



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Town of Beaufort UDO Steering Committee Meeting 2:00 PM Monday, October 20, 2025 - Virtual via Zoom

Call to Order

Minutes Approval

- [1.](#) UDO Steering Committee Draft Minutes 8.18.25

Items for Discussion and Consideration

- [1.](#) Review of Preliminary Discussion Draft - Landscaping & Tree Preservation

Adjourn



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Town of Beaufort UDO Steering Committee Meeting 10:00 AM Monday, August 18, 2025 - Virtual via Zoom Minutes

Call to Order

Planner Eitner called the meeting to order at 10:00am. Those in attendance were Paula Gillikin, Commissioner (UDO Steering Committee Member), Ryan Neve, Planning Board Chairman (UDO Steering Committee Member), Vic Fasolino, Planning Board Member (UDO Steering Committee Member), Tyson Smith, White Smith Cousino (UDO Consultant), Kelly Cousino, White Smith Cousino (UDO Consultant), Sean Scoopmire, White Smith Cousino (UDO Consultant), Caitlin Cameron, White Smith Cousino (UDO Consultant), and Michelle Eitner, Planner (Town Staff). One member of the public attended to observe the meeting.

Minutes Approval

1. UDO Steering Committee Draft Minutes 8.4.25

The UDO Steering Committee meeting minutes from August 4, 2025, were approved by consensus without any changes.

Items for Discussion and Consideration

1. Coastal Resilience Overlay Single-Family Residential Exemption Language

Kelly Cousino of White Smith Cousino presented the revised language for the Coastal Resilience Overlay District regarding exemptions for nonconforming single-family houses. She explained that the language had been tied to the flood damage prevention ordinance, using terms like "substantial damage" and "substantial improvements," which are both defined in that ordinance.

The proposed language would allow nonconforming single-family houses in the overlay district to be rebuilt to pre-event dimensions on the pre-event footprint if they meet all applicable building codes, meet or exceed the regulatory flood protection elevation (unless a variance has been granted), and if applicable, receive a certificate of appropriateness for historic houses.

Additionally, the language included a provision for houses that are nonconforming with respect to height or would exceed the base zoning district height limit after improvements due to elevation requirements. In such cases, the house could be built to its height at the time of damage or the base zoning district height plus one foot for each foot the house is elevated above the regulatory flood protection elevation, up to a

maximum of three feet. This aligns with the incentive in the increased construction standards that allows new construction to get an extra three feet in height if elevated above the required freeboard.

The committee members agreed that the language captured their expectations from the previous meeting's discussion and had no changes to request.

Kelly confirmed that this language would be the draft going out to the Planning Board and the BOC for their work session the following week.

2. Preliminary Drafting Discussion: Trees, Landscaping, & Bufferyards

Sean Scoopmire of White Smith Cousino led the discussion on trees, landscaping, and bufferyards based on the questions provided on Konveio last week, beginning with a disclaimer about the legal risks with adopting tree regulations in North Carolina. He noted that local governments may not have clear legal authority to regulate tree preservation, and that the limitations depend on context and framework. He mentioned that several jurisdictions have local legislation authorizing tree preservation, but the specifics vary by community.

Ryan Neve noted that the current wording in Beaufort's LDO hasn't saved a single tree since implementation because it is unenforceable and lacks consequences. He cited examples of developers cutting trees without permission and then seeking approval afterward.

The committee discussed community aesthetics, with Paula Gillikin expressing a preference for natural areas but acknowledging that a hybrid approach might be more realistic for businesses and larger developments. She referenced Mount Pleasant's (South Carolina) goal of integrating natural conditions, preserving existing plant material, and maintaining a healthy attractive appearance.

Regarding the regulatory approach, Vic Fasolino expressed concerns about using incentives, noting they create a bookkeeping burden for staff and questioning what the town would give up in exchange (parking spaces, height restrictions, etc.). The committee agreed that specific requirements would be preferable to incentives.

Michelle Eitner, Town Planner, confirmed that the administrative burden of tracking incentives could be difficult, especially in a small department.

The committee discussed goals for commercial landscaping, including:

- Screening parking areas from the street, while keeping businesses visible
- Emphasizing building foundation plantings
- Requiring shade trees in parking areas
- Providing shade along sidewalks where possible

Ryan Neve suggested that if parking is placed behind buildings, the buildings themselves can serve as effective screening.

The committee agreed that landscaping standards should apply uniformly across town rather than focusing on specific corridors.

Regarding tree selection and survival, the committee discussed:

- Requiring native species
- Using smaller caliper trees (1-inch instead of 2-inch or 3-inch) which have better survival rates

- Potentially increasing the number of required trees while allowing them to be smaller
- Requiring bonds to be held for up to two years to ensure tree establishment

On tree preservation, the committee favored:

- Protecting specific larger trees, especially native species like live oaks
- Requiring species-specific size thresholds rather than a one-size-fits-all approach
- Implementing protections for mature trees in existing residential areas
- Creating a prohibited species list for invasive plants
- Potentially requiring elevated review and permitting for removal of significant trees

The committee discussed the potential to regulate herbicides and pesticides but acknowledged enforcement challenges. They also expressed interest in regaining Beaufort's Tree City USA designation.

Sean Scoopmire noted that the consultants would research these topics further, including Pine Knoll Shores' tree regulations (which were mentioned as a potential model), and prepare a draft for the committee to review.

Kelly Cousino explained that the next meeting with the Steering Committee would likely be in mid-October, when they would have a draft of the trees, landscaping, and bufferyard ordinance for review. In the meantime, the consultants would work with staff to develop the draft.

She also shared the continued schedule for Module 1, including the BOC worksession the following week on August 25th and a panel discussion at the train depot on August 26th (both in-person and broadcast on Facebook Live), with Planning Board review scheduled for September 15th and Board of Commissioners review at the end of October.

Adjourn

The meeting adjourned by consensus at about 11:50am.

_____ Committee Staff – Approved _____



4.3: Landscaping & Tree Preservation

Preliminary Discussion Draft
October 10, 2025



Town of Beaufort, NC | Unified Development Ordinance

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Article 4: Development Standards 3

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Article 4: Development Standards

4.3. Landscaping & Tree Preservation¹

4.3.1. Purpose & Intent²

The purpose of this section is to provide development standards for landscaping, screening, and tree preservation. The BOC finds landscaping, screening, and trees:

- A. Protect properties from the negative impacts of adjacent development;
- B. Enhance the beautification of the Town;
- C. Safeguard and enhance property values;
- D. Conserve energy;
- E. Enhance groundwater recharge;
- F. Abate stormwater runoff and soil erosion;
- G. Reduce noise, glare, and heat; and
- H. Provide habitat and food sources for pollinators and other wildlife.

