

# 8 TREE PROTECTION, LANDSCAPING AND BUFFERS *[Revises Section Z-12]*

## 8.1 PURPOSE *[Revises Z-12.A]*

The appropriate use of existing and supplemental landscaping enhances the aesthetic appearance of Wilson. Trees and plants contribute to the overall quality of the community and provide aesthetic, environmental and economic benefits. The purpose of this section is to:

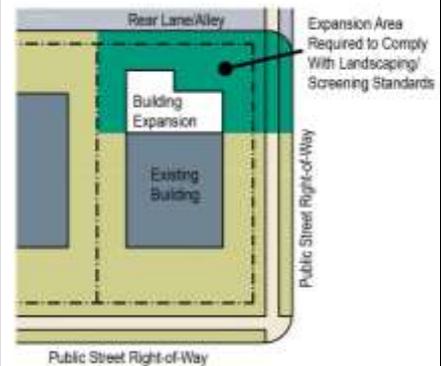
- Enhance appearance and increase property values in the City of Wilson.
- Provide visual buffers and transitions between dissimilar land uses and protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of a property and provide a sense of privacy.
- Improve the visual quality of the City of Wilson and minimize the potential impacts of development such as noise, dust, and glare of lights.
- Improve the quality and efficacy of stormwater run-off while also providing opportunities for climatic control and reduced electricity costs.
- Contribute to the overall quality of life and the built environment in Wilson.

## 8.2 APPLICABILITY *[Revises Z-12.B]*

### 8.2.1 APPLICABILITY MATRIX

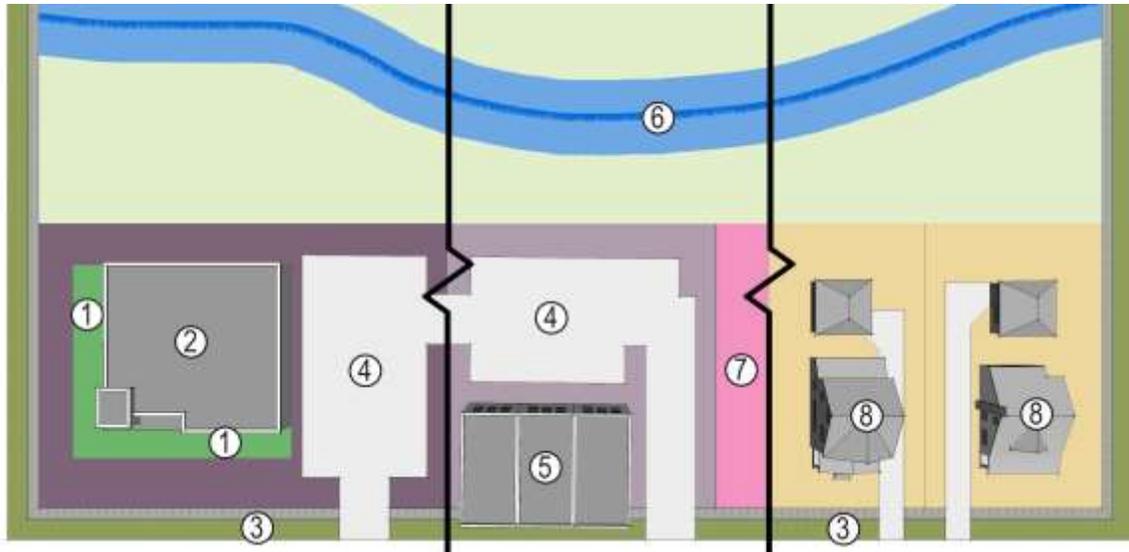
The standards contained in this chapter shall apply to the following development conditions:

Development Condition	Applicability
New Construction (Except Single-Family and Two-Family Dwellings on Previously Platted Lots)	All standards apply
Expansion of Parking Areas (Less than 50% of Total Existing Area or less than 12 spaces)	All standards apply only to the parking lot expansion areas.
Expansion of Parking Areas (50% or Greater of Total Existing Area or 12 spaces or more)	All new and existing parking areas and non-conforming street frontages per Section 8.6 shall be brought into full compliance with this chapter.
Building Expansion (Less than 50% of Existing Floor Area)	All standards shall apply only to the area around the addition that is parallel to any edge of the expansion area and extending to the property line or street pavement edge. This includes required street trees. (See diagram)
Building Expansion (50% or Greater of Existing Floor Area)	The entire site shall be brought into full compliance with this chapter.
Change of Use (From Residential to Non-Residential, OR any change of use which requires a more dense buffer yard)	The entire site shall be brought into full compliance with this chapter.
Change of Use (From Non-Residential to another Non-Residential)	The site shall be brought into compliance with Sections 8.4 and 8.5.
Building Interior and/or Exterior Renovation Only	Compliance with this chapter is not required.



### 8.2.2 REQUIRED SITE LANDSCAPING AREAS

The diagram below is intended to provide guidance by illustrating the type of landscaping areas and buffer yards required by this chapter. This diagram is not inclusive of the required landscaping and buffer areas for all development applications.



1. Building perimeter landscaping (NC, GC & HC Districts only, see Section 8.5.3)
2. Commercial building (NC District)
3. Planting strip (5-foot minimum width, see Section 8.5.1) and sidewalk (see Section 6.9)
4. Parking areas (see Section 8.6 for landscaping requirements)
5. Mixed-use buildings (NMX District)
6. Watercourse buffer (see Section 8.8)
7. Required buffer yard (see Section 8.7)
8. Single family detached residential lots (SR4 District)

### 8.2.3 LANDSCAPE PLAN REQUIRED

Prior to obtaining a Compliance Certificate, an applicant must receive approval of a landscaping plan that shall satisfy the requirements of this chapter.

### 8.2.4 REVISIONS TO LANDSCAPE PLAN

Revisions due to lack of plant availability may be approved by the Administrator if:

- 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., canopy trees, understory trees, shrubs, groundcover) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.
- D. The new plants are appropriate to Wilson's local climatic conditions in terms of seasonal hardiness and ease of maintenance.

### 8.2.5 GENERAL PROVISIONS

- A. Landscaping must be installed, inspected and approved prior to the issuance of a Certificate of Occupancy. A Certificate of Occupancy accompanied by a bond as

noted in B, below, may be granted to permit installation of required landscaping subsequent to occupancy of the building.

- B. If the season or weather conditions prohibit planting, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125% of the cost of installing the required landscaping to guarantee the completion of the required planting. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
- C. The owner of the property where required landscaping is planted shall be responsible for the maintenance and protection of all required plant and screening materials so as to continue their effectiveness. The owner shall replace any required plantings, which die or otherwise fail to satisfy the requirements of this chapter, within 180 calendar days with an equal or similar species and size. When plant material is severely damaged due to unusual weather conditions, disease, fire or unforeseen natural occurrences, the owner shall have up to 365 calendar days to replant with submittal of a guarantee. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a violation.
- D. If existing vegetation is to be used in complying with any part of this section, a plan for the protection of this vegetation during construction must be incorporated into the landscape plan and approved by the Administrator.
- E. If a wall, fence or berm is used in conjunction with any vegetation to satisfy any requirements of this chapter, all required vegetation shall be placed on the side of the fence or wall of the property(ies) adjacent to the development site under consideration.

