

## **ARTICLE XIX – Screening, Landscaping and Trees**

### **Part 1. Screening and Landscaping.**

#### **§ 152-304. Findings Concerning the Need for Screening and Landscaping.**

The Board of Commissioners finds that:

(A) Screening between two lots lessens the transmission of noise, dust and glare from one lot to another;

(B) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use;

(C) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening;

(D) Landscaping improves property values and community appearance, provides ecological benefits, prevents the overcrowding of land and enhances the privacy and welfare of citizens; and

(E) The provisions of this part are necessary to safeguard the public health, safety and welfare.

#### **§ 152-305. Exceptions.**

(A) Except as provided in subsection 152-307(D)(3), properties developed as single-family detached dwelling units on a single lot (use category 1.110) are exempt from the screening and landscaping requirements of this part.

(B) Undeveloped Land. When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are developed and the responsibility for installing such screening shall be determined in accordance with the other requirements of this ordinance.

#### **§ 152-306. Standards for Sufficient Screening and Landscaping.**

Every development, except as provided herein, shall provide sufficient screening and landscaping so that:

(A) Neighboring properties are shielded from any adverse external effects of that development; and

(B) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

**§ 152-307. Compliance With Screening and Landscaping Standards.**

The table set forth in section 152-309, in conjunction with the explanations in section 152-308 concerning the description of screens and landscaping, establishes screening and landscaping requirements that, presumptively, satisfy the general standards established in section 152-306. However, this table is only intended to establish a presumption and should be flexibly administered in accordance with section 152-310.

(A) The zoning districts contained in the Table of Screening and Landscaping Requirements in section 152-309 are keyed relative to each other to show the presumptive buffering required where one zoning district adjoins another. The letter designations refer to the types of screening and landscaping as described in section 152-308, “Description of Screens and Landscaping.”

(B) To determine the type of screen and landscaping needed on a given lot or parcel of land:

(1) Determine how the lot in question is zoned, using the left-side column of the table as a reference;

(2) Determine how the adjoining lot or parcel of land is zoned and use the top row of the table as a reference;

(3) Follow the column zoning classification to the right as you follow the adjoining property classification from the top; and

(4) The letter A, B or C at the point of intersection determines the type of screen and/or buffering needed and is keyed to the three descriptions of screening as described in section 152-308.

(C) For landscaping purposes, the required building setback area shall be appropriately landscaped as provided for herein. The total square footage of the required building setback area shall be determined by multiplying the footage of the property along the street, road, highway (front yard setback), side property line or rear property line times the required building setback depth, as applicable.

(D) Additional Requirements

(1) All screening and landscaping requirements shall run with the land use and shall apply against any owner or subsequent owner.

(2) Land used toward achieving the requirements of this part shall be on the same lot or on property under the same permanent possession or control as the lot on which the use is located.

(3) No vehicle parking or building construction or similar development use shall be allowed within the required front (or if on a corner, also the side street) building setback of any lot or parcel, including parcels developed for single-family detached dwelling units on a single lot (use category 1.110).

(4) The landscaping requirements of this part, and as required elsewhere in this ordinance, may be satisfied by preexisting trees and shrubs, newly planted trees and shrubs or a combination of both.

(5) Additionally, the planting of new trees or maintenance of preexisting trees elsewhere on the lot or parcel (beyond those required by this part), which conserve and/or enhance the appearance of the lot or parcel is encouraged.

(6) The owner of any property where landscaping is required shall be responsible for the maintenance of all required vegetation and the replacement of any required tree or shrub that dies. Landscaped areas shall be kept in a neat and orderly manner, free from refuse and debris. Failure to comply with the landscaping requirements set forth herein shall be remedied in accordance with the enforcement provisions of this ordinance.

(7) Notwithstanding any of the above, no trees or shrubs are required in any area of a lot for which sight clearance for vehicles is required or where entrance and/or exit driveways are located.

**§ 152-308. Description of Screens and Landscaping.**

See also, appendix E, “Guide for Landscaping.”

The following three types of screens and landscaping are hereby established and are used as the basis for the Table of Screening and Landscaping Requirements set forth in section 152-309:

(A) Type A: Opaque Screen and Landscaping. The opaque screen described below is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, landscaped earth planted vegetation or existing vegetation. Fences may be used for side and rear yards, and earthen berms may also be approved for use by the Board of Commissioners. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the vegetation. The screen must be opaque in all seasons of the year. Vegetation used for screening may also be used to satisfy the landscaping requirements.

