

ARTICLE 15. BUFFER STRIPS AND LANDSCAPING

Section 15-1. Buffer Strips

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

- (A) A buffer strip shall consist of a planted strip which shall be a minimum of five feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps. A buffer strip may also be constructed of stone, block, brick, or other suitable building material, with a minimum height of six (6) feet. The five feet required for the buffer strip shall be in addition to all normal front, rear, and side yard setback requirements of this chapter. Tree spacing - large maturing trees shall be planted maximum 40' on center. Small maturing trees shall be permitted only where utility lines prevent large maturing trees; planted maximum 30' on center. Minimum tree size at time of planting shall be 2" or more in diameter measured 6" above ground level, minimum height 8 to 10 feet.
- (B) Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this Ordinance: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned for residential use. Landscape screen may be eliminated in part for shared parking access and connected parking lots.
- (C) All buffer strips shall become part of the lot on which they are located, or in the case of commonly owned land, shall belong to the homeowners' or property owners' association.
- (D) The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lessee.
- (E) If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location on the required buffer strip.
- (F) Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, the Zoning Administrator may, in writing, allow substitution of a well-maintained wall constructed of wood, masonry or other opaque material at least six feet in height.
- (G) Where it is clear that a different buffer will protect neighboring property from harmful effects, the Board of Adjustment or Town Council, for special uses, may modify the buffer up to 5 feet and one row of vegetation. *(Amended 8/2/2021)*

- (H) For special uses, the Council may require a maintenance bond for the buffers, as a condition of approval. *(Amended 8/2/2021)*

Section 15-2. Tree Planting on Public Property

The town encourages the planting of trees and other approved vegetation by private individuals, groups, and businesses on public property and along street rights-of-way. However, to obtain maximum benefit from those efforts, all plantings on public rights-of-way or public property owned by the town, its agents, boards, or commissions shall be done in accordance with predetermined guidelines set forth by the Planning Board on a per request basis.

The Town of Pembroke Street Department shall have the authority to maintain trees and shrubbery planted on public rights-of-way or public property owned by the town, its agents, boards, authorities, or commissions. Except by permit, construction activity within the drip line of a tree is prohibited. Activities include, but are not limited to, trenching and grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials which are damaging to trees.

Section 15-3. Trees and Shrubbery in or along Streets and Sidewalks

- (A) Citizens may plant trees in front of their lots and along the sidewalks adjacent to their property under the supervision of the Zoning Administrator, but no trees shall be planted in the streets, gutters, or ditches of the town. The Zoning Administrator shall notify all persons having trees in front of their lots to have them properly trimmed either by a company engaged in the business of tree trimming or by the property owners themselves following acceptable pruning standards. During normal street right-of-way maintenance by the Public Works Department, all town employees involved in trimming of trees shall operate under the direction of the Zoning Administrator and in accordance with acceptable pruning standards. In addition, all other public service or utility companies shall also follow the guidelines for acceptable pruning standards and shall notify the town prior to maintenance within the jurisdiction.
- (B) The cutting, trimming, destruction, lopping of branches or mutilation in any manner of trees or shrubbery standing along, in or extending over the street right-of-way of any municipal or state-maintained street by any person is hereby prohibited, except when done under the supervision and according to the direction of the Zoning Administrator.

Section 15-4. Parking Facilities Landscaping

- (A) All parking facilities containing more than four spaces shall submit the site plan required by this Ordinance to the Zoning Administrator for review and approval of the landscaping requirements of this section.

- (B) Minimum standards: At least eight (8) percent of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle or triangle.
 - (1) Trees and shrubbery planted pursuant to this section shall include at least one tree a minimum of eight (8) feet in height and six (6) shrubs at least eighteen (18) inches in height at planting. At least fifty (50) percent of the trees planted shall be of a shade/canopy species as outlined by the Planning Board.

 - (2) In support of the above, the following standards shall apply to interior plantings:
 - (a) All plantings shall be evenly distributed throughout the parking facility.

 - (b) All interior plantings shall be curbed or otherwise physically protected.