### 8.2.6 ALTERNATIVE COMPLIANCE

- A. Landscape plans proposing alternative methods of compliance may be used where unreasonable or impractical situations would result from application of the specific landscaping requirements in this chapter. Such situations may result from streams, natural rock formations, topography or other physical conditions; or from lot configuration, utility easements or unusual site conditions.
- B. The Administrator may approve an alternate plan which proposes different plant materials or placement, provided that quality, effectiveness, durability, and performance are equivalent to that required by this section.
- C. Decisions of the staff regarding alternate methods of compliance may be appealed to the Board of Adjustment in accordance with Section 15.12.

### 8.3 TREE PROTECTION ON PUBLIC PROPERTY *[Adapts City Code Part III-Chapter 37]*

The purpose of this section is to regulate the planting, maintenance and removal of trees on public property and rights-of-way within the city and municipally-owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this chapter provides for the pruning, treatment and removal of trees and shrubs on private property and the regulation of digging or other activities on private property which may endanger such trees. This section is also intended to provide for the trimming or removal of trees on private property when they obscure streetlights, interfere with utility lines or constitute a hazard to pedestrian or vehicular traffic, thus endangering the public health, safety or welfare. This chapter is enacted by authority of, and made applicable to the city by, Chapter 328 of the 1977 Session Laws of the General Assembly of North Carolina.

### 8.3.1 PLANTING, MAINTENANCE, OR REMOVAL (PERMIT REQUIRED)

- A. Maintenance or Removal of Trees on Public Property:** Any tree located within the public right-of-way or other public area is property of the City of Wilson and shall not be removed, fertilized, destroyed, cut, severely pruned (including the root system), treated or otherwise disturbed in any manner by any person or entity other than the City of Wilson, without permission from the Administrator authorizing such action. Any work performed under such permission must be done in strict accordance with any arboricultural specifications and standards of practice imposed by the city.
- B. Planting of Trees on Public Property:** Any person desiring to plant a tree or shrub upon any public right-of-way or public area must also obtain a permit from the Administrator.
- C. Treatment of Trees by Utility Companies:** When a permit is given by the Administrator to a public service corporation or utility to trim or perform other operations affecting trees on public areas and rights-of-way pursuant to this chapter, the amount of such trimming or extent of other operations shall be limited by the actual necessities of the service of the company or utility and such work shall be done in a neat and workmanlike manner and according to the specifications of the Administrator.
- D. Protection During Surveying:** No tree located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the Administrator.

### 8.3.2 INJURING TREES OR SHRUBBERY IN PUBLIC PLACES

- A. Impervious Material & Protecting Roots:** It shall be unlawful for any person, except with written permit, to place or maintain upon the ground in any public right-of-way or public area any stone, cement or other impervious substance as may obstruct the free access of air and water to the roots of any tree or shrub.
- B. Protecting Trees During Construction Activity:** It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard or protector around any tree or shrub on public areas or rights-of-way so as to prevent injury to such tree or shrub. If the erection, repair, alteration or removal of any structure shall require the trimming, pruning or removal of any tree upon public areas or rights-of-way, a written permit shall be obtained. (See also Section 8.11.5)
- C. Tree Topping:** Tree topping and/or shearing shall be prohibited on all trees on public property, designated rights-of-way, required tree save areas, landscaping, and buffer yards unless otherwise approved by the Administrator.
- D. Prohibited Use of Attached Devices:** It shall be unlawful for any person to attach any item to any tree or shrub in or upon any public right-of-way or public area or to the guard or stake intended for its protection, except for the purpose of protecting it or the public upon the written permission of the Administrator.
- E. Fires & Burning:** It shall be unlawful for any person to set fire to or permit any fire to burn where such fire or the heat will injure any tree or shrub in or upon any public area or right-of-way.
- F. Excavation:** It shall be unlawful for any person to excavate any ditches, tunnels or trenches or construct any drive within a radius of 10 feet from any trees on public areas and rights-of-way without first obtaining permission from the Administrator.

**8.3.3 AUTHORITY TO TREAT & REMOVE TREES**

- A. Trees and Shrubs on Public Areas:** The Administrator shall have the right to plant, trim, spray, preserve and remove trees and shrubs on all public rights-of-way and public areas or issue a permit for such action as may be necessary to ensure safety or preserve the appearance and beauty of such public areas.
- B. Trees and Shrubs on Private Areas:** The Administrator, under the power herein given, may also remove, trim, treat, or otherwise maintain any tree, shrub or part thereof on a private area which in some way endangers public health, safety or welfare on public property or which is injurious to sewers or other public improvements or is affected with any injurious disease, insect or other pest.
- C. Removal of Trees:** Removal of trees shall be selectively carried out based upon the following criteria:
  1. A showing of evidence that the tree constitutes a public safety problem,
  2. A showing of evidence that the tree constitutes a personal safety problem for an individual, including, but not limited to, the location, size or condition of a tree resulting in a recognizable safety problem for an individual's interest and not merely an inconvenience.
  3. The tree constitutes a problem for public improvements, including, but not limited to, the condition or location of the tree or parts thereof which are destructive or pose hazards to public improvements and public property including its use and safety.

**8.3.4 EMERGENCIES**

In case of emergencies, such as windstorms, ice storms or other disasters, the requirements of Section 8.3.1 may be waived by the Administrator during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order in the city.

**8.3.5 REPLACEMENT AND REMOVAL FEES**

Where a tree, or a part(s) thereof, within a right-of-way does not meet the criteria of Section 8.3.4.C for removal, but is requested to be removed by a property owner and such removal is approved by the Administrator, the property owner shall be assessed a removal charge equal to the greater of \$500, or an amount equal to the total actual cost to the city of such removal as determined by the Administrator based upon documented labor and equipment cost.

**8.4 TREE PROTECTION ON PRIVATE PROPERTY**

The preservation of existing trees or shrubs to satisfy the landscaping requirements of this chapter is expected. New development, through the protection of trees and existing vegetation, should be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features and to complement the existing topography when practical.

**8.4.1 BASELINE TREE CANOPY COVERAGE REQUIREMENT**

- A. Coverage Area by District:** Land or property shall maintain a minimum baseline canopy coverage area, regardless of use, according to the following table (tree and shrub types are defined in Section 8.10.2):

Districts	Coverage Area Requirement
R/A, MHR, SR4, SR6, GR6	1 Canopy Tree and 1 Understory Tree per 4,000 square feet of parcel area
NC, GC, HC, ICD, UR, RMX	1 Canopy Tree and 1 Understory Tree per 5,000 square feet of parcel area
LI, HI	1 Canopy Tree and 1 Understory Tree per 8,000 square feet of parcel area
IMX, NMX, CCMX	No Requirement

**B. Priority Tree Protection Areas:** The coverage area requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both. Every reasonable effort should be made to meet the baseline canopy coverage area through the retention of existing vegetation in the following Priority Areas of the site:

1. Required Buffer yards between conflicting uses (as defined in this section);
2. Thoroughfare Buffers and Streetyards;
3. Watercourse Buffers and Wetlands;
4. Conservation Easements;
5. Special Flood Hazard Areas;
6. Historic, Landmark and/or Specimen trees which meet the requirements of this section.

