees shall be chosen in accordance with the plantings recommended by Puget Sound Energy. Lists of recommended trees are available from the Planning Department.
- C. The Public Works Director will prune and maintain, or cause to be pruned and maintained, all of the trees along Lynden streets. The City will maintain the street trees on Front Street between First and 17<sup>th</sup> Streets. The remaining trees will be the responsibility of the adjacent property owner to maintain. If said trees are not maintained, the Public Works Director may cause those trees to be maintained at the expense of the adjoining property owner.
- D. All trees along City streets shall maintain a minimum clearance of thirteen feet, six inches between the ground and lowest branch. Street trees shall not be planted within the clear vision triangle.
- E. Adjacent property owners shall be liable for any persons injured or who otherwise suffers damage due to the failure of trimming and proper maintenance of trees by adjacent property owners. This shall include the replacement of sidewalks damaged by intruding roots.

#### **19.61.140 Maintenance of existing trees**

When a building or development is planned on a site that includes existing trees greater than twelve inches in diameter at five feet in height, every reasonable effort shall be undertaken to preserve those trees. Except however, that those trees that are diseased or that pose a threat to public safety may be removed. All landscape plans must show all existing trees, those trees to be removed and the placement of a number of trees equal to that number of trees to be removed.

#### **19.61.150 Definitions.**

As used in this chapter.

“Berm” means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

“Buffer” means a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

“Deciduous” means a plant with foliage that sheds annually.

“Conifer” means a plant with foliage that persists and remains green year-round, commonly known as evergreens.



“Ornamental tree” means a deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

“Screen” means a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

“Shade Tree” means usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy; normally a deciduous and rarely an evergreen.

“Shrub” means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

“Tree” means a large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or coniferous.