4.3.2. Applicability³

A. Generally.

- 1. The landscaping and screening standards apply based on the land use as provided in the notes following Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
- 2. The landscaping and screening standards of this Section apply to:
 - (a) The development of undeveloped sites; and
 - (b) Changes on a developed sited, based on the extent of the expansion of impervious surface as provided in Table 4.3.2-1:

¹ This Section combines the current landscaping, tree, and buffer standards in *LDO Sections 14, Planting and Preservation Standards for Trees and Landscaping; 15, Landscaping and Vehicle Accommodation Requirements; and 19, Screening, Fencing, and Buffer Yard Standards & Requirements.*

² This Section carries forward and expands on *LDO Section 15.A, Purpose and Intent.*

³ This new Section includes applicability standards and an illustration of required landscape areas.

Applicability of Landscape Standards for Changes to Developed Lots.

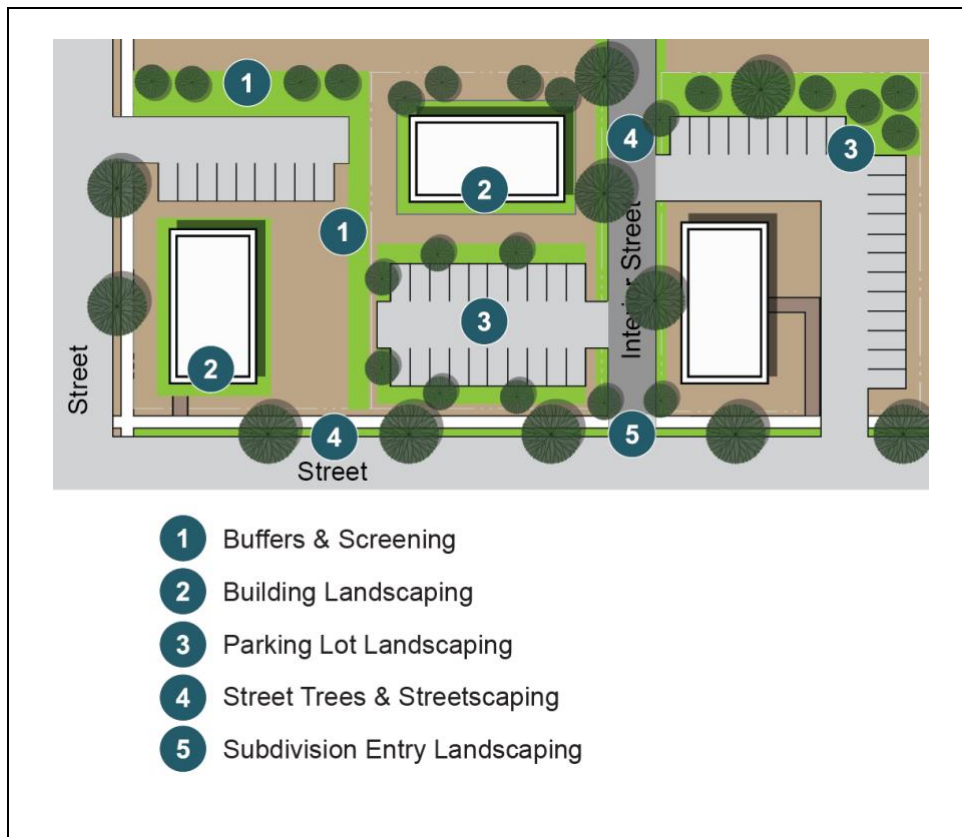
Table 4.3.2-1: Applicability of Landscape Standards for Changes to Developed Lots

Expansions (% of original Impervious Surface Area)	Application of Landscaping Requirements
0 - 15%	Exempt
16 - 45%	Applies to expanded areas only
45% and more	Applies to the whole lot(s)

B. Landscape Areas.

- Figure 4.3.2-1 illustrates the types of landscape areas and buffer yards required by this Section.
- This diagram is for the illustrative purposes of the general areas for landscaping and does not specify the required landscaping and buffer areas for specific development applications.

Figure 4.3.2-1: Landscape and Buffer Locations



C. Landscaping and Screening Required.

- Each category of land uses, as categorized in **Table ____: Use Table**, must provide the types of landscaping indicated in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
- This Section provides additional standards for each landscaping type. These additional standards are referenced in Table 4.3.2-2.

Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards

Landscaping and Screening Standard	Residential	Mixed-Use and Institutional	Commercial	Industrial	Reference
Buffers & Screening	✓	✓	✓	✓	4.3.3
Vehicle Accommodation Areas		✓	✓	✓	4.3.4
Building Landscaping		✓	✓	✓	4.3.5
Retention and Detention Ponds	✓	✓	✓	✓	4.3.6
Fences and Walls	✓	✓	✓	✓	4.3.7
Open Storage and Refuse Collection Areas		✓	✓	✓	4.3.8
Street Trees		✓	✓	✓	4.3.9
Public Trees	✓	✓	✓	✓	4.3.10
Tree Preservation		✓	✓	✓	4.3.11

Key: ✓ = standard applies | [blank cell] = standard does not apply

4.3.3. Buffers & Screening⁴

A. Applicability.

⁴ This Section carries forward and clarifies *LDO Section 19, Screening, Fencing, and Buffer Yard Standards and Requirements A. through J.*

1. This Subsection establishes standards for the use of screening and buffer yards in the Town's planning and development regulation jurisdiction.
2. Buffer yards and screening are required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.

B. Required Buffers.

1. *Type of Buffer Required.* The type of buffer required is determined by the category of land uses adjacent to the proposed use, as each is categorized in **Table ____: Use Table**, as provided in Table 4.3.3-1.