**C. Credit for Other Required Trees:** Trees planted to satisfy the requirements of this ordinance may be credited toward the minimum baseline tree canopy coverage requirement, except for street trees and other vegetation in publicly-dedicated rights-of-way.

**8.4.2 PRESERVATION OF SPECIMEN TREES**

It is the intent of this section to promote the preservation of trees which are of a significant size and/or of such a historic nature as to be an asset to the community as a whole. Where there exists one or more Specimen Trees on property subject to the regulations of this section, such trees shall be preserved and protected or, if it is necessary to remove such trees, they shall be replaced, according to the protection standards as outlined in this section.

**A. Criteria for Specimen Trees:** For the purposes of this section, Specimen Trees shall be defined as those trees which meet one or more of the following:

1. Any tree which equals or exceeds the following diameter at breast height (or approximately 4.5 feet above grade – DBH) or which otherwise is noteworthy because of species, age, size, or other exceptional quality, uniqueness and rarity:

Tree Type	Tree Diameter Size
Canopy	20" DBH
Understory	8" DBH*

*\* Reference ANSI Z60.1-2004 for multi-stem trees.*

2. Designation as a Treasure Tree by the Wilson County Treasure Trees Awards Program
3. Designation as a Landmark Tree by the Wilson City Council according to the provisions of Section 8.5.2.C below

**B. Condition of Specimen Trees:** To qualify as a Specimen Tree, a certified arborist must determine the tree to be in fair or better condition according to the following minimum standards:

1. The tree must have a life expectancy of greater than 10 years;
2. The tree must have a relatively sound and solid trunk with no extensive decay or hollowness, and less than 20 percent radial trunk dieback;
3. The tree must have no more than one major and several minor dead limbs;
4. The tree must have no major insect or pathological problem.

**C. Designation as a Landmark Tree by City Council:** Upon petition by the owner of the property on which the tree(s) is located, and the recommendation of a certified arborist, the Wilson City Council may designate a specific tree or group of trees as a Landmark. In order to be designated as such, one of the following criteria must be demonstrated by the owner:

1. Using the measurement and point system established for state and national champion trees, a nominated tree must have a point total of at least 50% of the current state champion for the particular species; or be a highly-visible or recognizable tree or group of trees which has significance for the entire community; OR
2. The tree or group of trees must be at least 50 years old, and must be associated with a specific and significant historic event or individual; or contribute to the character of a historic building or property.

**D. Credit for Preservation of Specimen Trees:** Landscape credits shall be awarded for the preservation of specimen trees according to the following table:

Existing DBH of Preserved Tree(s)*	Number/Type (Canopy or Understory) of Tree Credits
8" + (Understory)	2 / Understory
20" – 30"	3 / Canopy
31" – 41"	4 / Canopy
42" +	5 / Canopy

*\*DBH shall be rounded off to the nearest inch.*

**E. Replacement of Specimen Trees:** When a specimen tree is removed from a site during construction, or dies within 5 years following construction, the applicant or developer shall replace such tree on the lot using one or more of the following methods as approved by the Administrator:

1. Trees may be replaced according to the chart below:

Tree Removed	Tree Replaced
12" to less than 18" caliper tree	Three 2.5" caliper trees
18" to 24" caliper tree	Four 2.5" caliper trees
24"+ caliper tree	Five 2.5" caliper trees

2. Trees may be replaced with trees and/or landscaping of equal value. Valuation of the tree removed or lost shall be determined by the Administrator in consultation with a person qualified by training or experience to have expert knowledge of the subject. Valuation of trees and vegetation shall be established in accordance with standards established by the Council of Tree and Landscape Appraisers (CLTA).
3. If replacement isn't feasible or desired, as determined by the Administrator, a monetary sum equal to the value of the lost or removed specimen tree(s) may

be paid to a tree planting fund maintained by the City of Wilson for the purposes of planting and maintaining trees throughout the jurisdiction of the city.

**8.4.3 ESTABLISHMENT OF TREE SAVE AREAS (TSA)**

Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, it is encouraged that, wherever possible, development sites should be designed and developed so that Tree Save Areas (TSAs) are designated in a single, contiguous unit.

- A. Tree Credit Incentives:** Trees preserved in Tree Save Areas may be credited towards compliance with the requirements of this section according to the following calculation: 1 tree credit per 700 square feet of protected area. The extent of the canopy spread of the tree or trees at the outer edges of the Tree Save Area shall constitute the limits of the Tree Save Area for the purposes of this measurement. Watercourse buffer areas and wetlands are not eligible for the tree credit and the respective amount of parcel area is exempt from the baseline tree coverage requirement.
- B. Additional Incentives:** The following incentives are offered to encourage tree preservation within TSAs. Individual TSAs may only be counted toward one of the incentives listed below.

Action Taken		Incentive
1.	Establishment of a Tree Save Area Along a Street	Reduction by up to 50% of required street tree plantings at the rate of 1 less street tree for every 700 square feet of TSA established.
2.	Establishment of a Tree Save Area In or Adjacent to a Parking Area	Reduction by up to 50% of required parking lot plantings at the rate of 1 less canopy tree or 2 less understory trees for each 700 square feet of TSA established.
3.	Establishment of a Tree Save Area in or along a required buffer yard	Reduction by up to 50% of required buffer yard plantings at the rate of 1 less canopy tree or 2 less understory trees for each 700 square feet of TSA established. The remaining buffer yard must still meet the required opacity as established in Section 8.7.2.

- C. Tree Save Area Requirements:** In order to qualify for the incentives offered in A and B, above, designated Tree Save Areas must conform to the following standards:
  - 1. Minimum Tree Density:** The TSA shall contain, as determined by an informal site assessment, a minimum tree density of at least 1 tree of 2" diameter at breast height (DBH) and a minimum of 10' in height per 700 square feet.
  - 2. Tree Species:** In order to be established as a designated Tree Save Area, the trees contained in these areas shall primarily be a mixture of healthy and useful canopy deciduous trees.
  - 3. Maintenance & Ownership:** When a TSA is established in association with the incentives as listed in this section, it should be designated, where possible, as a dedicated open space, or in a conservation easement.
  - 4. Tree Removal Inside Tree Save Areas:** Trees that are in poor health, as determined by the Administrator, may be removed from Tree Save Areas. All tree removal within TSA must have prior approval by the Administrator pursuant to the provisions of this section. However, in an emergency situation due to storm damage, or to alleviate an imminent hazard to the health, safety

and welfare of the citizens, or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

**5. Dead or Unhealthy Trees**

- a. No credit will be allowed for any dead tree, any tree in poor health, or any tree subject to grade alterations.
- b. The death or unhealthy state of any tree(s) used for tree credits, within 3 years of establishing the TSA, shall require the property owner to plant new trees equal to the number of credited trees.
- c. If any tree(s) used for preservation credit is improperly protected or determined to be hazardous, the Administrator may require new trees be planted equal to the number of credit trees.
- d. The Administrator may require trees left outside preservations areas to be removed if improperly protected or determined to be hazardous.

