

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE TOWN OF MAYSVILLE**

WHEREAS, following due advertisement announcing a public hearing as provided by law, the Board of Commissioners for the Town of Maysville, North Carolina held said public hearing on April 24, 2014 to consider an amendment of the Zoning Ordinance to add Landscaping standards in the Maysville Zoning Ordinance.

WHEREAS, at its regular meeting of March 6, 2014 the Board of Commissioners received a Planning Board report and recommendation to amend the Zoning Ordinance by adding Landscaping Standards that would be consistent with adopted plans and policies, and

WHEREAS, the Board of Commissioners of the Town of Maysville, North Carolina having heard public comment, has determined the Planning Board's recommended amendment with statement of plans and policies consistency is reasonable and in the public interest.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Maysville for the protection of public health, welfare, and safety and given due consideration to the matter, hereby amends the Town of Maysville Zoning Ordinance to read as follows:

**SECTION 1.**

**Add: Section 6.02 - Landscaping Standards**

**A. Purpose and scope**

This section is intended to establish minimum standards for the design of landscapes for uses other than single family and two-family residential to improve the community aesthetically, economically and environmentally.

**B. Definitions**

The following definitions shall apply to the regulation and control of landscaping within this article:

**Caliper:** A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

**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.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Deciduous: Those plants that annually lose their leaves.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: A plant growing to over 20 feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.

Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planting Yard: The required installation of landscaping and screening materials between zoning districts and sometimes individual uses.

Type A Planting Yard: A planting strip having minimum width of 8 feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type B Planting Yard: A medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between uses with differing intensities and create spatial separation.

Type C Planting Yard: A medium density screen having a minimum width of 20 feet which is intended to substantially block visual contact between uses with differing intensities and create spatial separation. A Type C Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent uses.

Type D Planting Yard: A very high density screen having a minimum width of 30 feet which is intended to substantially block visual contact between uses with differing intensities and create spatial separation. A Type D Planting Yard reduces lighting and noise that would

otherwise intrude upon adjacent uses.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Medium: A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Street Tree: A tree planted along the street behind the right-of-way.

Street Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of the development by providing a pleasing view from the road.

Tree, Ornamental: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, Shade: A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

### C. Applicability

The provisions of this ordinance shall apply to all uses other than single family and two-family residential.

### D. Planting yards

1. Planting Yards are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas.
2. Use Levels. The planting yard types are determined by four different levels based on general use types. Level 1 is the least intense use type and level 4 is the most intense use type.
  - Level 1: Residential single-family and duplex
  - Level 2: Multi-family
  - Level 3: Business – Indoor and outdoor
  - Level 4: Industry
3. In the case of a group development, the outer boundaries shall be landscaped according to the requirements of Table 404.6 and Table 404.61. The interior boundaries abutting out parcels within a group development must comply with the

requirements of Table 404.6 and Table 404.61 at the time of their development.

**E. Planting Yard Table**

The Planting Yard Table 6.02 E shows how the four different levels of use classification relate to one another to determine the type of Planting Yard that is required.

**Table 6.02 E -- Planting Yard Table**

		Leas t Intensive	▶	▶	M ost Intensive
<i>Adjacent Use Level</i>					
Leas t Intensive	<i>Prop osed Use Leve l</i>	1	2	3	4
▼	1	*	*	*	*
▼	2	B	* A*	A	A
▼	3	C	B	** A	A
Most Inten sive	4	D	D	C	* A*
* = <i>No Planting Yard Requirement</i>					
** = <i>Where like uses abut one another, the planting yard requirement for the Type A Yard shall be a minimum average width of 8 feet, but at no time shall the width be less than four (4) feet.</i>					

**F. Planting Yard Landscaping**

1. Table 6.02 F(1) shows the planting requirements of the Planting Yard Types A-D and Street Yards. Each Planting Yard has a specified width, type of plant material and quantity of plant material that is required. The width and density of the Planting Yard increases as the difference in zoning classifications increase. Table 6.02 F(2) shows the points allocated to the different types of plant materials.

