

ARTICLE 11

LANDSCAPING AND BUFFERING STANDARDS

11.1. GENERAL STANDARDS FOR LANDSCAPING AND BUFFERING.

11.1.1. 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 requirements will be applied to all new development, redevelopment or building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:

1. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
2. Mitigate air, dust, noise, heat and chemical pollution;
3. 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;
4. Establish a landscape theme including street trees and streetscape designs to be used throughout the City to promote the overall character and identity of the community;
5. Address the design of entryways into the City to express the community’s values;
6. Establish a streetscape program;
7. Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
8. Promote innovative and cost-conscious approaches to the design,

installation, and maintenance of landscaping while encouraging water and energy conservation;

9. Promote planting techniques that ensures long term health of plant materials;

10. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplementary land uses;

11. Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional.

12. 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.

11.1.2. GENERAL STANDARDS.

A. Retention of Existing Vegetation. Existing trees, shrubs and ground cover shall be retained and incorporated into the landscape plan to the extent possible.

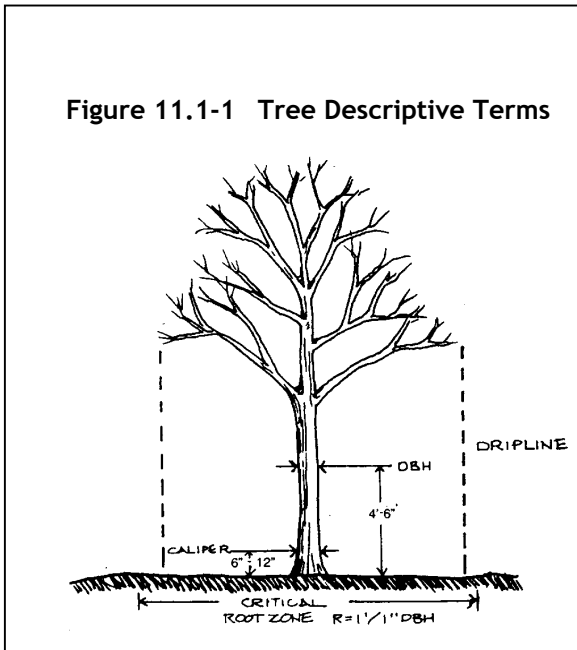
B. Qualified Designer and Installer Required. Landscape materials shall be installed in conformance with the approved landscape plan prepared by in accordance with § 11.2.

11.1.3. INTERPRETATION OF LANDSCAPING TERMS.

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to American Nursery and Landscape Association (“ANLA”)(formerly the American Association of Nurserymen), *The American Standard For Nursery Stock*, (1996), which document is hereby incorporated by reference.

A. Definitions. In addition to the definitions set forth in Appendix A to this Ordinance, the following definitions shall apply to the regulation and control of landscaping within this Section.

Figure 11.1-1 Tree Descriptive Terms



1. **ARBORIST:** A qualified professional who has studied the science or art of cultivating trees especially for ornamental use.
2. **CALIPER:** A standard trunk diameter measurement for trees taken six to twelve inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.
3. **CRITICAL ROOT ZONE (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.
4. **CROWN:** The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988), at 790).
5. **DBH:** Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.
6. **DECIDUOUS:** Plants that lose their leaves annually.

7. **DECIDUOUS TREE:** A tree which sheds or loses foliage at the end of the growing season. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988), at 790).
8. **DRIP LINE:** A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.
9. **EVERGREEN:** Plants that retain their foliage throughout the year.
10. **EVERGREEN SCREEN:** A dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year round used for purposes of visual mitigation between zoning districts and/or uses.
11. **EVERGREEN TREE:** A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York; Van Nostrand Reinhold & Co., 1988) at 791).
12. **GABION:** A wire basket containing primarily stones deposited to provide protection against erosion.
13. **GROUND COVER:** A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.
14. **HORTICULTURIST:** A qualified professional who has studied the science or art of cultivating plants especially for ornamental use.
15. **LANDSCAPE ARCHITECT:** A landscape architect licensed pursuant to the North Carolina General Statutes.
16. **LANDSCAPE CONTRACTOR:** A landscape contractor, or nurseryman, certified pursuant to the NC Landscape Contractors Registration Board.
17. **LANDSCAPING:** The process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.
18. **NON-LIVING MATERIALS:** Landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

19.NUISANCE: Any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is infected with an infectious plant disease or insects; 3) is invasive and damaging to other plants; or 4) which endangers the life, health, or safety of persons or property.

20.PLANTING YARDS: The required installation of landscaping and/or screening material between zoning districts and certain individual uses. The four Planting Yards are as follows:

a. BUFFER YARD: A planting yard comprised of a strip of land Containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Article.

b. BUILDING YARD: A planting yard comprised of a strip of land Containing landscaping materials located along the front and/or sides of a building and having a varying minimum width, as specified in this Article.

c. PARKING LOT YARD: A planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in this Article.

d. STREET YARD: A planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in this Article.

21.SCREEN: Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

22.SHRUB, LARGE: An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

23.SHRUB, MEDIUM: An upright plant growing to a mature height of 4 to 8 feet.

24.SHRUB, SMALL: An upright plant growing to a mature height of less than 4 feet.

25.SIGNIFICANT STANDS OF TREES OR SHRUBS: A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

26.STREET TREE: A tree planted along a public street or roadway behind or within the right-of-way.

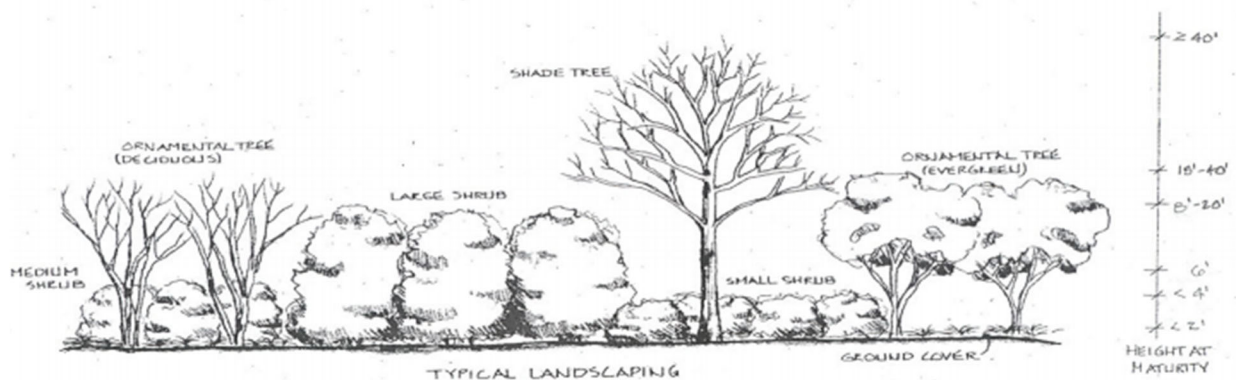
27.TREE, ORNAMENTAL: A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

28.TREE, SHADE: A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

29.VINES: A woody plant that spreads as it grows over the ground, walls or trellises.

