



# TOWN OF FARMVILLE

## CODE OF ORDINANCES

### CHAPTER 33 – LANDSCAPE

#### Section A **PURPOSE**

The purpose of the Landscape Ordinance is to control and regulate the planting of trees and shrubs; to encourage the protection of existing trees; to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to moderate temperatures of impervious surfaces; to reduce glare from vehicular use area; to filter vehicle exhaust; and to establish procedures for fulfilling these purposes. This ordinance is not intended to apply to Single Family or Duplex Residential Units. It does apply to Multifamily and Commercial Occupancies.

#### Section B **PLAN REQUIRED**

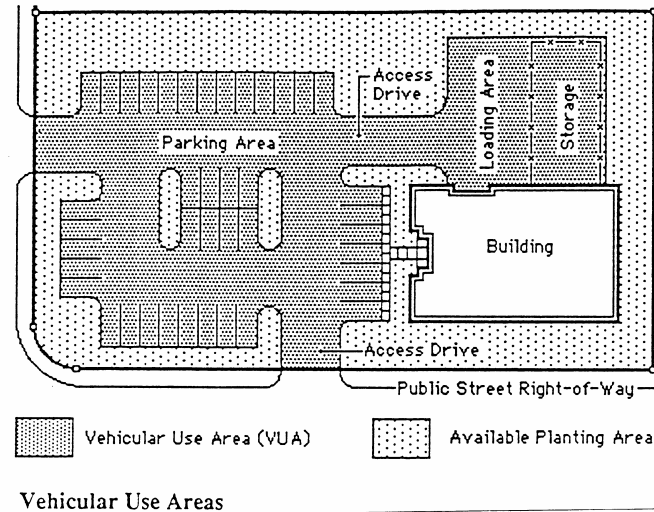
Any site plan pursuant to this Section shall include a landscape plan.

#### Section C **DEFINITIONS**

1. Caliper – diameter measurement of tree trunk taken at 6 inches above ground level for trees up to and including trees 4 inches in caliper. For larger trees, measurement of caliper shall be taken at twelve inches above ground level.
2. Large shade tree – a tree whose height will exceed 35 feet at maturity.
3. Small ornamental tree – a tree whose height will be below 35 feet at maturity.
4. Planting areas – Landscape area reserved for the sole purpose of providing growth area for required plant material.
5. Planting strip – Planting area along public right-of-way which is reserved for landscaping purposes.
6. Vehicular Use Area (VUA) – Areas accessible to vehicular traffic on a regular established basis. These areas have an improved surface such as gravel, asphalt, brick or concrete pavement. Examples include but are not limited to driveway and parking lots.
7. Loading and Service Area – Area which is used for trash or garbage collection, vehicular loading and unloading, outdoor storage or repair, or for

covered storage where the structure has no walls to screen views.

8. Utility Service Area (USA) – Area extending ten (10) feet on either side of any overhead or underground Utility service line, being either electric, water, or sewer.



## Section D STREETSCAPE LANDSCAPING

For proper abutting a public right-of-way the following shall be required.

1. A perimeter planting strip, exclusive of access drives, adjacent to the public right-of-way with a minimum width of nine (9) feet, provided each streetscape tree shall have minimum four and one-half foot (4 ½') radius planting area. The strip's total length shall be equal to the total length of the property line adjacent to the public right-of-way. The streetscape landscaping shall not interfere with the sight distance triangle for intersections.
  - a. When developing large tracts of land where large amounts of vacant space remain undeveloped, landscaping shall only be required in front of areas actually being developed. Undeveloped areas must still be maintained.
  - b. When developing large tracts of land where large amounts of vacant space remain undeveloped, landscaping shall only be required in front of areas actually being developed. Undeveloped areas must still be maintained.
2. Trees shall be planted within the planting strip according to one of the following requirements:

