

ARTICLE 18. BUFFER STRIPS AND LANDSCAPING (revised 10-08-09)

In addition to the required information for each section of this Article, all buffers and landscaping must comply with the most recent edition of the "American Standard For Nursery Stock."

Section 18-1: Buffer Strips

Whenever a buffer strip is required by this Ordinance, such strip shall meet the specifications of this Section, unless different specifications are given in the Section where the buffer strip is required:

- (A) A buffer strip shall consist of a planted strip which shall be a minimum of 10 feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two rows of coverage are provided from the ground to a height of five feet at time of planting and foliage overlaps. A buffer strip may also be constructed of stone, block, brick, or other suitable building material, with a minimum height of five feet. The 10 feet required for the buffer strip may be in all normal front, rear, and side yard setback requirements of this chapter.
- (B) Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this Ordinance: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts land zoned for residential use.
- (C) All buffer strips shall become part of the lot on which they are located, or in the case of commonly owned land, shall belong to the homeowners' or property owners' association.
- (D) The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lessee.
- (E) If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Administrator shall be obtained before removing an existing natural buffer in the location on the required buffer strip.

- (F) Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, the Administrator may, in writing, allow substitution of a well-maintained wall constructed of wood, masonry or other opaque material at least six feet in height.
- (G) Where it is clear that a different buffer will protect neighboring property from harmful effects, the Board of Adjustment or Board of Aldermen, for conditional uses, may modify the buffer up to 5 feet and one row of vegetation.
- (H) For conditional uses, the Board may require a maintenance bond for the buffers, as a condition of approval.

Section 18-2: Landscaping on Public Property

It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground. This section shall be consistent with Section 16-8 Obstruction of Public Rights-of-Way and Section 16-10 Existing Encroachments on Rights-of-Way of the City of Southport Code of Ordinances.

Section 18-3: Trees and Shrubbery in or along Streets and Sidewalks

- (A) Citizens may plant trees in front of their lots and along the sidewalks adjacent to their property under the supervision of the Administrator, but no trees shall be planted in the streets, gutters, or ditches of the city. The Administrator shall notify all persons having trees in front of their lots to have them properly trimmed either by a company engaged in the business of tree trimming or by the property owners themselves following acceptable pruning standards. During normal street right-of-way maintenance by the Public Works Department, all city employees involved in trimming of trees shall operate under the direction of the Administrator and in accordance with acceptable pruning standards. In addition, all other public service or utility companies shall also follow the guidelines for acceptable pruning standards and shall notify the city prior to maintenance within the jurisdiction.

- (B) The cutting, trimming, destruction, lopping of branches or mutilation in any manner of trees or shrubbery standing along, in or extending over the street right-of-way of any municipal or state maintained street by any person is hereby prohibited, except when done under the supervision and according to the direction of the Administrator.

Section 18-4: Parking Facilities Landscaping

- (A) All parking facilities containing more than four spaces shall submit the site plan required by this Ordinance to the Planning Board for review and approval of the landscaping requirements of the section.
- (B) Minimum standards: At least eight (8) percent of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle or triangle.
 - (1) Trees and shrubbery planted pursuant to this section shall include at least one tree a minimum of two inch caliper in diameter and 12' to 14' in height and six (6) shrubs at least eighteen (18) inches in height at planting. At least fifty (50) percent of the trees planted shall be of a shade/canopy species as outlined by the Planning Board. (Example, in each required peninsula one tree and six shrubs minimum)
 - (2) In support of the above, the following standards shall apply to interior plantings:
 - (a) All plantings shall be evenly distributed throughout the parking facility.
 - (b) All interior plantings shall be curbed or otherwise physically protected.
 - (c) Consecutive parking spaces shall incorporate landscape peninsulas no more than ten (10) spaces apart and at least the ends of all parking rows. Peninsulas shall contain at least one hundred (100) square feet in area and at least eight (8) feet in width, measured from back of curb/barrier to back of curb/barrier.