**8.5 STREET TREE AND BUILDING PERIMETER PLANTINGS [Expands Z-12.C]**

It is the desire of the city to maintain tree-lined, pedestrian-friendly streets throughout the community. Street trees shade the pedestrian realm of the street, encourage cars to move more slowly, improve pedestrian safety by creating a buffer between the moving cars and the sidewalk, absorb stormwater, absorb pollutants from tailpipe emissions, and add value to the fronting properties.

**8.5.1 STREET TREE PLANTING REQUIREMENTS**

Street trees shall be planted in all rights-of-way adjacent to the development, between the street and the sidewalk, in accordance with the table and provisions below:

District	Requirement
R/A, OS Districts	Not required
MHR, SR4, SR6, GR6, UR, RMX Districts	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width)*
NMX, IMX, CCMX, NC, GC, HC, ICD, LI, HI Districts	Rate: 1 Canopy Tree for every 50 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width)* or Tree Well (25-square-foot minimum area)
NMX, IMX, CCMX, NC, GC Districts with On-Street Parking & Ground Floor Retail	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: Tree Well (25-square-foot minimum area)*
Existing Development with Non-Conforming Frontages	See Section 8.2*

*\* Understory Trees may be substituted for Canopy Trees in existing development with planting strips less than 5 feet wide or tree wells less than 25 square feet.*

- A. **Median Trees:** Whenever a boulevard street type is constructed, the developer or applicant shall also install trees in the boulevard median at the rate of 1 Canopy Tree for every 50 linear feet of road median. Understory Trees may be substituted for Canopy Trees in medians less than 10 feet wide. The maximum spacing between trees shall be 50 feet on-center.
- B. **Existing City-Adopted Streetscape/Tree Planting Plan:** Where a city-approved existing tree pattern exists on a street, the placement of new trees shall be compatible with the established pattern/species.

- C. **Private Drives for Commercial Development:** Private drives, including vehicular ways between parking areas and building frontages, which serve commercial lots shall meet the street tree planting requirements of Section 8.5.
- D. **Residential Driveway/Alley:** Landscaping is not required along any residential driveway or alley.

### 8.5.2 STREET TREE SPECIFICATIONS

- A. Where street trees are required, such trees shall be within the right-of-way and be planted in a planting strip between the sidewalk and the traveled way or in tree wells located along the street/sidewalk, except where the Administrator determines this impossible due to insufficient right-of-way, topography, utility conflicts, or conflicts with NCDOT-operated roads. Where the Administrator determines that it is impractical for street trees to be located within the right of way, compliance with this section may be achieved by planting street trees on private property.
- B. Tree wells shall provide a root aeration zone around the base of a tree. If the adjacent sidewalk is less than 6 feet in width, tree grates shall be provided to cover the exposed area of soil and to widen the pedestrian passage zone along the sidewalk.
- C. Street trees must (unless approved by the Administrator) maintain the same species, spacing, and distance from the street along both sides of the street.
- D. The Administrator may approve the use of Understory Trees instead of Canopy Trees where such trees satisfy NCDOT requirements along State-owned roads.

### 8.5.3 BUILDING PERIMETER LANDSCAPING

- A. **Applicability:** The following provisions for building perimeter landscaping shall apply to the NC, GC and HC Districts.
- B. **Minimum Required Landscape Area:** A minimum 6 foot wide area shall be provided for landscaping along any side of the building facing a public right-of-way. Up to 25% of the building width along the street may be utilized for entrance walkways.
- C. **Minimum Required Landscaping:** The minimum required landscaping shall consist of one of the following options every 40 linear feet:
  - 1. 2 understory trees, or
  - 2. 10 shrubs, or
  - 3. Any equivalent combination thereof.

This 40 foot requirement shall only serve as a ratio for establishing the minimum required landscaping. In locating the minimum required landscaping care shall be taken to ensure that adequate space is provided for the width of tree spread, height and root system requirements.

## 8.6 PARKING LOT AREA LANDSCAPING [Revises Z-12.C-E]

### 8.6.1 REQUIRED PARKING LOT LANDSCAPE AREAS

The diagram below is intended to provide guidance by illustrating the screening and landscape islands required by this chapter. This diagram is not inclusive of the required screening and landscaping islands for all new or expanded parking lots.



1. Private drive islands (see Section 8.6.4.C)
2. Parking lot islands / planting areas (see Section 8.6.4.B)
3. Parking lot perimeter screening area (see Section 8.6.3)

### 8.6.2 EXEMPTIONS

Parking lots which serve industrial and automotive uses, as designated in the Use Table in Section 2.8.3, (whether for display of new or used vehicles for rental/sales/lease or for employee or customer parking) shall be exempt from the parking area landscaping and curbing requirements of Section 8.6 if a 50 foot wide landscape area with a semi-opaque screen, as outlined in Section 8.6.3.B, is provided around any portion of the lot adjacent to another property or a public or private street.

### 8.6.3 PARKING LOT PERIMETER SCREENING

- A. **Applicability:** The following provisions for parking lot perimeter screening shall apply to all parking lots containing more than 6 spaces.
- B. **Required Screen Along Streets:** Parking lots shall be screened from sidewalks and streets (public and private) by a semi-opaque screen to an average height of 3

feet, along with canopy trees planted with a maximum spacing of 40 feet on-center, for screening of car lights and glare.

1. Effective screening devices may include decorative brick walls, wood fences, earth berms, architectural features (e.g., façade extension, pergolas) and tight evergreen hedges which shall reach the required height within two years of planting, or any combination of the above.
2. The height of the screen, except for trees, shall not exceed 4 feet at any time.
3. Optional 8-foot openings shall be allowed every 50 feet to permit pedestrian passage where a formal connection to a sidewalk or pathway is provided. Openings for permitted driveways and their associated sight triangles are also permitted.

**C. Required Screen Along Adjacent Properties:** Parking lots shall be screened from adjacent properties by canopy trees planted with a maximum spacing of 40 feet on-center. Trees planted adjacent to parking lots to satisfy the buffer yard requirements in Section 8.7 may count toward this requirement.

**D. Minimum Width Reserved for Perimeter Screens:** 10 feet

#### 8.6.4 PARKING LOT INTERIOR LANDSCAPING

**A. Applicability:** The following provisions for parking lot interior landscaping shall apply to all parking lots containing more than 12 spaces.

**B. Parking Lot Islands / Planting Areas**

1. The minimum number of trees shall be 1 canopy tree per 12 parking spaces. Two understory trees may be used to replace 1 canopy tree for no more than 1/3 of the required canopy trees.
2. All trees and plantings shall be in planting areas or landscape islands, protected by curbs or wheel stops, with a minimum area of 180 square feet and a minimum width of 10 feet.
3. Parking lot islands or planting areas with a minimum of 1 canopy tree or 2 understory trees shall be placed at the end of every row of parking.
4. No parking space shall be more than 50 feet from the base of a tree. Parking lots fully designed using bioretention areas, as outlined in Section 8.6.6 below, are exempt from this requirement.

**C. Private Drive Islands:** All private drives that channel traffic within the parking area, including vehicular ways between parking areas and building frontages, shall be separated from adjacent sidewalks or rows of parking by a landscaped area with a minimum width of 6 feet, containing Canopy Trees planted at a maximum spacing of 40 feet on-center. Understory Trees may be substituted for Canopy Trees at the rate of 2 Understory Trees for every required Canopy Tree for up to 1/3 of the total required Canopy Trees. Traffic control islands required by Department of Transportation (DOT) may be raised concrete or striped.

