

Article X **Landscaping Ordinance**

Landscaping permits are a part of the normal processing of building and zoning permit applications. If you are required to apply for building or zoning permits, you may be required to submit landscaping plans. You should first determine whether the project is subject to the requirements of these guidelines, determine the exact requirements, prepare a landscape plan; and then submit the plan to the appropriate person as part of the building permit application.

The Zoning Administrator will review and approve or disapprove landscape plans for developments less than two (2) acres. Proposed developments two (2) acres or greater will be reviewed by the Planning and Zoning Board. If the proposed is not approved, specific recommendations to bring the plan into conformance with these guidelines will be noted on a correction sheet.

Section 1. Intent

The purpose of this article is to provide regulations to enhance the environment and visual character of the Town as development occurs within the corporate limits and extraterritorial jurisdiction. Preservation of existing trees and vegetation is encouraged. In an attempt to diminish the visual impact of continuous building facades and to provide separation of land uses the regulations set forth are established for the protection of public and private investment and to promote higher quality development. Therefore this article requires landscaping to be planted between uses, around buildings, within and around parking lots and along street frontages. By doing so the Town will:

- a) Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge.
- b) Preserve existing native vegetation as an integral part of the wildlife habitats and incorporate native plants into the landscape design.
- c) Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses.
- d) Encourage a high quality appearance for development, thoroughfares and streets.
- e) Preserve and improve the visual quality, the sense of privacy and values of property.
- f) Reduce environmental impacts such as the “heat” effect of impervious surfaces such as parking lots by cooling and shading the surface and breaking up large expansions of pavement.
- g) Encourage the creation of attractive and harmonious communities by establishing minimum standards as a guideline for enforcing and achieving the above.

This article will establish legal authority for the Town to prune or remove trees on public and private property when it is a hazard to public safety. The cost of which may be billed to the property owner.

Section 2. Title and Applicability

Town of Ramseur, NC
Zoning Ordinance

This article will be known as the Town of Ramseur's Landscape Ordinance and will establish standards and requirements applying to both incorporated and unincorporated areas. The provisions of this ordinance shall be considered minimum standards and apply to all new business and industrial development and subdivisions when a permit is required. No new site development, building or structure shall be constructed, or vehicular use area created or used, unless landscaping is provided for according to this article and a site plan provided upon request of a permit. Any improvement to an existing development, which includes building additions, vehicular use areas and loading area expansions shall be required to bring only the new improvements into compliance with this ordinance unless otherwise stated within this article. Single-family residences and duplexes are not subject to the requirements of this article. Properties classified as agriculture pursuant to North Carolina General Statutes are not required to follow this article of landscaping. Landscaping shall not be required:

- a) If it interferes with handicap accessibility or ADA laws.
- b) If the proposed is for a temporary use which will be in operation for a period of one (1) year or less, or for a maximum of five years for a temporary use erected as an accessory building for schools.
- c) If it conflicts in any way with the sight distance requirements or restrictions of the State.
- d) In the right-of-way of streets when they are scheduled for paving within five (5) years or if a Capital Improvement Project has been requested or funded for such locations.
- e) If there is a change in use of a structure unless the structure is expanded

The Zoning Administrator may approve minor variations in the location of required landscape materials due to unusual topographic constraints, sight restrictions, site requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted and shall specify the modifications requested and present a justification for such modifications.

The Board of Adjustment shall have the authority to grant a variance upon receipt of a written explanation of the reasons for such request. The request will be reviewed and granted only if unusual or extreme circumstances exist causing unreasonable hardship. It is not the intent of this article to require all landscaping be completed upon occupancy, however a specific allocation of time, being within one (1) year or the next planting season is requested. A variance may be issued in respect to allotted time to complete landscaping requirements. A variance may be issued under other circumstances, such as:

- a) Existence of unusually narrow sections of land due to existing permanent structures, existing paving, or natural features such as rock outcroppings.
- b) Elevation changes within the area where screening would be located.
- c) When adherence to screening standards would interfere with the function of public utilities.
- d) Recording platting or deeding difficulties of land prior to the adoption of this Article

Section 3. General Requirements:

