

Sec. 9-10. - Landscaping and buffering standards.

- a. *Purpose* . The abundant and diverse tree and vegetative cover found in the Cashiers area contributes to the aesthetic quality of the community and provides numerous economic and ecological benefits. The landscaping and buffering standards set forth below require landscaping between dissimilar uses, along streets and roads, and in parking areas in order to:
- (1) Encourage the preservation of existing trees and vegetation and replenish removed vegetation.
 - (2) Maintain and improve the visual quality of the Village of Cashiers and minimize potential negative impacts of development such as noise, dust, glare of lights, parking lots, heat, and odor.
 - (3) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and preserve the character and value of a property and provide a sense of privacy.
 - (4) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants to assure a high level of quality in the appearance of Cashiers while allowing flexibility to promote well designed and creative landscape plantings.
 - (5) Provide environmental benefits such as climate modification, decreased energy consumption, reduced stormwater run-off, decreased erosion, improved water and air quality, and protection of wildlife habitat.
- b. *General information* .
- (1) *Applicability* .
 - (a) Bufferyard plantings, street trees, and parking lot trees and shrubs are required for developments within the Cashiers Commercial area. The following developments must bring the entire site into compliance with the requirements of section 9 of this ordinance:
 - Any new private or public commercial/nonresidential development.
 - Renovations with a total cost exceeding 50 percent of the assessed value of the building, according to Jackson County tax records.
 - Expansions exceeding 50 percent of the pre-expansion floor area or paved surface.
 - Existing unpaved parking lots that are paved over or existing paved lots that are demolished and repaved.
 - (b) Expansions or additions that are less than 50 percent of the pre-expansion floor area and/or pavement surface must meet the landscaping requirements only in the area around the addition that is parallel to any edge of the expansion area and extending to the property line or street pavement edge.
 - (2) *Landscape plan required* . Applicants are encouraged to meet with Jackson County Planning Department staff prior to submitting a site plan to discuss applicable landscape requirements, other ordinance requirements, and coordination of plantings with other construction activity. A landscape plan drawn to scale must be submitted with the site plan and prepared in accordance with site plan requirements.
 - (3) *Alternative compliance* . The landscape requirements are intended to set minimum standards for quality development and environmental protection; they are intended to be arbitrary or to inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternative method of compliance with the landscape requirements. The Jackson County Planning Department staff may alter the landscape and buffering requirements as long as existing or added landscape features of the development site comply with the intent of this

chapter. Requests for alternative compliance shall be accepted if one or more of the following conditions are met:

- (a) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;
- (b) Space limitations, zero lot line development, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding area (such as the use of a specific type of vegetation) may justify alternative compliance when changing the use of an existing building in a developed area; or
- (c) An alternative compliance proposal is equal to or better than normal compliance in its ability to fulfill the intent of these landscape requirements, and exhibits superior design quality.

The property owner or developer must submit a plan of the area for which alternative compliance is requested to the Jackson County Planning Department. The site plan shall show the existing site features and any additional material the property owner or developer will plant or construct to meet the intent of the landscape and buffer requirements of this section. A section drawing may be required if there are grade changes that affect the character of the buffer and landscape requirements. In addition, the applicant must submit a written statement describing the need for alternative compliance. The planning department shall render a decision approving, approving with conditions, or denying the request within ten working days of reviewing the request for alternative compliance.

c. *Existing vegetation* .

- (1) *Preservation of existing vegetation* . Preserving existing trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the community, and help minimize opposition to the proposed development. It is recommended that groups of trees be preserved as well as individual trees. Existing trees and shrubs that are preserved may be credited toward required buffer trees, street trees, and parking lot trees as specified in subsection 9-10(c)(2) below.
- (2) *Credits and other incentives to preserve existing vegetation* . Existing trees that are preserved may be credited for required trees as follows:

2"—6"	caliper tree = 1 new tree
7"—12"	caliper tree = 2 new trees
13"—18"	caliper tree = 3 new trees
19"—24"	caliper tree = 4 new trees
25+"	caliper tree = 5 new trees

In order to receive credit, existing vegetation that is preserved must be in good health and condition. Trees designated to be preserved must be indicated on the landscape plans. Protective barriers must be shown on the landscape and grading plans in accordance with the requirements of subsection 9-10(c)(3) below. If a preserved tree dies within 24 months of

completion of the project, it must be replaced with the total number of trees that were credited to the existing one.