Table 4.3.3-1: Type of Screening/Buffering Required Between Adjacent Land Uses

Land Use		Existing Use			
		Residential	Mixed-Use and Institutional	Commercial	Industrial
Proposed Use	Residential	None	A	B	A
	Mixed-Use and Institutional	A	None	B	A
	Commercial	B	B	None	B
	Industrial	A	A	B	None

2. *Development Adjacent to Vacant Lot.*
 - (a) When developing a use directly adjacent to a vacant lot or parcel, the property owner or developer is not required to install a buffer yard but must reserve the area necessary to install one in the future.
 - (b) When the adjacent vacant lot is developed, the owner or developer of the existing use shall provide all screening and buffer yard required.
3. *Screening Materials Required.*
 - (a) The buffer or screen must incorporate the plant material and fencing required by this Subsection for each buffer type.
 - (b) Tarpaulins, tents, or other temporary screens are not acceptable screening or buffering materials.

C. Types of Buffer Yards.

1. *Type A.* This buffer yard is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.
 - (a) Type A buffering consists of a screen or buffer yard that is opaque from ground level to a height of at least six feet, with decreasing opacity up to 30 feet above ground level.
 - (b) A Type A buffer yard may be composed of various combinations of wall, fence, planted vegetation, and existing vegetation, as provided in Table 4.3.3-2.
 - (c) Type A buffer yards require at least 50% native plants. [See Section 4.3.14: Preferred & Prohibited Species].

Table 4.3.3-2: Type A Screen/Buffer Yard

MINIMUM PLANTS PER 100 LINEAR FEET		
SCREENING/BUFFERING MATERIAL	BUFFER YARD WIDTH OPTIONS	
	10-19 ft.	20 ft. or more
Canopy trees (evergreen)	4	4
Understory trees (evergreen)	6	6
Large Shrubs (evergreen only)	0	25
Built opaque fence or wall (6 ft. height minimum) covering entire length of buffer yard	Required	Optional

2. *Type B.* This buffer yard is intended to partly block visual contact between uses and to create an impression of spatial separation.
 - (a) Type B screening/buffering shall consist of a screen that is opaque from ground level to a height of at least three feet, with intermittent visual obstructions from three feet up to 30 feet above ground level.
 - (b) A Type B buffer yard may be composed of various combinations of wall, fence, planted vegetation, and existing vegetation, as provided in Table 4.3.3-3.
 - (c) Type B buffer yards require at least 50% native plants. [See Section 4.3.14: Preferred & Prohibited Species]

Table 4.3.3-3: Type B Screen/Buffer Yard

MINIMUM PLANTS PER 100 LINEAR FEET		
SCREENING/BUFFERING MATERIAL	BUFFER YARD WIDTH OPTIONS	
	10-19 ft.	20 ft. or more
Large trees (evergreen)	2	2
Small trees (evergreen)	3	3
Small Shrubs (evergreen only)	0	25
Built opaque fence or wall (3 ft. height minimum) covering entire length of buffer yard	Required	Optional

3. *Type C.* The Type C buffer yard is intended to screen specific site features or uses with an aesthetically pleasing fence and landscaping to soften the appearance of the fence.
- (a) A Type C buffer yard requires a fence or wall and planted vegetation, as provided in Table 4.3.3-4.
 - (b) Material stored behind the fence or wall shall not be higher than the fence or wall.

Table 4.3.3-4: Type C Screen/Buffer Yard

MINIMUM PLANTS PER 100 LINEAR FEET	
SCREENING/BUFFERING MATERIAL	NUMBER OF PLANTS [1]
Large trees (evergreen)	0
Small trees (evergreen)	0
Large Shrubs (evergreen)	3
Small Shrubs (evergreen)	25
Built opaque fence or wall (6' height minimum)	Required

[1] When the fence or wall is located more than 50 feet from the nearest street right-of-way, only 50% of the plants are required.

- (c) *Opaque Fence.*
 - (1) An opaque fence for a Type C screen/buffer must be opaque from ground level.

- (2) The height of the fence must be between six feet and eight feet.

(d) *Solid Wall.*

- (1) A solid wall for a Type C screen/buffer may be used to satisfy the fencing requirements of this section along those areas where the building exists.
- (2) A solid wall for a Type C screen/buffer requires solid construction such as wood, masonry, or other finish material, without openings, accesses, protrusions, lighting, or mechanical equipment.
- (3) Breaks or separations are not allowed between fencing and building walls along property lines where a combination of fencing and building walls is used to satisfy the requirements of this Section.

(e) *Vegetation.*

- (1) Vegetation is required between the fence and right-of-way to accent the required opaque fence.
- (2) An alternative design may be submitted instead of the specific requirements of this Section for approval by the Director of Planning and Inspections.
- (3) Landscaping is not required in front of an entrance gate.

(f) *Additional Requirements.* The following are additional requirements for the Type C screen:

- (1) The fence shall be set back from the road or street right-of-way at least five feet but may be no closer than 10 feet from the edge of pavement.
- (2) The materials required to be screened may not be used to support the screen itself.

D. Exceptions.

- 1. *Option to Build Fence.* For both Type A and Type B buffer yards, if the option to build an opaque fence within a 20-foot or greater buffer yard is selected, the planting requirements are the same as for a 10- to 19-foot buffer yard.

2. *Alternative Designs.* Where proposed by the developing use or recommended by the Town's Planning and Inspections Department and where the proposal or recommendation is acceptable to both parties, alternative designs may be provided in lieu of the specific requirements stated herein. Alternative designs may include:
 - (a) Natural buffers of a width and density that, during all seasons, ensure the screening or buffering intent for the situation;
 - (b) Drainage corridors with vegetated banks and adjacent areas that meet the screening or buffering intent for the situation; and
 - (c) Other alternative designs that will ensure the screening or buffering intent for the situation.

E. Location of Buffer Yards.

1. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot's boundary line, except for the setback required for the fence included in the Type C buffer.
2. Buffer yards may be located in whole or in part within any side yard or rear yard setbacks.
3. Buffer yards shall not be located on any portion of a public or private road right-of-way or utility easement, unless written approval is obtained from the Town's Public Works Department or the easement holder.
4. *Responsibility for Development of a Buffer Yard.*
 - (a) The owner or developer of the permitted use of land is responsible for submitting a buffer yard plan to the Planning and Inspections Department as provided in Section 4.3.12: Landscape Plans.
 - (b) The owner or developer is responsible for providing and maintaining the required buffer yard and screening.
 - (c) The owner or developer is responsible in perpetuity for the replacement of any screening material that dies or is removed.

F. Use of Buffer Yards. A buffer yard may be used for passive recreation. It may contain multi-use trails if:

1. The required amount of plant material is maintained;
2. The total width of the buffer yard is maintained; and
3. All other regulations of this Ordinance are met.

