

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 674

**ORDINANCE AMENDING CHAPTER 405 ZONING AND DEVELOPMENT
OF THE CODE OF THE TOWNSHIP OF UPPER DEERFIELD**

WHEREAS, the Planning Board of the Township of Upper Deerfield is desirous of fostering aesthetically-pleasing development, increasing the compatibility of development, and improving environmental quality; and

WHEREAS, the Planning Board of the Township of Upper Deerfield has recognized the necessity to revise its regulations for landscaping to achieve these objectives; and

WHEREAS, the Planning Board of the Township of Upper Deerfield has recommended revisions to **Section 405-62.A Design and Performance Standards** of the Zoning and Development Code of the Township of Upper Deerfield; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of making changes to **Section 405-62.A Design and Performance Standards** of the Zoning and Development Code of the Township of Upper Deerfield;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield that **Section 405-62.A Design and Performance Standards** of the Zoning and Development Code of the Township of Upper Deerfield is hereby amended as to the subsections thereof as hereinafter designated:

Section 1.

Section 405-62.A(4) Buffers and Screening.

The following shall replace and supersedes the existing language in this section:

Section 405-62.A(4) - Landscaping Requirements.

405-62.A(4.1) Purpose.

The purpose of this ordinance is to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community.

These regulations are intended to:

- a. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community.
- b. Increase the compatibility of development with both adjacent development and the natural environment.
- c. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment.
- d. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
- e. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development
- f. Eradicate or control certain exotic plant species that have become nuisances because of their tendency to damage public and private works, to have a negative effect upon public health, or to disrupt or destroy native ecosystems.
- g. Promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping.
- h. Establish procedures and standards for the administration and enforcement of this Landscaping Ordinance.

405-62.A(4.2). Applicability.

- a. This landscape ordinance shall apply to all public, private, and institutional development, except as specifically exempted herein. Previously approved development need not comply unless new site development approval is being sought.
- b. General requirements for landscaping of yard areas and for landscape strips along front and side lot lines are not imposed on any residential subdivision for single-family or two-family development or on the lot when a single-family or two-family dwelling is to be constructed.
- c. The requirements of this ordinance shall be applicable to the bufferyard, streetscape, street buffer, yard, parking lots and stormwater basins specifically stated in the ordinance. Portions of a

developed site that are outside those specific areas shall not be governed by these landscape requirements.

405-62.A(4.3) Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Active Farm Use: Land which is actively farmed or which is assessed as active farmland at the time the subdivision or site design is submitted for approval or which supported active farming operations such that it qualified for farmland assessment pursuant to the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., within three (3) years prior to the date of the submission of a development application for the parcel.

Bioretention System: A bioretention system consists of a soil bed planted with native vegetation located above an under-drained sand layer. It can be configured as either a bioretention basin or a bioretention swale. Stormwater runoff entering the bioretention system is filtered first through the vegetation and then the sand/soil mixture before being conveyed downstream by the underdrain system.

Bioretention Basin: The maximum water depth during treatment of the stormwater quality design storm shall be twelve (12) inches in a bioretention basin.

Bioretention Swale: An open, shallow, vegetated channel that slows runoff, filters it, and promotes infiltration into the ground. To function properly, swales must be carefully designed and maintained. The vegetation in swales helps to trap pollutants and reduces the velocity of stormwater runoff, which allows it to percolate into the ground. Vegetated swales can be used along driveways, interior roadways, within parking lots and within street-side street tree planting areas. The maximum water depth during treatment of the stormwater quality design storm shall be eighteen (18) inches in a bioretention swale.

Caliper: The diameter of a tree that has not yet been planted measured at a point six (6) inches above the ground for up to and including 4-inch caliper trees, and at a point twelve (12) inches above the ground for larger sizes.

Critical Root Zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone (CRZ) will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one (1) and a half (1.5) times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a 20-inch diameter tree is thirty-five (35) feet.

Deciduous: a plant with foliage that is shed annually.

Rain Garden: a shallow (2"-12") depression, typically planted with colorful native plants, strategically located to collect, infiltrate and filter rain that falls on hard surfaces like roofs, driveways, alleys, or streets to minimize negative impacts of excessive runoff from these surfaces on lakes and streams.

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Township:

- (1) Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- (2) Masonry walls.
- (3) Plant materials or natural vegetation.
- (4) Earthen berms.

For the purpose of this ordinance, a screen is opaque to a height of six (6) feet above the ground surface or, for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of six (6) feet.

Shrub: 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-Save Area: All areas designated for the purpose of saving specimen trees or preserving natural buffers.

Tree Types:

Evergreen – a tree with foliage that persists and remains green year-round

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

Shade – usually a deciduous tree – rarely an evergreen - planted primarily for its high crown or foliage or overhead canopy.

405-62.A(4.4). nPreservation of Existing Features.

- a. Trees and shrubs already existing on land subject to the provisions of this chapter shall be preserved wherever feasible. Criteria for judging the feasibility of retaining existing vegetation include:
 1. The practicability of arranging site plan components around existing features. In general, plans for groups of structures should be designed so as to preserve tree masses, individual tree specimens, and small stands of trees or shrubs;
 2. The condition of the vegetation with respect to continued vitality;
 3. The amount of healthy vegetation the area involved will support;
 4. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation;

5. The desirability or lack thereof of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;
 6. Interference with utility services or encroachment into the traffic visibility triangle; and,
 7. The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.
- b. Existing trees that are preserved will contribute to the required landscaping, based on individual tree types. For each shade tree that is preserved, which is greater than six (6)-inch caliper, and is found on the approved list, the number of new shade trees to be installed shall be reduced by two (2) trees. Shrubbery will be evaluated in the same manner as new trees based on the species. Such credit shall apply only to the required landscaping for the specific bufferyard, parking lot, commercial strip, or lot on which the existing vegetation is located.
 - c. Substantial barriers shall be specified on the Landscape Plan and shall be placed at or beyond the drip line of trees to be protected. These barriers shall remain in place during heavy construction on the site, and no vehicle, machinery, tools, chemicals, construction materials, or temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.
 - d. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices, such as tree wells, tree walls, or specialized fill and pavement designs shall be required and shall be fully detailed on the Landscape Plan.
 - e. For existing trees that are proposed to be retained in order to meet the minimum requirements of this Code, the following provisions shall apply:
 1. Damage prohibited. No person shall:
 - (a) Cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Code.
 - (b) Attach any wire, nails, advertising posters, or other contrivance harmful to any tree.
 - (c) Allow any gaseous, liquid, or solid substance which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with the trees or their root zone.
 - (d) Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
 2. Construction standards.
 - (a) Tree protection devices are necessary to eliminate activities detrimental to trees including but not limited to:

- (1) Soil compaction in the critical root zone resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
 - (2) Root disturbance due to cuts, fills or trenching;
 - (3) Wounds to exposed roots, trunks or limbs by mechanical equipment;
 - (4) Other activities such as chemical storage, cement truck cleaning, waste disposal, fires, etc.
- (b) Location and types of tree protection devices.
- (1) Tree protection devices are to be installed and shown on the plan to completely surround the critical root zone.
 - (2) Active protection (see Materials section below) is required where Tree Save Areas are located in proximity to construction activity.
 - (3) The locations of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading.
 - (4) Once Protected Zones are established and approved, any changes are subject to review and approval by the Township.
- (c) Materials. Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material.
- (d) Sequence of installation and removal. All tree protection devices shall be installed prior to any clearing, grubbing or grading. The Township will inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the Construction Permit. Tree protection must remain functional throughout all phases of development, and shall be removed prior to issuance of a Certificate of Occupancy.
- (e) Other specifications.
- (1) Clearing - Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Avoid felling trees into or disturbing roots inside the protection zones. Roots shall be cut cleanly before tree removal.
 - (2) Erosion and Sedimentation Control - All erosion and sedimentation control measures shall be installed in a manner which will not result in the accumulation of sediment in a tree protection zone.
 - (3) Signage - All tree protection zones shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process.

(4) Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted at site entrances.

3. Prohibited Activities.

(a) Compaction prohibited. All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable, the critical root zone shall first be cut cleanly, then immediately mulched with a four (4) inch layer of processed bark or wood chips or a six (6) inch layer of straw.

(b) Grade change prohibited. There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone is prohibited. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the critical root zone shall be prevented by placement of sediment barriers, which shall be backed by 2 x 4 inch wire mesh in areas of steep slope.

(c) Ditches prohibited. No person shall excavate any ditch or trench within the critical root zone. Where such encroachment is unavoidable, ditches or trenches shall be so located as to minimize root damage. If roots must be cut, they must be cut cleanly and immediately mulched.

(d) Paving prohibited. No person shall pave with concrete, asphalt, or other impervious material within the critical root zone.

405-62.A(4.5). General Landscaping Requirements.

All land areas that are not covered with buildings and pavement or used for agricultural purposes shall be appropriately landscaped in accordance with the requirements of this section. Landscaping shall be provided in the areas specified and of the minimum intensity, specified below.

a. The tables of materials included in this chapter are classified by type. Trees are grouped into three categories: shade trees, ornamental trees; and evergreens. Shrubs are grouped by height: small shrubs (less than 2'), medium shrubs (2'-6'), and large shrubs (greater than 6'). Plant materials not listed on the tables will be assigned a classification based on height, spread, and/or crown at maturity, using the best available resources to determine mature characteristics. For design flexibility, deciduous plant substitutions may be made on the following basis, however required evergreen plant material shall not be substituted:

1. 1 Shade tree = 2 ornamental trees or 2 evergreen trees
2. 1 ornamental tree = 1 evergreen tree
3. 1 large shrub = 2 medium shrubs or 4 small shrubs
4. 1 medium shrub = 2 small shrubs

- b. Where front and rear yards overlap side yards, the yard shall be treated as part of the yard having the greater requirement.
- c. The scale and nature of landscape materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead and underground utilities and utility easements or vehicular or pedestrian movements and visibility. Growth characteristics should be carefully considered.
- d. Plant material shall be selected to achieve an intended purpose such as shading, screening, ornamentation, wildlife habitat, etc.
- e. The planting patterns of plant material shall be staggered and mixed in order to avoid long, monotonous and repetitive edges, especially along roadways.
- f. Trees shall be planted to maintain a minimum five feet clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.
- g. Plantings should be arranged to promote energy conservation wherever practicable; e.g., use of tall deciduous trees on the south and west sides of buildings to provide shade from the summer sun and planting evergreens on the north of buildings to dissipate the effect of winter winds.
- h. Ground-mounted heating and cooling units for non-residential or multifamily structures and above ground fuel tanks shall be adequately screened so as not to be visible from public streets and/or adjacent properties.
- i. Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales, where turf grass is used as a design unifier, or other similar practical use. The landscape plan shall label the intended use of turf areas.
- j. Grass and other vegetative groundcover shall be used for all open space including parking lot islands, except for:
 - 1. Decorative mulch planting beds containing trees and/or shrubs
 - 2. Inert stabilization in areas subject to severe runoff and/or erosion.
- k. A layer of organic mulch, installed to a minimum depth of two (2") inches, shall be specified on the landscape plans in plant beds and around individual trees in turf grass areas. Mulch shall not be required in annual beds.
- l. Where stone or other inert materials are to be used for ground cover, these materials shall be specifically identified on the landscape plan. Any area not so designated shall be required to have grass or vegetative ground cover.
- m. All landscaping shall conform to the regulations established for visibility triangles to maintain safe sight distances and intersections and points of access as designated in Section 98-53A(39) of the Upper Deerfield Code.

- n. Except as provided in Section 405-62.A(4.8)n below, all landscape areas shall be separated from vehicular use areas by concrete vertical curbing. Roll curbs may not be used for this separation. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.
- o. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six (6) inches above the finish surface of the parking area, be properly anchored and continuously maintained in good condition. Wheel stops shall not be placed in locations of anticipated intense pedestrian traffic. As an alternative, curbing can be extended to serve the same purpose, if approved by the Planning Board Engineer.
- p. All trees and shrubs must be planted a minimum of five (5) feet behind the right-of-way line.

405-62.A(4.6). Landscape and Buffer Plans

- a. Landscape Plan. Where required, a landscape plan shall conform to the following requirements:
 - 1. A landscape plan is required for each lot within the proposed development. It is recommended that the landscape plan be prepared by a landscape architect, nurseryman, or other professional experienced in landscape design and the installation and care of plant materials.
 - 2. All proposed landscaping as required by this Code in front, side and rear landscape strips; for parking lot landscape areas, trees and street-side screening; in buffers; and trees to be retained or planted as required by the tree conservation provisions of this Code, shall be illustrated on plans as described in this Subsection. The plans may be consolidated as one plan if the information can be clearly shown.
 - 3. All landscape plans submitted for approval as a component of a required site plan shall show the entire zoning lot at 1 inch = 20 feet to 50 feet as needed to clearly illustrate the proposed plantings, on 24" x 36" sheets and shall contain the following information:
 - (a) The name of the development its acreage (or square footage if less than one acre);
 - (b) The street address and tax block of lot designations of the subject property;
 - (c) The name, address, telephone and fax numbers of the owner and developer;
 - (d) The name, address, telephone and fax numbers of the individual or company responsible for the design;
 - (e) If applicable, the name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 - (f) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

- (g) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - (h) The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;
 - (i) The location, quantity, size (at time of planting and maturity), on-center spacing, and name – both botanical and common – of all proposed planting materials;
 - (j) The location, size (dbh or caliper), and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;
 - (k) The approximate location and generic identification of existing structures and plant materials within the yard of adjoining properties;
 - (l) Existing and proposed grading of the site, including proposed berming, indicating contours at not more than two-foot intervals;
 - (m) Specification of the type and boundaries of all proposed vegetative ground cover;
 - (n) Design of fences and other significant accessory structures;
 - (o) The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier;
 - (p) Planting and installation details as necessary to ensure conformance with all required standards;
 - (q) Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and,
 - (r) Detailed notes and illustrations indicating the planting methods to be utilized for all plant material;
 - (s) A detailed maintenance schedule indicating the anticipated times for fertilizing, types of fertilizer, aeration, pruning, etc., and including plant replacement policies;
 - (t) An irrigation plan indicating the type of irrigation to be used.
- b. Buffer Plan. Where required, a buffer plan shall conform to the following requirements:

A buffer plan shall be prepared for any natural or structural buffer required in accordance with the specifications and standards contained in this ordinance. The buffer plan shall provide the information required above for a Landscape Plan and the following:

1. The boundaries of each required buffer area.
2. The location and size of all under-ground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
3. For each natural buffer, the plan must show:
 - (a) Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the 'Protection of Existing Trees' and the 'Landscape and Buffer' requirements of this ordinance.
 - (b) Proposed supplemental plantings required to maintain the opaque visual screen required.
4. For each structural buffer, the plan must show:
 - (a) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 - (b) A planting plan showing the location, size and type of proposed plant materials.
 - (c) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for buffers.
 - (d) Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

405-62.A(4.7). Landscaping of Yard Areas

- a. Single-family and two-family subdivisions and lots are exempt from the requirements of this Section.
 1. Open Yard Areas. All portions of a multi-family or non-residential site not covered with paving or buildings shall be landscaped. Such landscaped areas not covered with other materials such as mulch, wood chips or other landscaping materials to protect and preserve planting areas, shall be covered with turf or ground cover. Turf or ground cover utilized on all slopes in excess of twenty-five percent (25%) must be specifically selected to stabilize the slope.
 2. Trash Storage Containers. All exterior commercial trash storage containers shall be screened so that they are not visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such container. A detailed drawing of

enclosure and screening methods to be used in connection with trash containers on the property shall be included with the landscaping plan.