**Table 6.02 F(1) Planting Yard Landscaping**

Planting Yard Type	Minimum Width (in feet)	Minimum Shade Trees	Minimum Ornamental Trees	Shrubs	Required Points per 100 Linear Feet (per foot)*
	8	optimal	1 every 50'	optional	40 (0.40)
	15	1 every 75'	1 every 100'	optional	70 (0.70)
	20	1 every 50'	1 every 75'	optional	90 (0.90)
	30	1 every 50'	1 every 50'	optional	100 (1.0)

\* To determine the number of points needed per project, multiply the length of the individual yard by the multiplier shown. For example a project with a planting yard length of 65 linear feet would require 26 points for a Type A yard ( 65 X 0.40 =26).

**Table 6.02 F(2)**

POINTS FOR PLANTING YARDS	
	POINTS
SHADE TREE	12
ORNAMENTAL TREE	6
LARGE SHRUB	3
MEDIUM SHRUB	2
SMALL SHRUB	1

2. A wall or fence, a minimum of six (6) feet in height (constructed of masonry or pressure treated lumber) or densely planted vegetation a minimum of six (6) feet in height that would provide a complete visual separation within three (3) years of planting, may be used to reduce both the minimum width of the Planting Yards and the corresponding number of points per linear foot by 20%.
3. In Type B Planting Yards, ornamental trees may be substituted for shade trees at the rate of two (2) ornamental trees for each required shade tree.

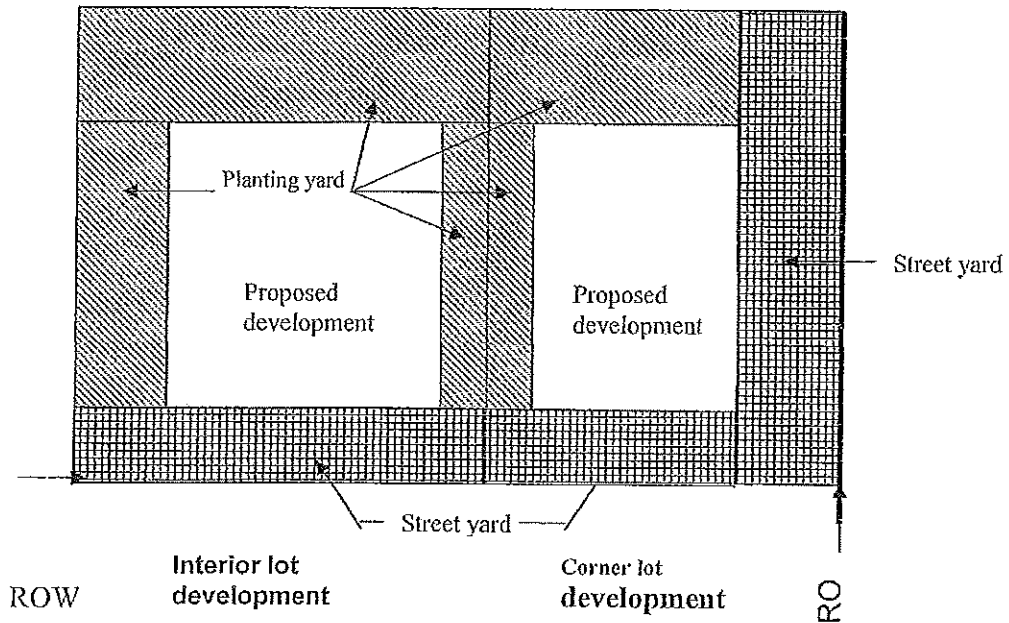
4. All trees in Street Yards shall be planted no closer than four (4) feet from any public right-of-way
5. For the purpose of this section, building setbacks shall supersede Planting Yard landscaping requirements.

