

SANFORD LEE COUNTY BROADWAY
UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 7 – LANDSCAPING AND BUFFERING STANDARDS

Summary: This article sets forth standards for landscaping and screening of adjoining properties through a variety of different planting yards. The use of a “points” system provides for flexibility in meeting the minimum planting requirements of this section.

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7.1 PURPOSE

7.1.1 PURPOSE

The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established herein to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These minimum requirements will:

- Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
- Mitigate air, dust, noise, heat and chemical pollution;
- Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
- Establish a landscape theme including street trees and streetscape designs to be used throughout the County of Lee to promote the overall character and identity of the community;
- Address the design of entryways into the County of Lee to express the community’s values;
- Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
- Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
- Promote planting techniques that ensure long term health of plant materials;
- Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from incompatible land uses;
- Promote walkable pedestrian-scale streetscapes, traditional neighborhoods, and compact centers by exempting uses which relate to each other functionally and visually from certain requirements of this Section.

7.2 APPLICABILITY

7.2.1 APPLICABILITY

This Article 7 shall apply to all new construction projects that includes (a) non-residential development, and/or (b) multi-family development (three or more dwelling units), except as follows:

- Agricultural uses as listed in the Use Matrix (NAICS Code 11; LBCS Function Code 9110 and Structure Code 8000);
- Any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity;
- Any site containing an unoccupied public utility equipment structure that is less than 1,000 square feet in area, except that all electrical substations shall install a minimum Type B buffer per § 7.5, below.
- Developments in the Central Business District (CBD) zoning district shall be exempt from this Article 7, except that in instances where off-street parking is provided voluntarily, such parking area shall include the planting yards as set forth in § 7.6 Parking Lot Yards and § 7.7 Street Yards.

7.2.2 Single-family detached homes and individual duplexes on individual lots are exempt from the standards of Article 7.

7.2.3 Public streets, as created as a part of a subdivision of land, shall not be required to install street trees as set forth in Section 7.7 of this Ordinance.

7.3 ADMINISTRATIVE PROVISIONS

7.3.1 PLAN REQUIRED

Landscape plans shall accompany any application for a building permit. Such plans shall conform to the requirements of this Article 7 and Appendix B of this Ordinance.

7.3.2 PERMITS REQUIRED

The buffer shall be planted and fencing or other barriers constructed as required prior to the issuance of a Certificate of Occupancy.

7.3.3 INTERPRETATION OF LANDSCAPING TERMS

When necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to the following:

- Appendix A of this Ordinance, and
- Where a term is not defined in Appendix A, to the American Nursery and Landscape Association (“ANLA”) (formerly the American Association of Nurserymen), American Standard for Nursery Stock (2004), the most recent officially adopted version of which document is hereby incorporated by reference.

7.3.4 VIOLATIONS

Failure to maintain required landscaping or to adhere to an approved landscaping plan shall constitute a zoning violation, subject to any and all remedies set forth in §1.6 of this Ordinance.

7.4 PLANTING YARDS

7.4.1 PURPOSE

Planting yards are intended to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas.

Planting yards shall include the following:

- Buffer Yards (see § 7.5 of this Article)
- Parking Lot Yards (see § 7.6 of this Article)
- Street Yards (see § 7.7 of this Article)

7.4.2 APPLICABILITY

Planting yards shall be required for all uses except:

7.4.2.1 Subdivisions;

7.4.2.2 Agricultural uses as listed in the Use Matrix (NAICS Code 11; LBCS Function Code 9110 and Structure Code 8000);

7.4.2.3 Any use, building, or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity;

7.4.2.4 Developments in the “CBD” Central Business District (except that the Parking Lot Yard requirements of §7.6 shall apply);

7.4.2.5 Sites containing unoccupied public utility equipment that are less than 1,000 square feet in area, except that all electrical substations shall install a minimum Type B buffer per § 7.5, below.