405-62.A(4.8). Landscaping of Frontage Landscape Strips

- a. Single-family and two-family subdivisions and lots are exempt from the requirements of this Section.
 1. Landscape strips along front lot lines; where required. A minimum eight (8) foot wide landscape strip shall be provided along the full length of any street frontage of a multi-family or non-residential development.
 2. Location of structures in frontage landscape strip. Frontage landscape strips shall contain no structures, parking areas, patios, stormwater detention facilities or any other accessory uses except for the following:
 - a. Retaining walls or earthen berms constructed as part of an overall landscape design.
 - b. Pedestrian-oriented facilities such as sidewalks and benches.
 - c. Underground utilities and fire hydrants.
 - d. Driveways required to access the property.
 - e. Signs and lighting otherwise permitted by this Code.
 3. All portions of a frontage landscape strip shall be planted in trees, shrubs, grass or groundcover, except for those ground areas that are mulched or covered by permitted structures. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
 4. Trees shall be provided within the frontage landscape strip at the rate of one (1) tree for every 25-40 feet of street frontage, or portion thereof (excluding driveways) depending on tree height at maturity. Trees must be of a type that is suitable to local growing conditions and as listed in Table 4.3.
 5. Upon planting, new trees shall have a caliper of no less than two-and-one-half (2.5) inches, and may be clustered for decorative effect and environmental benefit following professional landscaping standards for spacing, location, and design.
 6. Trees and shrubs in the frontage landscape strip are not to extend into the street right-of-way, nor interfere with the sight triangle requirements specified in Section 7 of the Zoning and Development Code for street and driveway intersections.
 7. Shrubs are to be provided within the frontage landscape strip at the rate of ten (10) shrubs for every sixty (60) feet of street frontage, or portion thereof (excluding driveways). Shrubs must be at least eighteen (18) inches tall at the time of planting.

8. Trees planted in the frontage strip shall not be located beneath overhead electrical wires.
9. Curbs – In areas where low-impact development is preferred, curbs are discouraged along proposed streets except where otherwise required by the Township when deemed necessary for stormwater management, traffic control, pedestrian safety, or to provide for roadway stability. In low-impact development curbs should be used only on one side of the road, and the road cross-slope is away from the curb to drain runoff to a vegetated open channel or bioretention area behind the curb.
10. Sidewalks - Sidewalks located in a street right-of-way shall be located so as to provide a five (5) foot minimum width planting strip between the curb and sidewalk to be used for bioretention swales.

405-62.A(4.9). Landscape Strips along Rear and Side Lot Lines

- a. Single-family and two-family residential subdivisions and individual lots are exempt from the requirements of this Section.
 1. Landscape strips along rear and side lot lines; where required.
 - (a) A landscape strip shall be provided along all rear and side lot lines of a non-residential development (unless a buffer is otherwise required).
 - (b) The rear and side yard landscape strip must be at least eight (8) feet wide if trees are to be planted within it, but may be reduced to not less than four (4) feet in width if a continuous hedge is provided in lieu of trees, or if the landscaping strip is combined with another landscaping strip at least four (4) feet wide on adjacent property. When provided in combination with a landscape strip on adjacent property, each property must meet the landscaping requirements of this Section independently, but the planting of trees must be coordinated to provide adequate separation and planting area for each tree.
 2. Location of structures in rear and side landscape strips. Rear and side yard landscape strips shall contain no structures, parking areas, patios, stormwater detention facilities or any other uses except for the following:
 - (a) Retaining walls or earthen berms constructed as part of an overall landscape design.
 - (b) Underground utilities and fire hydrants.
 - (c) Driveways or sidewalks required to access the neighboring property.
 3. Landscaping required in rear and side landscape strips.
 - (a) All portions of a rear and side yard landscape strip shall be planted in trees, shrubs, grass or groundcover, except for those areas that are mulched or covered by permitted structures.

- (b) Trees shall be provided within the rear and side yard landscape strip at the rate of at least one (1) tree for every forty (40) feet of length or portion thereof, or the landscape strip may be planted in a continuous hedge (penetrated only by approved access drives and utility easements).
- (c) Trees planted within a rear or side yard landscape strip shall be located a minimum of six (6) feet from the property line.

405-62.A(4.10). Stormwater Management Areas

- a. Stormwater management areas include bioretention systems, constructed stormwater wetlands, detention and infiltration basins, drainage ditches and swales and wet ponds. Stormwater management areas shall be designed in accordance with the New Jersey Stormwater Best Management Practices Manual (BMP). Sensitively designed basin and soils can be a visually pleasing benefit to the health, welfare and safety of Upper Deerfield Township residents. The general design concept of these areas should be to deemphasize their function creating aesthetic landscape features.
- b. The Township encourages, where possible, that stormwater management basins be designed to imitate naturalistic land forms with irregular perimeters that subtly blend into the surrounding topography. Where enclosures are required, fence alignments shall follow, as closely as possible, the configuration of the basin. Rectilinear fence alignments are to be avoided.
- c. The area shall be graded creatively to blend into the surrounding landscape and the design of the site, i.e., provide an informal meandering edge with varying slopes and gentle berming in locations emulating a natural parkland.
- d. Location of plantings within stormwater management areas shall be as outlined within the New Jersey Stormwater Best Management Practices Manual, Chapter 7 "Landscaping."
- e. Stormwater management areas shall be planted pursuant to the quantities and types listed for the landscape concepts as outlined in subsection (h) below. Additional shrub and herbaceous plant material should be planted in accordance with the New Jersey Stormwater Best Management Practices Manual, Chapter 7 "Landscaping." Special preference should be given to those species of trees and plants which have known pollutant-removal abilities.
- f. A complete planting plan for stormwater management areas shall be submitted for review and approval of the Township Planner.
- g. All plant materials shall be species indigenous to the area as per New Jersey Stormwater Best Management Practices Manual, Chapter 7 "Landscaping." Plant materials shall be compatible with Section 405-62.A(4.29) of the Township's Land Use Ordinance.
- h. One of the following landscaped concepts for stormwater detention areas or an alternative concept complying with the standards set forth herein or as approved by the Township Planner shall be used:
 - 1. Reforestation. This landscape treatment is appropriate for detention basins and drainage areas that are not highly visible or are adjacent to areas of mature woodlands, greenbelts or wetlands. It is intended to revert the disturbed area to a revegetated, stable, low-maintenance, natural landscape asset over time.
 - (a) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are unacceptable.

- (b) The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to cover the entire area, based upon a twenty-foot-by-twenty-foot grid to the high-water line or outflow elevation. Of this number, 10% shall be 2-1/2 inch to three-inch caliper, 20% shall be one inch to two inches caliper, and 70% shall be whips six feet to eight feet in height.
 - (c) The trees shall be planted in groves and spaced 5 to 15 feet on-center.
 - (d) The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix. The specific blend shall be approved by the Planning Board and shall comply with SCD requirements.
 - (e) All woody and herbaceous plants shall be species indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.
 - (f) Planting shall not be located within twenty (20) feet of low-flow channels to allow for maintenance.
 - (g) The perimeter area (slopes above the high-water line) shall include shade trees (approximately 80 per 1,000 linear feet), evergreen trees (approximately 40 per 1,000 linear feet), ornamental trees and shrubs, screening drainage structures and creating visual interests.
 - (h) Provisions for emergency access as well as general maintenance of the basins shall be reviewed by the Planning Board Engineer. Plantings shall be designed to disguise yet not hinder vehicular access.
- i. Recreation/open space feature.
1. This landscape concept is appropriate in situations where a basin is the largest or only portion of open space in an area or is adjacent to existing open space and recreational open space is desired. It is also appropriate for smaller, highly visible basins where a visually pleasing open area is desired.
 2. The objective in these situations is to integrate the area into the landscape using topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space.
 - (a) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming.
 - (b) Provide perimeter plantings, including shade trees, formally or informally, evergreen trees to create and screen views and small trees and shrubs to provide a continuous landscape strip screening drainage structures and creating visual interest.
 - (c) Integrate buffer plantings with perimeter plantings where applicable.
 - (d) The following are guidelines for plant quantities:

Plant Type	Number of Plants (per 1,000 linear feet)
Shade trees	80
Evergreen trees	40
Ornamental trees	10
Shrubs	50

- (e) To provide recreational open space, concentrate frequently flooded detention in basin area (five- to ten-year storm volume) and provide a gently sloping, less often flooded, area (ten- to one-hundred-year storm volume) as a recreational open field space. Provide ball fields and/or open play areas integrated with plantings in a park like manner.
- j. At detention basins and wet basins and where fences are required, the following standards shall apply:
1. The perimeter of the basin shall be planted in a naturalistic manner with a combination of evergreen trees, shade trees and shrub massings. The minimum width of the basin perimeter landscaping shall be 10 feet. A minimum of 50% of all plantings are to be evergreen.
 2. Perimeter basin landscape plantings shall meet the following minimum sizes:

Plant Type	Size
Shade trees	2 inches caliper
Ornamental trees	8 feet high
Evergreen trees	6 feet high
Evergreen and deciduous shrubs	2.5 to 3 feet high

3. Plantings shall be arranged to allow for maintenance access to all basin facilities.
4. All required basin perimeter plantings are to be located outside of the required fence enclosure.
5. The following are guidelines for plant quantities:

Plant Type	Number of Plants (per 1,000 linear feet)
Shade trees	80
Evergreen trees	40
Ornamental trees	10
Shrubs	50

6. Basins located in front yard areas are subject to all previously stated landscaping standards for stormwater management facilities, with the following additions:
 - (a) Maximum basin depth will be 24 inches.
 - (b) Geometrically-shaped basins are unacceptable.
 - (c) Minimum width of plant massings shall be 10 feet.
 - (d) Ornamental trees should be planted along the basin perimeter for visual interest.
 - (e) Landscape plantings are to be encouraged along the slopes and bottom of detention basins and on the side slopes of retention basins above the high-water

line. These plantings shall consist of herbaceous plants which are indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.

- (f) Plantings shall not be located within 10 feet of low-flow channels and drainage structures to allow for maintenance.

405-62.A(4.11). Buffer Requirements.

- a. Buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Code. Underground utilities may be permitted to cross a buffer if the screening standards of this Code will be subsequently achieved. Vehicular access through a buffer may be allowed only as a condition of site plan approval.
- b. Landscaping shall be installed on the property of any multi-family or non-residential use or development as a condition of site plan approval, or issuance of a development permit or building permit, whichever occurs first. Landscaping shall be provided in accordance with the requirements of this ordinance, which includes the following:
 - 1. Within the yard areas of the property, and in landscape strips along the street frontages, rear and side lot lines.
 - 2. Within parking lots containing five (5) or more parking spaces and between such parking lots and streets from which they are visible.
 - 3. As buffers between incompatible land uses and zoning districts.
 - 4. As replacement trees for those removed during construction.
- c. The following bufferyard requirements are intended to physically separate and visually screen adjacent land uses that are not fully compatible. Minimum required screening shall consist of a natural buffer utilizing existing vegetation or a structural buffer, whichever provides an opaque visual screen from grade to a height of six (6) feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six (6) feet high within two (2) growing seasons.
- d. A six (6) foot high berm, or opaque fence or decorative wall may be located within the bufferyard reducing the required width and plant material amounts by fifty (50) percent.
- e. If woodlands are located within the minimum landscaped yard, preservation may substitute for the required plants. If existing woodlands are located in only part of the minimum landscaped yard, the landscape requirement is proportionately reduced.

405-62.A(4.11-1). Agricultural Buffer

- a. Whenever a development proposes a non-agricultural use or activity on an adjacent lot to a property which is currently or has within the preceding twelve (12) months been utilized for farming or agricultural use, the Planning Board shall require the establishment of an agricultural buffer (located on the non-agricultural property) to prevent conflicts between the agricultural and non-agricultural activities in accordance with the Township's Right to Farm regulations (Section 405-30). Said agricultural buffer shall comply with the requirements of this section.
 1. The establishment of the agricultural buffer shall not be required when:
 - (a) The agricultural uses or activities are on a parcel of land less than six (6) acres unless the parcel is being farmed in conjunction with other adjacent lands which, when combined, are in excess of six (6) acres; or
 - (b) In the case of a minor subdivision, the lots to be created are six (6) acres or more in size, in which case the Planning Board may simply require that any house or accessory use thereto be located at least one hundred fifty (150) feet from the nearest agricultural activity or use.
 2. The Planning Board may waive entirely or reduce the size of an agricultural buffer, provided that it is determined by the Planning Board that the location of the non-agricultural use or activity in relation to the agricultural use or activity will not adversely affect the agricultural use or activity, including restrictions on the spraying or crops or fields.
 3. Areas to be buffered. All major residential subdivisions and major site plans shall include in their design agricultural buffers which shall be installed with the purpose of providing a buffer and barrier between the residential subdivision or site development requiring a major site plan and an adjacent agricultural use. The subdivision or site plan design shall include this buffer along any shared lot line with an active farm use and shall be designed with the purpose of acting as a separation and buffer between lands used as farmland, as defined within this section, and residential uses. The buffer shall not be required for developments which abut certified woodland.
 4. Design Standards.
 - (a) A landscaped buffer of not less than 150 feet in width shall be provided within lots which are adjacent to any shared lot line with an active farm use. This buffer area shall be in addition to the minimum lot size otherwise required for all lots within the development.
 - (b) Such agricultural buffer areas shall not be utilized or included in measurement for establishing setbacks for construction or yard requirements on the lots.
 - (c) Buffers may be comprised of earth berms, fences, and landscaping, which shall be of a sufficient quantity, species and size to prevent the free movement

between the residential subdivision and the farming operation and to add some protection from noise, dust, light, spray and the like. The buffering shall be designed to insure a year-round high and low visual screen and consist of evergreen and deciduous trees and shrubs. Any physical barriers to be constructed, such as fencing, shall be constructed within the buffer area. Infrastructure required for the development may be contained within the buffer as long as the structures are underground.