- a. One large shade tree for every hundred (100) linear feet of planting strip or fraction thereof equal to or greater than fifty (50) feet. Each tree shall be a minimum of 2” caliper and have a minimum height of 10 feet from the ground surface. Multi-stem trees shall be a minimum 10 feet in height from the ground surface. See Section P-1 for a schedule of recommended large shade trees. When large trees are planted, the minimum spacing required shall not be less than fifty (50) feet.
- b. One small size ornamental tree for every fifty (50) linear feet of planting strip or fraction thereof equal to or greater than twenty five (25) feet. Each tree shall be a minimum of 1” caliper and have a minimum height of 6 feet from the ground surface. Multi-stem trees shall be a minimum 6 feet in height from the ground surface. See Section P-2 for a schedule of recommended small ornamental trees. When planting small trees, the minimum required spacing shall not be less than twenty (20) feet.
- c. A combination of both large shade and small ornamental trees, such that the total number of linear feet of planting strip credited for all trees according to the ratios described in D.2.a. and D.2.b. above equals the total linear feet of planting strip required. (For example, a 200 foot frontage would be required to have one of the following: D.2.a: 2 Large Shade Trees; under D.2.b: 4 small ornamental trees; or under D.2.c: 1 Large shade tree & 2 Small ornamental trees.)

**Section E VEHICULAR USE AREA (VUA) LANDSCAPING**

1. Trees shall be planted according to one of the following requirements:
  - a. One large shade tree for every 5000 square feet of VUA or fraction thereof greater than or equal to 2500 square feet. Each tree shall be a minimum of 2” caliper and have a minimum height of 10 feet from the ground surface. Multi-stem trees shall be a minimum 10 feet in height from the ground surface.
  - b. One small shade tree for every 2500 square feet of VUA or fraction thereof greater than or equal to 1250 square feet. Each tree shall be a minimum of 1” caliper and have a minimum height of 6 feet from the ground surface. Multistem trees shall be a minimum or equal 6 feet in height from the ground surface.
  - c. A combination of both large and small ornamental trees, such that the total number of square feet of VUA credited for all the trees as required in E.1.a. and E.1.b.above equals the total square feet of VUA on the property.
2. Minimum planting area. A minimum planting area for each required tree shall

be provided as follows: large shade tree, 230 square feet; small ornamental tree, 150 square feet.

3. Planting areas provided for VUA planting must meet the following requirements:
  - a. Demonstrate that adequate soil preparation and mulching have been provided for all planting areas. Soil preparation must be verified by the Town's Arborist or his/her representative.
  - b. Planting areas shall have a minimum dimension in accordance with Section D. Each tree must have a minimum of 4.5' radius planting area.
4. VUA coverage requirements – No portion of the VUA shall be further than 120 feet from the trunk of a required VUA tree.
5. No credit for streetscape trees. Trees required by Section D, Streetscape landscaping, shall not be used to meet the VUA requirement. However, VUA required trees may be planted in the planting strip if all other requirements of the landscape standards are met.

**Section F. UTILITY SERVICE AREA (USA) LANDSCAPING**

10' either side of overhead or underground utility lines.

1. No trees that will exceed 20 feet in height shall be planted within the utility service area serviced by an overhead primary electrical line.
2. No trees or shrubs shall be planted within the area USA that includes an underground electric, water or sewer line.

**Section G SCREENING**

1. Loading and service areas shall be screened from public view from both residentially zoned property and public right-of-ways.
2. Screening shall be accomplished by one of the following methods:
  - a. A continuous row of large evergreen shrubs. Shrubs shall have a minimum height of thirty (30) inches at planting and shall attain a minimum height of six (6) feet at maturity. Shrubs shall be planted a maximum of six (6) feet apart. Minimum planting area width for the shrubs shall be five (5) feet. The use of shrubs of different species is acceptable. The selection of shrubs species shall be subject to the approval of the Planning Director or his designee.

- b. An opaque fence or wall with a minimum height of six (6) feet and a maximum height of eight (8) feet. The design and materials of any fence or wall must be presented as part of the site plan approval. The Board of Commissioners reserves the right to deny any materials, which would create a maintenance problem to the detriment of adjacent property owners. The side of the fence or wall facing the affected property owner shall be the finished or better appearing side.
- c. An earth berm to the minimum of six (6) feet. The berm shall be vegetated with grass, shrubs or trees. Other surfacing treatments shall be subject to the approval of the Board of Commissioners.
- d. A combination of the above such that an effective screen to a minimum of a height of six (6) feet is obtained. Small evergreen shrubs may be substituted for larger shrubs when planted on berms in excess of two (2) feet in height. Smaller shrubs shall have a minimum height of eighteen (18) inches at initial planting and shall attain a minimum height of four (4) feet at maturity. The use of shrubs of different species is acceptable. The selection of shrubs species shall be subject to the approval of the Planning Director or his designee.