7.4.3 RELATIONSHIP TO BUILDING SETBACK YARDS

For the purposes of this section, building setback yards (as listed in § 4.7) shall be concurrent with planting yard requirements. Landscaping as required within a planting yard shall be counted for only that planting yard and shall not be used in calculating the minimum quantity for any other planting yard.

7.4.4 RELATIONSHIP TO SIGHT TRIANGLES / TRAFFIC VISIBILITY

No plantings as required within this Article 7 shall be installed such that the plantings will create a traffic hazard or otherwise inhibit the view for vehicular traffic at intersections or other vehicular traffic movements. No plantings in excess of three feet shall be permitted within any designated sight triangle.

7.5 BUFFER YARDS

7.5.1 PURPOSE

The purpose of buffer yards is to provide a transitional buffer between uses that may differ in development intensity and density, or to provide a minimum buffer between uses of similar intensity and density. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses. Buffer yards shall be of different types, based upon the relationship between the two adjacent land uses between which the buffer yard is to be located. The width of the buffer yard and the density of plantings increase as the difference between adjacent land uses increases.

7.5.2 APPLICABILITY

In addition to the exemptions as set forth in § 7.4.2, certain uses are exempt from the buffer requirements as described in this section.

Exemptions include, but are not limited to, the following:

- Lots or parcels separated by a public street right-of-way greater than 30 feet in width;
- Lots or parcels separated by a railroad right-of-way.

7.5.3 YARD TYPES

7.5.3.1 There are five different classes of land uses for purposes of determining the buffer yard type. Land Use classes are based upon the specific land use to be developed, which is permitted either by right or conditionally, or the groupings of zoning districts or land use groupings as provided in Table 7.2.

7.5.3.2 Table 7-3 identifies the buffer yard type required for a given development, based on the relationship between the adjacent land uses. If an adjoining parcel is undeveloped, the minimum buffer shall be determined based on the zoning of the adjoining property.

7.5.3.3 Table 7-3 contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases.

7.5.4 STANDARDS FOR BUFFER YARD DEVELOPMENT

7.5.4.1 PROHIBITED USES

The construction of any building or the placement of any mechanical equipment within the buffer yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within the buffer yard consistent with the Sign Regulations (Article 11) of this Ordinance.

Circulation drives, parking lots, and other vehicular surfaces are not permitted in the buffer yard. However, the buffer requirements of Table 7-3 may be waived for non-residential uses which abut one

another and can provide evidence of an appropriately designed shared vehicular area along the common property line. In such cases, Parking Lot Yard landscaping of Section 7.6 of this Ordinance shall be required.

7.5.4.2 CALCULATING REQUIRED LANDSCAPING

7.5.4.2.1 Required Planting Area

Total landscaping required within a buffer yard is set forth in § 7.5.4.2.2, below. Width for a buffer yard shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in § 7.5.4.4. Where buffer yards turn at property corners, the length measurements determining plant quantities are not required to overlap.

7.5.4.2.2 Calculated Required Plantings

The total amount of required landscaping within a required buffer yard shall be calculated based on a point system. The point system, as established in Table 7-1 below, ensures that a minimum level of landscaping is achieved during development while maintaining flexibility. Five different plant types are assigned a unique point value. Table 7-1 is to be used in conjunction with Table 7-4 to determine the specific total of required landscaping. When calculating points, or quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of 0.5 and higher. Decimals below 0.5 shall be rounded downward to the lower whole number. Table 7-1 shall be used to determine minimum amounts for new planting areas, as well as in determining credits for preservation of existing vegetation as permitted under § 7.5.4.3, below.

TABLE 7-1: POINTS OF INDIVIDUAL PLANT TYPES

TYPE OF PLANT	POINTS
Large Tree	12
Small Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

7.5.4.3 EXISTING VEGETATION

Existing healthy vegetation may be counted toward the required landscaping if it is used as a year-round sight obstruction buffer. The Community Development Department may conduct site inspections in order to determine whether the existing vegetation is useable as a sight obstruction buffer. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Ordinance are required to be listed.