4.3.4. Vehicle Accommodation Areas⁵

A. Applicability.

1. *Generally.* Vehicle Accommodation Area (VAA) landscaping is required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
2. *Exemptions.* The following are exemptions from the landscaping provisions of this Section for VAAs:
 - (a) Truck loading areas in front of overhead doors;
 - (b) Truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking;
 - (c) Surfaced areas not to be used for vehicle parking, driving, or maneuvering, if they are made inaccessible to vehicles by a barrier such as bollards, curbs, or fencing;
 - (d) Vehicle displays, sales, service, and storage areas; and,
 - (e) Parking areas under covered stalls and in public garages.

B. Planting Strip.

1. *Planting Strip Required.* When VAAs are located within 50 feet of a public or private right-of-way, a planting strip with a minimum width of 10 feet is required parallel to the street right-of-way on the applicant's property.
2. *Planting Rates.* The landscaped area may include turf grass and requires the following plantings per 100 linear feet:
 - (a) Three Canopy Trees; and
 - (b) 24 shrubs (at least 50% evergreen).
3. *Use of Planting Strip.* The planting strip shall not be used for parking but may include sidewalks and multi-use trails.

C. Parking Lot Interior Landscaping.

⁵ This Section completely updates and simplifies *LDO Section 15.B., Vehicle Accommodation Area (VAA) Exemptions*. The revision adds a landscaped planting strip instead of lawn planting strip. It also removes Impervious Surface intensity in *LDO Section 15.D., Impervious Surface Intensity (ISI)* in favor of use-based applicability and simplified standards based on specific parking lot configurations.

1. *Parking Aisle Islands.*
 - (a) *End Islands.* Parking lot islands with planting areas containing at least one canopy tree shall be placed at the end of every row of parking.
 - (b) *Interior Islands.* Interior parking lot islands must be provided at intervals of no more than 10 spaces and contain at least one canopy tree or two understory trees.
2. *Private Drive Islands.* All private drives that channel traffic within a parking area, including vehicular ways between parking areas, require separation from adjacent sidewalks or rows of parking by a landscaped area at least 10 feet in width containing the following plantings per 100 linear feet:
 - (a) Three canopy trees; and
 - (b) 24 shrubs (at least 50% evergreen).
3. *Minimum Area.* Each interior planting island shall contain at least 200 square feet in area and shall be at least 10 feet in width.

D. General Standards for VAA Landscaping.

1. *Substitution for Canopy Trees.* Understory trees may be substituted for canopy trees at the rate of two understory trees for every required canopy tree for no more than 50% of the total required canopy trees.
2. *Design of Barriers.* Barriers such as curbs or wheel stops shall be provided between VAAs and landscaped areas to protect all plantings.
3. *Soil Quality.* All parking lot landscaping areas shall have a base of soil and shall not contain base course paving material.
4. *Location of Other Site Features.* Lighting and sign locations shall not conflict with required tree locations or expected growth.

4.3.5. Building Landscaping⁶

- A. **Applicability.** Building landscaping is required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
- B. **Building Landscaping Standards.**

⁶ This new Section provides for landscaping for buildings that face a public street.

1. A minimum five-foot wide area must be provided for landscaping adjacent to any side of a building facing a public right-of-way.
 2. Up to 25% of the building width along the street may be utilized for entrance walkways and other features.
 3. In locating the minimum required landscaping, the designer shall ensure adequate space is provided for the spread, height, and root system for the selected plantings.
- C. **Planting Rates.** The minimum planting rates per 100 linear feet are:
1. 3 understory trees; and
 2. 33 shrubs.

4.3.6. Retention & Detention Ponds⁷

- A. **Purpose.** This Section provides safety, landscaping, and fencing standards for all stormwater retention and detention ponds in an effort to mitigate any safety, incompatibility, or aesthetic issues they may cause.
- B. **Applicability.**
1. Landscaping and fencing for detention and retention ponds are required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
 2. The landscaping required by this Section does not count towards any other landscaping required by this Ordinance.
- C. **Safety Requirements.**
1. The preferred design strategy is to manage the contours of the pond to eliminate drop-offs and any other hazards.
 2. New retention and detention ponds must be designed with safety in mind so a person or child in the water could easily exit the pond.
 3. The following standards are required, and failure to meet them will require the use of alternate safety measures, such as fencing.
 - (a) Side slopes shall not exceed a 3:1 slope and shall terminate on a safety bench that extends inward from the toe of the pond side

⁷ This Section carries forward and revises *LDO Section 15.E., Retention/Detention Ponds*. It adds an objective standard for pond fencing and eliminates exceptions that did not include standards for review.

slope to the normal water edge and into the pond to a depth of no more than 18 inches.

- (b) The pond beyond the bench may be of any depth.
- (c) The safety bench should be designed to facilitate the egress of the pond.
- (d) The safety bench may be landscaped to prevent access to the pond.

D. **Fencing Requirements.**

1. *When Required.* Where the design of a pond does not meet the safety standards of 4.3.6.C above, the owner must provide fencing around the pond that is at least four feet in height.
2. *Materials.* Fencing must be made of steel or aluminum chain link with black or green vinyl coating.
3. *Access.* All fences must include securable access gates for maintenance personnel and equipment and to provide for the safety of citizens.
4. *Fenced Sites.* Where the entire property or the portion of the property where the pond is located is enclosed by a fence at least four feet in height, an additional fence around the pond is not required.
5. *Shrubs Required.*
 - (a) Except for fence entrances, shrubs must be provided around the perimeter of the required fence to screen at least 50% of the fence at maturity.
 - (b) The required shrubs shall be maintained at a height not less than three feet or more than six feet.
6. *Trees Required.* Canopy trees must be placed outside the required fencing at a rate of one per 50 linear feet of fencing around the pond.

4.3.7. Fences & Walls⁸

A. **Residential Fencing.**

1. For residential uses, as categorized in **Table _____: Use Table**, fences and walls not taller than four feet may project into or enclose the front yard.

⁸ Carries forward and reorganizes LDO Section 15.E., Fences and Walls.