30.XERISCAPE: Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

Figure 11.1.-2 Landscape Plants Typical Sizes



11.2 LANDSCAPE PLAN.

11.2.1. PLAN REQUIRED.

Landscape plans shall accompany any application for site plan approval. Landscape plans shall be submitted in conformance with the requirements of Table B-2, Appendix B to this Ordinance.

11.2.2. PERMITS REQUIRED.

All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Compliance (as required in Article 3).

Performance Guarantee. Subject to the conditions as specified in § 6.5 of this Ordinance, a temporary Certificate of Compliance may be issued for occupancy of a structure or initiation of a use prior to the completion of installation of all required planting yards.

11.3.3. 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.

11.3 PLANTING YARDS.

11.3.1. 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:

1. Buffer Yards (see § 11.4)
2. Building Yards (see § 11.5)
3. Parking Lot Yards (see § 11.6)
4. Street Yards (see § 11.7)

11.3.2. APPLICABILITY. Planting yards shall be required for all uses except:

1. agricultural uses as listed in Table 8.1.8 of this Ordinance;
2. any building or structure for which only a change of use in the same categories as the last permitted use, per Table 8.18 is requested (for expansions or additions to existing structures, see Sections 7.10 and 7.11 for applicability);
3. developments in the CC District (except that the Parking Lot yard requirements of § 11.6 shall apply);
4. developments in a TND or PUD District, however, a Master Plan showing that proposed landscape in the development meets the intent of this Section 11.3, Planting Yards, shall be submitted at the time of rezoning;
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 § 11.4.

A. Expansion of Uses. The expansion of an existing use, structure or parking lot shall be required to comply with this Section only for the expansion area. Applicants are encouraged, but not required, to landscape existing areas in conformance with this Section.

1. Different uses shall require different planting yards. Minimum

dimensions shall apply and be measured horizontally. Plant quantities, in most cases, shall be based upon a point system.

2. For the purpose of this section, building setbacks (as listed in Table 7.6.2 B) shall supersede planting yard requirements.
3. 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.
4. The point system, as partially illustrated in Table 11.3-1, is established to ensure that a minimum level of landscaping is achieved during development. It sets forth the points attributable to the five different plant types that are required in the three planting yards subject to the point system. Table 11.3-1 is to be used in conjunction with the other tables in this Article to determine total landscaping required. This table is applicable to planting yards, as well as in determining credits for tree preservation.
5. When calculating points, or quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of .5 and higher. Decimals below .5 shall be rounded downward to the lower whole number.

Table 11.3-1: Points for Individual Plant Types

Type of Plant	Points
Shade Tree	12
Ornamental Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

Total landscaping required for buffer yards, building yards and street yards is determined by multiplying the length of the respective planting yard by the minimum required points per linear foot shown in the landscaping requirements tables for each of the three planting yards subject to the point system. The resultant total point figure

determines the total amount of landscaping required for the respective planting yard. In some cases, the tables which set forth the planting yard landscaping requirements include a minimum required number of individual plant types, such as shade trees, or large shrubs. In those instances, the minimum number of individual plants types required shall be considered included as part of the total landscaping required.

11.4. BUFFER YARDS.

11.4.1. **PURPOSE.** The purpose of buffer yards is to:

1. provide a transitional buffer between uses that may differ in development intensity and density; or
2. 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 shall increase as the difference between adjacent land uses increases. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in § 11.4.4.7. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

11.4.2. **YARD TYPES.**

There shall be five different classes of land uses for purposes of determining the buffer yard type. Land use classes shall be based upon the specific land use to be developed, which is permitted either by right or conditionally, in the following groupings of zoning districts or land use groupings as listed in the Use Matrix of Table 8.6-1 of this Ordinance:

Class 1

AG Agricultural

RE Rural Estate

RL Residential Low Density

RM-1 Residential Medium Density

RM-2 Residential Medium Density

Residential uses - single-family detached homes and duplex only

Class 2

RV Residential Village

RC Residential Compact

Residential uses - other than Class 1

Class 3

B-1 Neighborhood Commercial/Office
O-I Office-Institutional
C-1 Light Commercial and Office
Institutional and Civic uses
Professional Office/Business Services uses

Class 4

C-2 General Commercial
CD Campus Development
PID Public Interest District
Retail Trade uses
Wholesale Trade uses

Class 5

I-1 Light Industrial
I-2 Heavy Industrial
Manufacturing and Industrial uses
Transportation, Warehousing and Utilities uses

- A. *Table 11.4-1 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. Table 11.4-2 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.*

Table 11.4-1: Buffer Yard Chart

Buffer Yard Types For Adjacent Land Use Classes					
Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (B ²)	N/A (C ²)	N/A (D ²)
2 PROPOSED	A	A	B	C	D
3 PROPOSED	B ¹	B ¹	A	A	C
4 PROPOSED	C ¹	C ¹	B ¹	A	B
5 PROPOSED	D ¹	D ¹	C ¹	B ¹	N/A

1. Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three (3) years of planting. See Section 11.4.4.8 regarding visual separation.
2. New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed before the adoption of this Ordinance and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision.

Table 11.4-2: Buffer Yard Landscaping Requirements

Buffer Yard Type	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Large Evergreen Shrubs	Min. Required Points per Linear Foot
A	8'	1/100'	Optional	Optional	0.2
B	15'	1/75'	1/100'	Optional	0.7
C	20'	1/50'	1/75'	Optional	1.0
D	50' or 25' w/ 6' high berm	1/50'	1/50'	Optional	1.2 or 0.9 w/ 6' high berm

11.4.3. EXEMPTIONS.

In addition to the exemptions as set forth in § 11.3.2, certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:

A. Lot or parcels on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines; and

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

C. Lots or parcels separated by a railroad right-of-way.

D. Between similar land uses if one (1) of the following scenarios exists:

E. In instances where similar or compatible land uses are immediately adjacent to one another and the installation of a Buffer Yard between the uses would negate the effectiveness of the development of those properties or impede the flow of traffic and pedestrians; or

F. In instances where similar or compatible land uses are immediately adjacent to one another and the change in the topography is such that the installation of a Buffer Yard between the uses would negate the effectiveness of the requirement for a Buffer Yard.

G. Such an exemption, if granted, would be subject to the following conditions:

1. The developer would be required to provide the City of Concord Plan Review Service Center with sketches and calculations as outlined below:

a. A Sketch Plan for each of the individual properties that would be part of the proposed Coordinated Development that would show how the individual properties would meet the current CDO requirements for Screening and Buffer Yards. The developer must also provide calculations demonstrating the required quantity of plant materials and the ratio of pervious to impervious area; and

b. A Sketch Plan for a Coordinated Development. The Sketch Plan would have to show that the quantity of proposed landscaping for the Coordinated Development is equivalent to or greater than that which is indicated on the Sketch Plan(s) for the individual properties prepared per the current CDO requirements under item 1 above. The developer must also provide calculations showing that

the ratio of pervious to impervious area is equivalent to or greater than the ratio of such as indicated on the Sketch Plan(s) for the individual properties prepared per the current CDO requirements under item 1 above.