7.5.4.4 BUFFER YARD ON PROPERTY LINE

Applicant may establish a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

7.5.4.5 VISUAL SEPARATION

This Section 7.5.4.5 applies only where complete visual separation is required by another provision of this Ordinance. Where complete visual separation is required, it may be accomplished using landscaping which provides year-round opaque screening, earth berms, masonry walls, or fences constructed of pressure-treated wood or other wood resistant to deterioration due to exposure to weather, moisture and insects, or a combination of two or more of these techniques. Even where complete visual separation is achieved, the landscaping and buffer yard requirements still apply.

TABLE 7-2: CLASSIFICATION OF LAND USES

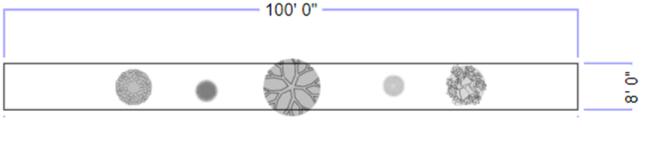
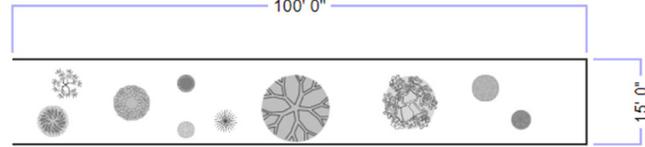
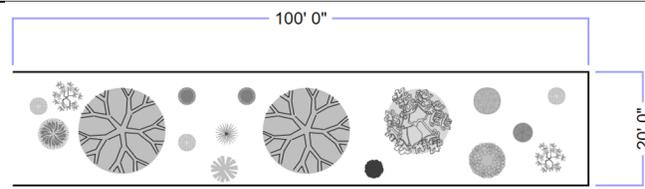
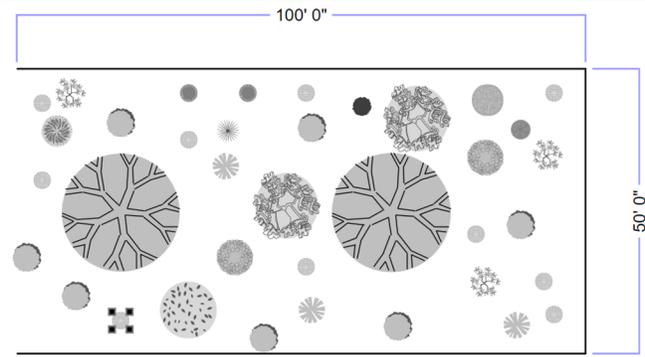
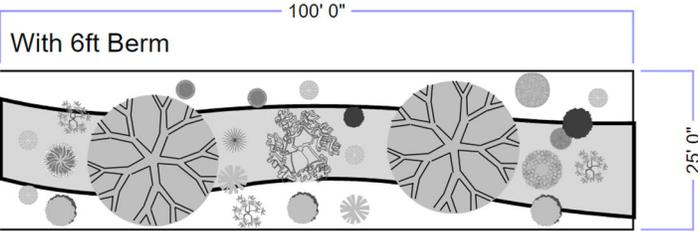
Class 1	Class 2	Class 3	Class 4	Class 5
RA Residential Agricultural	UN-6 Urban Neighborhood	NC Neighborhood Commercial	C-2 General Commercial	LI Light Industrial
RR Residential Restricted	MF-12 Multifamily	O&I Office & Institutional	HC Highway Commercial	HI Heavy Industrial
RN-20 Rural Neighborhood		C-1 Light Commercial		
SN-12 Suburban Neighborhood				
SN-9 Suburban Neighborhood				
Residential uses – single-family detached homes and individual duplex on individual lot only	Residential uses – other than Class 1	Commercial, Office, Institutional, and Civic uses	Retail Trade uses Wholesale Trade uses	Manufacturing and Industrial uses Transportation, Warehousing and Utilities uses