- (d) More than one species of evergreen and deciduous trees is to be provided to reduce the effects of potential tree disease and to provide a more naturalized buffer.
- (e) Low shrubs such as Hollies and other thorn-bearing shrubs shall be utilized to discourage pedestrian traffic through the buffer area.
- (f) If shade trees are to be installed, they shall be provided in the buffer at the rate of one (1) tree per 1,000 square feet of buffer area. The trees shall be set back from the property line to accommodate the mature spread of the tree and to avoid overhang into the agricultural property.
- (g) Landscaping buffers shall be designed to block 75% of all views from one side to the other five (5) years after planting.
- (h) Additional buffering features are to be provided as may be found necessary by the Planning Board.
- (i) The plantings may consist of those listed in Section 405-62.A(4.29) of this ordinance and, in addition thereto, those plantings which may be natural or indigenous to the area in question and which have a strong likelihood of providing a deterrent so as to prohibit passage through said living fence area, subject to the provisions of this section. The species provided for herein are intended to be utilized as recommended examples of living plants that will form a fence. Other plantings may be substituted, depending on the site, sunlight, soil and such other conditions as would apply to probable growth of the planting. The Planning Board shall determine the type of plant material to be used at the time of development approval and shall take into consideration recommendations of its professionals and the owners or farmers of the adjacent farmland in making such determination.
- (k) The standards and specifications which must be depicted on the plan shall include:
 - (1) The plantings to be utilized.
 - (2) The size of the plants (minimum size shall be specified).
 - (3) Distance between plants.
 - (4) Proposed elevation of plants:

(l) Planting size requirements. The following minimum plant sizes shall be required for any landscape material, measured in accordance with American Nurserymen's Association standards:

(1) Shade trees: 1-1/2 to two (2) inches in caliper.

(2) Ornamental trees: six (6) to eight (8) feet in height.

(3) Evergreen trees: six (6) to eight (8) feet in height.

(4) Shrubs, both deciduous and evergreen:

(i) Prostrate (spreading): at least twelve (12) inches and up to fifteen (15) inches in spread.

(ii) Small (mature size under three (3) feet in height): at least twelve (12) inches and up to fifteen (15) inches in height.

(iii) Large (mature size three (3) feet or greater in height): at least twenty-four (24) inches and up to thirty (30) inches in height.

(m) In addition, the planning board, in its sole discretion may require the developer to construct a fence within the agricultural buffer area along the boundary line with the adjacent property meeting the following specifications:

(1) The buffer fence, when required, shall be a four- to six-foot-high fence, installed on the property of the development. The fence shall be installed by the applicant and/or developer. The planning board shall determine the type of fence after considering the recommendations of its professionals as well as comments of the owners or farmers of the involved adjacent farmland.

(2) The board may grant exceptions to this requirement as may be reasonable and within the general purpose and intent of the provisions of this section if literal enforcement of the requirement is impractical.

405-62.A(4.11-2) Solar Energy Generating Facilities.

a. Buffer. The Planning Board shall require the establishment of a buffer on the site of ground-mounted solar energy generating facilities, structures and equipment that occupy more than one (1) acre of land to provide for sound abatement, visual screening, and to otherwise prevent conflicts with adjoining uses as stipulated in this section.

1. Areas to be buffered. Buffers shall be provided along all property lines and public rights-of-way.

2. The buffer required by this section shall not be required where the following conditions occur:

- (a) The solar energy generating facility is located in excess of 400 feet from an existing occupied residence located on an adjoining property.
 - (b) The solar energy generating facility is located in excess of 400 feet from the subject property's boundary or an existing public right-of-way.
3. Notwithstanding the provisions contained in Section 405-62.A(4.10-2(a) and 405-62.A(4.10-2(b) above, the Planning Board may require a buffer when deemed necessary and appropriate to address visual impacts associated with the facility due to changes in topography or other conditions.
4. The buffer shall be designed and installed with the purpose of providing a vegetative landscape screen between the solar project, adjoining properties and public streets. The buffer shall not be required for those areas of the solar development which abut certified woodland or protected wetlands.
5. Design Standards.
- (a) The landscaped buffer shall be at least fifty (50) feet in width. This buffer area shall be in addition to the minimum lot size otherwise required for all lots within the development.
 - (b) Such buffer areas shall not be utilized or included in measurement for establishing setbacks for construction or yard requirements.
 - (c) Buffers may be comprised of earth berms, fences, and landscaping, which shall be of a sufficient quantity, species and size to insure a year-round high and low visual screen and consist of evergreen and deciduous trees and shrubs. Any physical barriers to be constructed, such as fencing, shall be constructed within the buffer area.
 - (d) Plant materials utilized within the vegetative screen shall be appropriate in terms of species and size to ensure there is a 75% screening of the energy generating facilities, equipment and structures within three years, and a 100% screen within five (5) years after planting.
 - (e) Infrastructure required for the development may be contained within the buffer as long as the structures are underground.
 - (f) Access roads are permitted within the buffer. Interior service roads intended to provide access to the solar facilities are not permitted within the buffer.
 - (g) Roadways within the area occupied by the solar facilities shall be designed to minimize the extent of roadways constructed and associated soil compaction. The temporary use of geotextile fabric and gravel for limited roadways during construction is permitted, provided the geotextile fabric and gravel are removed when construction is complete.

- (h) More than one species of evergreen and deciduous trees is to be provided to reduce the effects of potential tree disease and to provide a more naturalized buffer. Native plantings are encouraged.
- (i) Additional buffering features are to be provided as may be found necessary by the Planning Board.
- (j) The plantings may consist of those listed in Section 405-62.A(4.29) of this ordinance and, in addition thereto, those plantings which may be natural or indigenous to the area in question. Other plantings may be substituted, depending on the site, sunlight, soil and such other conditions as would apply to probable growth of the planting. The Planning Board shall determine the type of plant material to be used at the time of development approval and shall take into consideration recommendations of its professionals and the owners of adjacent property in making such determination:
- (k) The standards and specifications which must be depicted on the plan shall include:
 - (1) The plantings to be utilized.
 - (2) The size of the plants (minimum size shall be specified).
 - (3) Distance between plants.
 - (4) Proposed elevation of plants:
- (l) Planting size requirements. Minimum plant sizes shall be measured in accordance with American Nurserymen's Association standards.
- (m) Fence. In addition, the Planning Board, in its sole discretion may require the developer to construct a fence within the buffer area along the boundary line with the adjacent property meeting the following specifications:
 - (1) The buffer fence, when required, shall be a four- to six-foot-high fence, installed on the property of the development. The fence shall be installed by the applicant and/or developer. The Planning Board shall determine the type of fence after considering the recommendations of its professionals and comments of the owners of adjacent property.
 - (2) The Planning Board may grant exceptions to this requirement as may be reasonable and within the general purpose and intent of the provisions of this section if literal enforcement of the requirement is impractical.
- b. Groundcover. The following standards for establishing and maintaining a permanent groundcover on solar energy generating site shall apply:
 - 1. Seeding –
 - a. If applicable, harvest or plow under winter crop prior seed ripening

- b. Smooth till area; no plow or disk furrows
- c. Apply ground limestone at a rate in pounds per 1,000 sf as follows:
 - (1) Clay, clay loam, and high organic soil – 135
 - (2) Sandy loam, loam, silt loam – 90
 - (3) Loamy sand, sand – 45
 - (4) Or other amounts as determined by soil testing
- d. Apply fertilizer (10-20-10) at a rate of 11 pounds per 1,000 square feet
- e. Plant seed mix with Brillion or smooth-type cultivator between April 1st and May 31st, or between August 1st and October 15th
- f. Plant seed approximately ½-inch to 1-inch deep
- g. Mulch with unrotted small grain straw, hay free of seed or salt hay applied at a rate of 70 pounds per 1,000 square feet

<u>Recommended Seed Mix (at 100 Lbs./Acre)</u>	
Hard Fescue	55%
Chewing's Fescue	15%
Creeping Fescue	15%
Oats	10%
Alsike Clover	5%

- 2. **Maintenance** - After one full non-construction growing season the following maintenance is required:
 - a) All bare spots greater than one square foot are to be raked/scratched, seeded and raked in.
 - b) Entire area shall be mowed at end of growing season.
 - c) Weed killer should be applied to those areas where no plant growth is desired. Earth screws should be checked and sprayed for any vines or climbing weeds. Extreme care should be taken as some of the plants specified are very susceptible to herbicides.

405-62.A(4.11-3). Natural Buffers.

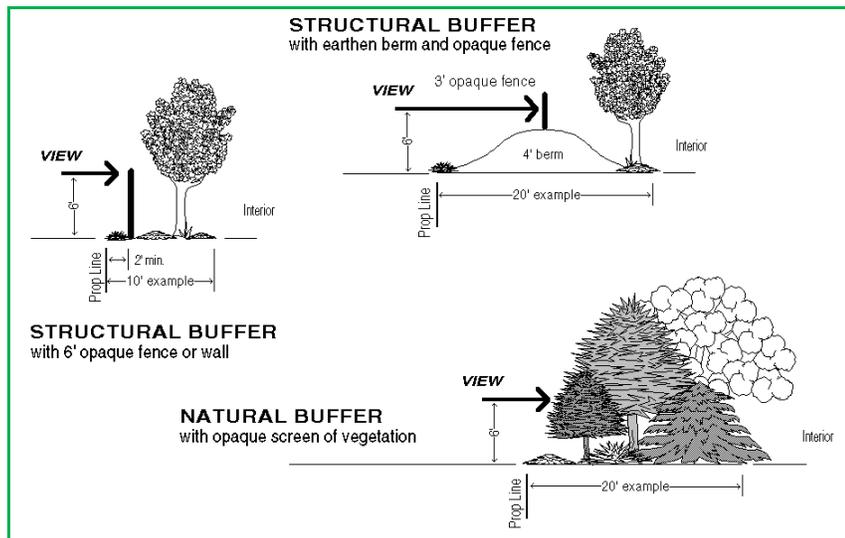
- a. Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen year-round.
- b. Natural buffers shall be protected during construction following the provisions of Section 405-62.A(4.12), *Protection of Existing Trees*.

405-62.A(4.11-4) Structural Buffers. Structural buffers shall meet the following criteria:

- a. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, groundcovers, shrubs, and trees.
- b. All earthen berms shall have a maximum side slope of 50% (1 foot of vertical rise to 2 feet of horizontal run). Earthen berms shall not be constructed within the dripline of any existing trees that will remain on the property.
- c. Trees shall be located or planted within any structural buffer at a density of no less than one tree for each thirty (30) feet of buffer length or portion thereof. New deciduous trees shall have a caliper of no less than two-and-one-half (2.5) inches upon planting, and new evergreens shall be at least six (6) feet tall when planted. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- d. Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer than two (2) feet to the property line. Shrubs, groundcovers, or other vegetation shall be provided between the fence or wall and the property line and contained on the subject property so as to provide a decorative effect, following professional landscaping standards for plant material, spacing, location and design.
- e. Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material.

405-62.A(4.11-5) Examples of Buffers.

The accompanying illustration provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this Section are also acceptable.



Every buffer required by this ordinance shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of at least six (6) feet on a continuous, year-round basis.

405-62.A(4.11-6) Buffer Modifications and Exceptions.

- a. Automatic reduction in buffer width. If a structural buffer is provided that creates an opaque screen to a height of no less than eight (8) feet instead of six (6) feet, the buffer may be reduced to a width of no less than 75% of the buffer width otherwise required, but in no case less than ten (10) feet.
- b. Location of buffers. Buffers are to be located on the site to best achieve the screening required by this ordinance.
- c. If all or any part of the buffer has been provided by the adjacent property, the proposed use must provide only that amount of the buffer that has not been provided on the adjacent property.
- d. Exceptions to Buffer Requirement. No buffer shall be constructed upon the occurrence of any of the following:
 1. Where the installation of the buffer would pass into, through, or upon any area described by the State of New Jersey as "wetlands" or "wetland transition areas."
 2. Where natural boundaries that would prevent the construction of any buffer, including actual waterways, or a naturally existing forest with sufficient density that would prohibit the construction of the buffer.
 3. Areas on slopes exceeding 20%.
 4. Areas where the construction of a buffer is likely to alter or modify or restrict the flow of water or waters so as to create any damming effect.
 5. No buffer may be erected in or traverse a dedicated sight triangle. No buffer may impede or interfere with the maintenance of a clear sight distance at any point of access to a roadway within the Township.
 6. This screen planting requirement may be waived entirely or partially by the land development board to the extent that a screen of trees or natural plant material already exists on either side of the boundary line between the nonagricultural land uses and the farmland.
 7. Wooded sites. Where densely wooded areas or growth would be required to be removed, such as woods, in order that berms, fences or other features be constructed. This exception shall not be construed to prohibit the removal of separate and single trees or other growth similar thereto for the purpose of installing the buffer.

405-62.A(4.11-7) Installation Requirements.

- a. All plant materials shall be installed in accordance with the current edition of the *American Standard for Nursery Stock*. Plant materials shall be installed in accordance with an approved landscape plan when required as part of site plan or subdivision review. All plant material shall be guaranteed with an appropriate surety for a period of two (2) years after final inspection.
- b. The screen planting or landscaping shall be planted and/or constructed in the case of mounds or berms in reasonable proximity to any fencing required.
- c. Removal of existing trees or natural vegetative cover shall only be permitted if said trees and/or natural vegetative cover was not approved as justifying a waiver or reduction in the agricultural buffer; or after submission of a landscaping plan justifying to the satisfaction of the land development board why such removal is necessary and showing a proposed replanting of said area where such removal is proposed and which plan is approved by the Planning Board in consultation with the Environmental Commission and a performance and maintenance bond are posted to insure said plan's completion.
- d. Buffers shall be installed so as to incorporate natural areas of wetlands, dense or mature growth or other unique physical features and keep them in the same as condition both before and after the development, as near as possible.
- e. Diversion of water flow.
 1. No buffer shall be installed in any way, so as to interrupt the flow of waters across lands where water has previously flowed naturally, and the grading shall be reviewed by the Board Engineer at the time of development approval.
 2. The contour of the land shall not be changed by more than ten percent (10%) to accommodate a buffer so as not to modify or change the natural areas of water flow across lands.
 3. No buffer shall be installed in such a fashion that it would act as a dam or diversion of waters to other areas.