1. The developer agrees that being exempted from the Buffer Yards requirements between similar land uses does not release a developer from providing the required number of equivalent points for landscaping or from meeting the required pervious to impervious ratio.
2. The developer must provide written permission from the property owners involved in the Coordinated Development who have had the opportunity to review the Sketch Plan as required under Item 1 above and agree with the overall design and placement of landscaping materials.
3. The developer must understand and agree that all other standards as required under the CDO must be complied with.

Should a developer not agree to all of the above conditions, all Buffer Yards associated with development must be installed per the current requirements of the CDO.

11.4.4. STANDARDS FOR BUFFER YARD DEVELOPMENT.

- A. Prohibited Uses.** The construction of any building or the placement of any mechanical equipment within the landscape 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 of this Ordinance. Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts or other active, structured recreational uses, or circulation drives and parking lots, shall not be permitted in the buffer yard.
- B. Permitted Uses.** The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:
 1. passive recreation;

2. Sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; golf courses,
3. storm water retention basins;
4. parks and open space.

C. Reduction in Required Buffer Yard Permitted. Where a dedicated buffer yard exists on an abutting property, a reduction or elimination in a buffer yard for a property to be developed may be allowed subject to the following:

1. the adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section
2. maintenance of the existing buffer yard consistent with the requirements of this Section, the Administrator may approve a reduction in the required buffer yard for the property to be developed
3. the “net” buffer yard satisfies the minimum buffer yard requirements of this Section. The net buffer shall include the cumulative total for both required buffers.

D. Existing Vegetation. Existing healthy vegetation may be counted toward required landscaping. 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 shall be required to be listed.

E. Application Toward Setback Requirement. Buffer yard areas shall be counted towards required building setbacks.

F. Designation of Buffer Yard as Landscaped Area. Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

G. Buffer Yard On Property Line. When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

H. Visual Separation. Where complete visual separation is required, that may be accomplished through the use of landscaping which provides year-round opaque screening within 3 years of planting, earth berms, or masonry walls, or a combination of two or more of these techniques.

11.5 BUILDING YARDS.

11.5.1. PURPOSE AND APPLICABILITY. The purpose of building yards is to aesthetically and visually enhance the appearance of buildings. Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective building front wall. Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases. Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building.

11.5.2. YARD TYPES.

There shall be four different categories of building size for purposes of determining the building yard type:

Category 1

Less than 2,500 Square Feet GFA (Gross Floor Area)

Category 2

2,500 Square Feet to 9,999 Square Feet GFA

Category 3

10,000 Square Feet to 99,999 Square Feet GFA

Category 4

100,000 Square Feet GFA and over

A. Table 11.5-1 identifies the building yard required for a given development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Table 11.5-1: Building Yard Landscaping Requirements

Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs	Min. Required Points per Linear Foot
1	6 feet	N/A	1 per 30 lin. Feet	8 per 30 lin. Feet	0.4
2	8 feet	N/A	1 per 30 lin. Feet	8 per 30 lin. Feet	0.5
3	12 feet	1 per 50 lin. Feet	1 per 50 lin. Feet	12 per 30 lin. Feet	0.8
4	16 feet	1 per 50 lin. Feet	1 per 50 lin. Feet	16 per 30 lin. Feet	1.0

11.6 PARKING LOT YARDS.

11.6.1 PURPOSE AND APPLICABILITY. The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots. Parking lot yards shall be located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot. The size of the parking lot yard shall increase as the size of the respective parking lot increases. Minimum dimensions shall apply, and be measured, horizontally. The requirements of this section shall apply to all new and expanded (10 or more added spaces) parking lots and parking lots of land uses that have substantially changed. If an existing parking lot (paved or unpaved) is expanded or improved to add 10 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 be applicable.

11.6.2 DESIGN CRITERIA.

A. Minimum Net Area of Landscaping. Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots.

B. Minimum Quantity of Landscape Plantings. Landscaped planting areas and islands for parking lot yards shall have one (1) shade tree, or two (2) ornamental trees, and eight (8) small shrubs per each ten (10) parking spaces.

C. Minimum Planting Area Dimensional Requirements. Planting areas and islands shall be not less than eight (8) feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for canopy trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

D. Location of Trees. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.

11.6.3 EXCEPTIONS.

In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water so as to impair the habitability of buildings or interfere with traffic circulation, the Administrator may permit a portion of the required landscaping to be located near the perimeter of the lot.

11.7 STREET YARDS.

11.7.1. **PURPOSE.** The purpose of street yards is to provide continuity of vegetation along the street right-of-way, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment. Minimum dimensions shall apply, and 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 shall not be required to overlap. Street yards shall be of different types, based upon the zoning of the property. The width of the street yard and the density of plantings shall increase as the intensity of the development increases. Street Yards shall not lie within any public utility easements for water, sewer, electric and/or telecommunication. Private utilities will be discouraged within street yards.

11.7.2. **APPLICABILITY.** Street yards shall be required for all developments subject to this Ordinance.

11.7.3. **YARD TYPE.**

There shall be four different classes of street yard based on zoning or intended use for purposes of determining the street yard type.

The intent of Class 1 Street Yards is to create shade for sidewalks and public streets within residential neighborhoods. The intent of Class 2-4 Street Yard is to create an opaque screen between commercial development and street right of ways.

Class 1

RE Rural Estate
RL Residential Low Density
RM-1 Residential Medium Density
RM-2 Residential Medium Density
RV Residential Village
RC Residential Compact
Single family detached/attached residential use

Class 2

B-1 Neighborhood Commercial/Office
O-I Office Institutional
C-1 Light Commercial and Office

Multi-family residential
 Institutional and Civic uses
 Professional Office/Business Services uses

Class 3

C-2 - General Commercial
 CD - Campus Development
 PID - Public Interest District
 Retail Trade uses
 Wholesale Trade uses

Class 4

I-1 Light Industrial
 I-2 Heavy Industrial
 Manufacturing and Industrial uses
 Transportation, Warehousing and Utilities
 uses

- A. Table 11.7-1 contains the required plantings and dimensions of the respective street yard types.

Table 11.7-1: Street Yard Landscaping Requirements

Street Yard Level	Minimum Width	Min. Required Shade Trees**	Min. Required Points per Linear Foot
1 See 11.7.4	8'	1 per 40' to 50' depending on utilities and possible conflicts	0.24
2	8'	1 per 40' to 50' depending on utilities and conflicts	0.4
3	8'	1 per 40' to 50' depending on utilities and possible conflicts	0.5
4	12'	1 per 40' to 50' depending on utilities and possible conflicts	0.6

** The administrator may approve the replacement of one shade tree with two ornamental trees if large shade trees will cause conflict with infrastructure. The conflicts must be identified by the applicant on the landscape plan.