**D. Pedestrian Access:** Sidewalks or paths may be provided within required landscaped areas to address pedestrian needs.

### 8.6.5 CURBING

All parking areas and landscaped islands shall either be curbed using a vertical curb or wheel stops. Curbing may be discontinuous or perforated allowing stormwater to enter landscaped areas constructed for bioretention (rain gardens). Where bioretention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade, curbing must be continuous to prevent landscaping material from eroding into the parking area.

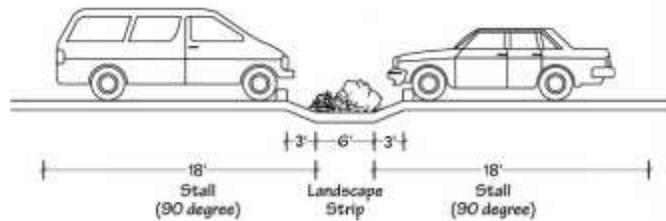


*Discontinuous curbing or wheel stops are permitted to allow stormwater infiltration in bioretention areas.*

### 8.6.6 BIORETENTION AREAS/RAIN GARDENS

#### A. Rain Gardens

**Permitted:** Required parking lot landscaping may be incorporated with one or more consolidated bioretention areas (rain gardens). Bioretention areas shall be located where it is most practical to capture stormwater, manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of the North Carolina Division of Water Quality: Stormwater Best Management Practices Manual or equivalent, including NC Cooperative Extension Bulletin, Designing Rain Gardens (Bio-Retention Areas), 2001.



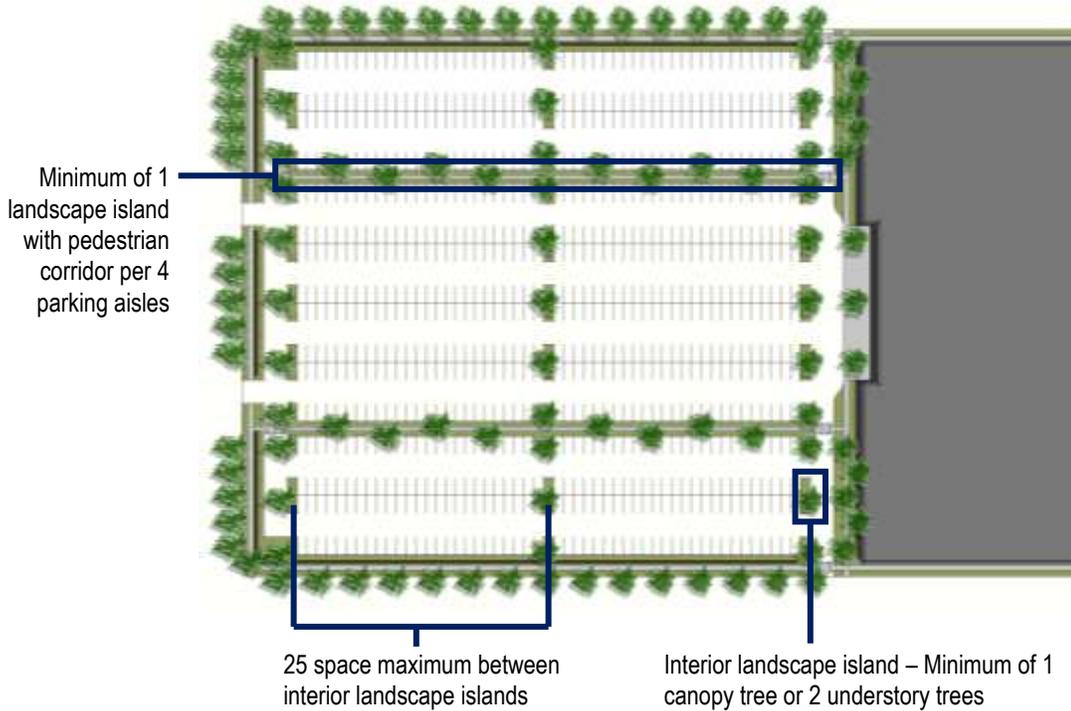
*Required parking landscaped areas may include up to 3 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown.*

#### B. Parking Dimension Bonus: A portion of the space devoted to motor vehicle parking may be landscaped instead of paved, as follows:

1. A landscaped area may include up to 3 feet of the front of the parking space as measured from a line parallel to the direction of the bumper of a vehicle. The landscape strip shall be a minimum of 6 feet in width.
2. The landscaped area within the parking space counts toward parking lot landscaping requirements and toward any overall site landscaping requirements.
3. In order to utilize this parking dimension bonus, landscaping must be below grade and designed as a bio-retention area.

**8.6.7 ADDITIONAL STANDARDS FOR LARGE PARKING LOTS (GREATER THAN 100 SPACES)**

**A. Pedestrian Walkways:** For every 4 traffic aisles in parking bays, a landscape island between 2 back-to-back parking bays with a pedestrian walkway shall be provided and shall extend the entire length of the parking bay or aisle. The width of such landscape island shall be a minimum of 15 feet, measured from the back of curb to back of curb, and the width of the pedestrian walkway shall be a minimum of 5 feet. Trees shall be planted along the pedestrian walkway at the rate of 1 canopy tree or 2 understory trees for every 50 linear feet. Crosswalks shall be provided across private drives/driveways from these pedestrian islands to connect to any adjacent building entrances, private walkways, and public sidewalks along the street frontage.



**8.7 BUFFERS AND SCREENING** [Revises Z-12.F]

Buffer yards are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

**8.7.1 REQUIRED BUFFER YARDS**

**A. Required Yards by District:** Buffer yards shall be required in accordance with the table below, and the buffer yard types defined in Section 8.7.2.

		Adjacent Zoning District					
		R/A, OS, MHR, SR4, SR6, GR6	UR, RMX, ICD	NC, GC	NMX, IMX, CCMX	HC	LI, HI
District of Proposed Development	R/A, OS, MHR, SR4, SR6, GR6	X	X	X	X	C*	C*
	UR, RMX, ICD**	A	X	X	X	X	X
	NC, GC**	B	A	X	X	X	X
	NMX, IMX, CCMX	A	A	X	X	X	X
	HC	C	C	B	A	X	X
	LI, HI	C	C	C	C	B	X
* Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property ** Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes							X = No Buffer Required

- B. Required Buffer Yards around Existing Single Family Homes in the NC, GC, HC, LI and HI Districts:** A Type A buffer shall be required for any non-residential development that occurs immediately adjacent to an existing single family home located within the NC, GC, HC, LI and HI Districts. This buffer may be removed at such time that the existing single family home changes to a multifamily or non-residential use.
- C. Additional Buffer and Screening Requirements for Specific Uses:** Additional buffer and screening requirements for certain specific uses are included in supplemental standards for each use found in Chapter 3.
- D. Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as when the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- E. Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- F. More Restrictive to Apply:** Where a proposed use or development-type abuts multiple use types or zoning districts along the same side or rear yard, the largest buffer requirement will apply along the entire side or rear property line.
- G. Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement (unless permitted by the easement holder).