 - (c) Consecutive parking spaces shall incorporate landscape peninsulas no more than fifteen (15) spaces apart and at least the ends of all parking rows. Peninsulas shall contain at least one hundred (100) square feet in area and at least eight (8) feet in width, measured from back of curb/barrier to back of curb/barrier.

- (C) For parking facilities containing five (5) to thirty-six (36) spaces or stalls inclusive, a perimeter landscape strip may be provided in lieu of interior landscaping, subject to the following requirements:
 - (1) The minimum width of such strip shall be five (5) feet.

 - (2) For every fifty (50) linear feet or fraction thereof the perimeter landscape strip shall contain one (1) canopy tree of at least five (5) feet in height, and a continuous row (at least six) of evergreen shrubs at least eighteen (18) inches in height.

 - (3) Where a perimeter landscape strip overlays a street yard or bufferyard required elsewhere in this section, the more stringent requirements shall apply.

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

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

Section 15-5. Design Standards

- (A) Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be broken by buildings and/or landscape features.
- (B) Parking lots are to be treated as enclosed rooms for cars, with enclosure provided by tree planting and/or building wall(s). For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter. For large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking modules of no more than thirty-six spaces. See Figure 1.
- (C) Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors may be delineated by a paving material which differs from that of vehicular areas and planted to provide shade. Small posts or bollards may be included.
- (D) To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.
- (E) To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected.
- (F) All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with

healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement, or brick pavers.

- (G) Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence or wall of sufficient height to screen the bin and any appurtenances, but not less than 6' in height. Wooden shadow box fences are recommended. Trash containers such as dumpsters shall not be located abutting residential property.
- (H) Lots with less than five (5) parking spaces are not subject to the parking area landscaping provisions of this section.
- (I) Five (5) feet of sidewalk shall be provided along all property lines which are adjacent to a public right-of-way (see Figure 1).
- (J) Overflow Parking. Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover, the owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious surfaces.

Section 15-6. Tree Protection During Construction

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

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

Section 15-7. Maintenance

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

Section 15-8. Authority of Public Works Director to Treat or Remove Trees on Private Property

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

Section 15-9. Pruning Requirements

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

Section 15-10. Landscaping Standards – Single-Family Residential Subdivisions

Where a subdivision is proposed either on unforested land or trees have been removed, new trees shall be planted in accordance with the provisions of this section.

- (A) Along Street Frontage. As a requirement of subdivision approval, the subdivider shall plant trees along the frontage of both sides of all existing and proposed streets in the subdivision. In calculating the number of trees required per lot frontage, tree types have been assigned a value in linear feet based on the average mature canopy spread. The values are twenty-five (25) feet for large trees and fifteen (15) feet for small trees. Approved recreation/open space areas, must have one (1) large tree per street frontage (value of 25 feet).

This coverage must include a combination of trees to allow for mature canopies to cover 50% of lot width.

Example: Total lot width = 100 feet
Required Canopy Coverage = 50% or 50 feet

Two Large Trees = 50 feet of coverage

One Large Tree + two small trees = 55 feet of coverage

Four small trees = 60 feet of coverage

Upon installation, trees shall be spaced at least fifteen (15) feet apart, but preferably no greater than the spread of the canopy normally achieved by the tree species upon maturity.

Street trees shall be planted within the required front yard setback. Selection and location of trees shall consider existing and future site conditions including, but not limited to, overhead and underground utility lines, vehicular access drives, the location and extent of existing vegetation, and soil suitability.

- (B) Tree Types/Plantings. Trees to be planted shall be installed to reflect the natural growth patterns of materials selected. Tree species shall be planted, maintained, and spaced in a manner which permits full spread of the canopy upon maturity and shall be selected from a list of acceptable plant materials approved by the Town of Pembroke Planning Board. The preliminary plat shall show the location and types of proposed or existing trees which satisfy the requirements of this section. Other suitable alternatives may be used if approved by the Administrator. Plantings as required by this ordinance shall not be located in drainage, access or utility easements or under overhead power lines.
- (C) Existing Vegetation. Existing trees which satisfy the requirements of this section may fulfill the requirements of this section.

Section 15-11. Exemptions

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

FIGURE 1

Typical Conditions/Corner Lot