**G. Street Yard Landscaping**

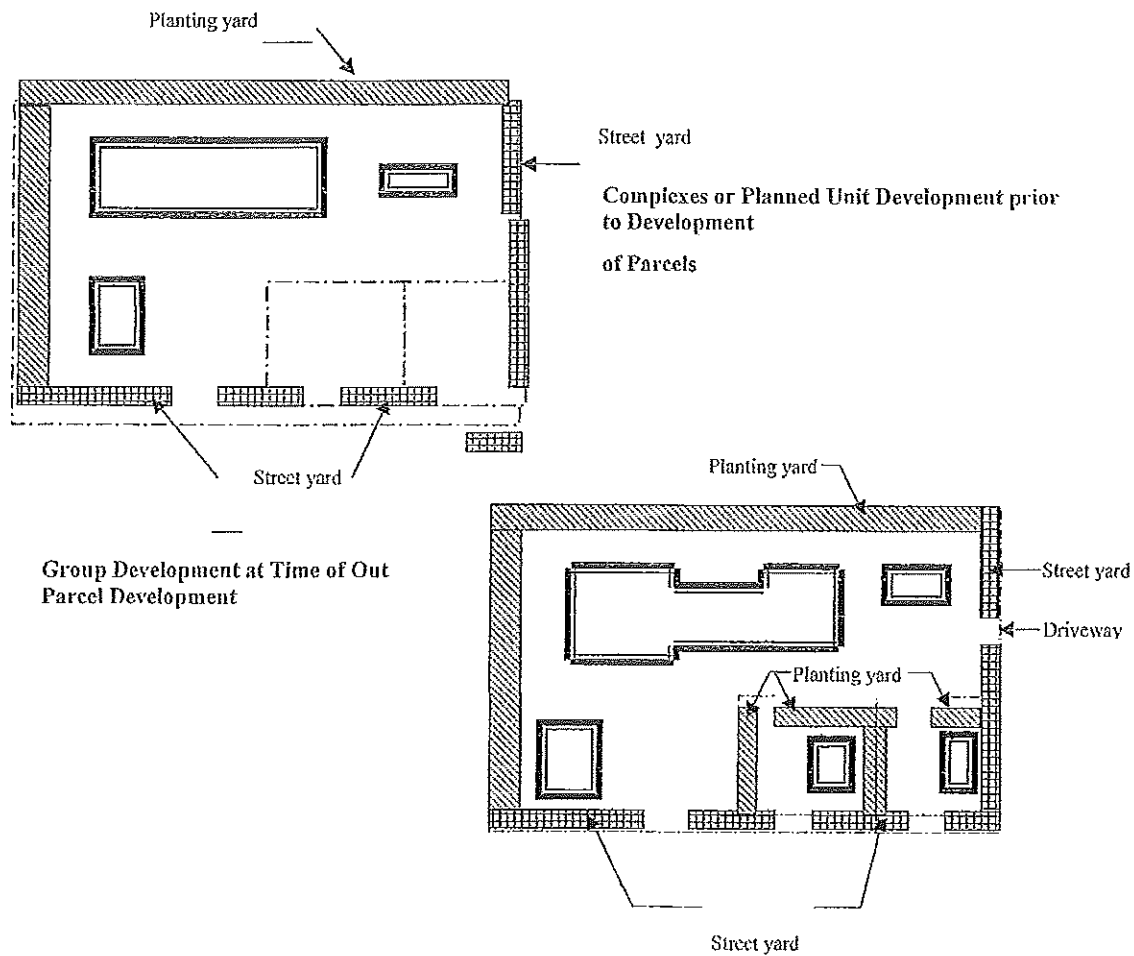
**Table 6.02 G (1) Street yard landscaping**

STREET YARD LANDSCAPING				
		Trees		Shrubs
	Minimum Width	Shade	or	
Requirements	8'	Ornamental	or	Optional
		1/25'		

**6.02 G (2) Planting yard diagram**



6.02 G (3) Planting Yard for Complexes or Planned Unit Developments diagrams



**H. Landscaping and design standards for street yards**

A Street Yard consists of a Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

1. Street Yards shall be a minimum of eight (8) feet wide
2. Street Yards shall contain one shade tree per thirty-five (35) linear feet, or one ornamental tree per twenty-five (25) linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical.

3. Parking, merchandise display and off-street loading are prohibited in the street yard.
4. Any tree or shrub planted within a sight triangle shall comply with Section 3.08 Vision Clearance and at Intersections.

