

## ARTICLE IV

### COMMUNITY APPEARANCE, BUFFERING, SCREENING, LANDSCAPING, COMMON OPEN SPACE, AND TREE PROTECTION REGULATIONS

The regulations contained in this Article are intended generally to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within the City of Loris.

#### Section 4-1. Buffer Areas

**4-1.1 Definition.** A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

**4-1.2 Purpose.** The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

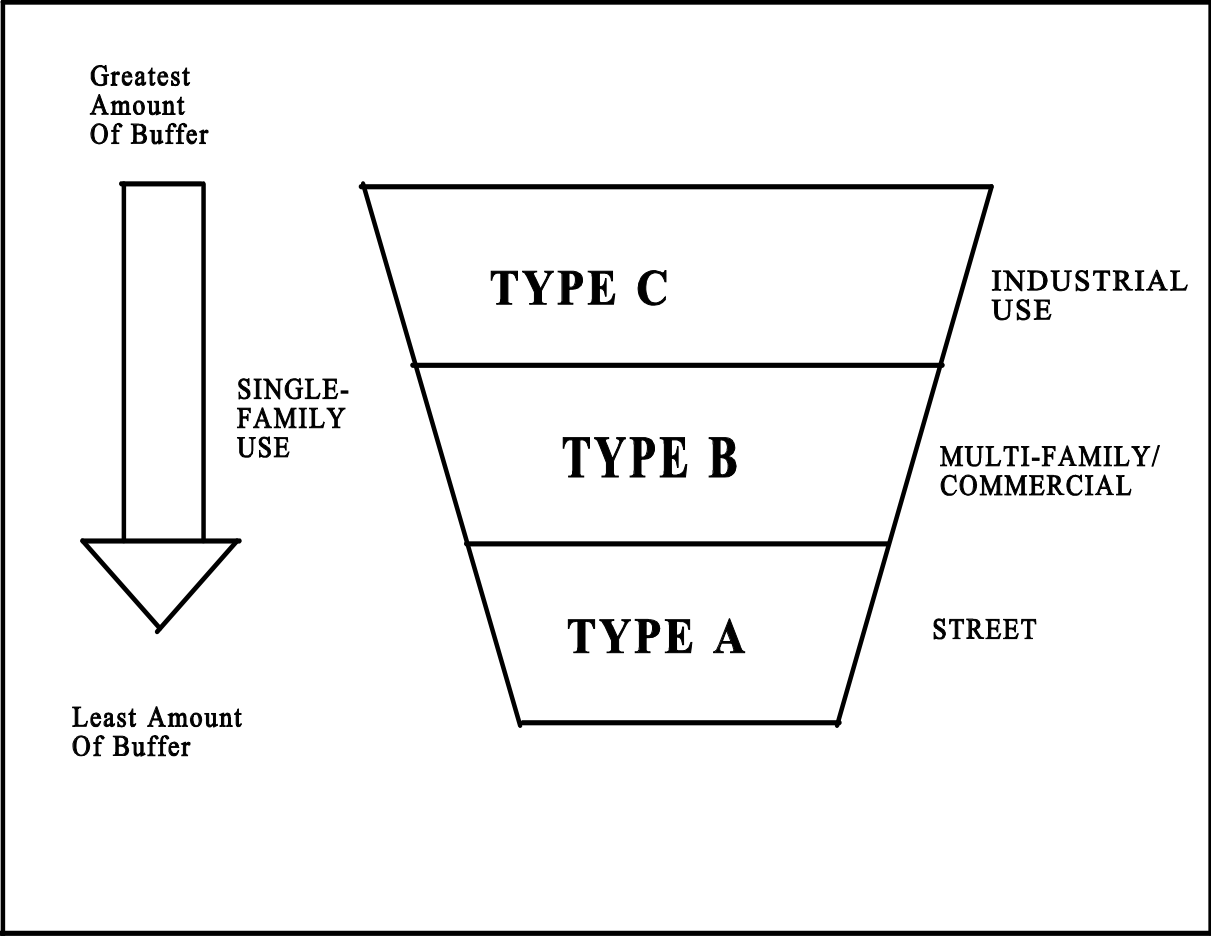
**4-1.3 Location.** Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

**4-1.4 Determination of Buffer Area Requirements.** Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required.** Wherever a multi-family building, manufactured home park, or non-residential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and uses in the C-1 District.
  