11.7.4. Level 1 Residential Street Yard Requirements

1. Class 1 Residential Street Yards shall be located in the street right-of-way planting strip between the curb and sidewalk. The use of a level 1 Street Yard for commercial development would require Administrator approval.
2. Before planting, the soil within the planting strip shall be de-compacted by mechanical tillage to a minimum depth of 24 inches along the entire planting strip. The soil shall also meet the requirements of 11.8.3.

11.7.5 DESIGN CONSIDERATIONS.

- A. **Overhead Power Lines.** During redevelopment or upgrades to existing built sites, landscaping shall be improved to meet current requirements. The presence of existing overhead power lines within the street yard, will requires street yard trees to be ornamental trees. Larger shade tree varieties are encouraged where overhead power lines are not present. (see Fig. 11.7-1, below)

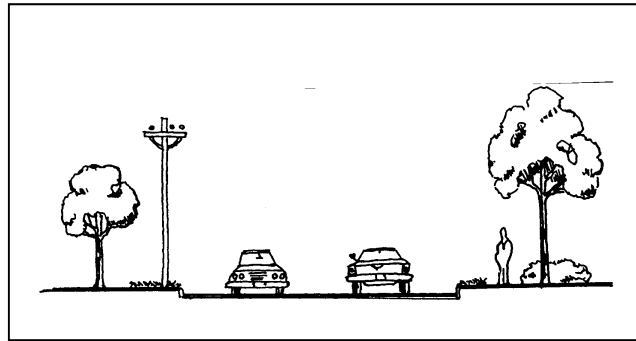
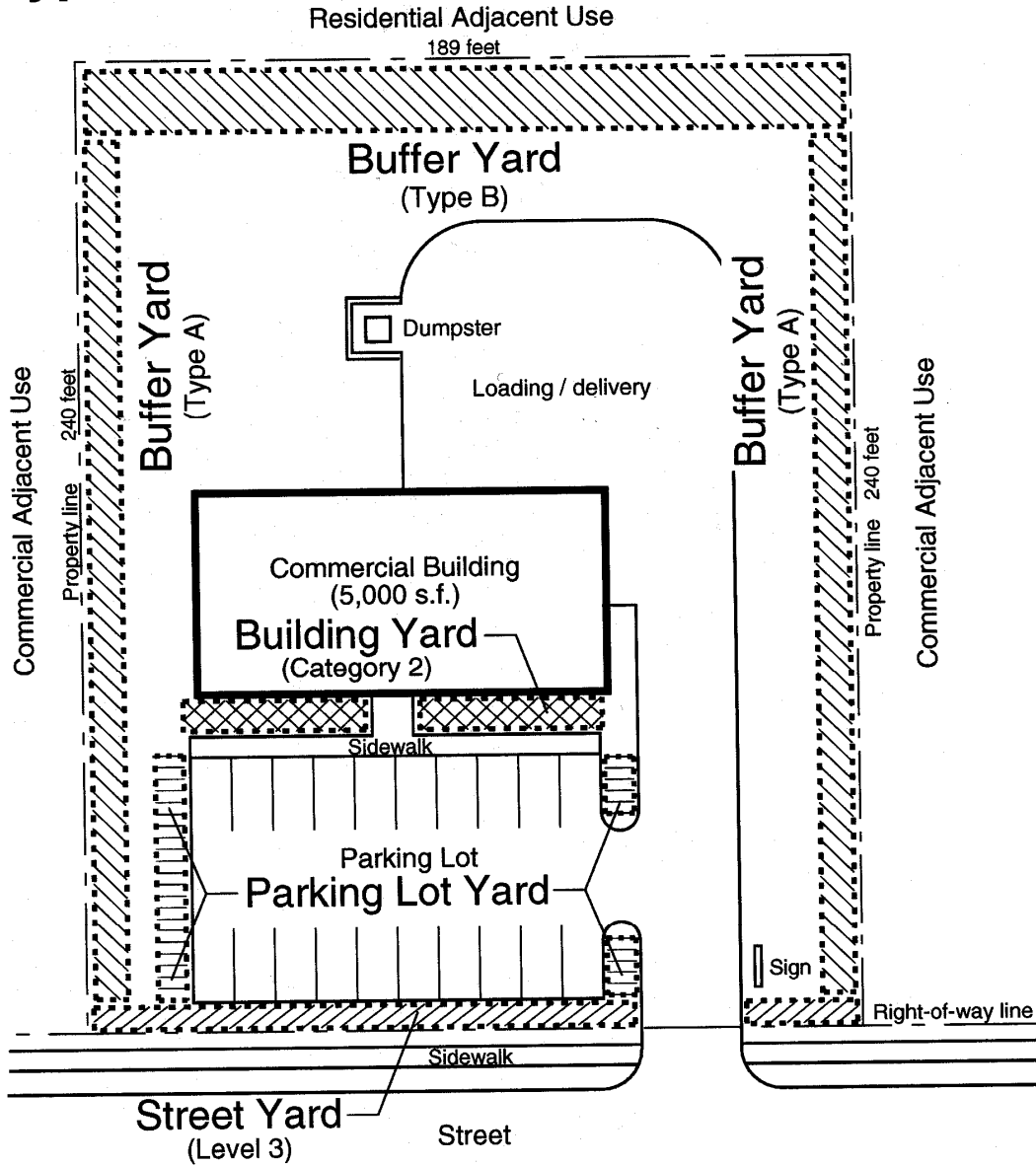


Figure 11.7-1

- B. **Site Triangles.** Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian. Street trees shall not be planted on public streets within 75' of a Stop condition.