2. Fences and walls taller than four feet cannot extend closer to the street right-of-way than the lesser of:
 - (a) The front corner of the main building situated on the lot; or
 - (b) Twenty-five feet from the street right-of-way.
3. Fences and walls shall not encroach into a public street right-of-way.
4. Side and rear yards may be enclosed by fences or walls not taller than six feet.
5. Metal fences shall not exceed four feet in height and shall have a mesh smaller than five inches.
6. Wooden or other privacy fences must not exceed six feet in height.
7. All fences in the Historic District must be approved by the BHPC. [See [Section 7.5.3, Certificates of Appropriateness](#)]

B. Nonresidential Fencing.

1. *Applicability.*
 - (a) Only conforming nonresidential land uses may have a solid or open fence or wall erected to a maximum height of 10 feet, unless a taller fence is required by this Ordinance.
 - (b) Nonresidential uses in the TR District must comply with the standards for residential fencing in 4.3.7.A above.
2. *Open Fences.*
 - (a) An open fence or wall has openings throughout that account for 50% or more of the area of the fence or wall to allow clear vision from one side to the other on a horizontal plane.
 - (b) An open fence may encroach into the sight distance triangle as provided in Section 4.3.13: Planting Standards.
3. **Closed Fences.** A fence or wall that does not qualify as an open fence or open wall must maintain a setback at entrances and exits to the site to provide an adequate sight distance as provided in Section 4.3.13: Planting Standards.

C. Retaining Walls.

1. The setback and yard requirements of this Ordinance do not apply to a retaining wall not more than five feet high, as measured from the lowest ground elevation to the top of the wall.
2. The BOA may approve a variance allowing a retaining wall greater than five feet in height due to the topography of the lot if the wall is necessary for the adequate use or development of the site.

4.3.8. Open Storage & Refuse Collection Areas⁹

A. Screening for Open Storage Areas.

1. *Applicability.*
 - (a) This provision applies to any nonresidential use adjacent to a residential zone.
 - (b) In the TR and B-1 districts, open storage is prohibited as an accessory or other use.
2. *Screening Required.* Open storage areas for materials and goods, such as boxes, crates, trash piles, machinery, and merchandise, displayed in the open require a Type C buffer along any property lines adjacent to a residential zone.

B. Screening for Refuse Collection Areas.

1. *Applicability.*
 - (a) Screening or buffering is required for all refuse collection areas designed for commercial use and multifamily use with communal refuse collection areas.
 - (b) The requirements of this Subsection do not apply to unmanned uses, such as cemeteries or stations for public or private utilities for power, water, or communications.
 - (c) All site plans must show the location for refuse collection areas.
2. *Required Screening.*

⁹ Carries forward and clarifies LDO Section 15.F, *Screening/Buffering of Open Storage Areas* and LDO Section 15.J, *Requirements for Refuse Collection Areas* but expands screening requirement to include multifamily use.

- (a) Refuse collection areas shall be screened on three sides by an opaque fence or wall so they are not visible from any surrounding properties or streets.
 - (b) Where site conditions require that the refuse collection area faces a right-of-way, the fourth side requires an opaque gate. Chain link fencing is prohibited.
- 3. **Access.** Collection areas must be designed so waste removal trucks can easily access the waste containers.
- 4. **Setbacks.** Refuse collection areas and required screening must be:
 - (a) Set back at least five feet from the side and rear property line; and
 - (b) Not closer to any street right-of-way than the wall of the primary structure facing the right-of-way.
- 5. **Grease Traps.** Refuse collection areas that serve restaurants or other uses that handle cooking oil must drain into the sanitary sewer through a grease trap or other approved method deemed appropriate by the Town's Public Utilities Department.

4.3.9. Street Trees¹⁰

A. **Applicability.**

- 1. This Subsection regulates trees planted in or to be planted in the public right-of-way and on private property fronting the public right-of-way.
- 2. Street trees are required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.

B. **Street Trees Required.** New Development must provide street trees as specified in this Subsection.

C. **Tree Species Allowed.** The species allowed as street trees are the native canopy and understory trees listed in Section 4.3.14: Preferred & Prohibited Species.

D. **Spacing of Street Trees.** The spacing of street trees must comply with Table 4.3.9-1.

¹⁰ Significantly updates *LDO Section 14.C, Street Tree Ordinance*. Changes include a clear requirement for planting of street trees and identification of preferred locations for planting on private property adjacent to State-maintained roads.

Table 4.3.9-1: Spacing of Street Trees

Tree Size	Minimum Spacing Between Trees
Understory Trees [see Table 4.3.14-2]	20 feet
Canopy Trees [see Table 4.3.14-3]	40 feet [1]

[1] Except in special plantings designed and certified by a landscape architect or arborist.

E. **Planting Locations.**

1. *Generally.* All street trees must conform to the minimum planting setbacks from infrastructure and other features required by Subsection 4.3.13: *Planting Standards.*
2. *Private Streets.* Street trees required along frontages on private streets must be planted in a planting strip between the sidewalk and the street or in tree wells located adjacent to the street or sidewalk.
3. *Town-Maintained Streets.* Street trees required along frontages on streets maintained by the Town must be planted in a planting strip between the sidewalk and the street or in tree wells located adjacent to the street or sidewalk.
4. *State-Maintained Streets.*
 - (a) Street trees required along frontages on streets maintained by the NCDOT must be planted on private property.
 - (b) The planting location must be:
 - (1) At least five feet from the edge of the right-of-way; and
 - (2) No more than 20 feet from the edge of the right-of-way.

F. **Maintenance by the Town.**

1. The Town may prune, maintain, and remove trees, plants, and shrubs growing within the right-of-way of all streets, alleys, avenues, lanes, squares, and sidewalks to ensure public safety.
2. The Town may remove or order to be removed any tree that is:
 - (a) In an unsafe condition and poses a threat to people or property;
 - (b) Poses a reasonable risk of damage to sewers, electric power lines, gas lines, water lines, or other public improvements; or

- (c) Affected with any injurious fungus, insect, or other pest.

G. Responsibilities of Owners. The owner of any tree or shrub must:

1. Prune the branches overhanging any street or right-of-way within the Town to prevent the obstruction of light from any streetlamp or obstruct the view of any street intersection;
2. Prune the branches overhanging any street or right-of-way to provide a clear zone from the surface of the street or sidewalk to a height of eight feet; and
3. Remove all dead, diseased, broken, or decayed limbs, or dangerous trees or shrubs that present a hazard to the safety of the general public.