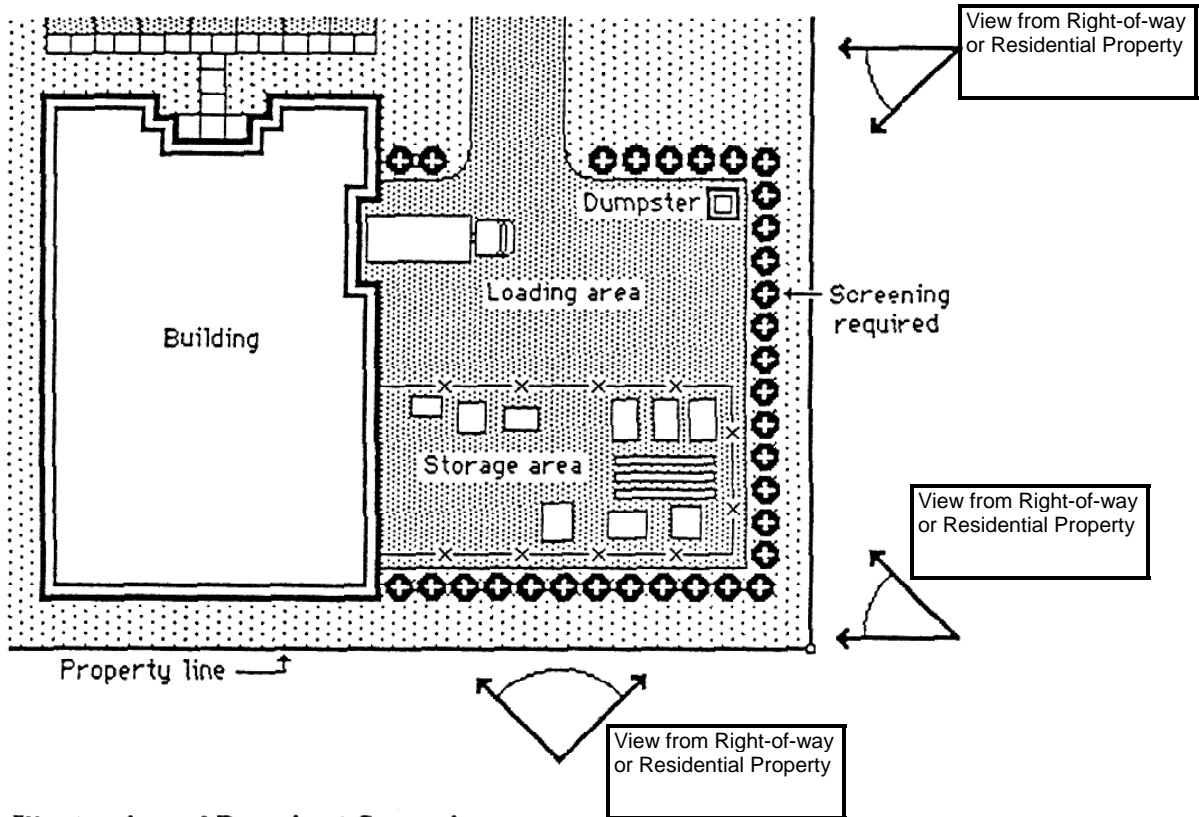


Illustration of Required Screening

**Section H EXISTING TREES**

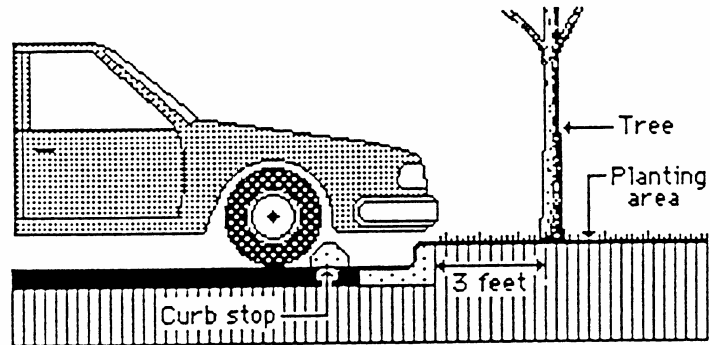
Existing trees may be used to satisfy all or part of the required tree plantings for Sections, D and E, if there are existing trees within the property or adjacent public right-of-ways which are to be saved as part of the development of the property. Provisions for insuring the livability of the trees to be saved must be demonstrated by the Owner. These provisions shall include but are not limited to:

1. Adequate planting area required for each existing tree to be saved to be an area on the property that is within a circle whose center is the trunk of the tree and whose radius in feet is equal to the trunk's diameter in inches. However, no radius shall be less than two and one-half (2 ½) feet.
2. Adequate protection of trees during and after construction as provided for in Section H of this ordinance.