Figure 11.7-2 Planting Yards Typical Diagram

Typical Planting Yard Illustration



Planting Yards

Buffer Yard - To separate and buffer different land uses

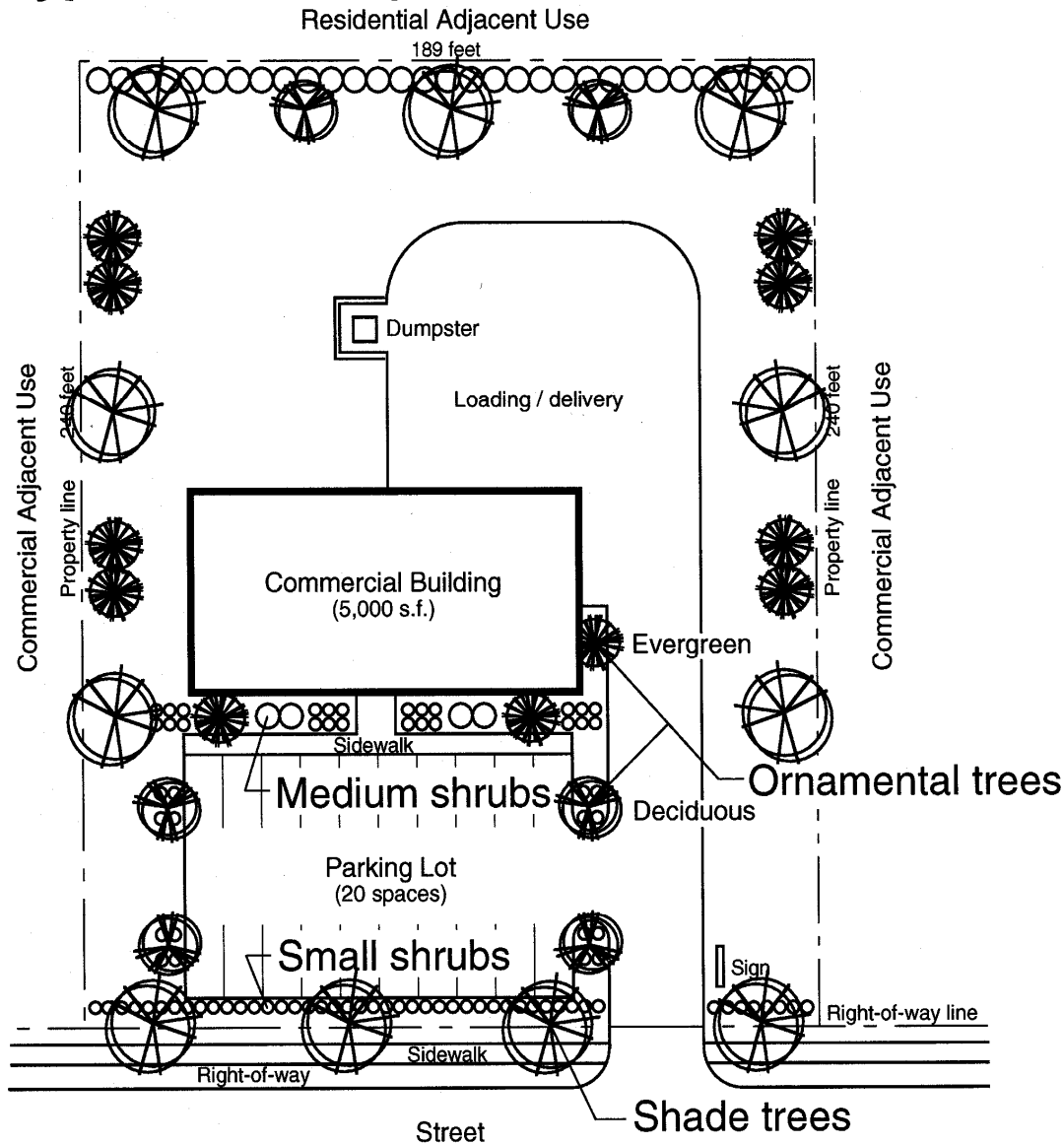
Building Yard - To enhance the aesthetic appearance of buildings

Parking Lot Yard - To enhance the aesthetic appearance of parking lots

Street Yard - To establish a coordinated pattern of tree plantings and other landscaping along streets

Figure 11.7.3 Planting Yards Typical Plan

Typical Planting Yard Illustration



- Planting Yards** - Commercial abutting residential and commercial
- Buffer Yard** - Type B - 1 shade tree per 40 feet as part of 0.8 points per foot
- Building Yard** - Category 2 - 1 ornamental tree and 8 small shrubs per 30 feet as part of 0.5 points per foot
- Parking Lot Yard** - 2 ornamental trees and 8 shrubs per 10 parking spaces
- Street Yard** - Level 2 - 1 shade trees per 50 feet as part of 0.5 points per foot

11.8. SPECIFICATIONS FOR PLANT MATERIALS AND INSTALLATION.

11.8.1. 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. As a general rule, the caliper or diameter of trees shall be measured 6 inches from the ground level up to a 4-inch caliper diameter and at 12 inches for 4-inch caliper diameter or greater. The height of shrubs shall be a minimum of 24 inches as measured at ground level to the top of the densest portion of the top of the shrub or hedge.

- A. **Shade Trees.** Shade trees shall measure a minimum 2 to 2.5-inches in caliper, and 10 to 12 feet in height at the time of planting.
- B. **Ornamental Trees.** Ornamental trees 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 6 to 8 feet in height at the time of planting.
- C. **Large Shrubs.** Large shrubs, normally planted for screening, 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.
- D. **Small Shrubs.** Small shrubs 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 in order to obtain a variety of color and texture throughout the year.
- E. **Ground Cover (Organic).** Organic ground covers shall provide 100 percent coverage on the ground within three (3) years of installation. Except for seeding, grass or turf shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds.
- F. **Ground Cover (Inorganic).** Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage of the required landscape planting area.

11.8.2 SELECTION OF PLANT MATERIALS.

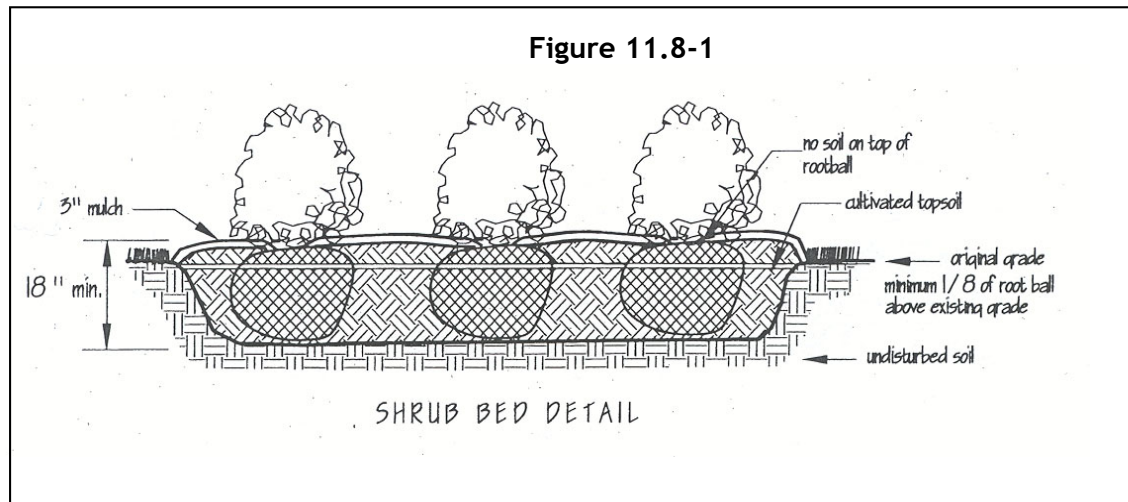
All plant material, except Ground Covers, shall be selected from Table 11.1-1 Acceptable Plant Species. Consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement 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.

