

ARTICLE VI.
LANDSCAPING, BUFFERING, AND OPEN SPACE REQUIREMENTS.

6-1. Landscaping Standards.

(A) *Landscaping.*

In order to maintain and enhance the existing tree coverage in Richfield, to promote careful landscaping of outdoor areas, to soften and enhance the manmade environment, and to promote the design and construction of appropriate walls and fences, the following standards shall apply in all zoning districts unless otherwise noted.

(1) *General.*

- a) Commercial outparcels shall be landscaped while vacant to maintain an attractive appearance. Landscaping shall consist of turf grass, shrubs, trees, or any other vegetative cover that will secure the soil and create an attractive appearance.
- b) All required plantings installed shall be nursery grown stock that is free from disease or growth problems and shall comply with the latest edition of the *American Standards for Nursery Stock*, published by the American Nurserymen's Association.
- c) All required plantings shall be installed in a manner that insures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.
- d) Only landscaping and approved fences and walls shall be permitted within a required buffer or streetyard area, except that sidewalks and other pedestrian walkways, bicycle paths, above ground utilities, drainageways, and approved signs shall be permitted where they do not comprise of more than twenty percent of the total area of the required buffer or streetyard. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or streetyard area and landscaping.
- e) Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.
- f) Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.
- g) Small trees are permitted to be substituted for required large trees whenever the larger tree would interfere with existing overhead utility lines.
- h) Native species and related cultivars are encouraged.
- i) Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.

- j) Whenever trees are required (street yards, buffers, parking lots, etc.), a minimum of fifty percent shall be canopy trees, and a minimum of twenty percent shall be evergreen.
- k) Whenever shrubs are required for screening, they shall be of a type that retains their foliage to within six inches of the ground on a year-round basis.
- l) No more than thirty percent of all shrubs required shall be deciduous.
- m) No required planting area shall contain less than fifty square feet and no planting area shall be less than eight feet in diameter around a required tree.
- n) The town may require changes to any planting schedule or plant size requirement and may require plant substitution when, in its opinion, the size, nature, and/or spacing of plantings will compromise the safety and security of the public.
- o) The zoning administrator may approve revisions to a landscaping plan approved by the town board or board of adjustment in order to accommodate seasonal planting problems or a lack of plant availability as long as:
 - 1) There is no reduction in the quantity of plant material.
 - 2) There is no significant change in the size or location of plant materials.
 - 3) The new plants are of the same general category and have the same general design characteristics as the materials being replaced.

(2) *Plant size.*

Type	Minimum Height at Maturity (ft)	Minimum Crown Spread at Maturity	Minimum Height at Planting	Minimum Caliper ¹ at Planting (in)	Minimum Spacing (ft on center)
Large Tree	≥40	≥30 feet ²	8 feet	2	35 feet
Small Tree	≥15	<30 feet ²	5 feet	1.5	15 feet
Shrubs ³	3	24 inches	18 inches	n/a	24 inches

¹ Caliper shall be measured six inches above the ground.

² The minimum crown spread of trees shall only apply to canopy trees.

³ Shrubs do not include ground covers.

(3) *Existing trees.*

- a) Except when necessary to provide access to a site or to insure the safety and security of people and property, any existing healthy tree that is eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard on any development site except single family detached and duplex residential shall be retained unless approved for removal during site plan review. In addition, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas on all development sites.

- b) Existing trees and shrubs shall count towards meeting the requirements of this section as long as such are:
 - 1) Free from disease or growth problems;
 - 2) Clearly shown on the site plan;
 - 3) Approved by the zoning administrator prior to development as meeting the intent of the landscaping requirements;
 - 4) Are not considered nuisance or noxious plants; and
 - 5) Are adequately protected during grading and development of the site.

- c) Protective measures, as outlined below, shall be taken to minimize damage to existing trees and other vegetation to be retained.
 - 1) Site plans shall show the location of trees and shrubs to be retained and the locations of protection fencing.
 - 2) Prior to construction, grading or other land disturbing activity, protective barriers shall be placed around the root protection area of all trees and shrubs to be saved. For trees, the root protection area shall not be less than the drip line.
 - 3) No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the areas designated for protection.
 - 4) Root pruning shall be kept to an absolute minimum.
 - 5) Pruning of existing trees shall be done according to the National Arborists' Association Standards in a manner that preserves the character of the tree.
 - 6) No ropes, signs, wires, electrical device or other material shall be secured or fastened around or through a tree or shrub designated for protection.
 - 7) If a single tree or small group of trees of significant size are identified for protection, lightning protection measures are recommended to help insure their protection during storms.