4.3.10. Public Trees¹¹

A. Applicability.

1. *Generally.* This Subsection applies to the planting, maintenance, and removal of all public trees within the Town's jurisdiction.
2. *Public Trees.* Public tree means:
 - (a) Any tree species listed in Table 4.3.14-3: Native Canopy Trees; and
 - (b) Any tree located on land owned by the Town or land upon which easements are imposed for the benefit of the Town, including rights-of-way maintained by the Town, parks, public areas, and easements for drainage, sewer, water, and other utilities.

B. Management of Public Tree Program.

1. The Board of Commissioners appoints the Town's Department of Public Works as the agency responsible for the management of public trees and the implementation of this Subsection.
2. The Director of the Department of Public Works shall:
 - (a) Supervise the management of public trees;

¹¹ This new Subsection builds on the current standards of LDO Section 14: *Planting and Preservation Standards for Trees and Landscaping*. The Subsection is limited to preferred tree species on public property and appoints the Department of Public Works as the agency responsible for managing public trees within the Town. This Subsection is intended to conform with the ordinance requirements for the Arbor Day Foundation's [Tree City USA](#) program.

- (b) Report on matters of concern relating to public trees to the Board of Commissioners; and
- (c) Request such funding for tree planting and maintenance as is necessary.

C. Planting Standards.

1. *Plant Material.*

- (a) Public trees installed pursuant to this Subsection must be good, healthy nursery stock.
- (b) The form, size, quality, and proportions of proposed trees must meet the guidelines provided in the American National Standards Institute (ANSI) Z60.2 [American Standard for Nursery Stock](#).

2. *Installation Standards.* The planting of all public trees must conform to the standards of the ANSI [A300 Tree Care Standards](#).

D. Maintenance Standards. The pruning and maintenance of all public trees must conform to the standards of the ANSI [A300 Tree Care Standards](#).

E. Removal Standards.

- 1. *Approval Required for Removal.* A person may not remove a public tree larger than eight inches DBH without first obtaining the approval of the Director of the Department of Public Works.
- 2. *Removal Criteria.* The Director of the Department of Public Works is authorized to approve the removal of any public tree for the following reasons:
 - (a) The location of the public tree prevents the development of the site for public purposes based on locations proposed for buildings, site features, and connections to existing roads, multi-use trails, and utilities;
 - (b) The location of the public tree limits sight visibility on existing streets or proposed streets or hinders widening or enhancement plans for existing streets;
 - (c) The location of the public tree would cause detriment to public well-being in regard to the placement of proposed utilities, such as electric, gas, water, and sewer;
 - (d) The location of the public tree would cause detriment to public well-being in regard to drainage and stormwater measures; or

- (e) A certified arborist or licensed landscape architect indicates in writing that:
 - (1) The public tree is diseased and requires removal;
 - (2) The soil and climate are not suitable for proper growth and health of the public tree; or
 - (3) The public tree is prone to cause property damage or personal injury.
- 3. *Removal of Stumps.* The stumps of public trees shall be removed below the surface of the ground.
- F. **Unlawful to Interfere.** A person shall not prevent, delay, or interfere with the Town's employees and contractors while engaged in the planting, cultivating, mulching, pruning, spraying, or removal of any public trees.

4.3.11. Tree Preservation¹²

- A. **Applicability.** Tree preservation is required based on the use as provided in Table 4.3.2-2: Applicability Matrix for Landscaping and Screening Standards.
- B. **Protected Trees.** Protected tree means:
 - (a) Any tree species listed in Table 4.3.14-3: Native Canopy Trees;
 - (b) With a DBH of 18 inches or more; and
 - (c) That is located on private property.
- C. **Removal Standards.**
 - 1. *Approval Required for Removal of Protected Trees.* A person may not remove a protected tree without first obtaining the approval of the Director of the Planning and Inspections Department.
 - 2. *Removal Criteria.* The Director of the Planning and Inspections Department is authorized to approve the removal of any protected tree, based on, but not limited to, the following factors:

¹² This Section significantly expands current Section 14.B, Tree Preservation. The changes include redefining protected tree as a native tree at least 18 in. DBH, providing review standards for removal, adding detailed protection standards during construction, and adding mitigation and enforcement provisions.

- (a) The location of the existing tree prevents the development of the site based on locations for connections to existing roads, multi-use trails, or utilities;
- (b) The location of the existing tree would cause detriment to public well-being regarding sight visibility onto existing streets or hinder widening and enhancement plans for existing streets;
- (c) The location of the existing tree would cause detriment to public well-being regarding the placement of proposed utilities on the site;
- (d) The location of the existing tree would cause detriment to public well-being regarding drainage and stormwater management;
- (e) The location of the existing tree conflicts with necessary elements of the site design that unreasonably impede or diminish the objectives of the development or prevent the provision of necessary features; or
- (f) A certified arborist or licensed landscape architect certifies in writing that:
 - (1) The protected tree is diseased and requires removal;
 - (2) The soil and climate are not suitable for proper growth and health of the protected tree; or
 - (3) The protected tree is prone to cause property damage or personal injury.

D. Mitigation Required.

- 1. The removal of each protected tree requires replacement with two canopy trees listed in Table 4.3.14-3: *Native Canopy Trees*.
- 2. The replacement trees are in addition to any other tree planting requirements, such as street trees or buffers.

E. Tree Protection During Construction.

- 1. *Tree Protection Fencing.*
 - (a) *Fencing Required.*
 - (1) Fencing is required in a circle around the tree to protect a root protection zone of one foot per inch of DBH for all protected trees that will be preserved during development.

- (2) Before any land disturbance and during the entire duration of construction activity on the site, the root protection zone for protected trees shall be surrounded by approved tree protection fencing fabric or rigid fencing.
- (b) *Maintenance of Fencing.*
 - (1) Tree protection fencing on a lot must be maintained until the Town has issued a final certificate of occupancy. Failure to do so will result in a stop-work order until the fencing has been appropriately installed or remedied.
 - (2) Tree protection fencing for a subdivision site must be maintained until the town has approved the final plat.
- (c) *Signs Required.* Warning signs must be installed on the protective fence, spaced at a minimum of one every 300 linear feet. The signs must contain the following or similar text in both English and Spanish: "TREE PROTECTION ZONE: KEEP OUT."
- 2. *Prohibited Activities Within the Root Protection Zone.* During the entire construction period, there shall be no soil disturbance, compaction, or changes to the existing grade within the root protection zone. Prohibited activities in these areas include the following:
 - (a) Stockpiling of construction materials;
 - (b) Parking of vehicles or storage of equipment;
 - (c) Portable buildings or portable toilets;
 - (d) Ropes, signs, wires, unprotected electrical installation, or other device or material secured or fastened around or through a tree;
 - (e) Bore sampling; and
 - (f) Toxic chemicals, gas, oil, salt brine, or other injurious substances stored or allowed to seep, drain, or empty into a root protection zone.