405-62.A(4.11-8) Time for Construction.

The buffers are to be installed and completed prior to the issuance of the first certificate of occupancy for each section or phase in the section related to the certificate of occupancy and buffer. This section shall be applicable for each subsequent section or phase sought to be developed.

405-62.A(4.11-9) Responsibility for Maintenance; Removal Prohibited.

- a. Where a buffer shall have been installed pursuant to the terms of this chapter, the following parties shall be responsible for the maintenance of the buffer:

1. The homeowners' association where a homeowners' association has been established.
 2. In the alternate where no homeowners' association shall have been established, the individual homeowner where the buffer shall be situate.
 3. The owner of the real estate or development upon which the fence is situated.
- b. No buffer shall be removed by the homeowners' association or any owner or by any other party.
- c. Maintenance standards. A buffer shall be maintained applying the following standards:
1. The buffer shall be trimmed and maintained in such a way as to create a barrier of a living and green variety.
 2. The property owner is responsible for the maintenance of the buffer as set forth herein and shall at all times be responsible for the continued upkeep, maintenance, replanting, if necessary, trimming, removal of debris and trash and to take those steps necessary to insure that the living fence shall be maintained in a safe and neat condition.
 3. The buffer shall be maintained, mowed and trimmed to prevent the growth of noxious weeds.

405-62.A(4.11-10) Deed Restrictions.

- a. Wherever a buffer shall be required under this section or any amendments thereto, said buffer shall be restricted by deed restriction against the construction of any structure other than fencing, walls, drainage facilities or underground structures and against the removal of any screen of trees or hedgerows so long as the subject property is requires a buffer to conform to this Ordinance. The applicant/developer shall establish deed restrictions which shall contain the following limitations, restrictions, and standards:
1. A deed restriction shall require that the buffer shall not be removed unless the adjoining property shall no longer be used for any of the purposes established in this section. In the case of an agricultural buffer, should the adjacent property fail to be farmland assessed for a minimum period of three years, the homeowners' association or other property owner affected by the buffer may apply to the governing body of the Township for approval to remove the deed restriction.
 2. No fence or hedgerow shall be modified which may result in changes in drainage on adjacent property.
 3. Established woodlands and hedgerows shall not be altered in any fashion to change or modify the purpose for which they were originally intended as a barrier.

4. Woodlands, hedgerows and fences at all times shall be maintained pursuant to the deed restrictions so as to prohibit access to and from adjoining properties by persons, machines, and maintain natural surface water drainage, if applicable.
 5. Hedgerows or living fences may contain briars and other natural plants which shall not be destroyed or removed unless required for reasons of health, safety, or the welfare of the adjacent farming operation.
- b. The deed restriction shall be recorded in the Cumberland County Clerk's office and disclosed to any purchaser of lands being developed.
 - c. This deed restriction may be enforced by the Township of Upper Deerfield or the adjoining property which is benefiting from the buffer.
 - d. Deed restrictions shall be submitted to the Planning Board of Upper Deerfield Township for purposes of review and approval prior to filing upon land records of the County.

405-62.A(4.11-11) Enforcement.

This section may be enforced by a developer, any landowner, any adjoining landowner, and any person holding any prescriptive right, easement right, any homeowners' association, or the municipality. The Planning Board may require provision for maintenance of such areas by individual property owners or homeowners' associations, easements and other legal restrictions which will provide a means of preserving and maintaining the buffer area and/or screening required and permit the Township or other third parties to become involved in the event that the property owner fails to comply with the provisions of any such legal restrictions. Should the Township enforce these provisions, they may levy the cost of this enforcement against the individual lot owners as a lien against the property as permitted by law.

405-62.A(4.11-12) Abandonment.

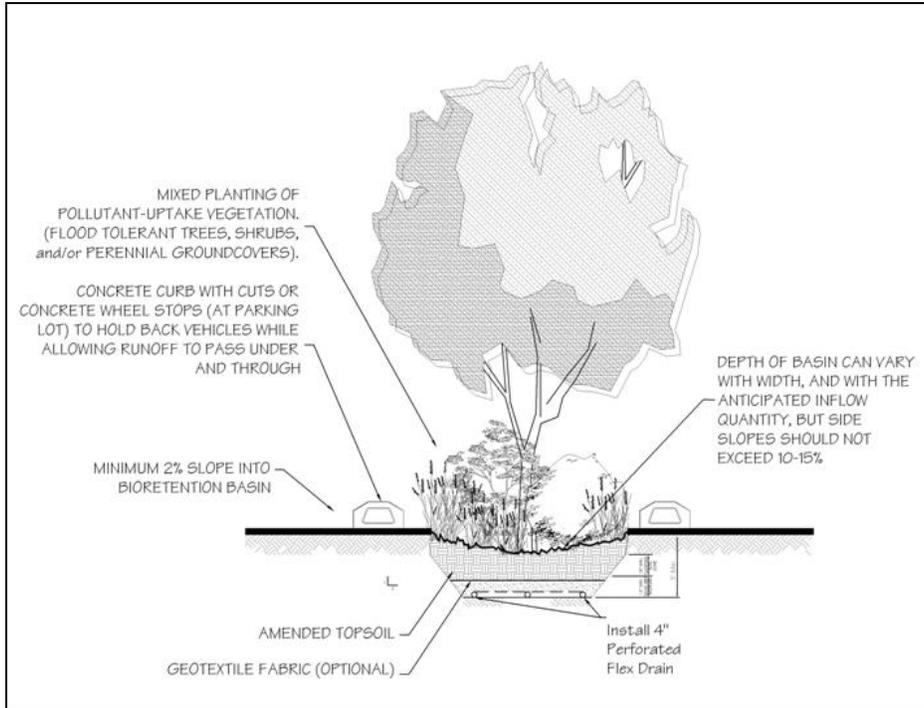
Upon the abandonment or modification of the use requiring the buffer, such that the buffer would no longer be required pursuant to this section, the buffer may, upon affirmation from the approving authority, be removed by the owner of the property on which the buffer is situate. If a property owner believes the buffer restriction may be removed because of an abandonment of use, he shall apply to the Zoning Officer of the municipality for a determination in support of this request. The formal request shall then be made to the governing body. If the buffer was the subject of a bond, the formal release of the deed restriction authorized by the governing body shall also permit the release or reduction of the bond.

Table 4.1 Bufferyard Design

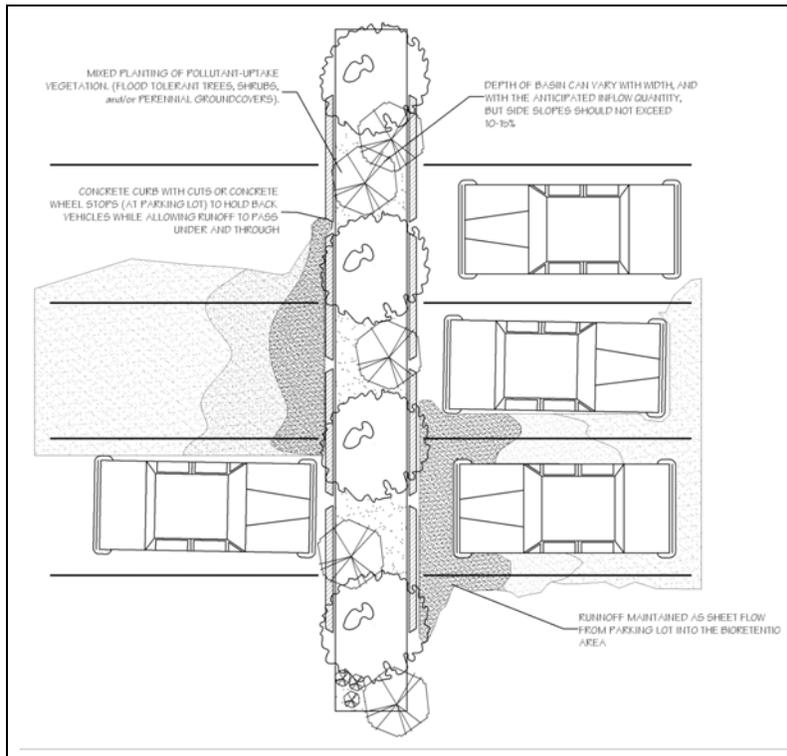
Minimum Width Of Bufferyard	Landscaping Required per 35 Linear Feet of Property Line or Right-of-Way
10 Feet	1 shade tree and 4 large shrubs
20 Feet	1 shade tree and 6 large shrubs
30 Feet	1 shade tree, 1 evergreen tree and 10 large shrubs
40 Feet	1 shade tree, 2 evergreen trees and 10 large shrubs

405-62.A(4.12). Parking Lot and Loading Area Landscaping.

- a. The following landscape requirements apply to any parking lot designed or intended to accommodate five (5) or more vehicles and are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months. The requirements are established for three areas: along the public right-of-way, along the parking lot’s perimeter, and in the lot’s interior.
- b. Landscape strips or other planting areas shall be located within the parking lot and shall constitute at least ten (10) percent of the entire area devoted to parking spaces, drive aisles and connecting driveways.
- c. Landscape islands, strips or other planting areas shall be landscaped with any combination of such plant materials as trees, shrubs, grass or ground cover, except for those areas that are mulched. Such planting areas shall be well drained and contain suitable soil for the planting materials they contain.
- d. Where underlying soils may not be conducive to infiltration, bioretention areas should be incorporated into the parking lot as concaved landscaped areas and situated below the grade of the parking spaces and driving aisles so that stormwater runoff is directed as sheet flow into the bioretention area trapped by such islands. Bioretention areas can be used in concert with pervious paving surfaces to maximize the attenuation of runoff. Spacing and layout of the bioretention area should be designed so runoff is maintained as sheet flow from the driving surfaces into the bioretention area.
- e. Parking lots that incorporate bioretention areas into the landscaped portions of the parking lot should use wheel stops or bollards (in or adjacent to pedestrian accessways) where direct overland flow or curb cuts are utilized to drain runoff to a vegetated open channel or bioretention area behind the curb to protect the area from traffic intrusion while also allowing the parking lot runoff to pass.



Parking Island Bioretention Cell Cross-Section



Bioretention Cell at Parking Lot w/ Curb Cuts

1. Shade Trees
 - (a) Shade trees shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least one (1) tree for every eight (8) parking spaces, or portion thereof.
 - (b) Shade trees must be placed in or around the parking lot such that every parking space is within forty (40) feet of a shade tree. The 40-foot distance is measured from the center of the tree to any point within the parking space.
 - (c) New shade trees shall have a caliper of no less than two-and-one-half (2.5) inches upon planting, and shall be maintained in good condition. Trees removed as a result of disease, damage or death, must be replaced with approved plantings.
2. Tree planting areas. Tree planting areas shall be no less than eight (8) feet in width at their widest point and shall provide at least two hundred (200) square feet of useable planting area per tree. No tree shall be located less than two (2) feet from the back of curb. All parking lot landscape islands, strips or other planting areas shall be curbed in accordance with Township specifications.
3. Landscape Strip along the Right-of-Way.
 - (a) When a parking lot is located adjacent to a public right-of-way or public street, a landscape strip that screens the views of parked cars to passing motorists and pedestrians, blocks headlight glare, and establishes coordination among architecturally diverse buildings shall be provided.
 - (b) These minimum requirements apply to all parking lots adjacent to a street except those used in association with single family dwellings. To provide flexible standards that are sensitive to the character of the area and reflect site constraints and opportunities, five options are available to meet the landscaped strip requirements.
 - (c) Understory plants installed to meet the requirements of the parking lot landscaped strip shall be evergreen or dense deciduous shrubs. Plants used exclusively for screening must reach a minimum height of thirty (30) inches within three (3) years of installation and be at least eighteen (18) inches tall when planted.
4. The visual screening may be provided in any of the following ways:
 - (a) Planted only. A hedge consisting of at least a single row of shrubs planted 3 feet on-center that will spread into a continuous visual screen within two (2) growing seasons. Shrubs must be at least eighteen (18) inches tall at the time of planting, and be certified by a registered Landscape Architect to be of a species that will normally exceed three (3) feet in height at maturity and are suitable for the parking lot application. The hedge must be set back at least four (4) feet from the street right-of-way line.
 - (b) Earthen berm. An earthen berm constructed to a height of three (3) feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50% and shall have a crown of at least two (2) feet. The berm shall be

designed and constructed to accommodate surface drainage plans for the property so as not to create surface runoff problems. Berms shall be provided with four (4) inches of screened topsoil and planted in groundcovers and other plant materials to achieve a decorative effect to the reasonable satisfaction of the Township of Upper Deerfield.

- (c) Wall. A wall of brick, stone or finished and textured concrete may be constructed to a height of three (3) feet above the adjacent elevation of the street or parking/loading area, whichever is highest, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Township of Upper Deerfield. The wall must be set back at least four (4) feet from the street right-of-way line.

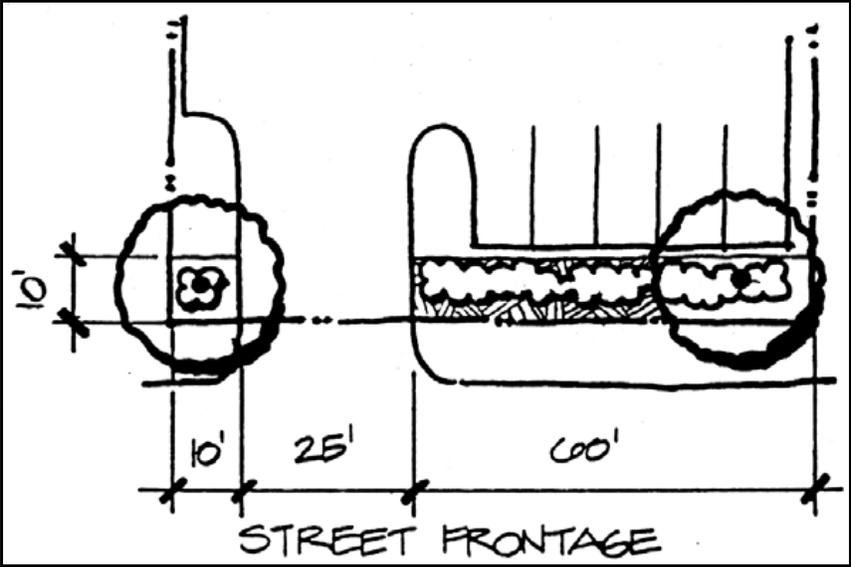


Figure 4-1. Parking Lot Landscaped Strip, Option 1

Provide a minimum ten-foot wide strip between a right-of-way and the parking lot, planted with a minimum of one (1) shade tree and ten (10) medium shrubs for every 35 linear feet of street frontage, excluding driveway openings.