(4) *Landscaping installation and maintenance responsibility.*

- a) To ensure compliance with this section and to encourage required vegetation to be installed during the appropriate season, a letter of compliance may be accepted by the town in lieu of installation prior to the issuance of a certificate of occupancy for the site. This letter shall be in the form of an affidavit signed by the property owner and shall:
 - 1) Acknowledge that such owner is aware of any landscaping and/or screening requirements which apply to the property; and
 - 2) Stipulate that he/she will comply with those requirements by a specific date within the next appropriate planting season, but in no case more than nine

months after the date of the affidavit, unless otherwise approved by the zoning administrator; and

- 3) Acknowledge that failure to comply with the provisions of this section within the time frame specified in the letter shall constitute a violation of this section which shall subject the property owner to any and all enforcement actions permitted by law.
- b) All landscape materials required or committed voluntarily by the developer, whether used for screening, buffering, open space, streetyards, or other required landscaping areas shall be properly maintained by the property owner. Maintenance includes all actions necessary to keep landscaping materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscaping lost or diseased shall be removed and replaced unless, in the opinion of the zoning administrator, the maturity of the remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met without replacement.

(5) *Berms.*

The following standards shall apply to all berms.

- a) No structures, including fences, shall be placed on a berm unless approved by the town as part of the landscaping requirements for a development site.
- b) Berms shall not be used for the display of vehicles or other merchandise.
- c) If included in the landscape design, berms shall:
 - 1) Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1). No berm shall exceed four feet in height.
 - 2) Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
 - 3) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
 - 4) Be fully installed, planted and stabilized prior to certification of zoning compliance.
 - 5) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

(6) *Streetyards.*

- a) Street Yards shall be required along all arterial and collector streets whenever new development, except single-family detached and duplex residential, or major subdivision is approved or an existing commercial use is expanded by more than twenty percent except that:

- 1) Street Yards shall not be required in the CB district except along Main Street and US Hwy 52.
 - 2) Along streets that are scheduled for widening by the state in the near future which might affect the location of the right-of-way, the zoning administrator may allow the developer to delay all or a portion of the street yard requirements. Whenever a delay is allowed, a letter of compliance pursuant to this section shall be required.
- b) Where the location of existing permanent buildings on an existing site reduces the area available for a street yard, streetyard requirements shall be met to the maximum extent practicable. Where implementation of the street yard requirements on an existing site would require the removal of parking spaces, the zoning administrator may approve a reduction of up to twenty percent of the required parking spaces in order to make room for required landscaping.
 - c) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this section may be reduced or eliminated upon approval of the zoning administrator to minimize grading and enhance preservation of existing, mature trees.
 - d) All required street yards shall be no less than eight feet in width at any point and average ten feet in width, as measured perpendicularly to the street, along the entire length of the property.
 - e) The planting schedule for streetyards shall be as follows:

Type	Minimum Number Per 100 Linear Feet ¹
Large Trees	3
Small Trees	4
Shrubs	30

¹Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have two large trees, two small trees, and fifteen shrubs.)

- f) The area between trees and shrubs in a street yard shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof except that additional plantings may not be required in significant natural forested areas maintained within the streetyard.
- g) Berms shall be permitted to augment required street yard plantings as follows:
 - 1) Shrubs may be reduced to a minimum of twelve inches in height at the time of planting if the combined height of the berm and the shrubs will be at least three feet in three years.
 - 2) A minimum of fifty percent of all required trees and shrubs shall be planted along the street front portion of the berm.
 - 3) If the berm is at least three feet in height, no shrubs are required.

(B) *Fences, hedges and walls.*

Fences consisting of either: masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of three feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight feet in height, except as otherwise specifically stipulated herein.