(3) *Protection of existing trees during construction .*

- (a) No grading or other land-disturbing activity can occur on a site with existing trees that are designated to be preserved in order to meet the landscape requirements until protective barriers are installed by the developer. Trees designated for preservation that are counted toward the landscape requirement must be protected by barriers, while trees designated for protection that do not count toward the landscape requirements are encouraged to be protected by barriers. The diameter of existing trees to be preserved and the location of the protective barriers must be shown on the landscape and grading plans, with the dimension between the tree trunk and the barrier indicated.

Barricades or barriers must be placed around the critical root zone of any existing trees to be preserved that are within 50 feet of any grading or construction activity. The critical root zone is a circle extending around the tree with a one-foot radius for every one-inch of tree diameter. For example, an eight-inch diameter tree would have a barricade surrounding it located eight feet from the trunk of the tree. All protective barriers must be maintained throughout the building construction process.

Protective barriers shall consist of either:

- A fence that is at least three feet high and constructed in a post and rail configuration; or
 - A fence with posts placed no further than ten feet apart covered with a foot of orange polyethylene laminar safety fencing.
- (b) All contractors must be made aware of the areas designated for protection. No disturbance can occur within the tree protection area including:
- Grading;
 - Filling, unless an aeration system that is certified by a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist is installed to protect the tree from suffocation;
 - Parking;
 - Storage of debris or material, including topsoil;
 - Disposal of hazardous waste or concrete washout;
 - Attaching of nails, ropes, cables, signs, or fencing to any tree to be preserved.
 - If any area within the critical root zone will be disturbed for any reason, measures must be taken to minimize any potential impact. The developer should coordinate with utility companies early in the design process to resolve any potential conflict regarding the placement of utilities and landscape requirements. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of the tree protection zone in order to prevent sediment from accumulating in the critical root zone area.

d. *Bufferyard requirement .*

- (1) *Requirement .* Certain land uses may create an adverse impact when developed adjacent to other less intensive land uses. Bufferyards shall be required between a proposed development and a dissimilar existing land use to provide a transition between them in General Commercial district. A bufferyard is a strip of land with existing vegetation, planted vegetation, a landscaped earth berm or grade change, a fence, a wall, or a combination of the above. ~~The bufferyard~~

~~width and number of plantings required will vary based upon the size of the proposed and existing land uses.~~ Information on determining bufferyard width is provided in section 9-10(d)(6).

- (2) *Responsibility for bufferyard* . The required bufferyard shall be the responsibility of the property owner developing the property or changing the land use. Bufferyards must be located on the property being developed or on which the land use is changing, between the property lines and any vehicle use areas, buildings, storage, service areas, or any other area of activity. The bufferyard shall extend along the entire property line that abuts the incompatible land use up to any required street tree planting strip.
- (3) *Setbacks* . If a setback requirement is less than the minimum buffer requirement, the bufferyard width requirement shall override the setback requirement.
- (4) *Use of bufferyards* . Required bufferyards shall not be disturbed for any reason except for approved driveway openings, pedestrian or bicycle paths, designated trails or greenways, utilities, drainage ways, walls, fences, and other passive or minor uses compatible with the general separation of land uses and provided that the total number of required plantings are still met. Utility easements may be included in the width of the bufferyard with the following conditions:
 - (a) Utility lines should be located to cross perpendicular to a bufferyard, if possible, to minimize the impact.
 - (b) If utility lines must run with a bufferyard, they must be located along the edge of the bufferyard.
 - (c) The developer should minimize the amount of plantings in the utility easement area so that they will not have to be removed or pruned if the utility line needs maintenance. If the developer plans to plant in the utility easement, approval must be obtained from the affected utility companies to ensure that the plantings will not interfere with the installation, operation, or maintenance of the utility lines. Trees and shrubs planted within the utility easement will not count toward the bufferyard planting requirement unless they are approved by the utility companies.
- (5) *Placement of bufferyard plantings* . The exact placement of the required plants shall be the decision of the developer or designer, but shall be approved by the Jackson County Planning Department. Plants shall be placed in a manner to serve as an effective screen year-round when viewed from an area accessible to the public or from adjacent properties. Trees and shrubs should be planted at least five feet from the property line to ensure maintenance access and to avoid encroachment onto neighboring property.
- (6) *Determination of bufferyard requirements* . To determine if a bufferyard is required between two adjacent land uses and, if so, what bufferyard width and planting density is required, the following procedure should be used:
 - (a) Identify the proposed land use and the adjacent land use(s) on the list of permitted uses found in section 7-3 of this ordinance. Note the category under which the proposed use is listed (for example, post office is listed under the category of Public/semipublic and restaurant is listed under the category office/business).
 - (b) Identify the size (acreage) of the property being developed and of the abutting properties.