**8.7.2 BUFFER YARD TYPES**

**A. Type A Buffer Yard:** A Type A buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	1 Canopy Tree 2 Understory Trees 8 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within 2 years of planting)
Option 2	10 feet	2 Canopy Trees 2 Understory Trees 12 Evergreen Shrubs	Not Required	

**B. Type B Buffer Yard:** A Type B buffer yard is a medium density screen which is intended to create a visual separation between uses and zoning districts.

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting)
Option 2	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Evergreen Shrubs	Not Required	

**C. Type C Buffer Yard:** A Type C buffer yard is intended to provide a very dense all-season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

Type C Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	40 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 36 Evergreen Shrubs	Not Required	Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within 2 years of planting)
Option 2	25 feet	4 Evergreen Tree 4 Canopy Tree 4 Understory Tree	Wall or Fence (See Section 8.7.3.A-B)	
Option 3	10 feet	2 Evergreen Tree 2 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Berm (See Section 8.7.3.A-B)	

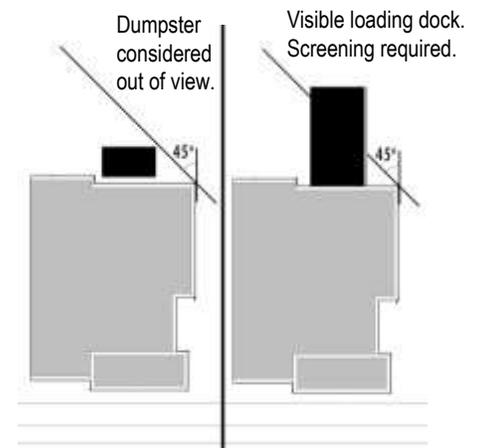
### 8.7.3 BUFFER DETAILS

- A. **Fences and Walls:** Any required 6-foot-tall privacy fence or wall shall be made of any combination of treated and stained wood, brick, stone, wrought iron, polymer, decorative face block or other composite material as approved by the Administrator and maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected). The material(s) used shall provide an opaque fence. All required vegetation shall be placed on the side of the fence or wall of the adjacent property. A chain link fence with slats is not considered a solid fence for purposes of this section.
- B. **Berms:** All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet with a compacted flat top of at least 15 inches wide. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm for appearance, durability and maintenance as approved by the Administrator. Berms taller than 4 feet shall be approved by the Administrator on a case-by-case basis.
- C. **Existing Vegetation, Fences, Walls, and Berms:** Existing vegetation berms, walls, or fences within the landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of landscaping required provided that these elements are in good condition as determined by the Administrator. Where existing vegetative areas are to be credited, they shall be shown on the plan with a certification by a licensed landscape architect that the existing vegetation fully complies with the landscape requirements.
- D. **Riparian Buffer:** Any required riparian buffer may be used to satisfy other buffer requirements, provided the plants are equivalent in number and type required by the landscape ordinance. Additional plant materials shall be installed in the riparian buffer to satisfy any remaining plant requirements. Additional plantings shall meet best management practices as determined by the Administrator.

## 8.8 LOADING AREAS AND UTILITIES SCREENING

### 8.8.1 DUMPSTERS, MECHANICAL EQUIPMENT, UTILITIES AND STORAGE AREAS

- A. **Dumpsters, Loading Docks, Mechanical Equipment and Utility Structures:** All such structures shall be completely screened from view from public and publicly-accessed streets and any adjacent residential or mixed-use properties to a height of 1 foot above the structure or 8 feet, whichever is less, by a wall or planted hedge. A device is considered out of view of the public street if it is within the 45 degree angles projected from the building edges (see diagram at right), except on a corner lot or lot with public drives along more than one side. Where a Type B buffer exists or is installed along adjacent property lines, this shall be considered sufficient screening from adjacent properties.



- B. Outdoor Storage Areas:** All unenclosed outdoor storage areas greater than 100 square feet shall also be completely screened from adjacent properties and streets to a height of 8 feet by a wall or planted hedge. Where a Type B buffer exists or is installed along adjacent property lines, this shall be considered sufficient screening from adjacent properties.
- C. Materials for Dumpster Enclosures:** Where possible, enclosures for dumpsters are encouraged to be constructed with materials that are compatible with the design and materials of the principal building. Dumpster enclosures shall be installed according to the Wilson Manual of Specifications. Screening may be created through the use of the following materials:
  - 1. Brick fence, brick/split face block, or decorative block.**
  - 2. Chain-link fence with slats, solid-wood fence, or fabricated metal fence:** If these materials are used a semi opaque, continuous planting wall must be installed around the enclosure with shrubs that will grow to a height of 8 feet with only seasonal horizontal openings within 5 years.
  - 3. Chain-link fence:** If this material is used a completely opaque, continuous planting wall must be installed around the enclosure with shrubs that will grow to a height of 8feet within 5 years.
- D. Exemptions:** Dumpsters, loading docks, mechanical equipment, utility structures and outdoor storage areas in the LI and HI districts are not required to be screened from view from public streets, residential or mixed-use properties if they are located more than 200 feet away. An administrative exemption may also be granted from the screening requirements of this section if the Administrator determines that site specific constraints render compliance impracticable.

### 8.8.2 OTHER UTILITY STRUCTURES

Utility equipment and facilities associated with on-site electric, cable, telephone, gas or other similar utility, including ground-based electrical transformers and power meters, shall be placed in service areas on the sides or rear of buildings, and shall be screened, to the extent possible, with evergreen plantings or other acceptable alternative approved by the Administrator. Areas around this equipment and facilities shall remain clear based on each utility company's guidelines.

## 8.9 WATERCOURSE (RIPARIAN) BUFFER AREAS

### 8.9.1 ESTABLISHMENT OF BUFFERS

All protected drainageways shall have riparian buffers directly adjacent to such surface waters, excluding wetlands, of the width specified in 8.9.2, below.

- A. Location of Buffers:** For the purposes of this section, protected surface waters or drainageways shall include perennial and intermittent streams, water supply impoundments, lakes, ponds, upper watershed drainageways that drain more than 5 acres, and other bodies of water as indicated on the most recent version of the 1:24,000 scale (7.5 minutes) quadrangle topographic maps prepared by the United States Geological Survey (USGS), and all other surface waters as indicated by the most recent version of the Soil Survey of Wilson County, North Carolina.
- B. Buffer Measurement:** The width of each required riparian buffer shall be measured perpendicular to the banks of the protected drainageway, beginning at the most landward limit of the top of bank for intermittent streams and perennial

streams and beginning at the top of bank or mean high water line for all other water bodies. Where obvious conflicts between actual field conditions and USGS and county soil survey maps exist, appeals may be made to the North Carolina Division of Water Quality.