A temporary certificate of zoning compliance may be issued for circumstances under hardship or duress. Written application for a temporary fence exceeding the height requirements may be allowed on an annual basis due to a temporary hardship with approval from the zoning administrator. Basis for such approval shall be for reasons of safety, health, welfare, or other related hardships. Such temporary fence shall be removed within thirty days of the ending of the hardship. Reapplication shall be made before termination of the annual renewal or be subject to revocation.

(1) *General.*

The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

- a) Fences and walls shall be maintained in good order.
- b) Fences shall not contain advertising, signs, logos or other lettering unless expressly permitted by the zoning administrator.
- c) Where a fence or wall is used as part of required screening, all required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot).
- d) Fences and walls shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.

(2) *Material and design.*

The following standards shall apply to all fences and walls in all zoning districts, unless otherwise noted.

- a) Chain link and other wire material fences shall not be permitted in a front setback along any street except that such may be placed on the inside of a split rail or other wooden fence or is screened by vegetation.
- b) Security walls and fences shall be accompanied by vertical landscaping to screen the wall or fence from view.
- c) Barbed wire, razor wire, concertina wire, and similar high security fencing material shall not be used in any area unless substantially screened from public view.
- d) Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl or a material similar in composition and appearance as the principle building. Such walls and fences shall be opaque or shall be of a design approved by the zoning administrator.

- e) Fences and walls within a development shall be compatible in design and material.
- f) Unfinished concrete block walls shall not be permitted within any required yard.

(3) *Height.*

The maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of six feet when located within any required side or rear yard not located adjacent to a public street.

(C) *Parking lot landscaping.*

- (1) The following standards shall apply to all new parking areas with twelve or more spaces and all expansions to existing parking areas which add twelve or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.
- (2) Trees and shrubs shall be planted along all internal driveways as follows:

Type	Minimum Number Per 100 Linear Feet
Large Trees	2
Small Trees	3
Shrubs	40

¹ Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have one large tree, two small trees, and twenty shrubs.)

- (3) The area between required trees and shrubs shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.
- (4) Plantings and plant material shall be selected and arranged to insure the maximum safety of the public. No landscaping area shall be installed or maintained in such a way that it provides cover or refuge for criminal activities.
- (5) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. No more than thirty parking spaces shall be contained within one parking aisle.
- (6) All parking aisles, except where they are permitted to abut or they directly adjoin a building, shall be landscaped around their perimeter, excluding access points, as shown in the following table. Where the perimeter of the parking aisle is a property boundary, buffer, streetyard, or internal driveway, that side shall meet the more stringent of the two.

Type	Minimum Number Per 100 Linear Feet
Large Trees	2
Small Trees	2
Shrubs	30

¹ Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For

example, a fifty foot area would be required to have one large tree, two small trees, and twenty shrubs.)

- (7) Whenever parking areas abut streets, an opaque wall or fence a minimum of three feet in height shall be installed adjacent to or within a required street yard or adjacent to a street right-of-way where no streetyard is required except that:
 - a) A hedge may be substituted for the wall or fence in any district, except in the CB district, as long as the hedge is a minimum of two feet in height at the time of planting, has the ability to achieve a height of three feet during its first full growing season; and
 - b) A vegetated berm may be substituted for a portion of the wall, fence, or hedge, except in the CB district.

6-2. Landscape Buffers.

The purpose of a landscape buffer is to help provide transition between different types of land uses, to break up or soften the appearance of paved surfaces, and to provide the shade and greenery necessary to create a livable urban environment. Notwithstanding any other requirements of this section, buffers shall be required for all commercial development as follows:

- (1) Buffers shall be required whenever new development is approved or an existing use is expanded by more than twenty percent wherever a commercial use abuts a residential use except where commercial and residential uses within the CB district abut. In addition, buffers meeting the standards of this section shall be met whenever required by direct reference in any other section of this ordinance.
- (2) Planting requirements in buffer areas may be altered on a case-by-case basis by the zoning administrator in locations where the required buffer is wholly or partially within an existing easement.
- (3) Along areas that are scheduled for easement or right-of-way acquisition or expansion by the state in the near future, the zoning administrator may allow a postponement of all or a portion of the buffer planting. Whenever postponement is allowed, a letter of compliance pursuant to this section shall be required.
- (4) The landscape buffer shall average thirty-five feet in width, but not be less than twenty feet in width at any point, and shall contain:
 - a) Two large trees per 100 linear feet.
 - b) Ten small trees per 100 linear feet.
 - c) Forty shrubs per 100 linear feet.
- (5) *Fractions.*

Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number.