- (2) **Type B Buffer Area Required.** Wherever a multi-family building,

mini-warehouse, institutional or commercial use is proposed for a site or lot adjoining a single-family residential or duplex dwelling in the R-1 or R-2 Districts with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.

- (3) **Type C Buffer Area Required.** Wherever an industrial, warehouse, outdoor storage, or related use is proposed for a site or lot adjoining any residential use in the R-1 or R-2 Districts with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.

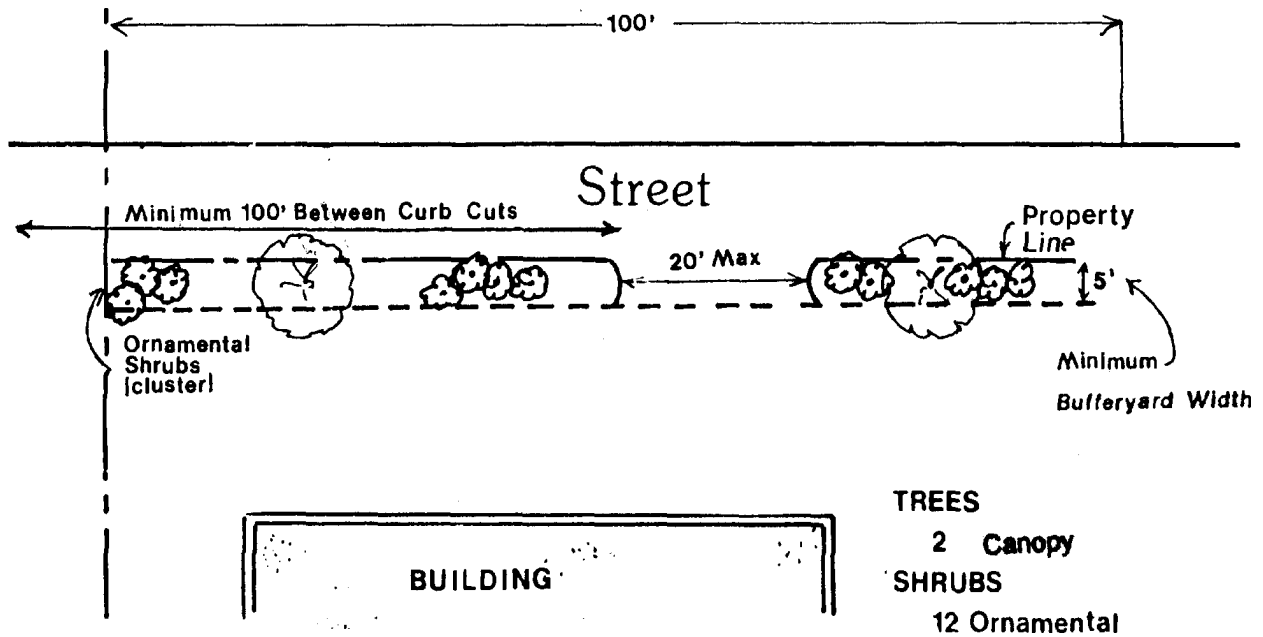


**4-1.5 Design Standards.** Three types of buffer areas are required by this Ordinance,

Type A, Type B, and Type C. A description of each follows:

- (1) **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than five (5) feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is illustrated by the following diagram.