- A. Substitution of Plant Materials.** The Administrator shall have the authority to 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.
- B. Mix of Genus and Species Encouraged.** Except for Street Yard trees (§ 11.7), a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard Trees should retained a reasonably uniform pattern along both sides of a street within the same block or corridor.

11.8.3. STANDARDS FOR INSTALLATION OF LANDSCAPING MATERIALS.

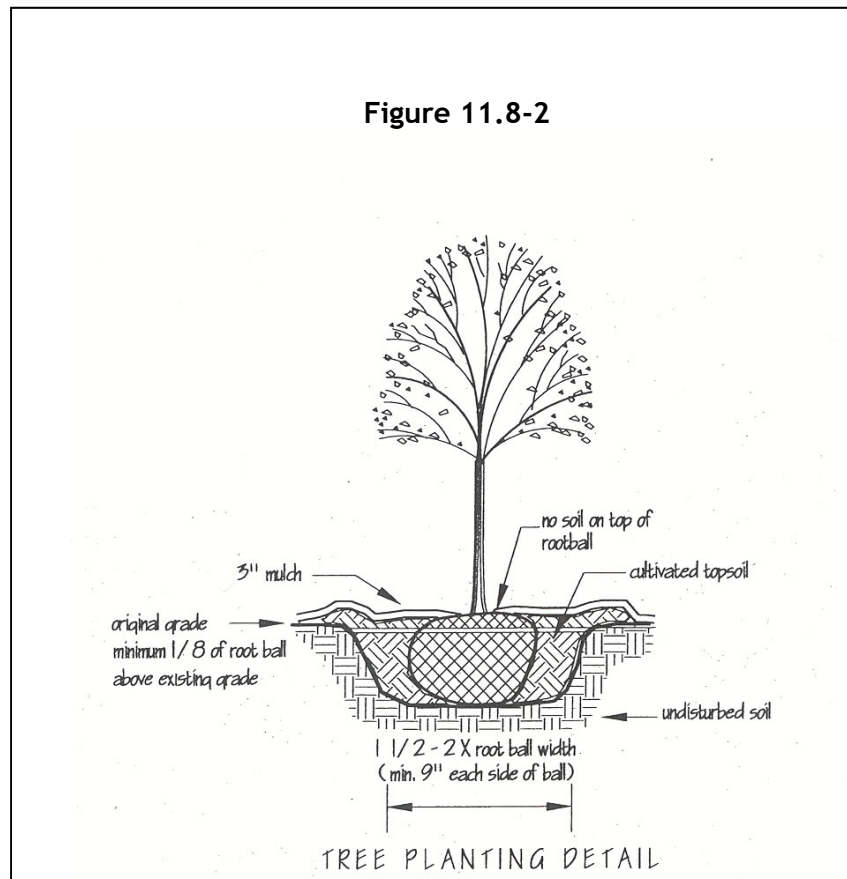
- 1. Plant Pit, Hedge Trench and Shrub Bed Preparation.** Preparation of plant pits, hedge trenches and shrub beds shall be done in conformance with Leaflet No: 601, *Planting Techniques for Trees and Shrubs*, North Carolina Cooperative Extension Service, (1997), which is incorporated by reference hereto and the following procedures:
- 2. Site Maintenance During Construction.** Equipment, wood and similar objects shall not be stored or laid upon the critical root zone area during

or after construction. Chemicals and liquid construction wastes shall not be dumped, poured or spilled in the area of any plant materials. Washing of concrete mixers shall not be done near the site.



- A. Excavate pits with vertical sides approximately the depth of the rootball and with a circular outline which shall be approximately 2 to 3 times wider than the rootball. For planting pits, beds or trenches which are to be developed where paving existed previously, all paving and base stone shall be removed as part of the excavation.
- B. Remove rock, debris, inorganic compositions and chemical residues from soil in planting pits.
- C. Cultivate shrub planting pits to a minimum depth of 18 inches. Ground cover and vine planting pits shall be cultivated to a minimum depth of 12 inches.
- D. Install root ball on a flat, compact surface of undisturbed soil and remove any inorganic ties on top of the rootball. Remove the top 1/3 of wire baskets.
- E. Leave the top of the tree root ball exposed, to be covered by mulch only.
- F. Finish the planting with a minimum 3-inch layer of mulch of pine needles, tree bark or similar materials distributed around the tree trunk.

- G. Prepare soil, plant, fertilize, mulch, and control insects and disease in conformance with the North Carolina Cooperative Extension Service, *Landscape Management Calendar*, which is incorporated by reference hereto.
- H. Re-establish native plants salvaged from the site or relocated as a result of grading in conformance with the recommendations of the North Carolina Cooperative Extension Service.
- I. Support trees and shrubs adequately when planted in order to avoid interference with their typical growing patterns.



11.8.4. GENERAL MAINTENANCE OF LANDSCAPING AND SITE.

1. The applicant, property owner, and/or subsequent or successor owner, and

their agents, including tenants, shall be 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 not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

2. Required landscaping shall be maintained in perpetuity, in accordance with § 11.8.4.1. After initial installation, it shall be the responsibility of the owner and/or tenant of the property upon which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips between curbs and sidewalks which are within the street right-of-way shall be the responsibility of the respective homeowners association, or the abutting homeowner, in the absence of a homeowners association.
3. If after three (3) years following installation of required screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Administrator shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Ordinance.
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.

11.8.5. UTILITY RIGHT-OF-WAY TREE TRIMMING.

Utility crews and companies are encouraged to do directional pruning of branches interfering with utility lines to prevent damage, disfigurement and heavy suckering and reduce future pruning needs. Utility tree trimmers are encouraged to remove branches to laterals (drop-crotching) in order to direct tree growth away from utility lines. Directional pruning includes top trimming, side trimming, under trimming and through trimming.

Table 11.8-1 Acceptable Plant Species.

The following list of plant species includes shade trees, ornamental trees and shrubs which are acceptable for landscaping in this area of North Carolina. A few species are labeled as “discouraged” due to marginal hardiness in this zone, to disease susceptibility, or to overuse.