- (C) For parking facilities containing five (5) to twenty-four (24) spaces or stalls inclusive, a perimeter landscape strip may be provided in lieu of interior landscaping, subject to the following requirements:
- (1) The minimum width of such strip shall be five (5) feet.
 - (2) For every fifty (50) linear feet or fraction thereof the perimeter landscape strip shall contain one (1) canopy tree of at least two inch caliper in diameter and 12' to 14' in height, and a continuous row (at least six) of shrubs at least eighteen (18) inches in height.
 - (3) Where a perimeter landscape strip overlays a street yard or bufferyard required elsewhere in this section, the more stringent requirements shall apply.

All perimeter landscaping strips shall be planted with a combination of live vegetation, groundcover, grass, trees, and/or shrubs. Vegetation planted pursuant to this section shall be selected from the list approved by the Planning Board and shall be maintained to ensure continued growth.

- (D) When a parking facility is within fifty (50) feet of the public right-of-way a perimeter planted strip shall be installed, consisting of a low buffer incorporated into the streetyard.
- (E) The Planning Board may waive all or part of the requirements of this section for any facility which is limited to periodic or intermittent use for vehicular parking, such as parking lots for churches or recreational facilities, provided the facility is completely covered by grass or otherwise presents a landscaped effect.
- (F) The Planning Board may waive the requirements of this section for temporary parking lots when determined that a waiver is necessary to relieve hardship and will not violate the purposes of this section. Any such waiver shall not exceed one year.

Section 18-5: Tree Protection During Construction

Except by permit, construction activities under the drip line of a tree are prohibited. Activities include, but are not limited to, treating or grading, storage of materials or equipment, passage or heavy equipment within the drip line and spillage of chemicals or other materials which are damaging to trees.

When applying for a permit, the party doing construction work under the drip line of a tree shall submit a plan showing in full detail the method or means by which a tree or trees will be protected during the entire construction process. The plan shall be subject to the approval of the Administrator or his/her designee. The plan must be approved prior to a permit being issued.

Section 18-6: Maintenance

- (A) All planted and retained living material, required to meet the provisions of this section, shall be maintained by the owner of the property on which the material is located. Any planted material which becomes damaged or diseased or dies shall be replaced by the owner within sixty (60) days of the occurrence of such condition. If, in the opinion of the Administrator, there are seasonal conditions which will not permit the timely replacement of the vegetation (e.g., too hot or too cool for successful replanting), this requirement may be administratively waived until a time certain.
- (B) Nonliving screening buffers shall be maintained, cleaned, or repaired by the owner of the property on which the buffer is located. Such buffers shall be kept free of litter and advertising.

Section 18-7: Authority of Public Works Director to Treat or Remove Trees on Private Property

No foliage shall be allowed to extend from public or private property into any portion of a street right-of-way below a height of eight (8) feet above the grade of the sidewalk at the property line, or, if no sidewalk grade has been established the height shall be measured vertically above the center of the roadway. The Administrator may cause or order corrective action to prevent any such condition from existing.

Section 18-8: Pruning Requirements

A permit is not required for the pruning of trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance to the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this section. The Public Works Director shall maintain on file at all times a copy of the current edition of Pruning Standards by the American Society of Consulting Arborists and shall make copies of such standards available for the cost of reproduction upon request.

Section 18-9: Exemptions

- (A) The Administrator may waive the requirements of this section during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other act of God.
- (B) If any tree shall be determined to be in a hazardous condition so as to (a) immediately endanger the public health, safety, or welfare, or (b) cause an immediate disruption of public service, the Public Works Director may determine that replacement with additional trees is necessary. In making determinations, the Public Works Director shall utilize such professional criteria and technical assistance as may be necessary.
- (C) This section shall not apply to the following types of property in the manner noted:
 - (1) Except for the construction of single-family residences in subdivisions prior to the recording of a final plat for the subdivision, single-family residences are exempt from this section.
 - (2) Property used for a business primarily engaged in the sale and display of motor vehicles, manufactured housing, boats, recreational vehicles, or similar equipment may have the required landscaping within the streetyard installed at a minimum height of eighteen (18) inches at planting and not exceeding three (3) feet at maturity.