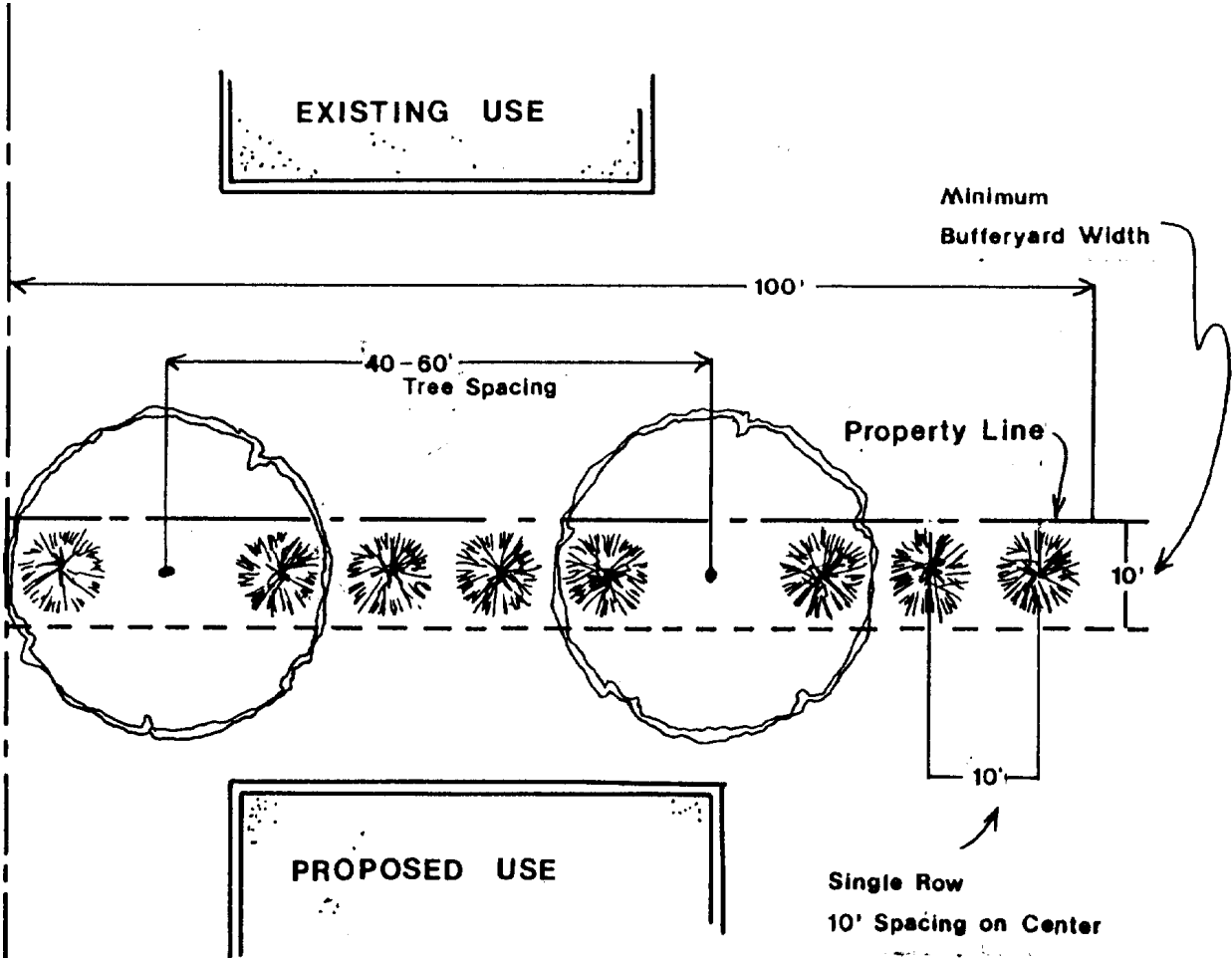
### TYPE "A" BUFFER AREA



- (2) **Type "B" Buffer Area.** The Type B Buffer Area is a medium

density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 10 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. An example site plan is illustrated by the following diagram.