**Section I. PROTECTION OF PLANTING AREAS**

1. Permanent protection – Planting areas shall be protected from damage by vehicular traffic with barriers including but not limited to curbs, wheel stops,

walls or fences. These measures shall be maintained for protection of the planting areas for as long as the planting areas are required by this ordinance.



Provide curb stop to prevent vehicle overhang in parking and loading areas where trees are planted closer than 3 feet to curb or edge of pavement.

### **Permanent protection - curb stops**

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2. Temporary protection – During construction adequate protection measures shall be provided for all planting areas of existing trees to be saved under the requirements of this ordinance to insure the exclusion of construction activity and storage of materials in them. This area includes the area up to the drip line. The entire area should be fenced in, and mulch applied to protect the tree and its root system. Trash and debris shall not be buried in planting areas of either existing or proposed trees required by this ordinance.

### **Section J PLANTING STANDARDS**

The minimum spacing between trees required by this ordinance or between trees required by this ordinance and others trees on the property shall be as follows:

1. large shade tree to large shade or small ornamental tree – 35 feet;
2. small ornamental tree to small ornamental tree – 20 feet.

### **Section K INFORMATION TO BE SUBMITTED**

A plan of the property at a scale of 1"=50' or larger shall be submitted as a part of and in accordance with this section. The plan shall be labeled "Landscape Plan" and shall include the following:

1. All proposed structures, drives, walks, parking areas and other features pertinent to the location and planting of trees.

2. All existing structures and site features to remain which are pertinent to the location and planting of trees.
3. All existing and proposed, above or below ground utility lines.
4. All proposed trees required by this ordinance, and all existing trees proposed to be saved under the requirements of this ordinance. Proposed trees shall be identified by genus, species and installation size. Existing trees to be saved shall be identified by genus, species, size and general condition.
5. The required planting areas for all trees including the planting strip along public right-of-ways. Critical dimensions for these areas shall be noted.
6. Permanent and temporary protection measures.

**Section L TREE REPLACEMENT**

Owner(s) and their agent(s) heirs, or assigns shall be responsible for the installation, reservation and maintenance of all planting and physical features required to satisfy the conditions of this section. Any dead or missing vegetation shall be replaced (with like or similar plants) within one calendar year.

**Schedule M AMORTIZATION OF NON-COMFORMING PROPERTIES**

When nonconforming properties make renovations equal to or exceeding 50% of the value of the structure the site must be brought in to compliance with the provisions of this ordinance as follows:

- a. Streetscapes. 100% compliance with Section D. is required.
- b. Vehicular Use Areas. 25% compliance with Section E. is required for all properties having more than twelve (12) parking spaces. Properties having twelve (12) or fewer parking spaces are exempt from VUA landscaping requirements.
- c. Screening. 100% compliance with Section G. is required for all properties having trash receptacles or dumpsters, loading or service areas visible from a public right-of-way or from adjacent property which is zoned more restrictively than the subject property.

**Exceptions**

- a. No expenditures made for removing asphalt, constructing planting areas, adding topsoil or plant materials to comply with Section M, shall be required in excess of 2% of the assessed real property tax value of the property on which improvements are made.

- b. Compliance with Section M shall be required only to the extent that said compliance does not result in more than a 10% net loss in parking spaces or reduces the total number of spaces below the minimum required by the zoning ordinance at time of compliance.

**Schedule N MODIFICATIONS**

Where unusual circumstances exist, the Appearance Commission may recommend the Planning Board authorize a modification from the requirements of this ordinance provided that the overall objectives of the ordinance are met.

**Schedule O INSPECTION OF SITES**

Agents and authorized representatives of the Town of Farmville may periodically inspect sites subject to the provision of this ordinance.

1. If, through inspection, it is determined that a person has failed to comply with the provisions of this ordinance, a notice to comply shall be served upon the person by registered from the Town of Farmville. The notice shall set forth that which will be necessary to comply with the ordinance.
2. The Town of Farmville shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose may enter at reasonable times upon any property, public or private, for the purpose of inspecting the sites subject to the provisions of this ordinance. Submission of a site plan shall allow for entry or access to any authorized representative or agent of the Town of Farmville who requests entry for the purpose of inspection. No person shall obstruct, hamper, or interfere with such representative while in the process of carrying out his official duties.

