

Section 10.05 Individual Single Family Residential Landscape of Lots less than one acre.

- A. Purpose – The purpose of this section is to establish residential landscaping standards that will promote the following goals:
 - 1. To enhance the value of residential properties and neighborhoods within the jurisdiction of the town by implementing standards to protect, regulate, and maintain the appearance of residential properties;
 - 2. To preserve and enhance the natural resources of the town in order to provide aesthetic and other public benefits, including:
 - a. Pollution abatement;
 - b. Storm water erosion and run-off control;
 - c. Energy conservation;
 - d. Minimization of flood hazards; and
 - e. Continued maintenance of ecology systems.
- B. Application
 - 1. This section and all its divisions shall apply within the entire area covered by the town’s zoning authority including the areas known as the mainland, beach and extraterritorial jurisdiction. The term residential structures includes all forms of structures that are built as residences, including single-family houses, townhouses, multi-family condominiums, manufactured homes, cooperative residences and apartment buildings.
 - 2. This section applies to newly built structures as specified below: all sections apply to the landscaping and maintenance of the landscaping requirements on all newly built residential structures and existing structures that undergo renovations or repairs that exceed 50 percent of tax value on which permitting is applied for after the date this section is enacted.
- C. Process and requirements for submitting request for approval of landscaping plans for residential structures.
 - 1. Approval of the landscaping plan must be secured prior to the issuance of a certificate of occupancy.
 - 2. Submission of the landscaping plan by the developer to the Planning Board an illustration on an approved site plan that specifies that the minimum standards established by way of this section have been met. Submission shall include agreement in writing by the developer and the property owner that:
 - a. The landscaping plan shall be installed prior to the issuance of a certificate of occupancy for the subject property; or (b) Shall be secured and installed within 90 days after the date the certificate of occupancy is issued. In cases where circumstances outside of the control of the developer or property owner prevent the installation of landscaping within the statutory 90 days (such as a major natural disaster), the Planning Board may approve an extension up to 180 additional days.
 - 3. The homeowner understands and agrees to perpetual maintenance of landscaping that meets the minimum requirements of this section, including timely maintenance of components of the landscaping on which neglect may result in health and human safety issues as specified herein.
- D. Issues to be considering when establishing a landscaping plan.

1. Existing natural vegetation should be retained and preserved whenever possible.
2. Installation of vegetation indigenous to the immediate natural coastal ecosystem is preferred to promote proper plant life development and maturation.
3. Plantings and/or privacy fencing should result in a screening of utility areas and from adjacent yards.
4. Ground cover is mandatory on all portions of exposed ground or earth not occupied by other approved landscape material.
5. Existing vegetation that is preserved on the lot during the construction period may be included as part of the minimum requirements.
6. Plan shall include at least one front yard planting bed.
7. Any component or any portion of a private septic system or other private sewage treatment system that is above grade shall be screened with landscaping components and approved as part of the overall landscaping plan.
8. Parts of this UDO may be altered at the discretion of the Planning Board on the recommendation of the Building Inspector's office to resolve issues emanating from unusual site conditions or configuration.
9. A list of trees and shrubs indigenous to this area is available at the Town Hall.

E. Minimum landscaping requirements

1. Sufficient existing and installed landscaping materials shall be selected and illustrated on the landscaping plan as to incorporate the issues listed in division (D) above and result in a minimum material point value of 36 points based on the following:

MATERIAL TYPE	MAINLAND POINT VALUE	ISLAND POINT VALUE
Existing Trees	10	10
New Large Tree	6	6
New Small to Medium or Ornamental Tree	4	4
New Large Shrub	3	3
New Medium Shrub	2	2
New Small Shrub	1	1
Sod	3	8
Irrigation System	3	8

Example: If a 50-foot by 100-foot lot is required to provide a 30-foot buffer, the lot's usable area is reduced by 30 percent; therefore, the required minimum point value would be 25.

(36 point requirement x 70 percent of usable lot area)

100'	
Total 5000' sq. ft.	Usable 1500 sq. ft.
70% usable	30%
50'	30 sq. ft.

2. Although there is no material point value for ground covers other than sod (such as natural ground cover, pine straw and other typical ground cover material) or for privacy fencing as may be used to screen air conditioning units or heat pumps, the items will be considered as acceptable for resolving items of issue as listed in division (D) above.
 3. No landscaping using impervious material such as solid plastic and vinyl will be permitted.
- F. Coastal Area Management Act (CAMA) exemptions
1. Area of environmental concern – Any lot or portion thereof that has been designated as a CAMA buffer or area of environmental concern (AEC) shall be exempt from the landscaping requirements in deferment to the CAMA regulations that apply.
 2. Frontal Dunes – Frontal dunes shall be exempt from the landscaping requirements, as set forth in this section. However, owners of properties with frontal dunes shall plant approved vegetation on at least 25 percent of the frontal dune area. Approved vegetation includes, but is not limited to, American Beach Grass (Fall/Winter planting), Sea Oats (Spring/Summer planting), Seashore Elder (Spring planting), Bitter Panicum (Spring/Summer planting) and Spartina Patens (Spring planting).
 3. Point reductions on exempt lots – The required minimum point value shall be reduced by the corresponding percentage of the lot that is exempt from this section.