- a) A landscaping plan will be required as part of the site plan submitted when requesting a permit for new business or industrial construction or subdivision development.
- b) The owner of the property will be responsible for maintenance of landscaped areas. Plants should be in a neat and orderly appearance and in accordance with the Town of Ramseur's nuisance ordinance.
- c) All plant material must be installed according to the approved landscaping plan and no later than one year from the date of occupancy.
- d) All plant materials submitted should tolerate their specific planting environment and be easily maintained. All landscaping shall be designed and installed to permit access to areas where repairs, renovations or regular maintenance is expected.
- e) Bufferyards, landscaping strips and planted areas that adjoin a street and all vehicular use areas shall install a minimum six (6) inch high curb along the landscaping strip to protect the planted area from vehicular traffic. If it is determined that damage from vehicles will not occur, curbing will not be required.
- f) Additional landscaping beyond the requirements of this article may be required if the proposed developing use will create visual and aesthetic impacts, noise or light impacts, or other negative impacts that will not be reduced by the requirements of this article.
- g) No planting should be installed within an underground or overhead utility easement or a drainage easement without the consent of the easement holder at the time the plan is approved. The location of all easements should be considered during placement of trees.
- h) Landscaping required by this ordinance shall comply with the minimum State or local sight easement requirements for street intersections and driveways.
- i) Required landscaping cannot obstruct or impede public pedestrian routes such as sidewalks and greenway trails.
- j) Failure to maintain required landscaping or to adhere to an approved landscaping plan shall constitute a zoning violation and be subject to any and all remedies set forth in this ordinance as outlined in Article XV, Section 8, Penalties.

Section 4. Plan Requirements

Prior to issuance of a permit a copy of the proposed site plan with all landscaping clearly marked and described shall be submitted to the Zoning Administrator. The plan shall be drawn showing:

- a) Present zoning of proposed site and adjoining properties;
- b) Property boundaries and yard setback lines;
- c) Existing and proposed easements, covenants and right-of-ways;
- d) Proposed and or existing buildings and structures (identify entries and exits);
- e) Any location(s) intended for outdoor display, storage of goods or merchandise;
- f) Proposed sidewalks, streets, alleys, driveways, parking areas (VUA's), etc.;
- g) Location of proposed and existing underground and above ground utilities;
- h) Location and method of screening outdoor refuse containers (provide details);

- i) Proposed fences and their location, design, height and material;
- j) Location of proposed berms, retaining walls, etc.;
- k) Proposed erosion and run-off control measures;
- l) Location of all off-street loading areas and methods of screening;
- m) Proposed screening of mechanical and utility equipments;
- n) Proposed and existing exterior lighting;
- o) Proposed and existing locations of any fire hydrants;
- p) Sight triangles at intersections, allies, or driveway curb cuts;
- q) Species, planting size, and location and dimensions of proposed and or existing living or non-living plant and landscaping materials;
- r) A statement from the owner certifying his/her commitment to maintaining all materials in good order.

Section 5. Sight Triangles

Corner lots and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.

Section 6. Lighting

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind. The Town's intent by this statement is to protect adjoining properties by eliminating light trespass, which may be found too evasive.

Section 7. Out parcels

Out parcels are properties or portions of properties left undeveloped at the time of initial development. Typically, there is an anchor store and other smaller stores with the outer portion of the property left vacant. After establishment of the main structure(s) remaining properties are subdivided and developed. Out parcels are usually highly visible therefore landscaping associated with these locations have a pronounced visual effect on the community.

Since these locations are not part of the original development they are considered for the purpose of this article a separate type of development where landscaping is required on an individual basis.

Section 8. Erosion and Run-off Control

Detention ponds are shallow areas capable of supporting trees, however only require sod. These areas are great for planting trees and are an inexpensive way for developments to add Green Space in their development

Section 9. Building Yards

Building yards are intended to aesthetically and visually enhance the appearance of Buildings. Building yards shall be provided along the portions of the building facing any adjacent off-street parking area, excluding loading and unloading areas. Building yards shall be of different types based upon the size of the structure around which it is located. The width of and density of plantings shall increase as the size of the structure it is to be located.

A building with less than 2,500 square feet of gross floor area shall have a minimum four to six foot wide building yard. A building between 2,500 and 9,999 square feet of gross floor area shall have a minimum six to eight feet wide building yard. A building between 10,000 and 99,999 square feet of gross floor area shall have a minimum eight to twelve foot wide building yard. A building 100,000 square feet of gross floor area or more shall have a minimum twelve to sixteen foot wide building yard.

Section 10. Required Buffer Yards by Zone

The requirements of buffer yards and the type of buffer yard required will depend on the zoning of the use being developed and the use of the adjoining properties. If the zoning of the developing use is the same as the adjoining property a buffer yard is still required and will be determined by the existing and proposed establishment(s). Buffer yards shall extend along the sides and rear of the property line.

The chart shown below indicates minimum buffer yard requirements between zones. To use the chart, find the row corresponding to the use being developed and the zoning of the adjoining property. The requirement of a buffer yard will be noted on the chart with a minimum width requirement.

Buffer yard requirements may be achieved by use of existing trees and shrubs, new plantings, fencing, berms or retaining walls or any combination of. No buffer is required between shared public uses, for example a park adjacent to a school, library or other public facility. Buffer yard width requirements may be reduced and in some cases eliminated with the use of fencing or retaining walls or a combination of the two or if the proposed adjoins an existing mature buffer yard.