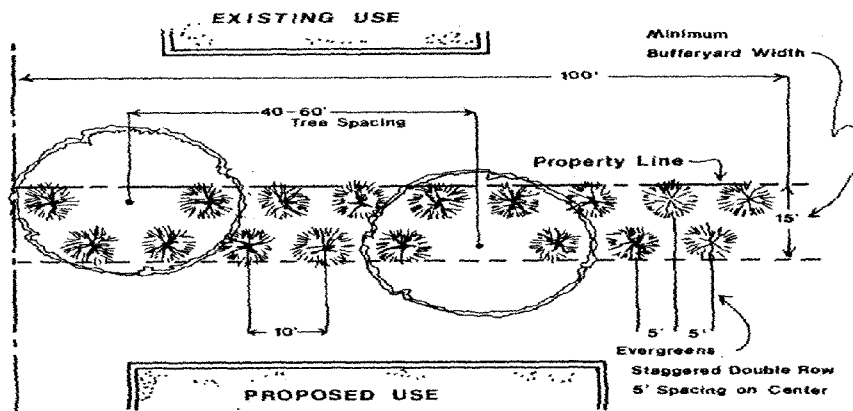
**TYPE "B" BUFFER AREA**



(3) **Type "C" Buffer Area.** The Type C Buffer Area is a high density

screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. An example site plan is illustrated by the following diagram.

### TYPE "C" BUFFER AREA



#### 4-1.6 Buffer Area Specifications

- (1) **Minimum Installation Size.** At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size.** At maturity, evergreen plant material used

for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

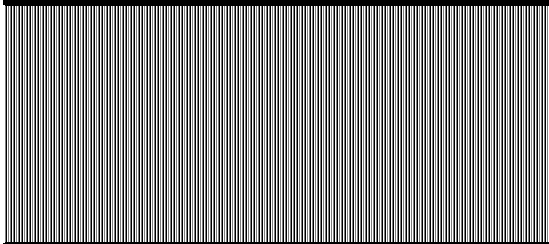
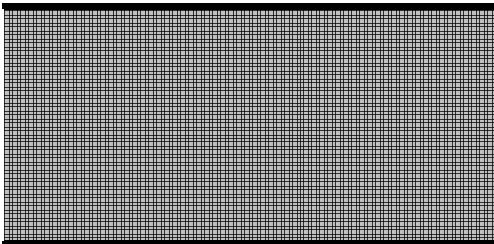
- (3) **Staggered Planting.** Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

**4-1.7 Substitutions.** The following substitutions shall satisfy the requirements of this section:

- (1) **Existing Plant Materials.** Existing trees of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall.** Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area..

**Fence and Wall Illustrations**



Masonry Wall

Wood Stockpile

All fences and walls used as part of the buffer area requirements must

have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

**4-1.8 Responsibility.** It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

**4-1.9 Required Maintenance.** The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

**4-1.10 Use of Buffer Areas.** A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

## **Section 4-2. Screening**

**4-2.1 Definition.** Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

**4-2.2 Purpose.** The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

**4-2.3 Where Required.** Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses.

**4-2.4 Type Screening Required.** Screening shall be accomplished by an opaque divide not less than eight (8) feet high. Screening may be accomplished by

the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

### **Section 4-3 Landscaping**

**4-3.1 Definition.** Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

**4-3.2 Purpose.** The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land in the city; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

**4-3.3 Where Required.** No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses, nor is it required in the C-1 District.