F. **Penalties.**

- 1. *Generally.* The removal of protected trees is a violation of this Ordinance. Each tree removed constitutes a separate violation.
- 2. *Limitation on Development Approvals for Violation.* Clearing trees through development activity that uses timber harvesting as a means to prepare a

site for development to circumvent the requirements of this Section is prohibited. The Town will defer any development application:

- (a) For three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees protected by this Ordinance from the tract of land for which the permit or approval is sought; or
- (b) For five years after the completion of a timber harvest if:
 - (1) The harvest results in the removal of all or substantially all of the trees protected by the UDO from the tract of land for which the permit or approval is sought; and
 - (2) The harvest was a willful violation of Town regulations.

4.3.12. Landscape Plans¹³

A. **Applicability.** A landscape plan is required when:

- 1. A new principal building, new use, or open use of land is constructed, reconstructed, or established after the effective date of this Ordinance; and
- 2. Any development changes the amount of impervious surface by more than 15%. The extent to which these standards apply is determined by the table below. These expansions include change of use; expansions of buildings, parking areas, or open uses of land; or combinations thereof.

Table 4.3.12-1: Expansion of Impervious Surface

Expansions (% of original Impervious Surface Area)	Landscape Plan Required
0 - 15%	Exempt
16 - 45%	Applies to expanded areas only
45% and more	Applies to the whole lot(s)

B. **Exemptions.** The following are exempt from this Subsection:

- 1. Developments with less than 5,000 square feet of gross floor area;
- 2. Single-family residential lots; and

¹³ This Section carries forward and simplifies *LDO Section 15.C, Landscape Plan Required*.

3. Lots in the Historic Waterfront Business District (H-WBD) and the Historic Business District (H-BD) that do not provide off-street parking.

C. Landscape Plan Requirements. A landscape plan must contain the following items:

1. General location, type, and quantity of plant material;
2. Existing protected trees as defined in Section 4.3.11: Tree Preservation;
3. Existing plant material and areas to be left in their natural state;
4. Location, size, and labels for all proposed plants;
5. Plant lists with common name, quantity, spacing, and size of all proposed landscaping material at the time of planting;
6. Location and description of other landscape improvements such as islands, earth berms, walls, fences, buffer yards, sculptures, fountains, street furniture, lights, courtyards, or paved areas;
7. Planting and installation details;
8. Location of proposed building(s);
9. Location of VAAs and internal traffic patterns;
10. Location of overhead and underground utilities;
11. The landscaping plan shall be drawn to scale, include a North arrow, necessary legends; and
12. The location and description of any barriers to be erected to protect any vegetation from damage, including root protection zones, both during and after construction.

4.3.13. Planting Standards¹⁴

A. Applicability.

1. Trees and shrubs required by this Section shall meet or exceed the requirements of this Subsection.
2. In all other cases, this Subsection provides guidelines.

¹⁴ This Section combines and updates the technical standards for tree planting in *LDO Sections 14.D, Standards for Planting Trees and Shrubs; 15.G, Plant Substitutions; 14.5, Time for Installation of Required Landscaping; and 19.K.: Plant Material Used in Buffer Yards.*

B. Plant Material.

1. All plant material installed pursuant to this Section must be good, healthy nursery stock.
2. The form, size, quality, and proportions of proposed trees and shrubs must meet the guidelines provided in the American National Standards Institute (ANSI) Z60.2 [American Standard for Nursery Stock](#).

C. Installation Standards. The planting of all trees and shrubs must conform to the ANSI [A300 Tree Care Standards](#).**D. Standards for Trees.**

1. *Native Trees Required.* All trees installed pursuant to this Section must be Native species. Section 4.3.14 includes lists of native tree species that satisfy this requirement.
2. *Minimum Tree Sizes.* Trees shall have the minimum dimensions provided in Table 4.3.13-1.

Table 4.3.13-1: Minimum Installed Tree Dimensions

Tree Size Category (at Maturity)	Minimum Caliper	Minimum Height (at Planting)
Understory Trees [see Table 4.3.14-2]	1 inch	4 feet
Canopy Trees [see Table 4.3.14-3]	1.5 inches	6 feet

3. *Planting Distance from Curb, Curb Line, or Sidewalk.*
 - (a) The distance trees may be planted from any curb, curb line, or sidewalk is based on the species size classes listed below.
 - (b) A tree may not be planted closer to any curb, curb line, or sidewalk than the distance provided in Table 4.3.13-2.
 - (c) All planting separation distances are measured from the trunk of the tree being planted.

Table 4.3.13-2: Tree Planting Distance from Curb, Curb Line, or Sidewalk

Size	Distance from Curb, Curb Line, or Sidewalk
Understory Trees [see Table 4.3.14-2]	3 feet
Canopy Trees [see Table 4.3.14-3]	4 feet

4. *Minimum Planter Width.* All planters require a minimum width corresponding with the size tree planted within.

Table 4.3.13-3: Minimum Planter Width

Tree Size at Maturity	Minimum Planter Width
Understory Trees [see Table 4.3.14-2]	6 feet
Canopy Trees [see Table 4.3.14-3]	8 feet

5. *Required Tree Variety.*
- (a) The required variety of tree species is based on the number of trees required by this Section. The variety of trees must conform with Table 4.3.13-4.

Table 4.3.13-4: Required Tree Variety

Number of Required Trees	Varieties
More than 10 trees required	Two or more types
20-40 trees required	No more than 50% of one type
40+ trees required	No more than 25% of one type

- (b) The Town encourages at least 20% of canopy trees planted to be live oak trees.

E. Tree Wells.

1. If required by this Section, tree wells must comply with the minimum standards in Table 4.3.13-5: Tree Well Specifications.
2. The soil for the tree well must be prepared to the specified depth, including amendments based on the site conditions and needs for the tree.