Zone to be Developed	Adjoining Zone:	Buffer Yard Required:
Industrial	Industrial	No
	Business	Yes – 20’
	RA – 16	Yes – 40’
	RA – 20	Yes – 40’
	I & C	Yes – 30’
	N-Business	Yes – 20’
	Agriculture	Yes – 10’
Business	Business	Yes – 10’
	Industrial	Yes – 10’
	RA – 16	Yes – 20’

Zone to be Developed	Adjoining Zone	Buffer Yard Required:
I & C	I & C	Yes – 10’
	Industrial	Yes – 20’
	Business	Yes – 20’
	RA-16	Yes – 30’
	RA – 20	Yes – 30’
	N-Business	Yes – 30’
	Agriculture	Yes – 10’
N-Business	N-Business	Yes – 10’
	Industrial	Yes – 10’
	Business	Yes – 10’

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	RA – 20	Yes – 20’
	I & C	Yes – 30’
	N-Business	Yes – 10’
	Agriculture	Yes – 10’
RA – 16	RA – 16	Yes – 20’
(multi)	RA – 20	Yes – 20’
	N-Business	Yes – 20’
	Business	Yes – 20’
	I & C	Yes – 30’
	Industrial	Yes – 20’
	Agriculture	Yes – 10’

	RA-16	Yes – 20’
	RA-20	Yes – 20’
	I & C	Yes – 30’
	Agriculture	Yes – 10’
RA – 20	RA – 20	Yes – 20’
(multi)	RA – 16	Yes – 20’
	N-Business	Yes – 20’
	Business	Yes – 20’
	I & C	Yes – 20’
	Industrial	Yes – 20’
	Agriculture	Yes – 10’

*RA-16 and RA-20 (above) indicate all permitted uses except single family and duplex dwellings
See Table of Permitted Uses.*

When locating planting materials within the required buffer yard, care should be taken to insure adequate space is provided for the width of the tree spread, height and root system requirements. A buffer is a planted area used to separate uses not compatible and to provide separation between uses. The planted area, whether 10, 20 or 30 feet in width should reduce or eliminate noise and light pollution or any other adverse impacts, while providing a year round or partial visual separation. Therefore buffer yards should consist of a combination of deciduous and evergreen trees of various sizes and shapes and shrubbery. It is recommended the spacing of the plantings shall be in a double row configuration, staggered with a minimum of five (5) foot spacing between the centers of the main trunks. Further recommendation is to plant an evergreen for each deciduous tree planted. The Town Planning and Zoning Board may require additional landscaping with issuance of a variance or special use permit.

Buffer yards can be located within building setbacks, and in some circumstances within utility easements or right-of-ways. Planting in easements and right-of-ways is permitted if the area will accommodate plants at maturity without adversely affecting public utilities. Planting, in these areas require a written agreement from the owner of the easement or right-of-way. If vegetation is removed from this area for the purpose of maintenance or construction, it will be the responsibility of the property owner to replace the required vegetation at their expense. The design and exact placement of the buffer yard shall be the decision of the designer, developer or property owner, but must be reviewed for compliance to this ordinance. When a proposed development adjoins an undeveloped parcel of land the requirement of a buffer yard shall be determined by the adjoining property’s zoning.

Section 11. Screening (Fencing, Retaining Walls, and Berms)

A fence, wall, hedge or other natural planting of sufficient density to minimize the physical or visual intrusion generated by an existing or future use as stated below. Screens shall be applied to any new use of land, change in use or expansion of use occurring in accordance with the regulations set forth in this article. All non-conforming open storage areas (i.e. Solid Waste Storage Areas) as described below, not found in compliance with the requirements of this Section shall either cease and desist or meet full compliance standards no later than one year (12 months) following the effective date of this Ordinance.

11.1. Screening Within a Buffer yard

Fences, retaining walls and berms that are used within buffer yards shall be located within the center or interior of the buffer yard and the plants may need to be installed on both sides of the fence or wall. Fences shall be solid. Chain Link Fences with slats shall not be permitted.

- a) All fences and retaining walls shall have the finished side facing out, with no structural supports visible from adjoining properties, or public street right-of-way unless the fence is designed so that such supports are visible from both sides.
- b) Fences, Retaining Walls and Berms shall be permitted within all districts.
- c) Height and location limits on fences are: In residential districts there is a seven (7) foot height limit on fences, except where fences are located within fifteen (15) feet of a Street right-of-way; a fence shall be no more than four (4) feet in height. In business, industrial and institutional districts there is an eight (8) foot height limit on fences unless the fence meets the required setback lines for the principal building or is at least fifteen (15) feet from all property lines. These height requirements will apply to retaining walls and berms with or without plant vegetation.
- d) All fences and retaining walls shall be constructed of durable materials and shall be installed to withstand the natural weather conditions and shall be maintained in good condition at all times.
- e) Fences for agricultural purposes are exempt from the requirements of this section.