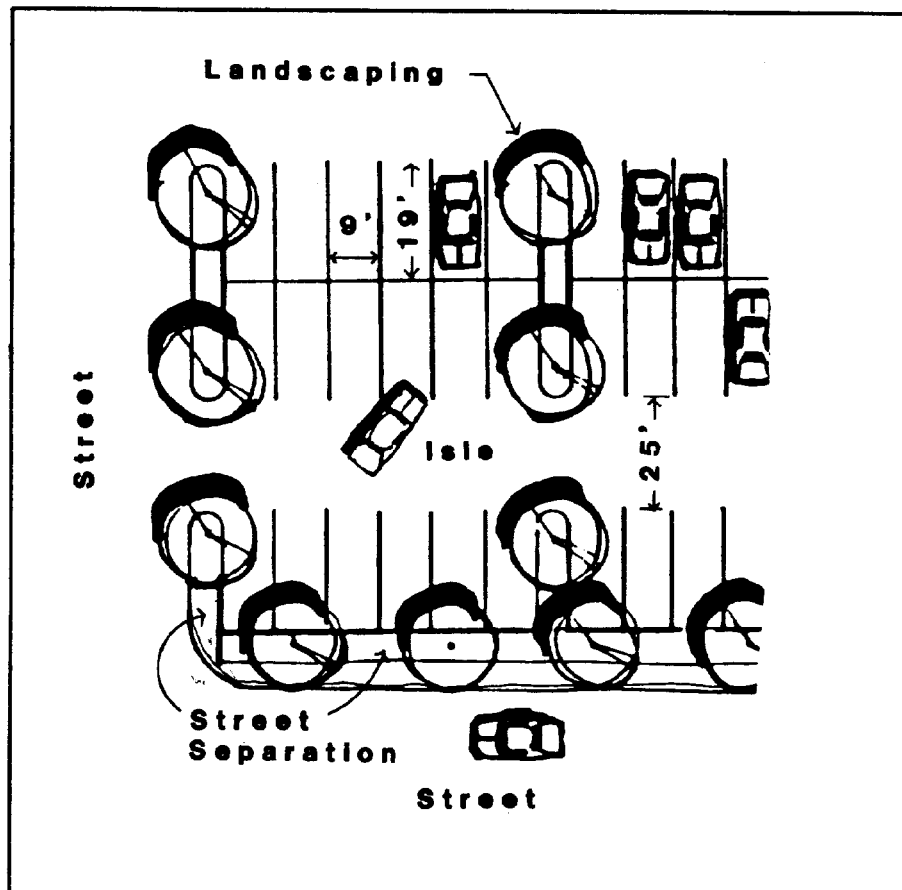
**4-3.4 Landscaping Plan.** A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

- (3) Identify all existing trees 10" DBH (Diameter Breast High) in required setback (yard) areas.

**4-3.5 Landscaping Requirements.** Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel,** where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4-1.
- (2) **Within the interior,** peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be not less than 5' x 5' and located in such a manner as to divide and break up the expanse of paving and at strategic points but not less than one canopy tree per 10 parking spaces, to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.



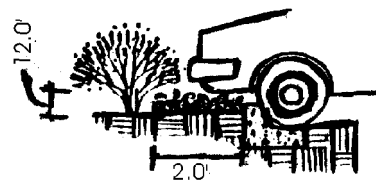
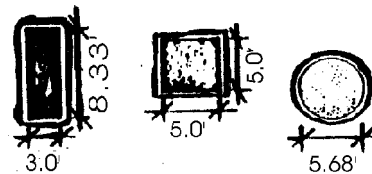
At a minimum, interior lot landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	15%
Industrial/wholesale/storage	10
Office	10
Commercial-retail-service	5

Buffer area landscaping may provide up to 50 percent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

### 4-3.6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.
- (3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier.



(Plant material greater than 12 inches in height would be damaged)

by the automobile bumper overhang or by doors swinging open over the landscaped areas.)

**4-3.7 Required Maintenance.** The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

#### **Section 4-4. Common Open Space**

**4-4.1 Definition.** Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

**4-4.2 Purpose.** The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

**4-4.3 Where Required.** The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Common Open Space Ratio (% Lot)</u>
Cluster Developments	15%
Townhouse Projects	15
Mobile/Manufactured Home Parks	15
Multi-family Projects	20

(1) **New Sites:** No proposed development, building or structure in connection with the above shall hereafter be erected or used

unless common open space is provided in accord with the provisions of this section.