TABLE 7-3: BUFFER YARD CHART – BUFFER YARD TYPES FOR ADJACENT LAND USE CLASSES

Land Use Classification	Class 1 Existing	Class 2 Existing	Class 3 Existing	Class 4 Existing	Class 5 Existing
Class 1 Proposed	N/A	N/A	N/A	N/A	N/A
Class 2 Proposed	A	A	A	A	A
Class 3 Proposed	B	B	A	A	A
Class 4 Proposed	C	C	B	A	A
Class 5 Proposed	D	D	C	B	N/A

Note: Table 7-3 is to be interpreted in conjunction with Table 7-2. One must first consider what land use classification is proposed on the subject property and then compare it to what land use or zoning district exists on adjoining property. The indicated Landscape Buffer Type linked between the two land uses as illustrated in Table 7-3 shall then be the required landscape standard for that property line. For example: the new construction of a medical office is proposed on a vacant lot. The parcels surrounding this vacant lot are also undeveloped, but zoned R-10. The proposed land use classification should be noted as **Class 3**, according to Table 7-2. The existing land use classification for the adjoining properties should be noted as **Class 1**, according to Table 7-2. Therefore, a **Type B** landscaping buffer yard should be required for all shared property lines between the proposed and existing land use classifications in this example.

TABLE 7-4: BUFFER YARD LANDSCAPING REQUIREMENTS

Buffer Yard Type	Minimum Buffer Width	Minimum Required Large Trees	Minimum Required Small Trees	Minimum Required Points per Linear Foot	Illustration
A	8ft	1 per 100ft	Optional	0.2	
B	15ft	1 per 75ft	1 per 100ft	0.7	
C	20ft	1 per 50ft	1 per 75ft	1.0	
D	50ft or 25ft with a 6ft high berm	1 per 50ft	1 per 75ft	1.2 or 0.6 with a 6ft high berm	 

7.6 PARKING LOT YARDS

7.6.1 PURPOSE

The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots.

7.6.2 APPLICABILITY

Parking lot yards are based upon the size of the respective parking lot. The size of the required parking lot yard increases as the size of the respective parking lot increases. Minimum dimensions shall apply, and shall be measured, horizontally. The requirements of this section apply to all new and expanded (5 or more added spaces) parking lots and parking lots for land uses that have substantially changed. If an existing parking lot (paved or unpaved) is expanded or improved to add 5 or more spaces, it shall comply with the parking lot landscaping requirements within the expanded or improved portion. If a parking lot is expanded or developed, then street yard, buffer yard and parking lot yard landscaping requirements shall apply.

7.6.3 DESIGN CRITERIA

7.6.3.1 MINIMUM QUANTITY OF LANDSCAPING PLANTINGS

Landscaped planting areas and islands for parking lot yards shall have one (1) large tree or two (2) small trees, and eight (8) small shrubs for every twenty (20) parking spaces.

7.6.3.2 MINIMUM DIMENSIONAL REQUIREMENTS FOR INTERIOR PLANTING ISLANDS

Interior planting islands shall be not less than nine (9) feet in width and shall include a minimum of 150 square feet of open planting area for trees. Shrubs or ground covers may be planted within the required open planting area for trees without increasing the area. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter where curb and gutter are required for adjoining streets by Article 6. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

7.7 STREET YARDS

7.7.1 PURPOSE

The purpose of street yards is to aesthetically and visually enhance the appearance of a site or development along a public street frontage, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment.

7.7.2 APPLICABILITY

Site plans shall require street yards in accordance with the design specifications of this Ordinance. A street yard shall be required on a site along all frontages where a project or development abuts a public street right-of-way.

Minimum dimensions shall apply, and shall be measured, horizontally. Widths shall be measured from the respective right-of-way/property line. Where street yards turn at street corners, the length measurements determining plant quantities are not required to overlap.