Shade Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Amelanchier canadensis	Serviceberry
Betula nigra	River birch
Carya illinoensis	Pecan
Carya ovata	Shagbark hickory
Carya glabra	Pignut hickory
Carya cordiformis	Bitternut hickory
Cedrus deodara	Deodar cedar
Celtis occidentalis	Hackberry
Cupressocyparis leylandii	Leyland cypress (discouraged)
Diospyros virginiana	Persimmon
Fagus grandiflora	American beech
Fraxinus americana	White ash
Fraxinus pennsylvanica	Green ash
Ginkgo biloba	Ginkgo
Juniperus virginiana	Eastern red cedar
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip poplar
Magnolia grandiflora	Southern magnolia
Nyssa sylvatica	Black gum
Pinus echinata	Short leaf pine
Pinus nigra	Austrian pine
Pinus thunbergi	Japanese black pine
Pinus taeda	Loblolly pine
Pinus virginiana	Virginia pine

Platanus acerifolia	London planetree
Quercus acutissima	Sawtooth oak
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus laurifolia	Laurel oak
Quercus nigra	Water oak
Quercus phellos	Willow oak
Quercus borealis	Northern red oak
Quercus shumardi	Shumard oak
Quercus velutina	Black oak
Quercus virginiana	Live oak
Sophora japonica regent	Japanese pagoda tree
Taxodium distichum	Bald cypress
Ulmus parvifolia	Lacebark elm
Ulmus alata	Winged elm
Zelkova serrata	Japanese zelkova

Ornamental Trees

<u>Botanical Name</u>	<u>Common Name</u>
Acer buergeranum	Trident maple
Acer campestre	Hedge maple
Acer palmatum	Japanese maple
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Cornus kousa	Kousa dogwood
Crataegus phaenopyrum	Washington hawthorne
Eleganus angustifolia	Russian olive
Halesia carolina	Carolina silverbell
Hammamelis mollis	Chinese witch-hazel
Ilex fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata savannah	Savannah holly
Koelreutaria paniculata	Golden rain-tree
Lagerstroemia indica	Crapemyrtle
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star magnolia
Malus hybrids	Flowering crabapple
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Prunus cerasifera pissardii	Purpleleaf plum
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry

Prunus yedoensis

Prunus caroliniana

Pyrus calleryana 'Redspire'

Pyrus calleryana 'Capital'

Yoshino cherry

Carolina cherry laurel

Redspire pear (discouraged)

Capital pear (discouraged)

Shrubs

<u>Botanical Name</u>	<u>Common Name</u>
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glenn dale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus
Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly
Ilex cornuta burfordi nana	Dward burford holy
Ilex crenata 'convexa'	Convex japanese holly
Ilex crenata 'hetzi'	Hetzi japanese holly
Ilex crenata 'rotundifolis'	Roundleaf japanese holly
Ilex "Emily Brunner"	Emily brunner holly
Ilex glabra	Inkberry holly
Ilex latifolia	Lusterleaf holly
Ilex pernyi	Perny holly
Ilex vomitoria	Yaupon holly
Juniperus chinensis pfitzeriana	Pfitzer juniper
Juniperus chinesis hetzi	Hetzi juniper
Laurus nobilis	Laurel
Ligustrum japonicum	Japanese privet
Ligustrum lucidum	Glossy privet
Ligustrum vicaryi	Vicary golden privet
Loropetalum chinense	Lotopetalum
Mahonia bealei	Leatherleaf mahonia
Myrica cerifera	Wax myrtle
Nandina domestica	Nandina
Osmanthus fortunei	Fortune tea olive
Osmanthus fragrans	Fragrant tea olive
Osmanthus heterophyllus	Holly osmanthus
Osmanthus heterophyllus rotundifolius	Curly leaf tea olive
Pieris floribunda	Mountain andromeda

Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum (discouraged)
Prunus laurocerasus	English laurel
Prunus laurocerasus "Zabel"	"Zabel" Skip laurel
Podocarpus macrophyllus maki	Podocarpus (discouraged)
Prunus laurocerasus angustifolia	Narrow leafed english laurel
Pyracantha coccinea	Scarlet firethorn
Raphiolepis umbellata	Yeddo-hawthorn
Raphiolepis indica	India hawthorn
Spiraea cantoniensis	Reves spirea
Spiraea thunbergi	Thunberg spirea
Spiraea prunifolia plena	Bridalwreath spirea
Spiraea vanhouttei	Vanhoutte spirea
Taxus cuspidata	Japanese yew
Viburnum rhytidophyllum	Leatherleaf viburnum
Viburnum tinus	Laurestinus viburnum

11.9 TREE PRESERVATION

11.9.1. PURPOSE

The purpose of this section is to establish a series of standards and measures necessary to preserve tree canopy cover and significant trees, which provide aesthetic and environmental benefits, as part of the development process. Requirements for tree save areas are designed to enhance and preserve the City's tree canopy and wooded sites and improve the overall quality of life.

11.9.2. APPLICABILITY

- A. The standards in this section shall apply to:
 - 1. All new residential subdivisions containing thirty (30) dwelling units or more in one or more phases of contiguous development
 - 2. Existing residential subdivisions containing thirty (30) dwelling units or more that are expanded by an amount equal to or greater than five (5) percent of the existing site area shall be required to comply with this section only for the expansion area.
- B. Single-family detached dwellings on individual lots of record are exempt from the provisions of this section.

11.9.3. MODIFICATIONS

- A. Where necessary to accommodate creativity in site design or where topographic or physical site conditions make strict adherence impractical, the Administrator reserves the right to review unique situations on a case by case basis and to make necessary modifications provided they meet the performance goals as set forth in this section, Section 9.10.8 Tree Protection Guidelines, Section 10.5 Open Space Standards, and Article 11 Landscape and Buffering Standards. The Administrator shall also have the authority to modify certain standards in this section in either of the following instances:
 - 1. Topographic or physical site conditions make adherence to these standards wholly impractical.
 - 2. Due to existing unusual or unique site characteristics, adhering to these standards would create an undue or unreasonable hardship.
- A. A written request shall be submitted to the City along with any necessary site plans to demonstrate the hardship. The findings of the Administrator shall be final and binding to all parties. Appeals of the Administrator's decisions may be made to the Board of Adjustment.
- B. The provisions of this ordinance may be modified during a period of emergency (such as a major storm, hurricane, tornado, other severe natural disaster, medical emergency, etc.) if compliance would impede the preservation of health and safety, rescue of life, protection of property from immediate danger, or the repair of utilities. Any emergency work shall follow as closely as possible the standards outline herein.

This provision shall not be interpreted to be a general waiver of the intent of this chapter.