Table 4.3.13-5: Tree Well Specifications

Tree Type	Dimensions (minimum)	Prepared Soil Depth
Understory Trees	4 feet x 4 feet	Depth of Root Ball
Canopy Trees	6 feet x 6 feet	3 feet

F. Separation Distances for Landscaping.

1. *Driveways and Street Intersections.*

- (a) To ensure landscape materials do not constitute a driving hazard, a 25-foot sight distance triangle must be observed at all street intersections or intersections of driveways with streets.
 - (b) Within this sight triangle, landscape material, fencing, or berms that exceed 30 inches above the adjacent street is prohibited.
 - (c) The distance to the driveway intersection with a street is measured from the nearest point of intersection to the trunk of the tree being planted.
 - 2. *Distance from Street Corners.*
 - (a) Trees must be planted at least 35 feet from any street corner.
 - (b) However, if the intersection has a stop sign in every direction, trees must be planted at least 20 feet from the corner,
 - (c) The distance to the corner is measured from the point of the nearest intersecting curbs or curb line to the trunk of the tree being planted.
 - 3. *Distance from Overhead Electrical Wires.*
 - (a) Canopy trees shall not be planted under or within 10 lateral feet of any overhead electrical distribution wire.
 - (b) Canopy trees shall not be planted under or within 15 lateral feet of any overhead electrical high-voltage transmission wire.
 - 4. *Distance from Underground Utilities.*
 - (a) Trees shall not be planted within five lateral feet of any underground water line, sewer line, gas transmission line, or other utility line.
 - (b) Trees shall not be planted within 10 feet of any fire hydrant.
 - 5. *Easements.* Landscaping required by this Section shall not be planted on property subject to utility or drainage easements without the consent of the Public Works Department and the easement holder.
 - 6. *Future Rights-of-Way Expansion.* Required landscaping materials, fencing, and berms shall not encroach within projected future thoroughfare rights-of-way.
- G. **Shrub Standards.** The shrubs required by this Section must be three-gallon container stock.

H. Time for Installation of Required Landscaping.

1. *Time Limit.* All landscaping, including mulching and seeding, must be completed in accordance with the approved site plan before the issuance of a certificate of occupancy or a certificate of compliance for the site and must follow the standards set forth in [Section 7.5.10: Site Plan Review](#).
2. *Extensions and Exceptions.*
 - (a) The Zoning Administrator may grant an extension to install required landscaping for up to 12 months due to unusual environmental conditions such as drought, hurricanes, over-saturated soil, or inappropriate planting season for the plant species provided.
 - (b) If an extension is granted, the developer or property owner must provide the Town with a performance guarantee ensuring the installation of the remaining landscaping in accordance with the provisions of this Section.
 - (c) A temporary certificate of occupancy will be issued upon approval of a written request for planting delay and a performance guarantee issued in accordance with the provisions of [Section 5.10: Performance Guarantees](#).
 - (d) Planting must be completed within the twelve-month period following the issuance of the temporary certificate of occupancy.

4.3.14. Preferred & Prohibited Species¹⁵

- A. **Applicability.** When not required, the planting of trees and shrubs native to eastern North Carolina that are adapted to the coastal conditions and climate, is strongly encouraged. Lists of desirable native trees and shrubs are provided below.
- B. **Native Shrubs.** Shrubs may reach up to 15 feet at maturity.

Table 4.3.14-1: Native Shrubs

Common Name	Botanical Name	Special Characteristics*
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Placeholder for Native Shrub List: Refer to Plant Species List [Spreadsheet](#) Page for "Native Shrubs"

¹⁵ This Section provides expanded plant lists based on current *LDO Section 14.E, Native Shrubs and Trees of Carteret County* and adds a prohibited plant list for invasive species.

- C. **Understory Trees.** Understory trees will typically reach 10 to 30 feet at maturity.

Table 4.3.14-2: Native Understory Trees

Common Name	Botanical Name	Special Characteristics*
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Placeholder for Native Understory Tree List: Refer to Plant Species List [Spreadsheet](#)
Page for "Understory Trees"

- D. **Canopy Trees.** Trees in this category will typically reach more than 30 feet at maturity.

Table 4.3.14-3: Native Canopy Trees

Common Name	Botanical Name	Special Characteristics*
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Placeholder for Native Canopy Tree List: Refer to Plant Species List [Spreadsheet](#)
Page for "Canopy Trees"

- E. **Plant Substitutions.** Plants included in a landscape plan may be substituted with similar plants if the desired type is unavailable at the time of planting only upon written request by the property owner or developer and written approval by the Zoning Administrator.
- F. **Prohibited Species.** Species listed in Table 4.3.14-4: Prohibited Plants shall not be used to meet the requirements of this Ordinance.

Table 4.3.14-4: Prohibited Plants

Common Name	Botanical Name	Special Characteristics*
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Placeholder for Prohibited Species List: Refer to [NC Invasive Plant Council List](#).

4.3.15. Maintenance & Inspections¹⁶

- A. **Responsibility for Maintenance.** The property owners, occupants, and tenants are jointly and severally responsible for the maintenance of all landscaping.
- B. **Maintenance Requirements.**

¹⁶ This Section combines and clarifies *LDO Sections 15.D.4, Maintenance; 15.I, Maintenance; and 19.I, Maintenance of a Buffer Yard.*

1. All landscaping required by or installed pursuant to the requirements of this Ordinance must be maintained in a healthy condition.
2. Maintenance includes provision of surface mulch or river rock, staking and guying, irrigation, fertilization, insect and disease control, pruning, and weeding.
3. All required landscaping must be kept free of litter and debris, and must be free of dead, diseased, or damaged plants.

C. Replacement of Plants.

1. Any plants that die or are removed as the result of death, disease, or damage must be replaced with an equal number of similar species and size during the next appropriate planting season.
2. Failure to replace dead, damaged, or diseased plants is a violation of this Ordinance.

D. Fencing.

1. A fence shall not have more than 20% of its surface area covered with disfigured, racked, or missing materials, or peeling paint.
2. A fence shall not have bent or broken supports or be allowed to stand more than 15 degrees away from vertical.

E. Inspections.

1. *Inspections Authorized.* The Zoning Administrator may inspect the site after the issuance of a Certificate of Occupancy to ensure compliance with the approved site plan and to ensure that the landscaping is properly maintained.
2. *Notice of Violation.* The Administrator may issue a Notice of Violation to comply with the provisions of this Ordinance if warranted upon an inspection.