**8.9.2 WATERCOURSE BUFFER TABLE**

- A. Watershed Protection District Buffers:** When subject to the requirements of the state designated Watershed Protection District, watercourse buffers shall be maintained according to the table below. Such buffers shall be measured landward from the bank of each side of a perennial stream and shall consist of a natural vegetated area. No new development shall be permitted to occur in such buffers except that water dependent structures, public projects, road crossings and greenways may be allowed where no practicable alternative exists, provided such activities minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

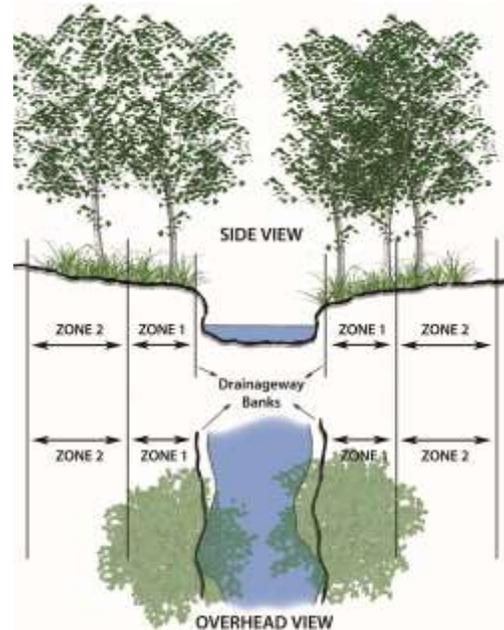
Buffers for Watershed Areas III and IV – Critical Area & Protected Area	Required Vegetative Buffer	Additional Standards
1. Perennial Stream	50 ft	See Section 2.8.5
2. Perennial Stream (w/High Impervious Development Option, See Section 2.8.5)	100 ft	

- B. Neuse River Basin Buffers:** The state regulations for water management in the Neuse River Basin (as outlined in 15 A NCAC 2B.0233 with changes as published 12:6 NCR 462-479) require buffers to be maintained along all perennial and intermittent surface waters according to the table below.

Neuse River Basin Required Riparian Buffer			Additional Standards
Total	Zone 1	Zone 2	See NC Environmental Management Commission Rule 15 A NCAC 2B.0233
50 feet min.	30 feet min.	20 feet min.	

**C. Delineation of Buffer Zones**

- Zone 1:** Zone 1 shall be a completely undisturbed area of forest vegetation. Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward on all sides of the water body. For all other water bodies, Zone 1 begins at the top of bank or mean high water line.
- Zone 2:** Zone 2 shall be a maintained area of vegetation which consists of dense ground cover composed of herbaceous or woody species that provides for diffusion and infiltration of runoff and filtering of pollutants. Zone 2 begins at the outer edge of Zone 1 and extends landward.



- C. Activities Permitted in Zones 1 and 2:** All required Zone 1 and Zone 2 buffers shall remain natural, undisturbed and with the vegetation characteristics as outlined in Section 8.8.2.D, except as may be necessary to accommodate any of the uses and

activities allowed by 15 A NCAC 2B.0233. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

- D. Description of Buffers on Development Plans:** Riparian buffers shall be shown on all approved site plans and subdivision plans. Where designated by the Administrator, the placement of "no mow" signs may be required to relay the buffer protection requirements to the public.
- E. Concurrency with Other Required Buffers:** The requirements of the Neuse River Riparian Buffer Rules (as outlined in 15 A NCAC 2B.0233) shall apply concurrently with the required drainageway buffers required above.

### 8.9.3 CONSTRUCTION BUFFER ZONE

- A. Standard Buffer:** No land-disturbing activity during periods of construction or improvement shall be permitted in proximity to a lake or natural watercourse unless natural or artificial means of confining visible siltation is provided along the margin of the watercourse so that such visible siltation is confined within the 25% of the buffer zone, as required in 8.9.1, nearest the land-disturbing activity.
- B. Projects On, Over or Under Water:** This section shall not apply to a land disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- C. Buffer Measurement:** Unless otherwise provided, the width of a buffer zone is measured horizontally from the top of bank for intermittent streams and perennial streams and beginning at the top of bank or mean high water line for all other water bodies.

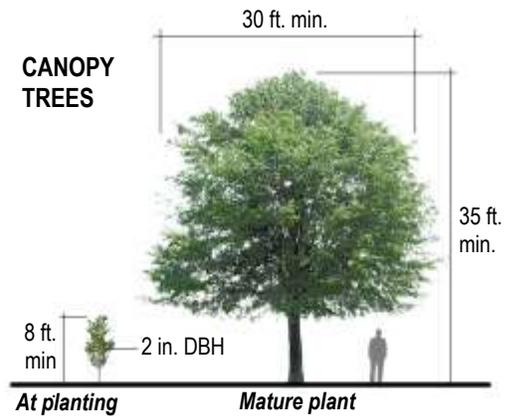
## 8.10 GENERAL INSTALLATION AND MAINTENANCE STANDARDS *[Revises Z-12.]*

### 8.10.1 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

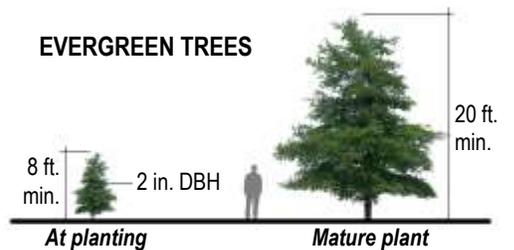
When a development application is made on any land where the landscaping requirements of this chapter are applicable, such site/subdivision plan application shall be accompanied by a landscape plan as outlined in the Submittal Checklist in the Appendix.

**8.10.2 PLANT MATERIAL SPECIFICATIONS**

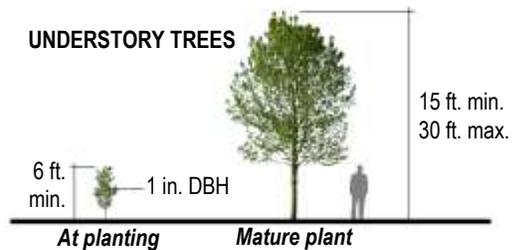
**A. Canopy (Large Shade) Trees:** All required canopy trees must be a native or locally-adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of 30 feet or greater. When planted, canopy trees must be a minimum of 8 feet high, and have a minimum caliper of 2 inches as measured at breast height (or approximately 4.5 feet above grade – DBH). Multi-stemmed trees shall have at least 3 stalks (minimum 1-inch DBH) and be at least 8 feet in height when planted.



**B. Evergreen Trees:** All required evergreen trees must be a native or locally-adapted species with green foliage that lasts through all seasons and an expected mature height of 20 feet or greater. Evergreen trees shall be a minimum of 8 feet in height and have a 2-inch DBH when planted.

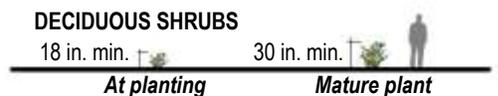


**C. Understory (Small) Trees:** All required understory trees must be a minimum of 6 feet high and 1-inch DBH when planted. When mature, understory trees shall be between 15 and 30 feet in height.

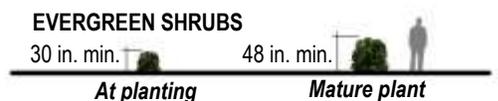


**D. Shrubs:** Shrubs planted as part of a required buffer yard, as outlined in Section 8.7, shall meet the following specifications.

**1. Deciduous Shrubs:** All deciduous shrubs shall be a minimum of 18 inches in height when planted and shall reach a height of 30 inches and a minimum spread of 30 inches within 2 years of planting (except those plants that do not mature to those dimensions).