~~(c) In the General Commercial district bufferyards are required as set forth in Section 9-10(d)(10).~~

~~(c) Use the following table to determine buffer requirements for the development:~~

PROPOSED USE CATEGORY	EXISTING USE CATEGORY	PROPOSED USE SITE SIZE	EXISTING USE SITE SIZE	BUFFER REQUIRED

Any	Same as proposed use	<1 acre	<1 acre	None
Any	Different than proposed use	<1 acre	<1 acre	A buffer
Any	Different than proposed use	<1 acre	>1 acre	A buffer
Any	Same as proposed use	>1 acre	<1 acre	A buffer
Any	Same as proposed use	>1 acre	>1 acre	B buffer
Any	Different than proposed use	>1 acre	>1 acre	B buffer
Any	Different than proposed use	>1 acre	<1 acre	B buffer
Any	Same as proposed use	<1 acre	>1 acre	B buffer

This process must be done for each property line, except where the property to be developed abuts a street or road, to determine if a buffer planting is required.

Example: A property owner proposes to build a retail gift shop on property containing 0.84 acre. On the west side of the property is a florist shop on a 0.55 acre lot. No buffer is required along this property line, as both uses are classified as "office/business" and both properties are under an acre. On the east side of the property is a church on a 5 acre parcel. An "A" buffer would be required along this property line, as the use categories are different, the proposed use site size is less than an acre and the existing use site size is more than an acre.

- (7) *Mixed uses* . When a lot has a combination of different land uses, the buffer is calculated based upon the category of land use occupying the greatest percentage of the lot.
- (8) Buffer not required when a street separates incompatible land uses. If a street or road is located between two land uses that would require a buffer between them, no buffer shall be required along the street or road frontage of the property being developed; however, street trees are required along the property to be developed.
- (9) Buffer requirement when development site abuts a vacant lot. If the property to be developed abuts a vacant lot, an "A" buffer shall be provided on the property to be developed.
- (10) *Buffer description table* .

	"A" Buffer	"B" Buffer
Minimum buffer width	15-10 feet	20 feet
Total number plants per 100 linear feet	18-15	26

Number of evergreen trees	6-4	8
Number of large deciduous trees	2	3
Number of small deciduous trees	2	3
Number of shrubs (at least 75% must be evergreen)	8-6	12

- (11) *Existing vegetation in the buffer* . Existing vegetation in the buffer area may be counted toward the required plantings according to section 9-10(c)(2). The planning department staff must approve the use of existing vegetation to meet the buffer requirement.
- (12) *Buffer reductions* . The width of the buffer may be reduced up to 50 percent with the use of a fence or wall. Fences and walls must meet the following standards:
- (a) Fences or walls shall be constructed of wood, brick, stone, or other masonry (except plain block) and be architecturally compatible with the proposed structure. Seventy-five percent of the fence or wall must be opaque with any spaces evenly distributed. A detailed drawing of the fence or wall must be shown on the site or landscape plan and approved by the Jackson County Planning Department staff.
 - (b) Fences and walls shall be a minimum of six feet tall;
 - (c) the finished side of the fence or wall shall face the abutting property; and
 - (d) A planting strip with a minimum width of five feet shall be located between the fence or wall and the property line. The strip shall be planted with trees and/or shrubs on the side that faces the abutting property. The trees and/or shrubs shall be spaced no further than eight feet apart in order to screen at least 50 percent of the fence or wall at maturity.
 - (e) Screening of dumpsters, loading docks, outdoor storage areas, and utility structures. All dumpsters, loading docks, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or bufferyard. Landscaping shall not interfere with the access and operation of any such structure or facility. All unenclosed outdoor storage areas greater than 15 square feet shall also be screened from adjacent properties and streets. Screen types include:
 - 1) A continuous hedge of evergreen and/or densely twigged shrubs planted in a five foot strip with plants spaced no more than five feet apart or a row of evergreen trees planted no more than eight feet apart.
 - 2) A fence or wall with a minimum height of six feet with the finished side of the fence or wall facing the abutting property or the street.
 - (f) *Street trees* . Street trees are required for all new nonresidential development. Street trees shall be required at the rate of one large maturing (over 35 feet in height at maturity) for every 40 linear feet of property abutting a street or road or 1 small maturing tree (less than 35 feet in height at maturity) for every 30 linear feet of property abutting a street or road, if overhead utility lines are present. This does not imply that trees must be spaced exactly 30 feet or 40 feet apart, but may be clustered together with a minimum spacing of 15 feet. Trees should be spaced no more than 65 feet apart.

