

ARTICLE XIV

ORDINANCE ESTABLISHING LANDSCAPE STANDARDS

Purpose The purpose of this ordinance is to protect the landscape of our Town and to thereby protect the quality of life.

1.0 Definitions

1. Caliper – diameter measurement of tree trunk taken at six inches above ground level for trees up to and including trees four inches in caliper. For larger trees, measurement of caliper shall be taken at 12 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 Area – Landscaping area reserved for the sole purpose of providing growth area for required plant material.
5. Planting Strip – Planting area along public right-of-way is reserved for landscaping purposes.
6. Vehicular Use Area – 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 driveways and parking lots.

2.0 Landscape Plan Required.

All new structures except those used for single family residences will be required to submit a landscaping plan to the Zoning Officer prior to a building permit being issued.

3.0 Streetscape Landscape.

All developed property, other than single family residential, abutting a public right-of-way must comply with the following requirements.

1. A perimeter planting strip of at least five feet, exclusive of access drives, adjacent to the public right-of-way, provided each streetscape tree shall have a minimum four and one-half feet (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.

2. Trees and shrubbery shall be planted within planting strip according to one of the following requirements:
 - a. One large shade tree for every 75 linear feet or fraction thereof greater than one half of said 75 feet. Each tree shall be a minimum of two inch caliper and have a minimum height of ten feet from the ground surface at the time of planting.
 - b. One small size ornamental tree for every 50 linear feet or fraction thereof greater than one half of said 50 feet. Each tree shall be a minimum of one inch caliper and shall have a minimum height of six feet from the ground surface at the time of planting. Multi-stem trees shall be a minimum of six feet in height from the ground surface.
 - c. A combination of both large and small ornamental trees may be substituted for (a) and (b).

4.0 Vehicle Use Areas.

1. Trees shall be planted according to one of the following requirements:
 - a. One large shade tree for every 3500 square feet of vehicle use area or a fraction thereof equal to or greater than one half of said 3500 feet. Each tree shall be a minimum of two inch caliper and have a minimum height of ten feet from the ground surface at the time of planting. Multi-stem trees shall be a minimum of six feet in height from the ground surface at the time of planting.
 - b. One small shade tree for every 2000 square feet or a fraction thereof greater than one half of said 2000 feet. Each tree shall be a minimum of one inch caliper and have a minimum height of six feet from the ground surface at the time of planting. Multi-stem trees shall be a minimum of six feet in height from the ground surface at the time of planting.
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 vehicle use area planting must meet the following requirements:
 - a. Demonstrate that adequate drainage and mulching has been provided for all planting areas.
 - b. Planting areas shall have a minimum dimension in any one direction of nine (9) feet.

5.0 Loading and Service Areas.

1. Loading and service areas shall be screened from public view from adjacent property and public right-of-way.
2. Screening must be accomplished by one of the following methods:
 - a. A continuous row of large evergreen shrubs. Shrubs shall have a minimum height of 30 inches at planting and shall attain a minimum height of six feet at maturity. Shrubs shall be planted a maximum of eight feet apart. Minimum planting area width for the shrubs shall be five feet.
 - b. An opaque fence or wall with a minimum height of six feet and a maximum height of eight feet. The design and materials of any fence or wall must be presented as part of the site plan. 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 a minimum of six feet. The berm shall be vegetated with grass, shrubs or trees.
 - d. A combination of the above such that an effective screen to a minimum height of six feet is obtained. Small evergreen shrubs may be substituted for larger shrubs when planted on berms in excess of two feet in height. Smaller shrubs shall have a minimum height of 18 inches at initial planting and shall attain a minimum height of four (4) feet at maturity.

6.0 Existing Trees.

Existing trees may be used to satisfy all or part of the plantings required by this Ordinance. Provision for insuring the livability of the trees to be saved must be demonstrated by the owner/developer. These provisions shall include but not be limited to: an adequate undisturbed area for each existing tree of at least 2½ feet.

7.0 Planting Standards.

The minimum spacing between trees required by this Ordinance or between trees required by this Ordinance and other trees on the property shall be as follows: large shade tree or small ornament tree – 8 feet.

8.0 Information to be Submitted with Site Plan.

A site plan of the property at a scale of 1 inch = 50 feet or a lesser scale shall be submitted as a part of the materials submitted to the Zoning Enforcement Officer. The plan 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.
5. The required planting areas for all trees including the planting strip along public rights-of-way. Critical dimensions for these areas shall be noted.
6. Permanent and temporary protection measures.
7. Guying and staking of trees.
8. Plant list including quantity, species and size to be installed.

9.0 Tree Replacement.

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

10.0 Inspection of Sites.

Agents and authorized representatives of the Town of Mars Hill may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a person has failed to comply with the provisions of this Ordinance, the Zoning Officer will call his/her attention to this failure and request compliance within a reasonable time. If the person continues in noncompliance, a written notification will be sent by registered mail. This notice shall set forth that which will be necessary to comply with the Ordinance.

11.0 Penalties and Remedies.

1. Penalties and remedies of this Ordinance shall constitute a misdemeanor

punishable as provided by G.S. 14-4.

2. Any act constituting a violation of this division shall also subject the offender to a civil penalty of \$25.00 per day. 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.

12.0 Variances.

The Board of Adjustment may authorize variances from this Ordinance. Prior to any variance being granted, a landscape plan should be submitted to the Board of Adjustment with the rationale to support the need for variation from this ordinance.