11.2. Screening of Refuse or Recycle Containers:

Dumpsters or other large containers used for solid waste storage, which are visible from a public roadway or adjacent properties, shall be confined in an enclosed area that is screened all sides. The enclosure shall be large enough to confine waste items and containers from view of the public, roadways and adjacent properties. Enclosures must be located within the boundaries of the property they serve. Under no circumstances are they to be placed on Town or State right-of-ways, unless by permit issued by the Town of Ramseur. Permits may issued for special events or extenuating circumstances for a maximum of 5 business days.

Enclosures are to be constructed of materials pleasing to the eye. Screening of Solid Waste Storage Units shall begin at ground level with no open space between the ground and bottom of the screening material, be a minimum of 6 feet tall with a door or gate. Single and 2-family dwellings are excluded from this requirement.

Business and industrial sites within the corporate limits of the Town, whose dumpsters are located in such a manner not visible from public roadways and adjoining properties will not be required to build an enclosure, however shall be required to maintain the storage unit in an orderly and clean fashion.

Maintaining an orderly and clean storage unit shall be “defined” so as no condition exists which may cause a fire or safety hazard or is a public nuisance. Waste storage units shall not have graffiti on them.

The owner or lessee of the unit shall be required to remove or remedy any condition found hazardous or a nuisance immediately or be subject to penalties as outlined in Article XV, Administrative and Legal Provisions, Section 8, Penalty of the Zoning Ordinance.

11.3 Screening of Mechanical and Utility Equipment:

Utilities such as distribution lines, transformer lines, towers, electric substations, water tanks, telephone stations, etc. where permitted shall be landscaped properly and furnished with a densely planted buffer at least six feet in height along the side and rear lot lines.

11.4 Loading Docks and Truck Berths:

Docks and Berths shall be screened from view of the public right of ways and adjacent properties not of the same zoning with wooden fences, landscape berms or landscape areas all of which must be a minimum of eight (8) feet in height with the greatest pavement width parallel to the trailer berths. Screening shall be of sufficient length to screen the maximum size trailer, which can be accommodated on site and shall be parallel to trailer berths.

Section 12. Vehicle Use Areas

All required landscape areas within a vehicle use area must be protected by curbs or other physical barriers. Installed landscaping is not required at parking lot entrances or exits. If installed they cannot obstruct vision (sight triangles) of an entrance, exit or intersection consistent with state regulations.

Construction of any vehicle use area (VUA) of 1,200 square feet or more, visible from a public right of way or contiguous to a residential district or existing institution such as school, hospital or church or if repair, rehabilitation or expansion of an existing VUA increases the number of existing spaces by 25% or more, will be required to install screening as outlined in this article. Internal landscaping of VUA's are required if the use area is 3,000 square foot of more.

VUA 1,200 square feet or less

If a VUA of 1200 square feet is constructed, trees will be required along the street or public right of way. One shade tree at least 2 inches in caliper is required for every 35 feet of frontage. Screening along the side or rear lot contiguous to a residential district must install a wall or fence of 5 —7 feet in height.

VUA 1,201 square feet or more

If a VUA of 3,000 square feet is constructed, trees will be required along the street or public right of way as well as internal plant islands. One shade tree at least 2 inches in caliper is required for every 50 feet of frontage.

Internal islands must be a minimum of 150-165 square feet and planted with a tree at least 2" caliper. Curbing is required for the islands to prevent damage to trees. Clustering of trees on larger islands can be allowed, however tree islands should be located throughout the parking area. One tree must be planted for every 250 SF of interior landscaped area. Screening along the side or rear lot contiguous to a residential district must install a wall or fence of 5-7 feet in height. To enhance store visibility, smaller trees may be planted in the front area. Internal landscape islands also allow shrubs. All landscape areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

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

Section 13. Previously Developed Property

Substantial development has occurred in the Town of Ramseur prior to adoption of this Article. This Section is a guideline for previously developed property to conform to the current ordinance.

Any business renovating or doing substantial property improvements, or required to rehabilitate a structure due to age or change in use whether ownership changes or not equivalent to 25% or more of the Town of Ramseur's ad valorem tax value, will be required to become compliant with this ordinance.

Existing businesses presently outside the corporate limits of the Town of Ramseur who are annexed voluntarily or forced may be required to become compliant with this ordinance within two (2) years of the annexation date.

Requests for rezoning, applications for conditional and special use or variance requests which the Planning and Zoning Board grant may be required to become compliant with this ordinance as a stipulation to the approval and issuance of the permit request.