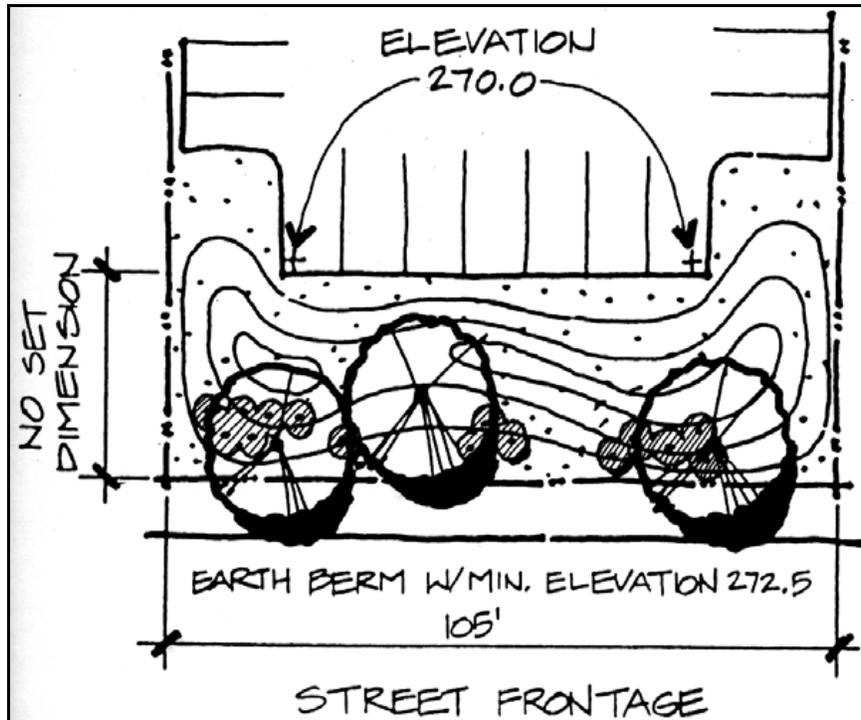


Figure 4-2. Parking Lot Landscaped Strip, Option 2

Provide a berm at least 2.5 feet higher than the finished elevation of the parking lot. The berm shall have a minimum side slope of 2:1 and a minimum crown width of two feet. Live vegetation must cover the berm with a minimum of one (1) shade tree and five (5) medium shrubs for every 35 linear feet of street frontage, excluding driveway openings.

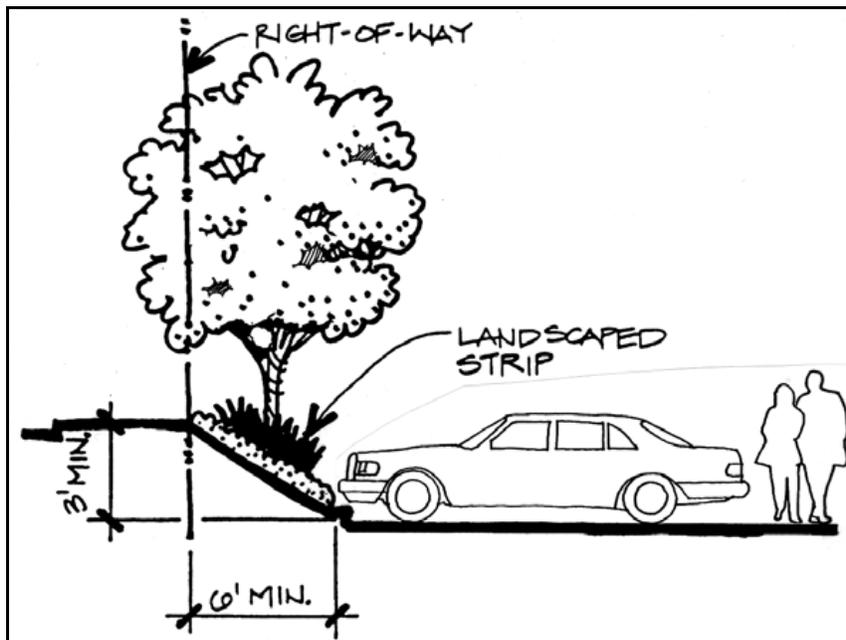


Figure 4-3. Parking Lot Landscaped Strip, Option 3

Provide a six (6) foot landscaped strip with a minimum three feet grade drop from the right-of-way to the parking lot. A minimum of one (1) shade tree and five (5) medium shrubs are required for every 35 linear feet of street frontage, excluding driveway openings.

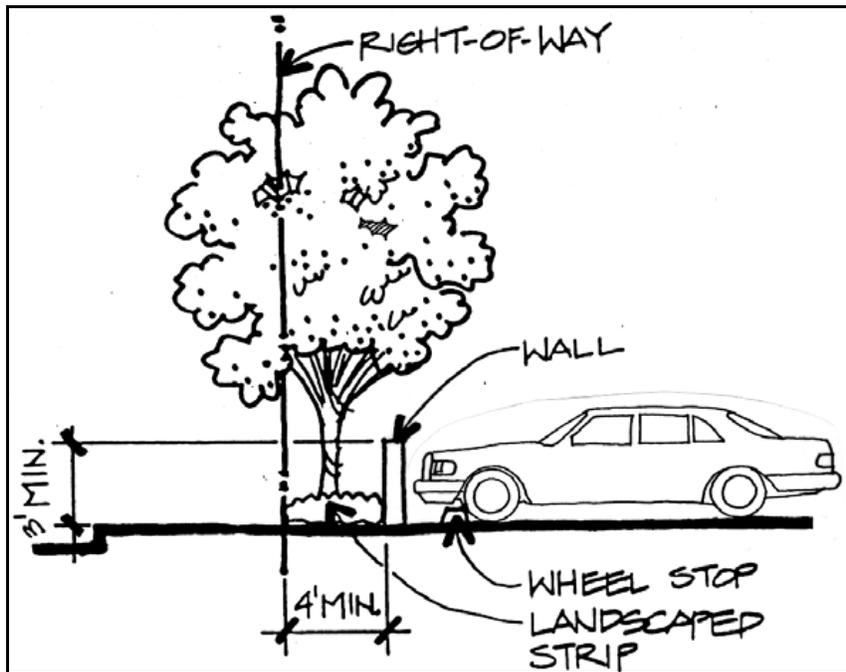


Figure 4-4. Parking Lot Landscaped Strip, Option 4

Provide a three (3) foot high opaque fence or wall constructed of materials compatible with the principal building and a four foot wide landscaped strip planted with vegetative ground cover (low-growing, dense vegetation), and a minimum of one (1) shade tree for every 35 linear feet of street, excluding driveway openings.

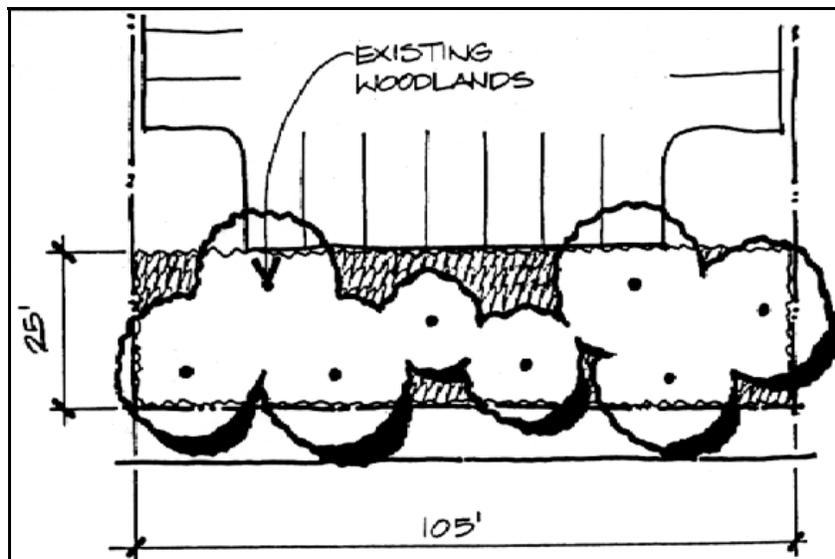


Figure 4-5. Parking Lot Landscaped Strip, Option 5

Preserve a 25-foot wide strip of existing woodlands in lieu of the landscaping requirement.

- f. Perimeter landscaping is required to define parking areas and prevent two adjacent lots from becoming one large expanse of paving. The required perimeter landscaping between adjacent lots does not preclude the need to provide vehicular access between the lots.
1. Figure 4-6 illustrates the required perimeter landscape strip. For lots 10,000 square feet or smaller, the landscape strip must be a minimum of three (3) feet wide. Lots larger than 10,000 square feet must have a landscape strip at least five (5) feet wide.
 2. One (1) tree and three (3) small shrubs are required for every 35 linear feet, excluding vehicular access aisles. Understory plants installed to meet the requirements of the parking lot landscaped perimeter shall be evergreen or dense deciduous shrubs.
 3. The applicant may preserve existing woodlands at least twenty-five (25) feet in width located within the same parcel in lieu of the above perimeter landscaping requirements.

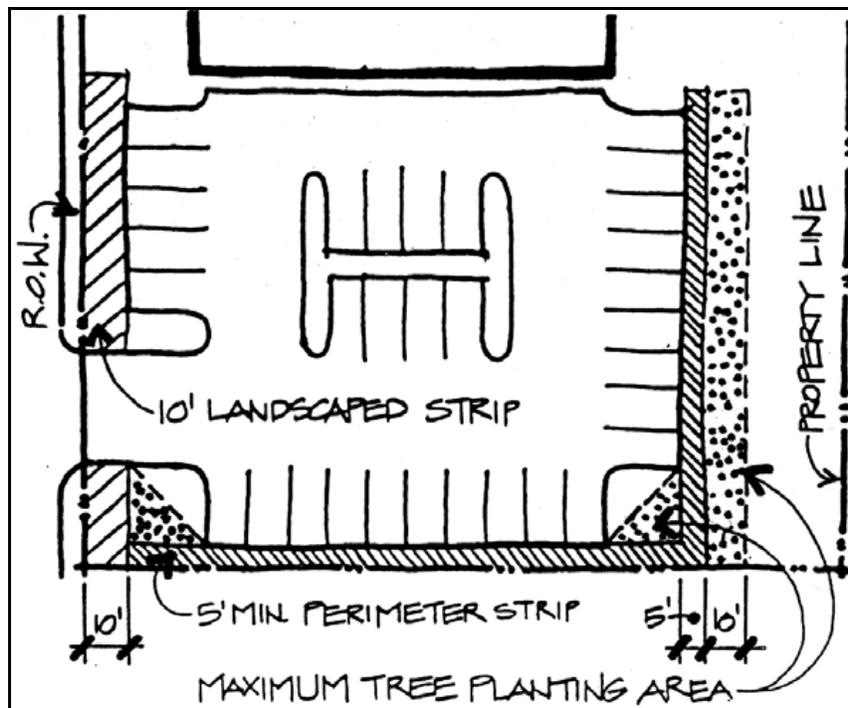


Figure 4-6. Parking Lot Perimeter

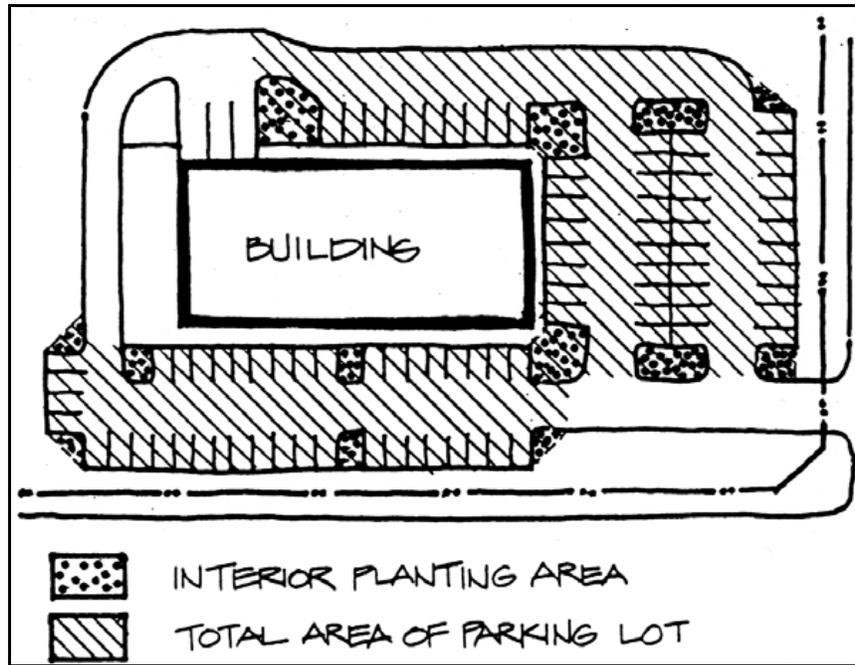


Figure 4-7. Parking Lot Interior Calculations.

- g. Interior parking lot landscaping requirements are required for all parking lots 7,000 square feet or larger. Figure 4-7 illustrates how to calculate the required interior lot planting. All areas within the lots' perimeter are counted, including planting islands, curbed areas, corner lots, parking spaces, interior driveways and aisles. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation.
1. For all parking lots 7,000 square feet or larger, eight percent (8%) of the total area must be an interior planting area.
 2. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement.
 3. All rows of parking spaces shall be provided a terminal island with concrete curbs and at least 130 square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.
 4. Landscaped islands with concrete curbs and at least 130 square feet of area shall be provided every ten (10) spaces or less within a row of spaces for multi-family residential sites and every fifteen (15) spaces or less within a row of spaces for commercial developments. Planting islands should be evenly spaced throughout the parking lot to consistently reduce the visual impact of long rows of parked cars. Islands shall be utilized where needed to control vehicular circulation and define major drives.

5. At least one (1) tree shall be provided for each landscaped island area. Islands exceeding 260 square feet shall have two (2) or more trees. These trees must have a clear trunk at least six (6) feet above the finished grade to allow for visibility and vehicular circulation beneath the tree canopy. Vegetative groundcover or low shrubs listed on Table 4-08 shall be planted in all landscaped island areas. Gravel and bark mulch may not be substituted for the groundcover or low shrubs.
6. To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five (5) feet wide to allow car doors to swing open.

405-62.A(4.13). Commercial and Industrial Streetscapes.