(6) *Exceptions.*

- a) Fences and walls of uniform design and material shall be allowed to replace required shrubbery in any landscape buffer when, in the opinion of the zoning administrator, such fence or wall will achieve the same effect as the shrubbery and will contribute positively to the overall design of the property.
- b) Buffer width requirements may be reduced by fifty percent when a six foot continuous opaque fence, wall or berm is approved and constructed within the landscape buffer. A minimum of fifty percent of all required plantings shall be placed on the exterior side of such fence, wall or berm.
- c) In the event of unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the zoning administrator may alter the requirements of this part as long as the existing features of the development site comply with the spirit and intent herein. Such an alteration may occur only at the request of the property owner who shall submit a plan to the zoning administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

6-3. Open Space.

(A) *In general.*

In order to develop a system of quality open spaces and recreation areas throughout the town's jurisdiction, the following standards shall apply to all developments and all open space and recreation areas in all zoning districts unless otherwise noted.

- (1) In developments with twenty or more residential units, open space shall account for a minimum of thirty percent of the total land area of the site. Open space shall include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access. Priority shall be given to environmental open space dedicated to and accomplishing the purpose of protecting, restoring, or enhancing rural vistas. Such open space may be forested land, pasture, cropland, wetlands, or similar rural open spaces approved by the zoning administrator.
- (2) Public open space and recreation areas, except environmental open space, shall have direct access from public streets.
- (3) Public open space and recreation areas, except environmental open space, shall be visible and easily accessible.
- (4) Public open space and recreation areas, except environmental open space, shall have multiple points of entry.
- (5) All open space and recreation areas, except environmental open space, shall be well buffered from moving vehicles.

- (6) Open space not meeting the criteria of environmental open space shall be substantially clustered around the edges of the development to buffer the development against adjacent tracts of land, especially land used for agriculture and low density residential development.
- (7) The land used for required open space and recreation areas, except environmental open space, shall have an average slope of five percent or less with no portion of the land exceeding a fifteen percent slope.
- (8) Required open space and recreation areas may be publicly or privately owned. The planning, construction, and maintenance of privately owned facilities shall adhere to the following:
 - a) Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association. Public open space may be held by any unit of government or private non-profit organization created for such purposes that has been approved by the town council.
 - b) High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space and recreation area requirements of this section. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no feasible alternative exists.
 - c) Each phase of a phased development shall meet the minimum requirements for open space and recreational areas. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed or bonded by the developer and approved by the town.
 - d) The responsibility for the perpetual maintenance of open space in conformity with this ordinance shall be with the owner. Failure to adequately maintain open space shall constitute a violation of this ordinance and shall subject the owner to any and all remedies permitted herein.

(B) *Alternative open space.*

- (1) As an alternative to incorporating required open space on a development site, the developer has the option of requesting that the town permit the purchase of land lying within an identified rural view corridor, a planned public park or open space system within or immediately adjacent to the town's zoning jurisdiction and its dedication to the appropriate public or non-profit authority. Such requests shall be heard and decided by the town council prior to subdivision or site plan approval.
- (2) In considering a request for alternative open space, the town council may:
 - a) Approve the request without modification; or
 - b) Approve the request with modifications or conditions agreed to by the developer; or
 - c) Approve only a portion of the request, requiring a portion of the required open space to be included on the site of the proposed development; or

d) Deny the request.

(C) *Clustering permitted.*

In order to provide the open space required by this ordinance, a developer shall be allowed to cluster lots on the development site in a manner such that the same number of developable lots are possible as would be permitted if no open space were preserved. However, under no circumstances shall any lot be created within a cluster subdivision that is more than thirty percent less than the minimum lot size allowed within the district or 15,000 square feet, whichever is greater. In addition, all clustered lots shall be located a minimum of fifty feet from existing public streets.