

A Word on Landscaping

It is important to remember the purpose or intent of the Town of Ocean City's landscaping requirements. There are a number of reasons that we have a landscaping ordinance:

- Landscaping is to improve the appearance of parking areas and property abutting public ways and provide a buffer between non-compatible land uses;
- Landscaping helps to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of Ocean City; and
- Landscaping promotes public health and safety through the reduction of noise pollution, stormwater runoff, air pollution, visual pollution and artificial light glare.

All development activity and parking areas have to provide landscaping according to the Town Code.

There has been a landscaping requirement in the Town since 1972. All building projects constructed since that time had a landscaping requirement. Originally the landscaping was required at a value of 2% of the value of construction. This was the requirement for both residential and commercial properties. The ordinance was changed in 1984 because it was determined that the 2% requirement on multi-million dollar projects was extreme. The commercial properties became more prescriptive. That prescription was spelled out in square feet for perimeter landscaping and internal parking areas, along with the amount of landscaping that could be planted in that space. Rule of thumb was 1 tree for every 35' of perimeter and 5 shrubs for every one tree.

The Town of Ocean City was included into the Maryland's Critical Area law in 2003 and updated in 2010. We were required to adopt an ordinance that would mitigate for all development activity proposed in the town. Mitigation could be an offset by providing landscaping. Enhancing the landscaping requirement would provide a better habitat and therefore met the intent of the State's Critical Area law. The law also includes a minimum requirement of 15% of a site has to be plantable. This was called the afforestation requirement. If a lot is 3600 sq ft you must have 540 square feet open and available to be planted. The prescriptive landscape requirement can be used to offset the mitigation requirement. It is important to remember that the mitigation requirement may be more than the 15% minimum plantable area or the prescriptive landscaping. If the full mitigation landscaping requirement is unable to be met, a fee can be paid in lieu of the landscaping. This fee is collected by the City and set aside to fund environmental restoration projects.

All the landscaping must be installed prior to obtaining a Certificate of Occupancy (CO). The property must pass a landscaping inspection to insure compliance with all the landscaping requirements. If the time of year prohibits successful planting, a landscaping bond will be required at 1/ 1/2 times the requirements. Small projects that

don't require a CO will be required to bond mitigation prior to a building permit being issued

The Town, having required landscaping for over 40 years, has a bit of a dilemma. Trees have reached maturity and some are too big for the location where they were installed. Trees also get sick or diseased and storms uproot trees or break branches. It is important to realize that these trees were required for occupancy. The code therefore includes a maintenance provision.

...The owner or tenant (including a condominium council or an association of unit owners) shall be responsible for the continued proper maintenance of all landscaping materials ... and shall keep them in healthy, neat, orderly and proper appearance, free from refuse and debris, at all times. Proper maintenance shall include watering, weeding, mowing, mulching, fertilizing and pruning.

.... If it is determined that the landscaping is not being properly maintained, the owner or condominium association shall be so notified by the department in writing. The owner or condominium association shall have 30 days from the date of notification to replace unhealthy or dead plant material or restore it to a healthy condition. If this notification occurs during a season not appropriate for planting, the replacement or restoration shall be completed as soon as possible. If replacement or restoration is not completed in the prescribed time period and to the satisfaction of the department, the violations and penalties cited in [section 98-32](#) shall apply.

When the Critical Area Ordinance was passed we included a 1:1 replacement requirement for all trees outside the buffer and a 2:1 for the buffer. The Critical Area Buffer is the first 100 feet from the Atlantic Coastal Bays. The Town understands that trees have to be removed for various reasons. But it is important to note that they were required at one time so they have to be replaced. The code gives a 30 day grace period if time of year restrictions prohibits meeting this deadline. If it can't be met a bond must be posted.

The Town has developed a "Tree Removal" form that should be completed and submitted for approval. We will make a site inspection to see if replacement is required. Many properties added additional landscaping over the years and thinning out is a reasonable request. As long as the property meets the 15% minimum plantable area and the prescriptive requirements, replacement may be waived. The form must be filled out to get the waiver. The Landscaping is calculated by a credit point system.

Large tree = 200 credit points
Small tree = 100 credit points
Large shrub = 75 credit points
Small shrub = 50 credit points.

It is also important to mention that when a tree or large shrubs are removed you can replace it with another similar sized tree or shrub of a difference species and in a different location. But replacement is required unless a waiver is received.

It is also important to note that the landscaping located on Town property is protected. You should notify the Parks Maintenance Department to address any issue you may have with the vegetation in the public rights-of-way or other Town property.

Sec. 98-79. Injuring trees or shrubs in public areas; planting trees or shrubs in public areas.

(a)No person shall break, injure, mutilate, kill or destroy any tree or shrub in any public area without prior approval from the department.

(b)During building or construction operations, suitable protective barriers shall be erected around trees and shrubs in public areas to protect the same from injury or destruction.

(c)No person shall plant trees or shrubs in any public area without prior approval from the department. Approval to water such trees or shrubs is not required.

The Town has developed a number of grant and rebate programs to offer incentives to plant more landscaping. We offer the following programs:

- BayScape Plant program
- Beach District Plant program
- Rain Garden incentive program, and
- A \$25 dollar tree rebate program. (combined with a \$25 State coupon to total \$50)

Please contact Gail Blazer in the Engineering Department at (410) 289-8825 for more information on these programs or any Landscape related issue.