- a. The following landscape strip requirements apply to all commercial and industrial zones and all nonresidential uses within a residential zone. The strip must be located on the subject property, adjacent to the public right-of-way or private streets, and may not include paved surfaces, with the exception of driveway openings and pedestrian sidewalks or trails that cross the strip.
- b. To provide flexible standards that recognize site characteristics, constraints and opportunities, three options are available to meet the landscaped strip requirements.
- c. In the above options, two (2) ornamental trees may substitute for one (1) required shade tree. One (1) shade tree may substitute for five (5) medium shrubs; however shrubs may not be substituted for required trees.

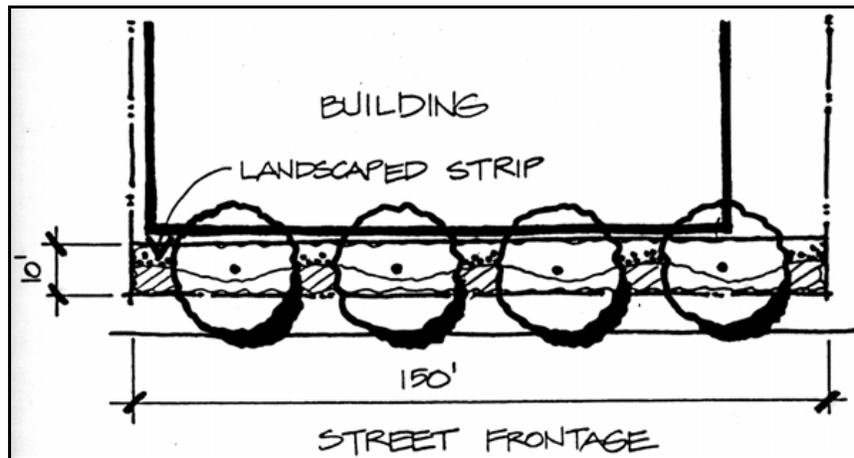


Figure 4-8 Commercial and Industrial Landscaped Strip, Option 1

Provide a minimum 10-foot wide strip between the right-of-way and the building, planted with a minimum of one (1) shade tree and ten (10) medium shrubs for every 35 linear feet of street frontage, excluding driveway openings.

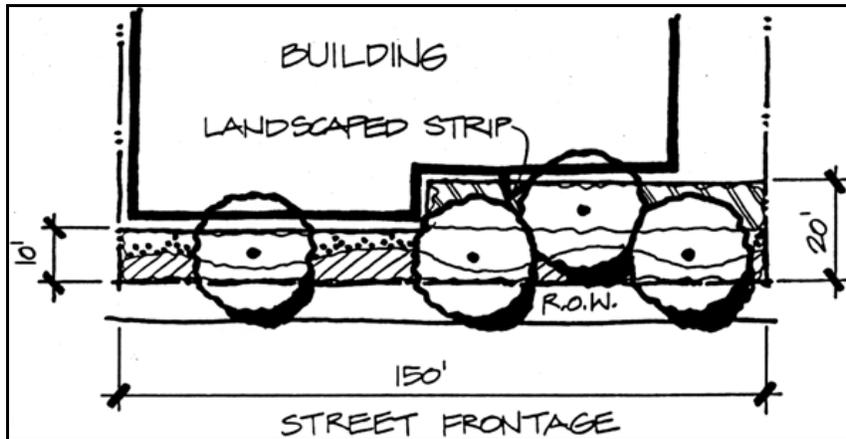


Figure 4-9. Commercial and Industrial Landscaped Strip, Option 2.

Provide a landscape strip a minimum of ten (10) feet wide and maximum of twenty (20) feet wide and an average width of fifteen (15) feet adjacent to the public right-of-way, planted with a minimum of one (1) shade tree and five (5) medium shrubs for every 35 linear feet of street frontage, excluding driveway openings.

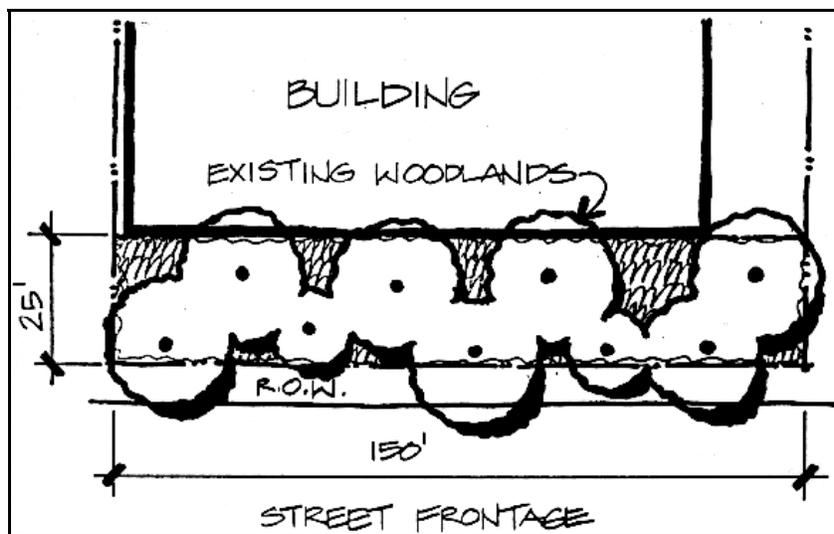


Figure 4-10. Commercial and Industrial Landscaped Strip, Option 3.

Preserve a 25-foot wide strip of existing woodlands in lieu of the landscape strip.

405-62.A(4.14) Building Perimeter. A landscaped area shall be provided between all non-residential buildings, residential buildings containing three or more dwelling units and mixed use buildings, and the public right-of-way and along the primary facade.

- j. The landscaped area shall be equal to the full linear length of the building base oriented toward the public right-of-way and have a minimum depth of four (4) feet.

- k. At least fifty (50) percent of the required landscaped area shall consist of landscaping capable of achieving a minimum of thirty (30) inches in height, with one (1) shade tree planted for each twenty-five (25) feet or fraction thereof of the lineal building facade, or one (1) understory tree planted for each fifteen (15) feet or fraction thereof of the lineal building facade.
- l. The layout of the required landscape shall be at the discretion of the owner, such that the required square footage may be aggregated to provide maximum aesthetic value. However, each perimeter requiring landscape must have at least fifty (50) percent of the required landscape along that perimeter.

405-62.A(4.15). Loading Spaces and Loading Docks.

Loading areas consisting of two (2) or more loading spaces, and loading docks visible from a public right-of-way or abutting other property shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six (6) feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape buffer shall be a minimum of five (5) feet in width, a minimum of three (3) feet in height, and fifty (50) percent opaque at planting and capable of attaining a height of five (5) feet and seventy-five (75) percent opaqueness within eighteen (18) months.

405-62.A(4.16). Solid Waste Storage and Building Service Areas.

All trash dumpster, trash pads, trash compactors and refuse storage areas shall be screened from land in a residential zone and must be screened if visible from a public street. Such screening may be achieved by using a minimum six (6) feet high, completely opaque fence or wall, a six (6) feet high berm, or a six foot high evergreen screen. The height of this screen shall be measured from the grade of the nearest street or from the average grade of the adjoining residential property line, as applicable.

405-62.A(4.17). Screening Walls.

Screening walls on a side property lines shall be no more than four (4) feet in height where it projects forward of the building setback line. Landscaping shall be provided in the form of a hedge and shrubs planted adjacent to the wall, and shall be equal to at least twenty-five (25) percent of its length.

405-62.A(4.18). Open Storage Areas.

An open storage area shall not be permitted unless it is totally screened from the public right-of-way and adjacent properties. An open storage area shall be screened by a six-foot high masonry wall or ten-foot wide landscape buffer. The landscape buffer must be a minimum of three (3) feet in height and fifty (50) percent opaque at planting and be capable of attaining a height of five (5) feet and seventy-five (75) percent opaqueness within eighteen (18) months.

405-62.A(4.19). Merchandise Display Areas.

Merchandise display areas (e.g., garden centers), that are visible from a public right-of-way shall be fenced by a vinyl coated chain-link or other decorative metal fencing. Additionally, the merchandise display area shall be landscaped, integrated into the design of the primary structure using landscaping adjacent to the perimeter, and utilize one of the following techniques:

- a. Masonry columns constructed of the same materials and color of the main building, spaced a minimum of twenty-five (25) feet apart; or
- b. A freestanding wall constructed of the same material, color, height and style of the main building along the entire length of the fenced merchandise display area that covers at least fifty (50) percent of the fenced storage area.

405-62.A(4.20). Drive-Through Windows

Drive-through windows and lanes adjacent to or visible from public or private rights-of-way or roadways shall be landscaped with an eight-foot wide buffer (for primary facade) or five-foot wide buffer (for secondary facade) and of an appropriate length. The buffer shall be a minimum of three (3) feet in height and fifty (50) percent opaque at planting, be maintained at a minimum of three (3) feet and be capable of attaining a height of five (5) feet, and be seventy-five (75) percent opaque within eighteen (18) months. The buffer shall contain understory trees consistent with the appropriate primary or secondary facade requirements.

405-62.A(4.21). “Big Box” Retailer.

Big box retailers (freestanding industrial–style one-story buildings with a floor of approximately 100,000 – 200,000 square feet) shall adhere to the following requirements:

- a. Earth berming shall be required within all perimeter edge buffers located between parking areas and adjacent street rights-of-way. Such berming shall achieve a minimum finished-grade height of twenty-four (24) inches above the finished grade of either:
 1. The top of the adjacent planter curb, or
 2. The adjacent sidewalk, whichever is higher.However, in no case may the slopes of any berms exceed a 3:1 slope. Such bermed perimeter planting buffer strips shall incorporate a continuous line of shrubs, at least two (2) rows deep. Groundcover plantings shall be incorporated within the planting design. Curvilinear shrub and groundcover planting patterns (in lieu of straight-line planting patterns) which meander within the planting strip, and across the top of berms, shall be encouraged.
- b. Eight-foot high masonry or pre-cast concrete walls shall be required along all perimeter edge buffers which are adjacent to residentially-zoned properties. Such eight-foot high walls shall include columns which project a minimum of six (6) inches from the face of the adjacent wall segments. The columns shall be spaced no more than fifty (50) feet on-center; shall extend a minimum of eight (8) inches above the height of the adjacent wall segments; and shall incorporate a flared finial or cap component. Furthermore, the wall segments between columns

shall incorporate a continuous, flared cap block (or widened top edge for pre-cast) feature along the entire wall segment. The masonry wall cap block shall project from the wall face a minimum of three (3) inches. Pre-formed and decorative patterns and indentations shall be incorporated on any pre-cast concrete wall segments. Such pre-cast pattern(s) shall coincide with the architectural trim and finish of the principal structure.

When site conditions preclude the perimeter edge buffer berming otherwise required between parking areas and adjacent rights-of-way, as outlined above, a masonry or pre-cast knee wall (thirty-six (36) inches to forty-eight (48) inches high) shall be constructed within a minimum ten-foot wide planter strip between parking areas and adjacent street rights-of-way. Pre-cast knee walls shall incorporate a brick or stone veneer surface which is architecturally compatible with the surface materials used on the principal structure. Pre-cast knee walls which feature only a smooth or stucco finish shall be prohibited. Such knee walls shall incorporate the above-referenced columns. However, spacing between knee wall columns shall be no greater than forty (40) feet on-center. The columns shall project a minimum of six (6) inches from the face of the adjacent wall segments and shall extend above the adjacent wall segments between six (6) and eighteen (18) inches.

Furthermore, the wall segments between columns shall incorporate a continuous, flared, cap block component along the entire wall (or widened top edge for pre-cast walls). The cap block shall project from the wall face a minimum of three (3) inches. Decorative metal railings, or other trim components installed along the top of such knee walls, shall be encouraged.

- c. Dumpsters, loading docks, compactors, and the like shall be screened so as not to be visible from adjacent rights-of-way and/or adjacent residentially-zoned properties. To the greatest extent possible, steps shall also be taken to noise-buffer such store service areas from adjacent residentially-zoned parcels, and shall comply with all existing noise pollution performance standards.

405-62.A(4.22). Residential Landscaping.

All major residential developments shall meet the following requirements for minimum planting and buffering of rear yards from minor collector streets and higher functional road classifications.

- a. Trees in residential subdivisions should be grouped together to simulate natural tree stands.
- b. Yards, setbacks, and other open space areas within residential developments shall be landscaped with live vegetation. The minimum number of shade and evergreen or ornamental trees to be planted on each lot is a function of the lot size. Table 4-3 specifies the minimum tree requirements.
- c. To allow for flexibility and creativity, two (2) ornamental or two (2) evergreen trees may substitute for one (1) required shade tree, Substitutions may be made for up to one-half of the number of required shade trees, but in all cases, at least one (1) shade tree must be planted.

Table 4.2 On-Site Residential Planting Requirements

Residential Type	Minimum Number of Shade Trees	Number of Ornamental or Evergreen Trees	Notes
Single Family or Two Family Development	One (1) per dwelling Unit	One (1) per dwelling Unit	Shade tree shall be located in the front yard
Multifamily Dwelling Developments	One (1) per 1,200 sq. ft. or fraction thereof of the building footprint		See ordinance for explanation of green area and permissible plant substitutions

- d. When determining the amount of trees required for multifamily dwellings, the following features are not included in the landscape area calculation: lakes and other water features, required parking lot landscaping along a right-of-way, and interior parking lot landscape areas. Figure 4-11 illustrates this calculation.
- e. Trees fulfilling the perimeter bufferyard requirements may be counted toward the minimum planting requirements. Existing trees and woodlands may also fulfill part or the entire minimum planting requirements. The existing trees must be at least four (4) inches (DBH) and must be located on an individual lot within seventy-five (75) feet of a dwelling unit. For subdivisions, existing shade trees at least four (4) inches (DBH) and located on an individual lot or common green area may fulfill part or the entire shade tree requirement for that site.
- f. The side and rear yards along the perimeter of any residential development (including single family residential, multi-family residential and manufactured housing) must be screened from the view of any street classified as a collector or higher classification street. The buffer is required either on individual lots, or as part of the common open space owned and maintained by a homeowners association. Buffer landscaping shall not encroach into the sight triangles (Figure 4-12 at street intersections. Privacy fences, if constructed, shall be on the residential structure side of the lot. The bufferyard shall be a minimum of twenty (20) feet wide and planted with a minimum of one (1) shade tree, two (2) evergreen trees, and four (4) large shrubs per every fifteen (15) linear feet (or fraction thereof) of right-of-way.
- g. If existing woodlands are located entirely in the buffer area, preserving existing trees may satisfy all or a portion of the planting requirements. If existing woodlands are partially located within the buffer area, the number of shade trees, evergreen trees, and shrubs may be proportionately reduced upon approval from the Township.