7.7.3 DESIGN REQUIREMENTS

7.7.3.1 Required street yards shall maintain a width of eight (8) feet and shall include a minimum of one large (1) tree or two (2) small trees for every fifty linear feet of required street yard as measured parallel to the adjoined street right-of-way.

7.7.3.2 In situations where required street yard landscaping may create a sight distance conflict with an existing or proposed driveway/intersection, the required trees may be clustered with other plantings to maintain a proper sight distance.

7.7.3.3 The construction of any building or the placement of any mechanical equipment within a street yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within a street yard consistent with the Sign Regulations (Article 12) of this Ordinance.

7.8 SPECIFICATIONS FOR PLANT MATERIALS AND INSTALLATION

7.8.1 SIZE STANDARDS

The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary.

7.8.1.1 LARGE TREES

Large trees (see also Appendix C) shall measure a minimum of 1.5 to 2 inches in caliper, and 8 to 10 feet in height at the time of planting.

7.8.1.2 SMALL TREES

Small trees (see also Appendix C) shall measure a minimum 1.5 to 2-inches in caliper for single-stem trees or 1 to 1.5-inches in caliper for multi-stem trees, and at least 6 to 8 feet in height at the time of planting.

7.8.1.3 LARGE SHRUBS

Large shrubs (see also Appendix C) shall measure a minimum of 3 to 3½ feet in height at the time of planting. Shrubs planted for screening purposes shall form the required density to block visibility within three (3) years from the date of installation.

7.8.1.4 MEDIUM SHRUBS

Medium shrubs (see also Appendix C) shall measure a minimum of 2 to 3 feet in height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged to obtain a variety of color and texture throughout the year.

7.8.1.5 SMALL SHRUBS

Small shrubs (see also Appendix C) shall measure a minimum of 18 to 24 inches in spread and/or height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged to obtain a variety of color and texture throughout the year.

7.8.1.6 GROUND COVER (ORGANIC)

Living ground covers shall provide 100 percent coverage on the ground within one (1) year of installation, except for mulch or turf which shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds but cannot be substituted for required plantings. Inorganic ground covers consisting of river rock or similar materials may be substituted for organic ground cover.

7.8.2 SELECTION OF PLANT MATERIALS

All plant material, except Ground Covers, shall be selected from Appendix C (Acceptable Plant Species) or a species to be approved by the Community Development Department. Consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement to ensure that plant materials will be established successfully. Tree selection for street yards, or other locations within utility rights-of-way, shall consider the presence or planned addition of overhead utility lines. Such trees shall be small and medium trees that are pest- and disease- resistant and are slow growing. The Department of Community Development may approve the installation of comparable substitution plant materials to

satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process.

7.8.3 MIX OF GENUS AND SPECIES ENCOURAGED

Except for Street Yard trees (§ 7.7), a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged, but not required, to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard Trees should retain a reasonably uniform pattern along a street within the same block or corridor.

7.8.4 STANDARDS FOR INSTALLATION OF LANDSCAPING MATERIALS

Preparation of plant pits, hedge trenches and shrub beds should be done in conformance with accepted installation practices. Leaflet #601, Planting Techniques for Trees and Shrubs, as published by the North Carolina Cooperative Extension Service, (1997), is a suggested resource.

7.8.5 GENERAL MAINTENANCE OF LANDSCAPING AND SITE

7.8.5.1 The property owner, including subsequent or successor owner, and their authorized agents are jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but is not limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping.

7.8.5.2 Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

7.8.5.3 Required landscaping shall be maintained in perpetuity. After initial installation, the owner of the property upon which the landscaping is installed shall maintain all required plantings in a healthy, vigorous and attractive state.

7.8.5.4 All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

If required landscaping cannot be installed at the time of requested certificate of compliance, the applicant may request an extension as set forth in § 3.2.3.9 of this Ordinance.