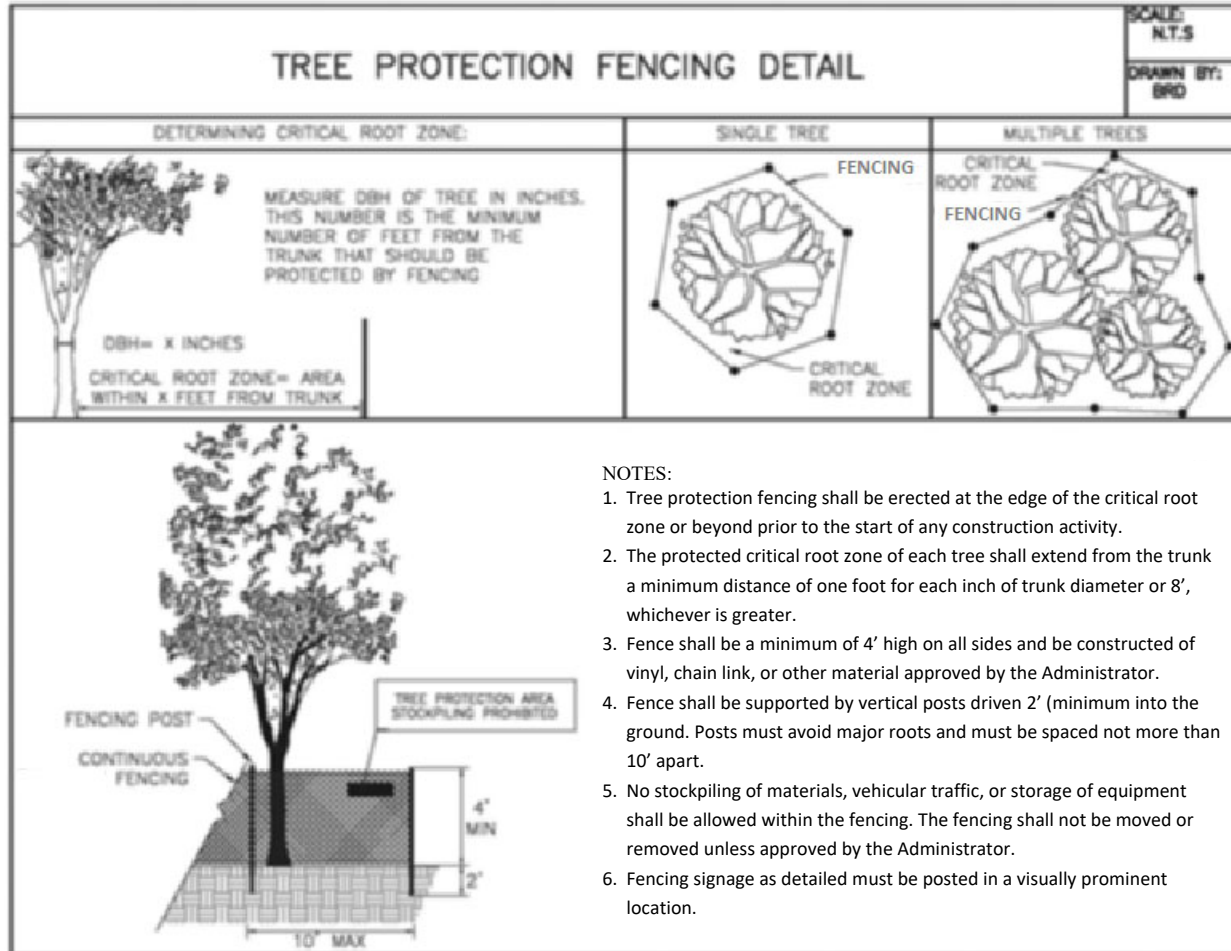
11.9.4. TREE PRESERVATION REQUIREMENTS

To protect the existing tree canopy of wooded areas and to enhance the tree canopy of areas of diminished canopy, the following tree preservation and tree planting provisions are required:

- A. An informal site assessment of existing tree canopies using aerial photography, aerial drones, or other methods approved by the Administrator prior to site preparation or development/redevelopment activities. The site assessment shall also include an inventory of significant trees on the site. No tree removal or land clearing shall be permitted on a site prior to the tree canopy assessment unless approved through the modification process or early grading has been approved through the Site Plan review process.
- B. For residential subdivisions, at least fifty (50) percent of the required open space as set forth in Table 10.5-1 shall be comprised of tree canopies identified during the informal site assessment that are contiguous to the extent possible, with priority given to canopied areas that include significant trees, and designated as a tree save area. Tree save areas shall count towards passive open space and shall be provided in a manner consistent with provisions in Section 10.5.
- C. Trees may be excluded from preservation requirements in the event that they that are dead, diseased or unsafe as determined by the Administrator, or at the general discretion of the Administrator.
- D. If the tree save area does not meet the minimum required percentage of open space from canopies identified during the site assessment, then additional trees must be planted at a spacing of thirty-five (35) feet by thirty-five (35) feet and in compliance with materials and installation provisions in Article VII of the City’s Technical Standards Manual and additional installation provisions of this section.
- E. Results from the initial site assessment for tree canopies and significant trees, identified tree save areas, and identified areas where trees, vegetation, and soils may be removed or modified shall be submitted as part of the landscape plan requirements in Section 11.2.1. The approval of this plan shall require an enforceable restriction on property usage that runs with the land to ensure that future activities maintain the tree save area consistent with the approved project plans.
- F. Tree save areas shall not be disturbed, cut, damaged, or removed, except for in instances described in Section 11.9.3.
- G. Protective barricades shall be placed around the tree save areas at least one (1) foot of radial distance from trunks of perimeter trees for every inch of tree DBH of the perimeter trees or at least eight (8) feet radial distance from trunks of perimeter trees, whichever is greater, prior to the start of development activities or grading.

Refer to (Figure 11.9-1) for tree protection fencing specifications. The protective barricades shall be identified on the landscape plan as per Section 11.2.1.

Figure 11.9-1: Tree Protection Fencing Detail (Source: City of Concord)



- H. To prevent unintended compaction of soil, the area within the protective barricade shall remain free of all building materials, dirt or other construction debris, construction traffic, storage of vehicles and materials, and mass grading.
- I. Except for driveway access points, sidewalks curb and gutter, no paving with concrete or other impervious materials within five (5) feet of protective barricades are allowed unless otherwise approved by the Administrator.

11.9.5. INSPECTIONS

The City Arborist, landscape architect or other qualified persons designated by the City are authorized to inspect the tree save areas. These designees are authorized to:

- A. Inspect the tree save areas at any time during construction.

- B. Inspect the tree save areas once a year after the issuance of a Certificate of Occupancy in order to ensure compliance with the approved site plan and to ensure that the tree save areas are properly maintained.
- C. The Administrator may issue a Notice of Violation for developments found to be in violation to comply with the provisions of this section.

11.9.6. TREE REPLACEMENT

- A. The following replanting requirements apply to those who commit a violation of these provisions resulting in the removal, damage, or death of trees in a tree save area. Trees removed in the tree save area due to emergencies, as specified in Section 11.9.3(C), and death by natural causes are excluded from these requirements.
 - 1. If tree save area affected by the violation is less than one (1) acre and tree stumps are present, replace at a one-to-one (1:1) ratio each removed, damaged, or dead tree with a tree of the same species.
 - 2. If tree save area affected by the violation is less than one (1) acre and tree stumps are not present, replant trees in the affected area based on the requirements specified in Section 11.9.4.(D).
 - 3. If tree save area affected by the violation is one (1) acre or more, replant trees in the affected area based on the requirements specified in Section 11.9.4.(D).
- B. Trees planted within the tree save area during site development/redevelopment activity and that die within one (1) year of construction completion shall be removed and replaced by the applicant.
- C. A plan denoting the proposed location and species of replacements shall be submitted to the Administrator for approval.