<b>Type A: Opaque Screen and Landscaping</b>
<b>Requirement</b>
<p><b>Screen:</b> The front yard shall have an opaque vegetative screen that is 2-3 ft. high at maturity. No trees or sight restrictions are permitted within the sight triangle. The side and rear yards shall have an opaque vegetative screen that is 4-6 ft. high at maturity (may be 2-3 ft. high at planting).</p>
<p><b>Landscaping:</b> For property lines abutting a public street, road or railroad, there shall be one (1)</p>

large tree (unless subject to overhead power lines along the street, road or railroad, in which case use trees as recommended in the booklet “Trees for the Carolinas” in appendix J) planted at the rate of one (1) three (3) inch caliper tree with a minimum height of eight (8) feet per thirty (30) feet or less of linear feet of property line abutting a public street, road or railroad. Large trees are defined as deciduous or evergreen trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

For property lines not abutting a public street, road or railroad, there shall be one (1) understory tree or large shrub with a minimum height of eight (8) feet, at the time of planting, per 500 square feet. At least thirty (30) percent of such trees must be deciduous and at least forty (40) percent of such trees must be evergreen, which must, when mature, be at a height of twenty (20) feet to thirty (30) feet.

In front, side and rear yards, there shall be one (1) shrub per 200 square feet with a minimum height of eighteen (18) inches at the time of planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting. No more than thirty (30) percent of such shrubs may be deciduous.

Additionally, shrubs with a minimum height of eighteen (18) inches at planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting shall be required along the front and all sides of all buildings which can be seen from the street, road or highway.

To meet height requirements, the Board of Commissioners, in its discretion, may approve the use of a landscaped earthen berm.

(B) Type B: Semi-Opaque Screen and Landscaping. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, landscaped earth berm, planted vegetation or existing vegetation. Fences may be used for side and rear yards, and earthen berms may also be approved for use by the Board of Commissioners. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. Vegetation used for screening may also be used to satisfy the landscaping requirements.

<b>Type B: Semi-Opaque Screen and Landscaping</b>
<b>Requirement</b>
<p><b>Screen:</b> The front yard shall have an opaque vegetative screen that is 2-3 ft. high at maturity. No trees or sight restrictions are permitted within the sight triangle. The side and rear yards shall have an opaque vegetative screen that is 4-6 ft. high at maturity (may be 2-3 ft. high at planting).</p>
<p><b>Landscaping:</b> For property lines abutting a public street, road or railroad, there shall be one (1) large tree (unless subject to overhead power lines along the street, road or railroad, in which case use trees as recommended in the booklet “Trees for the Carolinas” in appendix J) planted at the rate of one (1) three (3) inch caliper tree with a minimum height of eight (8) feet per thirty (30) feet</p>

or less of linear feet of property line abutting a public street, road or railroad. Large trees are defined as deciduous or evergreen trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

For property lines not abutting a public street, road or railroad, there shall be one (1) understory tree or large shrub with a minimum height of eight (8) feet, at the time of planting, per 500 square feet. At least thirty (30) percent of such trees must be deciduous and at least forty (40) percent of such trees must be evergreen, which must, when mature, be at a height of twenty (20) feet to thirty (30) feet.

In front, side and rear yards, there shall be one (1) shrub per 200 square feet with a minimum height of eighteen (18) inches at the time of planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting. No more than thirty (30) percent of such shrubs may be deciduous.

Additionally, shrubs with a minimum height of eighteen (18) inches at planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting shall be required along the front and all sides of all buildings which can be seen from the street, road or highway.

To meet height requirements, the Board of Commissioners, in its discretion, may approve the use of a landscaped earthen berm.

(C) Type C: Broken Screen and Landscaping. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, planted vegetation or existing vegetation. Fences may also be used for side and rear yards, and landscaped earthen berms may also be approved for use by the Board of Commissioners. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The screen may contain deciduous plants. Vegetation used for screening may also be used to satisfy the landscaping requirements.