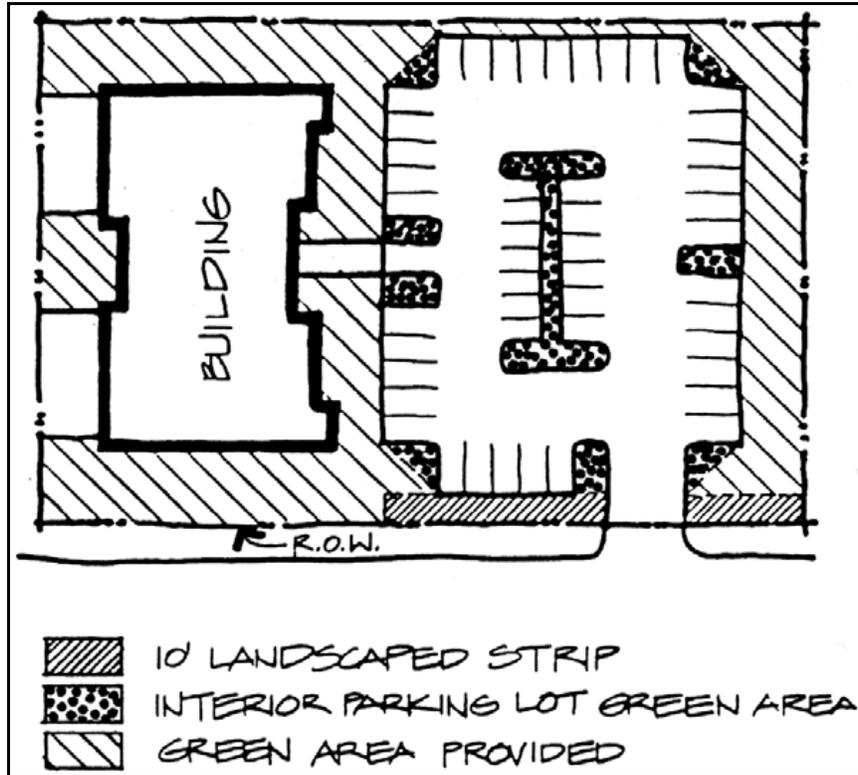


Figure 4-11 Multifamily Dwelling Landscape Area Calculations.

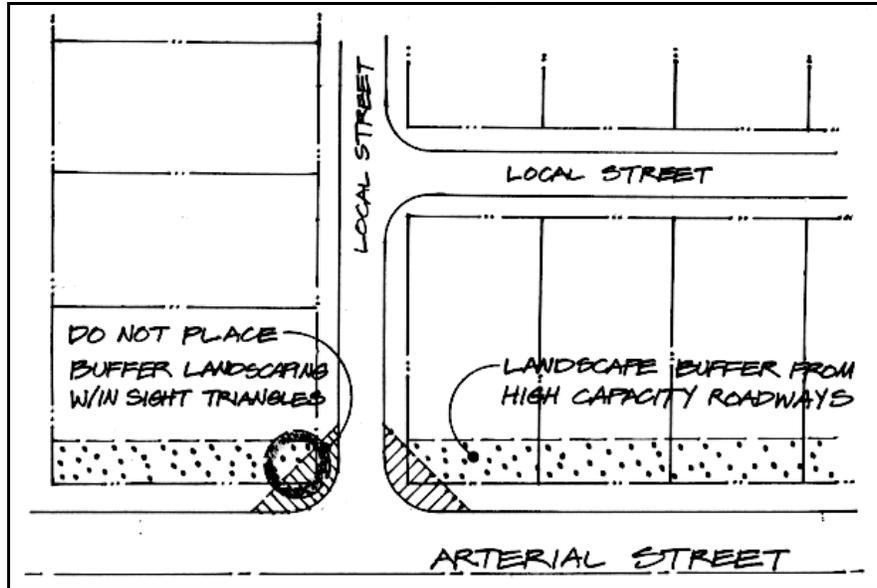


Figure 4-12. Visibility Triangle.

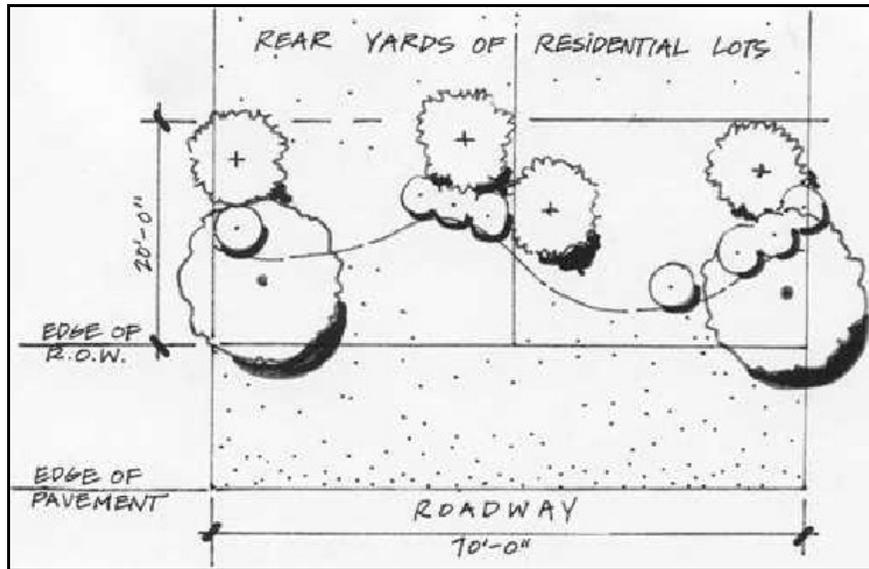


Figure 4-13. Buffering for Collector, Secondary, Primary, and Arterial Roads.

This buffer shall be a minimum of twenty (20) feet wide with one (1) shade tree, two (2) evergreen trees, and four (4) medium shrubs per each 35 linear feet (or fraction thereof) of right-of-way.

405-62.A(4.23). Waivers: Conditions and Procedure.

- a. The Planning Board may, in its discretion, authorize and approve waivers from the requirements and standards of these regulations upon finding that:
 1. The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
 2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.
 3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute a practical difficulty.
 4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.
 5. The applicant has provided sufficient justification for the requested waiver in accord with the requirements of the municipal ordinances and the Municipal Land Use Law NJS 40:55D-1 et seq.
- b. In approving waivers, the Planning Board may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.

- c. Applications for waivers shall be submitted to the Planning Board with application forms as prescribed by the Planning Board. On the application, the applicant shall describe the requested waivers and shall submit justification in support of each requested modification. The applicant shall bear the burden of establishing a sufficient factual basis for each requested modification.
- d. The Planning Board's decision to grant or deny a modification or to impose a condition is discretionary.

405-62.A(4.24). Alternative Compliance.

a. Overview.

- 1. The intent of the Tree Preservation and Replacement Ordinance is to insure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required trees. As many trees as can reasonably be expected to survive must be planted on the site in question. To provide a viable alternative for such cases, the developer may be allowed to contribute to the Township of Upper Deerfield Tree Replacement Fund.
- 2. The following standards have been established for administering this alternative compliance method.
- 3. The Township must review and approve all requests for alternative compliance. In no instance, shall 75 percent of the required landscaping be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
- 4. The building permit will only be issued after the Township has approved the alternative compliance plan and received the necessary documentation and/or funds from the developer.

b. Tree planting fund.

The Township of Upper Deerfield may accept donations that will be used for the sole purpose of purchasing, planting and maintaining trees on public property and for public education about the benefit of trees.

- 1. Calculating contribution amounts. Contribution calculations are based on 2.5-inch caliper trees by an amount set by the Township annually, representing the average size and cost, materials, labor and guarantee for planting said trees. The contribution per tree per established by this ordinance is three-hundred-fifty dollars (\$350.00), said amount to be reviewed and revised as appropriate.
- 2. Fund administration. The Township of Upper Deerfield Tree Planting Fund will be administered by the Finance Department. A report for the Tree Planting Fund will be made available to the Mayor and Township Committee upon their request.
- 3. The Township Engineer shall determine the locations for trees to be planted pursuant to this Fund.

405-62.A(4.25). Tree Replacement Standards.

a. Introduction.

1. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of this Development Code.
2. Tree replacement plans should be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.

b. Planting specifications.

1. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survival.
2. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting Manual* or similar publication. Reference may also be made to the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANS1260.1, 1996 or latest edition) for plant material quality specifications. Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.

c. Species.

1. Species selected as replacement trees must be quality specimens, and must be ecologically compatible with the intended growing site. To insure diversity, a minimum of four (4) species of tree shall be used. Sites requiring limited replacement may be evaluated by the Planning Board to allow use of fewer species.
2. Flowering ornamental species are typically not acceptable for use in meeting street tree requirements.
3. Trees shall only be awarded credit toward the trees required on the site when situated in areas where they may grow to mature height without pruning.

d. Minimum root zones. In order to provide sufficient growing area for new trees, the following minimum criteria must be observed unless otherwise approved by the Township:

1. Over-story trees – 200-250 square feet of pervious root zone
2. Understory trees - 150 square feet of pervious root zone
3. All planting strips – five (5) feet minimum width

e. Irrigation.

Newly planted trees and existing trees subjected to construction impacts typically need supplemental watering when rainfall is inadequate. Applicants should be prepared to discuss how trees are to be watered during their establishment or transition period, and shall note on the plan the method of irrigation that is proposed and attendant facilities. For hand watering, for instance, the location of hose bibs must be indicated; automatic systems using the municipal public water supply as the source, require a back flow preventer approved by the Township.

f. Public street rights-of-way.

1. Trees planted within publicly maintained street rights-of-way may be counted toward the street tree requirement for a site when approved by the Township and conditioned upon the following:

- (a) An indemnification and maintenance agreement must be recorded with the Township of Upper Deerfield prior to plan approval for irrigation or plantings within the municipal right-of-way. For subdivisions; these agreements must be recorded in the name of a homeowner's association along with documentation attesting to that association's existence. For all other types of projects, these agreements must be recorded in the name of any current project owner.

g. Placement of trees.

Replacement trees shall be located reasonably uniformly throughout the disturbed area, subject to professional standards of design.

405-62.A(4.26). Plant Material Standards

a. Acceptable plant materials.

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this ordinance. Acceptable plant materials for landscaping, buffers and tree replacement shall be as approved by a New Jersey registered Landscape Architect or the Township.

1. New plant materials

- (a) Prostrate (spreading) shrubs: at least 12" and up to 15" spread
- (b) Small shrubs (mature height at 3 feet or less): at least 12" and up to 15" height
- (c) Medium shrubs (those having a mature height of four (4) feet or less), 18 x 24 inch balled and burlapped or 2-gallon container.
- (d) Large shrubs (those having a mature height greater than 4 feet), 24 to 30 inches in height balled and burlapped or 3-gallon container.
- (e) Groundcover, 2½-inch pot.

2. The *American Standard for Nursery Stock*, published by the American Nursery and Landscape Association, may be referred to for the determination of plant standards.
3. Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:
 - (a) Trees shall be at least four (4) inches DBH.
 - (b) Trees shall be free from mechanical and natural injuries, insect infestations and disease.
 - (c) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.
- b. Approval of plant material. Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by a New Jersey registered Landscape Architect or the Township that the proposed material is the most appropriate for:
 1. The specific location, given surrounding land uses and the type of screening used on nearby properties, and
 2. The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of the screen material.

405-62.A(4.27). Installation and Maintenance.

- a. Installation of plant material.
 1. Plant materials, as required by the provisions of this ordinance, shall be installed prior to issuance of a Certificate of Occupancy. The Township may allow one planting season in a twelve month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.
 2. Buffers, if required, shall be installed before a Certificate of Occupancy is granted; except where the weather is not suitable for planting or planting stock is not available, and escrow provisions are made in accordance with the requirements of this Section.
 3. Performance surety as required by NJS 40:55D-53.
 - (a) In such cases as when planting stock is not available or weather conditions are not appropriate for planting new trees, planting may be postponed for up to six (6) months; provided that performance security is posted with the Township of Upper Deerfield in accordance with the following criteria:
 - (1) Security shall be in cash and submitted to the Township for escrow, with the appropriate documentation.

- or homeowners' associations, easements and other legal restrictions which will provide a means of preserving and maintaining the buffer areas and/or landscaping required and permit the Township and other third parties to become involved in the event that a property owner or homeowners' association fails to comply with the provisions of any such legal restriction.
- c. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Nursery and Landscape Association. Plants shall be nursery grown.
 - d. Plants shall conform to the measurements specified below:
 - 1. Caliper measurements shall be taken six (6) inches above grade for trees less than four (4) inches in diameter and twelve (12) inches above grade for trees four (4) inches or larger in diameter.
 - 2. Minimum branching height for all shade trees shall be four (4) feet except for trees to be planted within parking lots and areas where lower branches will interfere with pedestrians.
 - 3. Minimum size for shade trees shall be 2.5-inches in caliper.
 - 4. Minimum size for ornamental trees shall be 6-8 feet in height.
 - 5. Minimum size for evergreen trees shall be 6-8 feet in height.
 - 6. The Planning Board may impose a condition at the time of development plan approval, that plants be larger at the time of installation, due to surrounding character of neighborhood or other conditions related to the proposed development.
 - e. After cultivation, all plant materials shall be mulched with a 2- to 3-inch layer of shredded bark, peat moss, or other suitable material over the entire area of the bed or saucer.
 - f. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises.
 - g. All landscape areas shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair.
 - h. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhand or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way, or property owned by the Township. The Township shall have the authority to order the removal of any such trees or shrubs.

405-62.A(4.28). Enforcement.

Wherever site plan review is required by the Upper Deerfield Zoning Ordinance, a landscape plan shall be a required part of such site plan. No permanent certificate of occupancy shall be issued without completion of all landscaping shown on the landscape plan required herein. A temporary certificate of occupancy may be issued for the building for a period as deemed appropriate by the Township when weather conditions do not permit landscape installation. Failure to implement the approved landscape plan, including preservation of existing features, or to maintain the landscaping, shall be a violation of the Upper Deerfield Zoning Ordinance subject to the penalties outlined in Section 405-113 of the Township Code.

405-62.A(4.29). Tables of Recommended Plant Materials.

- a. The following tables list plant materials recommended for specific applications. Divisions were created to represent certain characteristics of the plant materials – height, spread, maintenance and durability.
- b. Trees proposed to meet the parking lot, commercial and industrial landscaping requirements should be selected from Table 4-3. Trees proposed to meet the bufferyard and residential landscaping requirements may be from either Table 4-4 or Table 4-6.
- c. Shrubs proposed to meet the interior parking lot landscaping requirements should be selected from Table 4-6.
- d. Shrubs and vines proposed to meet all other requirements of the Landscape Ordinance may come from Table 4-5 and Table 4-6.
- e. Plants used to fulfill the requirements of this ordinance should be selected from the following tables, unless the Planning Board approves the use of alternative plant materials.