**Section P PENALTIES AND REMEDIES**

1. Violations of this chapter shall constitute a misdemeanor, punishable as provided in G. S.14-4.
2. Any act constituting a violation of this division shall also subject the offender to a civil penalty of twenty-five (\$25.00) dollars. If the offender fails to pay the penalty within ten days of receiving final written notice of a violation, the penalty

may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment, if the offender received a final written notice of violation and did not appeal to the Board of Adjustment within a reasonable time as provided by the rules of the Board.

3. Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.
4. In addition to the penalties and remedies above, the Town Manager may institute any appropriate action of proceedings to prevent, restrain, correct, or abate a violation of this division.

### **Section Q EMERGENCIES**

In case of emergencies such as windstorms, ice storms, fire or other disasters, the requirements of this ordinance may be waived by the Planning Director or his designee during the emergency period, so that the requirements of this ordinance would in no way hamper private or public work to restore order in the Town. This shall not be interpreted to be license to circumvent the intent of this chapter.

### **Schedule R SCHEDULE OF TREES AND SCREENING PLANTS**

The following are trees to be utilized in fulfilling the requirements of this ordinance. Use of trees not on this list to fulfill the requirements of this ordinance shall be subject to the approval of the Planning Director or his designee.

#### **LARGE SHADE TREES**

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Ash, Green	Fraxinus pennsylvanica
Birch, River	Betula nigra
Blackgum	Nyssa sylvatica
Cedar, Deodar	Cedrus deodara
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm, Chinese	Ulmus parvifolia
Ginkgo, male only	Ginkgo biloba
Holly, American	Ilex opaca
Honeylocust, Thornless	Gleditsia triacanthos
Linden, Littleleaf	Tilia cordata
Magnolia,, Southern	Magnolia grandiflora
Maple, Red	Acer rubrum
Maple, Sugar	Acer saccharum
Oak, Eastern Red	Quercus rubra maxima
Oak, Laurel	Quercus laurifolia
Oak, Pin	Quercus palustris
Oak, Sawtooth	Quercus acutissima
Oak, Scarlet	Quercus coccinea
Oak, Southern Red	Quercus falcata
Oak, Water	Quercus nigra
Oak, White	Quercus alba
Oak, Willow	Quercus phellos
Pine, Loblolly	Pinus taeda
Pine, Shortleaf	Pinus echinata
Poplar, Tulip	Liriodendron tulipifera
Fruitless Sweetgum	Liquidambar styraciflua
Sycamore	Platanus occidentalis
Zelkova, Japanese	Zelkova serrata

### **SMALL ORNAMENTAL TREES**

**Common name**

Apricot, Flowering  
 Buckeye, Ohio  
 Carolina Silverbell  
 Cherry, Japanese  
 Cherry, Yoshino  
 Crabapple  
 Crapemyrtle  
 Dogwood, Kousa  
 Fringe Tree  
 Golden-Rain-Tree  
 Hawthorne  
 Hornbeam, American  
 Laurel, Carolina Cherry  
 Magnolia, Saucer  
 Maple, Japanese  
 Myrtle, Wax  
 Pistach  
 Redbud, Eastern  
 Sourwood  
 Yellowwood

**Botanical name**

Prunus mume  
 Aesculus glabra  
 Halesia carolina  
 Prunus serrulata  
 Prunus yedoensis  
 Malus spp.  
 Lagerstroemia indica  
 Cornus kousa  
 Chionanthus virginicus  
 Koelreuteria paniculata  
 Cratageus spp.  
 Carpinus caroliniana  
 Prunus caroliniana  
 Magnolia soulangeana  
 Acer palmatum  
 Myrica cerifera  
 Pistacia chinensis  
 Cercis canadensis  
 Oxydendrum arboreum  
 Cladrastis lutea

**SCREENINGS**

**Common name**

Yaupon Holly  
 Dwarf Borford Holly  
 Wax Myrtle  
 Japanese Privet  
 Chinese Privet  
 Nellie R. Stevens Holly  
 Foster Holly

**Botanical name**

Ilex vomitoria  
 Ilex cornuta  
 Myrica cerifora  
 Ligustrum japonicum  
 Ligustrum chinense  
 Ilex x 'Nellie R. Stevens'  
 Ilex x atlervatta 'Foster #2'

Adopted August 7, 2002