<b>Type C: Broken Screen and Landscaping</b>
<b>Requirement</b>
<b>Screen:</b> The front yard shall have an opaque vegetative screen that is 2-3 ft. high at maturity. No trees or sight restrictions are permitted within the sight triangle. The side and rear yards shall have an opaque vegetative screen that is 4-6 ft. high at maturity (may be 2-3 ft. high at planting).
<b>Landscaping:</b> For property lines abutting a public street, road or railroad, there shall be one (1) large tree (unless subject to overhead power lines along the street, road or railroad, in which case use trees as recommended in the booklet “Trees for the Carolinas” in appendix J) planted at the rate of one (1) three (3) inch caliper tree with a minimum height of eight (8) feet per thirty (30) feet or less linear feet of property line abutting a public street, road or railroad. Large trees are defined as deciduous or evergreen trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

For property lines not abutting a public street, road or railroad, there shall be one (1) understory tree or large shrub with a minimum height of eight (8) feet, at the time of planting, per 500 square feet. At least thirty (30) percent of such trees must be deciduous and at least forty (40) percent of such trees must be evergreen, which must, when mature, be at a height of twenty (20) feet to thirty (30) feet.

In front, side and rear yards, there shall be one (1) shrub per 200 square feet with a minimum height of eighteen (18) inches at the time of planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting. No more than thirty (30) percent of such shrubs may be deciduous.

Additionally, shrubs with a minimum height of eighteen (18) inches at planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting shall be required along the front and all sides of all buildings which can be seen from the street, road or highway.

To meet height requirements, the Board of Commissioners, in its discretion, may approve the use of a landscaped earthen berm.

**§ 152-309. Table of Screening and Landscaping Requirements.**

[The table begins on the next page.]

Lot in Question	Adjacent Lot or Parcel															
	R30-18	R20-16	R18-14	R15-12	R10-10	R6-10	MH	B-1	HC	GC	B-2	B-3	O-I	C-I	I-H	PD
R30-18	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
R20-16	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
R18-14	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
R15-12	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
R10-10	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
R6-10	---	---	---	---	---	---	C	A	A	A	A	A	A	A	A	C
MH	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	C
B-1	A	A	A	A	A	A	A	C	B	C	C	C	C	B	B	A
HC	A	A	A	A	A	A	A	B	C	B	B	B	B	B	B	A
GC	A	A	A	A	A	A	A	C	B	C	C	C	C	B	B	A
B-2	A	A	A	A	A	A	A	C	B	C	C	C	C	B	B	A
B-3	A	A	A	A	A	A	A	C	B	C	C	C	C	B	B	A
O-I	A	A	A	A	A	A	A	C	B	C	C	C	C	B	B	A
C-I	A	A	A	A	A	A	A	B	B	B	B	B	B	C	C	A
I-H	A	A	A	A	A	A	A	B	B	B	B	B	B	C	C	A
PD	A	C	C	C	C	C	C	A	A	A	A	A	A	A	A	C

**§ 152-310. Flexibility in Administration Required.**

(A) The Board recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in this section, the permit-issuing authority may permit deviations from the presumptive requirements of section 152-309 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in section 152-306, “Standards for Sufficient Screening and Landscaping,” without imposing unnecessary costs to the developer.

(B) Without limiting the generality of subsection (A), above, the permit-issuing authority may modify the presumptive requirements for:

- (1) Commercial developments located adjacent to residential uses in business zoning districts;
- (2) Commercial uses located adjacent to other commercial uses within the same zoning district;
- (3) Uses located within developments approved as part of a conditional rezoning; and
- (4) For commercial projects that build up to the side lot line (i.e. a zero (0) foot side setback) or where landscaping and screening in the side yard is otherwise impracticable because of the proximity of the commercial project to the lot line, the permit issuing authority may waive or reduce the required side yard screen and landscaping. These requirements may be waived or reduced, however, only upon a showing by the applicant that plantings equivalent to what would have been required in the side yard will be planted elsewhere on the property and in addition to other required plantings.

(C) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in this part, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in this subchapter and the reasons for allowing or requiring the deviation. In the case of an application for a certificate of zoning compliance, the Land Use Administrator may, in his or her discretion, forward any request for a modification, reduction or waiver to the Board of Commissioners for consideration.

**§ 152-311. Combination Uses.**

(A) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in section 152-309 and interpreted in the light of section 152-306.

(B) When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in section 152-306.

**§ 152-312. Screening and Landscaping in Conditional Zoning Districts.**

Unless the ordinances governing a conditional zoning district specify otherwise, the screening requirements for a conditional zoning district shall be the same as the corresponding general zoning district. For example, the default screening requirement for a property zoned R20-16-C shall be the same as those for a property zoned R20-16.