Table 4.3

Trees Recommended for Planting along Public Streets and Highways and in Locations

Where Low Maintenance, Hardy Specimens with High Canopies are Required

<u>Botanic Name</u>	<u>Common Name</u>	<u>Type</u>	<u>Height</u>	<u>Tree Category</u>
Acer campestre	Hedge Maple	D	30-40'	Ornamental
Acer Freemanii	Freeman Maple	D	50-60'	Shade
Acer rubrum	Red Maple	D	50-60'	Shade
Acer saccharum	Sugar Maple	D	50-70'	Shade
Carpinus betulas 'Fastigiata'	Upright European Hornbeam	D	30-40'	Ornamental
Carpinus caroliniana	American Hornbeam	D	25-30'	Ornamental
Celtis occidentalis	Hackberry	D	50-75'	Shade
Cercis canadensis	Eastern Redbud	D	20-25'	Ornamental
Crataegus crus-galli	Cockspur Hawthorn	D	15-25'	Ornamental
Crataegus phacnopyrum	Washington Hawthorn	D	20-25'	Ornamental

<i>Fraxinus americana</i>	White Ash	D	45-65'	Shade
<i>Fraxinus pennsylvanica</i>	Green Ash	D	40-50'	Shade
<i>Ginkgo biloba</i> (male only)	Ginkgo	D	40-60'	Shade
<i>Gleditzia tricanthos inermis</i>	Thornless Honeylocust	D	40-45'	Shade
<i>Koelreuteria paniculata</i>	Golden Rain Tree	D	20-35'	Ornamental
<i>Liquidambar styraciflua</i>	American Sweet Gum	D	40-60'	Shade
<i>Prunus maackii</i>	Amur Chokecherry	D	25-30'	Ornamental
<i>Prunus virginiana</i>	Chokecherry	D	20-25'	Ornamental
<i>Pyrus calleryana</i>	Ornamental Pear	D	20-25'	Ornamental
<i>Quercus coccinea</i>	Scarlet Oak	D	60-80'	Shade
<i>Quercus palustris</i>	Pin Oak	D	50-80'	Shade
<i>Quercus phellos</i>	Willow Oak	D	50-70'	Shade
<i>Quercus robur</i>	English Oak	D	50-70'	Shade
<i>Quercus rubra</i>	Red Oak	D	40-60'	Shade
<i>Sorbus alnifolia</i>	Korean Mountain Ash	D	20-30'	Ornamental
<i>Sorbus "Aria"</i>	White Bean Mountain Ash	D	25-40'	Ornamental
<i>Tillia americana</i>	American Linden	D	40-60'	Shade
<i>Tillia cordata</i>	Little-Leaf Linden	D	40-50'	Shade
<i>Tillia tomentosa</i>	Silver Linden	D	40-50'	Shade
<i>Zelkova serrata</i> 'Village Green'	Village Green Zelkova	D	40-60'	Shade

Table 4.4

Trees Approved for Use Within the Interior of the Site

<u>Botanic Name</u>	<u>Common Name</u>	<u>Type</u>	<u>Height</u>	<u>Tree Category</u>
<i>Acer ginalla</i>	Amur Maple	D	15-20'	Ornamental
<i>Acer palmatum</i>	Japanese Maple	D	15-20'	Ornamental
<i>Amelachier canadensis</i>	Juneberry	D	30-35'	Ornamental
<i>Amelachier gransiflora</i>	Apple Serviceberry	D	25-30'	Ornamental
<i>Amelchier laevis</i>	Allegheny Serviceberry	D	25-30'	Ornamental
<i>Betula nigra</i>	River Birch	D	30-40'	Ornamental
<i>Betula papyrifera</i>	Paper Birch	D	30-40'	Ornamental
<i>Cercidyphyllum japonicum</i>	Katsura Tree	D	25-40'	Ornamental
<i>Cornus kousa</i>	Japanese Dogwood	D	20-25'	Ornamental
<i>Cotinus coggyria</i>	Smoke Tree	D	15-20'	Ornamental
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree	D	40-50'	Shade
<i>Liriodendron tulipifera</i>	Tulip Tree	D	60-80'	Shade
<i>Magnolia loebneri</i>	Magnolia	D	12-15'	Ornamental
<i>Magnolia soulangiana</i>	Saucer Magnolia	D	15-20'	Ornamental
<i>Magnolia stellata</i>	Star Magnolia	D	10-15'	Ornamental
<i>Malus hybrids</i>	Flowering Crabapple	D	15-30'	Ornamental
<i>Picea abies</i>	Norway Spruce	E	50-60'	Evergreen
<i>Picea glauca densata</i>	Black Hills Spruce	E	50-60'	Evergreen

<i>Picea pungens</i>	Colorado Spruce	E	60-75'	Evergreen
<i>Picea pungens</i> 'Glauca'	Colorado Blue Spruce	E	60-75'	Evergreen
<i>Pinus nigra</i>	Austrian Pine	E	30-60'	Evergreen
<i>Pinus ponderosa</i>	Ponderosa Pine	E	40-50'	Evergreen
<i>Pinus strobus</i>	Eastern White Pine	E	50-100'	Evergreen
<i>Prunus</i> 'Newport'	Newport Plum	D	15-20'	Ornamental
<i>Quercus alba</i>	White Oak	D	60-80'	Shade
<i>Quercus bicolor</i>	Swamp White Oak	D	40-50'	Shade
<i>Salix blanda</i>	Wisconsin Weeping Willow	D	40-50'	Shade
<i>Salix matsudana</i> 'Tortuosa'	Corkscrew Willow	D	25-30'	Ornamental
<i>Tsuga canadensis</i>	Canada Hemlock	E	60-75'	Evergreen

Table 4.5

Upright Shrubs Approved for Screening, Hedges, and Specimen Planting

<u>Botanic Name</u>	<u>Common Name</u>	<u>Type</u>	<u>Height</u>
<i>Aronia melanocarpa</i>	Black Chokeberry	D	4-6'
<i>Buxus microphylla</i> 'Koreana'	Korean Boxwood	E	2-3'
<i>Caragana arborescens</i>	Siberian Peashrub	D	12-15'
<i>Chaenomeles</i> species	Flowering Quince	D	2-6'
<i>Cornus alba</i> 'Elegantissima'	Variegated Dogwood	D	6-10'
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15-20'
<i>Cornus sericea</i> baileyi	Redtwig Dogwood	D	8-10'
<i>Cotinus coggygria</i>	Smoke Tree	D	8-10'
<i>Cotoneaster acutifolius</i>	Peking Cotoneaster	D	4-8'
<i>Cotoneaster divaricata</i>	Spreading Cotoneaster	D	5-6'
<i>Euonymus fortunei</i>	Euonymous	E	4-6'
<i>Forsythia intermedia</i> Hybrids	Hybrid Forsythia	D	7-10'
<i>Forsythia suspensa</i>	Weeping Forsythia	D	8-10'
<i>Hamamelis virginiana</i>	Common Witch Hazel	D	10-15'
<i>Hibiscus syriacus</i>	Rose of Sharon	D	4-12'
<i>Hydrangea arborescens</i> 'Annabelle'	Annabelle Hydrangea	D	4-15'
<i>Hydrangea macrophylla</i> 'Nikko Blue'	Nikko blue Hydrangea	D	3-4'
<i>Hydrangea paniculata</i> 'Grandiflora'	Peegee Hydrangea	D	6-10'
<i>Ilex crenata</i>	Japanese Holly	E	3-5'
<i>Ilex meserveae</i>	Blue Holly	E	6-8'
<i>Ilex opaca</i>	American Holly	E	8-15'
<i>Juniperus chinensis</i>	Chinese Juniper	E	6-15'
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper	E	6-15'
<i>Ligustrum amurense</i>	Amur Privet	D	8-10'
<i>Ligustrum</i> 'Vicaryi'	Golden Vicary Privet	D	4-12'
<i>Mahonia aquifolium</i>	Oregon Grape	E	3-6'
<i>Philadelphus coronarius</i>	Sweet Mockorange	D	8-10'

<i>Philadelphus virginialis</i>	Minnesota Snowflake	D	6-8'
<i>Physocarpus opulifolius intermedius</i>	Dwarf Ninebark	D	4-5'
<i>Picea glauca conica</i>	Dwarf Alberta Spruce	E	6-10'
<i>Prunus cistena</i>	Cistena Plum	D	6-8'
<i>Prunus glandulosa</i>	Dwarf Flowering Almond	D	4-6'
<i>Prunus triloba</i>	Flowering Almond	D	8-10'
<i>Rhamnus frangula</i>	Alder Buckthorn	D	12-15'
<i>Rhus aromatica</i>	Fragrant Sumac	D	4-6'
<i>Rhus glabra</i>	Smooth Sumac	D	8-10'
<i>Rhus typhina</i>	Staghorn Sumac	D	8-12'
<i>Salix caprea</i>	French Pussy Willow	D	15-20'
<i>Sambucus canadensis</i>	American Elderberry	D	6-8'
<i>Shepherdia argentea</i>	Silver Buffaloberry	D	5-8'
<i>Sorbaria sorbifolia</i>	Flase Spiraea	D	6-8'
<i>Symphoricarpos alba</i>	White Snowberry	D	5-6'
<i>Syringa chinensis</i>	Chinese Lilac	D	6-8'
<i>Syringa hyacinthiflora</i> Hybrids	Hybrid Canadian Lilac	D	8-12'
<i>Syringa vulgaris</i>	Common Lilac	D	8-12'
<i>Syringa vulgaris</i> Hybrids	Hybrid French Lilac	D	8-12'
<i>Taxus cuspidata</i> 'Capitata'	Upright Japanese Yew	E	10-25'
<i>Taxus</i> 'Hicksi'	Hick's Yew	E	10-12'
<i>Thuja occidentalis</i> Hybrids	American Arbovitae	E	4-15'
<i>Viburnum dentatum</i>	Arrowwood Viburnum	D	10-15'
<i>Viburnum lantana</i>	Wayfaring Tree	D	8-15'
<i>Viburnum lantago</i>	Nannyberry	D	8-15'
<i>Viburnum opulus</i>	European Cranberry Bush	D	10-12'
<i>Viburnum placatum tomentosum</i>	Doublefile Viburnum	D	8-10'
<i>Viburnum prunifolium</i>	Black Haw Viburnum	D	10-12'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	D	6-15'
<i>Viburnum trilobum</i>	American Cranberry Bush	D	8-12'
<i>Weigela florida</i>	Flowering Weigela	D	4-5'
<i>Weigela vaniceki</i>	Cardinal Shrub	D	4-5'

Table 4.6

Spreading Shrubs Approved for Low Borders, Parking Lot Islands, and Ground Covers

<u>Botanic Name</u>	<u>Common Name</u>	<u>Type</u>	<u>Height</u>
<i>Berberis mentorensis</i>	Mentor Barberrry	E	3-4'
<i>Berberis verruculosa</i>	Warty Barberrry	E	2-3'
<i>Buxus sempervirens</i>	Boxwood	E	2-3'
<i>Cotoneaster apiculata</i>	Cranberry Cotoneaster	D	2-3'
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	D	1-3'
<i>Daphne burkwoodii</i>	Burkwood Daphne	D	3-4'

Duetzia gracilis	Slender Duetzia	D	2-3'
Euonymus fortunei 'Sarcoxie'	Sarcoxie Euonymus	E	3-4'
Forsythia viridissima 'Bronxensis'	Dwarf Forsythia	D	1-2'
Hypericon patulum	St. John's Wort	D	2-3'
Juniperus (spreading varieties)	Juniper	E	1-3'
Mohonia aquifolium 'Compacta'	Dwarf Oregon Grape	E	2'
Microbiota decussata	Siberian Cypress	E	1'
Philadelphus virginialis	Miniature Snowflake	D	2-3'
Picea abies 'Nidformis'	Birdnest Spruce	E	2'
Picea abiew 'Pumila'	Dwarf Norway Spruce	E	2-3'
Picea pungens 'Globosa'	Blue Globe Spruce	E	3-4'
Pinus mugo	Mugho Pine	D	3-4'
Potentilla fruticosa Hybrids	Bush Cinqufoil	D	2-3'
Rhus aromatica 'Low Grow'	Low Grow Fragrant Sumac	D	1-2'
Ribes alpinum	Alpine Currant	D	3-5'
Spirea bumalda	Spirea	D	2-3'
Spirea japonica	Japanese Spirea	D	2-3'
Spirea nipponica	Nippon Spirea	D	2-3'
Symphoricarpos orbiculatus	Coral Berry	D	3-4'
Syringa patula 'Miss Kim'	Dwarf Korean Lilac	D	3-5'
Taxus cupidata 'Nana'	Dwarf Japanese Yew	E	2-3'
Taxus media	Spreading Yew	E	2-4'
Thuja occidentalis 'Hetzil Midget'	Hetz Midget Arborvitae	E	2-3'
Viburnum opulus 'Nana'	European Cranberry Bush	D	1-2'

- *In addition to the plant materials listed in the above table, varieties of cultivars offering improved performance may be utilized when permitted by the approving authority*

Section 2.

Section 405-62.A(16) Landscaping and Shade Trees.

This section is repealed in its entirety and replaced with the following:

Section 405-62.A(16) Reserved

Section 3.

Section 405-62.A(33)(a) Solid Waste Disposal and Recycling.

This section is amended as follows:

- (a) Centralized collection of solid waste. Such solid waste disposal areas and facilities shall be sufficient in size to handle anticipated waste generation of the

site and use, be at convenient locations, and screened from view by approved fencing, walls, plant material or a suitable combination thereof as specified by Section 405-62.A(4.16) of this Ordinance.

Section 4.

Section 405-62.A(36)(b) Stormwater Management.

This section is amended by adding the following new subsection:

[12] All stormwater management areas shall be landscaped in conformance with Section 405-62.A(4.10) of this Ordinance

Section 5.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that the foregoing changes pertaining to terms and definitions, and off-street parking requirements be incorporated into **Section 405-62.A** of the Code of the Township of Upper Deerfield; and

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that except as modified herein, the remaining provisions of **Section 405-62.A** of the Code of the Township of Upper Deerfield shall remain as heretofore and unaltered by the provisions hereof.

James Crilley, Chairman

Finally July 7, 2011

Attested:

Roy J. Spoltore, Township Clerk