

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-1160

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-176, and Sec. 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots.

Sec. 40-175. – Definitions

Buffer yard means the width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses ~~excluding single-family residences and two-family dwellings.~~

Sec. 40-176. Buffer yard landscaping.

- (a) *For proposed new construction or expansion.* A buffer yard, as defined herein, shall be provided for all new construction or expansion that is proposed in any amount equal to 50 percent or more of the current tax or appraised value ~~excluding single/two-family homes.~~ However, no buffer yard improvements shall be required for those portions of existing lot frontage used for driveways constructed in accordance with town regulations.
- (b) *Required landscape; types.* It is required that buffer yards be landscaped by meeting the requirements of Type A, B, C or D set forth in subsection (b)(1), (2), (3) or (4) of this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six-foot fence with 80 percent opacity. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
 - (1) *Type A.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain one canopy tree or two understory trees, and three shrubs.
 - (2) *Type B.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain two canopy trees or four understory trees, and six shrubs.
 - (3) *Type C.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain two canopy trees or four understory trees, and six shrubs.
 - (4) *Type D.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Subdivisions requiring approval by the planning and zoning commission and town council shall provide for sidewalks along with required street tree requirements. (Section 36-136, subdivision regulations)
 - (5) *Type E.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Street yards located within the CBD shall include sidewalks with planting areas either adjacent to the curb or planters located within the sidewalk. In the central business district, sidewalks and tree plantings will be required for all new construction.

(6) *Type F.* For every 25 linear feet of frontage, or fraction thereof, the lot shall contain a minimum of one tree. At planting each tree shall be a minimum of:

- i. Six (6) feet tall

ii. [Two inches in caliper](#)

- (c) *Preservation of vegetation.* If vegetation exists in the proposed buffer yard area, the Zoning Administrator may grant credit toward meeting buffer yard requirements for preservation of the vegetation provided their caliper [or height](#) is equal to or exceeds the specifications herein described.
- (d) *Planting and replacement of vegetation.* All buffer yards shall be landscaped with a combination of live vegetation, ground cover, grass, trees, and/or shrubs. Vegetation to be planted pursuant to this section shall be indigenous with or compatible to the town area and be approved by the Zoning Administrator.
- (e) *Minimum buffer yard/street yard widths.*

Buffer Types	Uses	Buffer/Street Yard Size (feet)
Type A	Business/office use/parking areas 10,000 sq. ft. or less (public or private)	5
	Multifamily, planned unit development (3—5 units)	5
Type B	Multifamily, planned unit development (6 + units)	10
	Intensive, commercial, multi-use facilities/parking areas greater than 10,000 sq. ft. (public or private)	10
	Institutional (government buildings, schools, churches)	10
Type C	Industrial	15
Type D	Subdivisions (see section 36-140)	6
Type E	Central business district (CBD), new construction only	0
Type F	Single-family and two-family	0

Sec. 40-179. Maintenance.

- (a) All planted and retained living material required to meet the provisions of this article shall be maintained by the owner of the property on which the material is located, [excluding Type F buffer yard](#). ~~The owner shall replace any planted material, which becomes damaged or diseased or dies, within 60 days of the occurrence of such condition. If, in the opinion of the Director, there are seasonal conditions, which will not permit the timely replanting, this requirement may be administratively waived until a time certain.~~

Mayor LeAnn Pierce

Kimberlee Ward, Town Clerk

Date Signed: November 9, 2021