**§ 152-313. Reserved.**



**Part 2. Shading and Tree Conservation.**

**§ 152-314. Findings; Policy.**

- (A) The Board of Commissioners finds that:
- (1) Trees are important producers of oxygen, a necessary element for human survival;
  - (2) Trees appreciably reduce the ever-increasing, environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe;
  - (3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air-conditioning systems;
  - (4) Trees have an important role in neutralizing wastewater passing through the ground from the surface to groundwater tables and lower aquifers;
  - (5) Trees, through their root systems, stabilize the groundwater tables and play an important and effective part in soil conservation, erosion control and flood control;
  - (6) Trees are an invaluable physical, aesthetic and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas; and
  - (7) For the reasons indicated in subsection (A)(6), above, trees have an important impact on the desirability of land and therefore on property values.
- (B) Based upon the findings set forth in subsection (A), above, the Board of Commissioners declares that it is not only desirable but essential to the health, safety and welfare of all persons living or working within the Town’s planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

**§ 152-315. Required Trees Along Dedicated Streets.**

- (A) Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in article XIV, “Streets and Sidewalks,” of this ordinance, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty (50) feet from the centerline of the street, there is for every thirty (30) feet of street frontage at least an average of one (1) deciduous tree that has, or will have when fully mature, a trunk at least twelve (12) inches in diameter. Permissible types of street trees are set forth in section 98.03 of this code of ordinances. For plantings near power lines, the developer should also consult appendix J, “Trees for the Carolinas.”

(B) Provided that the minimum number of street trees required in subsection (A), above, is planted, the developer may vary the location of street trees along the public right-of-way as the developer deems appropriate and as reasonably necessary to account for physical limitations such as buildings, natural hazards or steep topography that would otherwise make strict compliance with subsection (A), above, impractical.

**§ 152-316. Shade Trees in Parking Areas.**

See also, appendix E, sections E-2, “Standards for Street and Parking Lot Trees,” and E-3, “Formula for Calculating Twenty (20) Percent Shading of Vehicle Accommodation Areas.”

(A) Vehicle accommodation areas with thirty-six (36) or more parking spaces must be shaded by deciduous trees (either retained or planted by the developer) that have, or will have when fully mature, a trunk at least twelve (12) inches in diameter.

(B) Each tree of the type described in subsection (A) of this section shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center and there must be sufficient trees so that, using this standard, twenty (20) percent of the vehicle accommodation area will be shaded.

(C) No paving may be placed within twelve (12) feet (measured from the center of the trunk) of any tree retained to comply with subsection (A), above, and new trees planted to comply with subsection (A), above, shall be located so that they are surrounded by at least 200 square feet of landscaped area containing shrubs and ground cover.

(D) Vehicle accommodation area shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet, six (6) inches.

**§ 152-317. Tree Conservation.**

See also, Code of Ordinances §§ 98.01 through 98.10.

(A) Retention and Protection of Large Trees.

(1) Every development shall retain all existing trees twelve (12) inches in diameter or more and no tree twelve (12) inches in diameter or greater shall be removed from the public right-of-way unless the retention of such trees would, in the opinion of the staff, unreasonably burden the development, landowner or maintenance of utilities.

(2) No excavation or other subsurface disturbance may be undertaken within four (4) feet of any tree twelve (12) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within four (4) feet of any tree twelve inches in diameter (measured at a height of four and a half (4 ½) feet above ground level) or more unless compliance with this subsection would unreasonably burden the development.

(3) The retention or protection of trees twelve (12) inches in diameter or more as provided in subsections 152.317(A)(1) and (2) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer or landowner.

(4) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections 152-317(A)(1) and (2), and, as a result, the parking requirements set forth in article XVIII, "Parking," of this ordinance cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections (A)(1) and (2), up to a maximum of fifteen (15) percent of the required spaces.

(B) Clearing of Property. Property cleared for development or timber purposes shall normally retain a thirty (30) foot buffer of existing vegetation in an undisturbed state until such time as the property is proposed for development and a site development plan has been approved. Once property is proposed for development, a site plan review shall be prepared and submitted and the area and extent of the buffer may be modified based on zoning, landscaping, setback or other considerations.

(C) Forestry activities on forest land subject to present-use value taxation or forestry activity conducted in accordance with a management plan as provided in G.S. § 160A-458.5 and section 152-163.7 of this code shall be exempted from the requirements of this section.

**§ 152-318 through § 152-319. Reserved.**