- (2) **Existing Sites:** Expansion or enlargement of an existing building or structure of 50 percent or more shall meet in full the minimum common open space requirements of this section for the entire site. Expansion or enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

**4-4.4 Common Open Space Plan.** Proposed uses/projects set forth in 4-4.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

**4-4.5 Types of Common Open Space and Required Maintenance.** The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- (1) **Natural areas** are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (2) **Recreational areas** are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses.  
Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

- (3) **Greenways** are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
- (4) **Landscaped areas, lawns and required buffer areas**, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

#### **4-4.6 Preservation of Open Space**

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Dedication of and acceptance by the city.
- (2) Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the city may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

### **Section 4-5. Tree Protection**

**4-5.1 Purpose.** The purpose of this section is to prevent the clear cutting of

building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural resources.

**4-5.2 Existing (Significant) Trees.** Because any healthy tree greater than ten (10) inches DBH (Diameter Breast High) is a valuable natural resource, by virtue of its age and size and its contribution to the environment, all said trees meeting this measurement shall be referred to as "significant trees" and protected to the extent practical and feasible. Pine trees of any size are excluded from the provisions of this section and may be cut without a permit.

All existing significant trees located in all required yards, open space and buffer areas shall be flagged and shown on the required plat or site plan for a building permit or grading permit.

No more than 25 percent of said trees shall be felled and removed, except by order of the Board of Zoning Appeals owing to unique circumstances surrounding the development of the property.

Where, due to unusual conditions or circumstances peculiar to a given site, more than 25 percent of the trees to be preserved must be felled, replacement trees measuring not less than 2 inches DBH shall be planted in like number. To the extent possible, said trees shall be integrated into the required landscaping.

**4-5.3 Removal of Existing (Significant) Trees.** Removal of existing significant trees shall be prohibited prior to securing a grading and/or building permit. However, in the event that a tree poses a severe or imminent threat to public safety or property, the Zoning Administrator or his designee may waive the requirements of this section. Written findings must later be issued, outlining the threat which initiated the removal. The Zoning Administrator or his designee may require replacement of any trees which are removed where it is determined that the threat resulted from negligence.

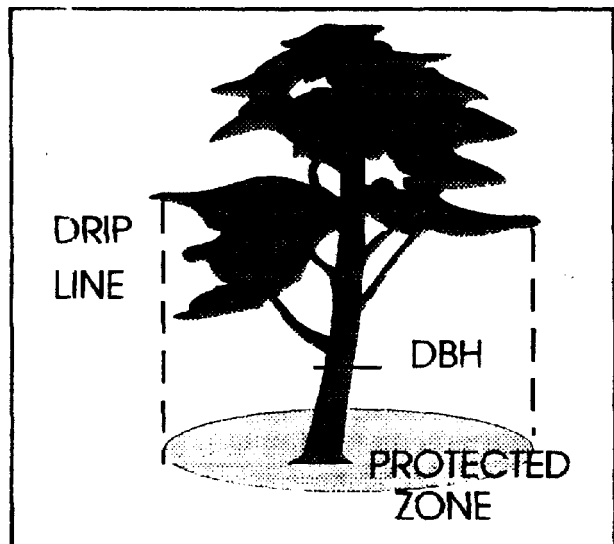
#### **4-5.4 Significant Trees Removed Without Permits**

- (1) Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Board of Zoning Appeals. The Zoning Administrator or his designee shall recommend the number, species, DBH, and location of replacement trees, according to the following criteria:
  - (a) combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or;
  - (b) individual replacement trees are of the largest transplantable DBH available.
- (2) Where significant tree removal is necessitated by emergencies or death and disease of trees due to natural causes, as determined by the Zoning Administrator or his designee, replacement will not be required.

#### **4-5.5 Development Precautions**

After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging.

During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.



#### **4-5.6 Cutting, etc. of Significant Trees Prohibited**

No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any significant tree on any lot or tract or public right-of-way in the city unless authorized by the terms of this section and approved by the Zoning Administrator.

Exception Pine trees are excluded as significant tree but does require a permit before cutting.