**2. Evergreen Shrubs:** All evergreen shrubs shall be a minimum of 30 inches in height when planted and shall reach a height of 48 inches and a minimum spread of 36 inches within 2 years of planting.



**E. Groundcover:** All required groundcover plants must be a minimum of 1.5 to 2.5-inch pots with a 4-inch minimum length when planted. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.

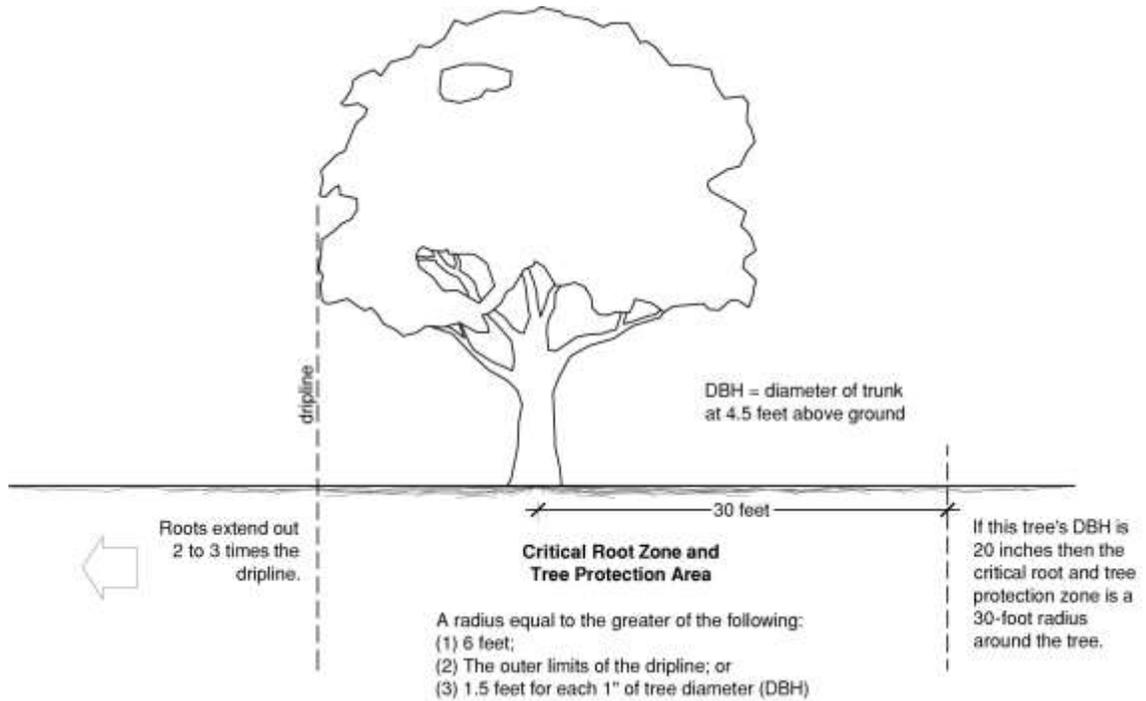
### 8.10.3 PLANT STANDARDS

- A. **General Material Standards:** All plant materials shall be installed in accordance with the standards found in the latest edition of American Standards for Nursery Stock published by the American Association of Nurserymen. After installation, plant materials shall be mulched with a 3-inch layer of appropriate material.
- B. **Recommended Species List:** Plant materials utilized in meeting the requirements set forth in this section may be chosen from the City of Wilson Landscape Plant List maintained by the Administrator. The use of drought-tolerant vegetation that is native to the area is encouraged to reduce dependency upon irrigation.

### 8.10.4 GENERAL CONSTRUCTION STANDARDS

- A. **Easements & Right-of-Ways:** Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Administrator and the easement holder at the time of site plan approval.
- B. **Grading and Development in Required Landscape Areas:** The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. If grading within a planting yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.
- C. **No Bare Soil Permitted:** All portions of the landscaping area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass, or covered with natural mulch with a minimum depth of 3 inches.
- D. **Overhead Power Lines:** Where overhead power lines are present, small trees (20 to 30 feet in height at maturity) must be utilized. One small maturing tree is required for every 35 feet of property abutting a street. (Utility lines such as cable and phone do not constitute a hazard, and large maturing trees should be used if only these are present.)
- E. **Sight Distance:** All trees planted within the sight distance triangle at an intersection, or driveway access point as defined in Chapter 9 shall be limbed-up to provide for clear sight lines between 2 feet and 7 feet above the finished grade. (Exception: NCDOT has separate provisions for state-maintained roadways.)

**8.10.5 PROTECTION OF EXISTING TREES DURING CONSTRUCTION**



- A.** Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. Protective barricades shall remain in place until development activities are completed. The following conditions are required:
  - 1. Barricades may consist of 2 x 4 inch posts with 1 x 4 inch rails, orange safety fence, or a similar treatment and shall remain in place until development activities are complete.
  - 2. Signs indicating that the barricade is protecting a tree save area within which construction traffic and storage of materials are not permitted shall be placed at a rate of 1 sign for every 100 linear feet of barricade.
  - 3. The barricaded area shall remain free of all building materials, stockpiled soil or other construction debris.
  - 4. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees.
- B.** Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
  - 1. For trees 10 inches or less DBH: Place at a minimum distance of 6 feet from the base of each protected tree or outside the dripline, whichever is greater.
  - 2. For trees between 10 and 20 inches DBH: Place at a minimum distance equal to 1.5 feet for each 1 inch in caliper or outside the dripline, whichever is greater.

3. For trees of 20 inches or greater DBH: Place at a minimum distance of 30 feet from the base of each protected tree or outside the dripline, whichever is greater.
- C. Land disturbance within a tree dripline is prohibited except for driveway access points, sidewalks, curb and gutter.
- D. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to 25 percent of the area within the dripline, and tree roots must be pruned with clean cuts at the edge of the disturbed area. (No fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.)

#### 8.10.6 TREE TRIMMING ON PRIVATE PROPERTY

It shall be the duty of any person owning or occupying real property to maintain any trees on such property bordering a public right of way such that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion shall be 8 feet over sidewalks and 12 feet over all streets except truck thoroughfares which shall have a clearance of 16 feet. Any tree or shrub in violation of this section, is hereby declared to be a hazardous and dangerous condition inimical to the public health and a public nuisance.

- A. **Notice to Trim:** Should any person owning real property bordering on any street fail to trim trees as hereinabove provided, the Administrator shall order such person, within 3 days after receipt of written notice, to so trim such trees.
- B. **Order Required:** The order required herein shall be served by mailing a copy of the order to the last known address of the property owner by registered mail, return receipt requested.
- C. **Failure to Comply:** When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to trim such trees, and the cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

#### 8.10.7 INSPECTION

The Administrator may inspect the site after the issuance of a Certificate of Occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained. The Administrator may issue a Notice of Violation to comply with the provisions of this ordinance if warranted upon an inspection under the provisions of Chapter 16 of this ordinance.

#### 8.10.8 REPLACEMENT OF DISTURBED AND DAMAGED VEGETATION

Without prior approval, the disturbance of any required landscaped area or vegetation required by this ordinance shall constitute a violation. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this section, the stormwater regulations in Chapter 12, and the approved site or sketch plan (landscape plan).