**I. Standards for landscaping within parking lots**

1. All new parking lots with 12 or more spaces shall comply with the requirements of this section.
2. If an existing parking lot (paved or unpaved) is expanded or improved to add 12 or more spaces, it shall comply with the parking lot requirements of the landscape ordinance within the expanded or improved portion.
3. If a parking lot is expanded or developed, then Street Yard, Planting Yard, and parking lot requirements shall be applicable.
4. In parking lots with 12 or more spaces, trees shall be planted at a rate of one shade tree or two ornamental trees for every 12 spaces or fraction thereof.
5. 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 of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
6. Trees required within the Planting Yards or Street Yards cannot be credited toward the parking lot requirements.
7. Planting Areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches.

**J. Tree preservation and care during construction**

Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the Town's Zoning Administrator prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.



Credit for existing trees within parking lots and Planting Yards will be given at the rate of 18 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation is 4 inches (DBH).

Should any tree designated for preservation in the tree preservation plan die at anytime after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the Zoning Administrator. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

#### **K. Landscaping plan requirements**

Projects requiring site plans must also submit a landscaping plan for review showing the following information:

Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends.

Property lines and zoning designation of adjacent properties

1. Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
2. Existing plant materials and areas to be left in natural state
3. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
4. Locations, size and names for all proposed plants
5. Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas
6. Planting and installation details as necessary to ensure conformance with all required standards
7. Location of overhead and underground utilities
8. Landscape Compliance Summary Table. This Table shall list required Planting Yards by Type, length, points required and plants to meet the points requirement. It shall also include length of Street Yard and Trees by type (shade or ornamental) to meet the tree planting standard. This Table shall include the number of new parking spaces provided and the trees required and the trees proposed to meet Parking Lot Landscape requirements.

**L. Landscape standards and specifications**

1. The developer shall furnish and install all plant materials listed on the plan schedule.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
3. Plant materials must be from the Recommended Plant List or known to be hardy in USDA Plant Hardiness Zone 7. Plants included in the Plant Types to Discourage List may not be used to meet the requirements of this Ordinance.
4. Shade trees must be a minimum of 2 inches in caliper. Ornamental trees must be a minimum of 6 feet in height at the time of planting. (Six feet from top of root ball to top of tree.)
5. No tree may be planted in the sight triangle.
6. Do not use staking materials unless it is absolutely necessary. If staking is necessary, than the developer/property owner must remove the staking materials after one growing season.
7. Property owners ensure the survival and health of required tree in perpetuity.
8. A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable for landscaping.
9. The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
  1. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the Planting Areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the Planting Area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.
  2. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
10. Each tree or shrub, shall be pruned in an appropriate manner, in accordance with accepted standard practice.

11. All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
12. Existing trees shall be preserved whenever possible.
13. All planting areas shall be mulched with a two-to-three inch layer of bark or other similar material to cover the Planting Area.

**M. Alternative methods of compliance**

1. Use of Alternate Plan, Material, or Methods: Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.
2. Approval of Alternate Plan: The Maysville Planning Board may approve an alternate plan, which proposes different plant materials or methods if quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.

**N. Plant substitution**

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting may be approved by the Zoning Administrator or his/her designee if the following are true.

- A. There is no reduction in the quantity of plant material.
- B. There is no significant change in size or location of plant materials
- C. The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

SECTION 2

Renumber the following Sections:

Section 6.02 – Regulations Governing Signs as Section 6.03

Section 6.03 – Temporary Uses as Section 6.04

Section 6.04 --Group Development Regulations as Section 6.05


Section 6.05 –Mobile Home Park Regulations as Section 6.06

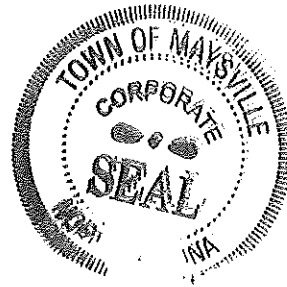
SECTION 3

Delete Section 6.01.B.5 Landscaping in its entirety and sequentially re-number the remaining subsections.

This ordinance shall be effective from and after its adoption.

DULY ADOPTED this 1 day of May, 2014

  
Edward Waltz, Mayor



ATTEST:

  
Hans Kalwitz, Town Clerk