Street trees shall be placed in a planting strip on private property and not within the street or road right-of-way. No street tree can be located farther than 20 feet from the edge of the

right-of-way to count as a street tree. The width of the planting strip may vary but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including ground cover and shrubs, or mulch so that no soil is exposed. No stone mulch is permitted in the planting area.

(g) *Parking lot landscaping requirements .*

1) *Requirements for new developments .* Trees and shrubs are required in and around parking lots with more than six spaces to enable the parking areas to blend in with the natural appearance of Cashiers, to provide attractive views from roads and adjacent properties, to reduce stormwater runoff, and to help filter exhaust from vehicles. There are three parking lot planting requirements that may apply to a development depending upon its relation to other properties and public rights-of-way.

a) *Perimeter and interior plantings .* Parking lots, loading areas, and other vehicle use areas must be planted with one deciduous tree and two shrubs for every 2,000 square feet of vehicular use area, which includes parking spaces, aisles, driveways, and loading areas (including gravel surfaces). At least 75 percent of the required deciduous parking lot trees must be large-maturing trees. Trees and shrubs must be placed within 20 feet of the vehicular use area to count as parking lot landscaping.

When four or more trees are required in a parking lot with interior rows, 50 percent of the trees and shrubs must be planted in islands or medians located within the parking lot. Each parking space shall be located within 45 feet of a tree. In calculating this distance, measurements shall be taken from the trunk of the tree to the closest point of the parking space. Planting trees in groups is encouraged to increase the total amount of planting area for roots to grow. Trees and shrubs shall not impede vehicular or pedestrian visibility.

b) *Planting strip .* A planting strip with a minimum width of five feet shall be planted between the vehicular use area and the abutting property when any vehicular use area is located within 50 feet of an abutting property and no buffer is required, except for driveway openings that run perpendicular to the planting strip. This planting strip shall ensure that parking lots are separated from one another. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area. Fifty percent of these trees and shrubs may be counted toward the parking lot trees and shrubs required in subsection a. (above) if the planting strip is located within 20 feet of the vehicle use area. Adjacent businesses on separate properties that share parking or driveways shall be exempt from this requirement provided that the required planting strip would interfere with the use of the shared parking or driveway.

c) ~~*Buffering from the street .* Vehicular use areas greater than 2,500 square feet that are located within 30 feet of a street or road must be buffered from the street or road. This buffer is required in addition to the street trees planted in a 10 foot planting strip as required by section 9-10(f).~~

~~The buffer must contain plants that will be at least three feet high at maturity and can consist of plant material alone, or berms, fences, walls, or grade changes combined with plant material. A vegetative buffer shall contain at least one evergreen or deciduous shrub for every five feet of vehicular use area buffer required. If a fence or wall is used, at least one shrub must be planted for every eight linear feet of fence or wall. Shrubs should be evenly distributed on each side of the fence. Berms and grade changes must be completely covered with vegetation. All shrubs planted can count toward the parking lot landscaping requirement.~~

- 2) *Size of planting islands* . Tree planting islands within vehicular use areas shall be a minimum of 150 square feet and have no width less than nine feet.
 - 3) *Protection of trees* . Planting areas and islands shall be protected by curbing, bollards, or parking barriers if a tree or shrub is within six feet of the edge of the pavement. Trees in islands should be set back at least four feet from the edge of the island so as not to interfere with car doors opening.
- (h) *Compliance and maintenance* .
- 1) *Certificate of occupancy* . Landscaping must be installed and inspected prior to receiving a certificate of occupancy for the construction. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in the amount of 150 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. Upon approval of the financial surety, the certificate of occupancy shall be issued. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
 - 2) *Maintenance* . The owner or lessee of the property on which landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Failure to maintain or to replace dead, damaged, or diseased plant material or to replace a broken fence or wall shall constitute a violation of this ordinance and shall be subject to the penalty provisions set forth in section 13-2 if no corrective action is taken within 30 days of receiving notice. If an act of God or other catastrophic event occurs that destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material must comply with the minimum size, spacing, and quantity standards of this ordinance.
- (i) *Plant specifications* .
- 1) *Recommended plant species* . (Appendix B) The use of plant materials that are indigenous to the region and readily available from local nurseries is encouraged. Native plant materials are acclimated to the area, are better suited for survival, and maintain the character and appearance of the Village of Cashiers.
 - 2) *Minimum plant size requirements* .

Large maturing deciduous tree : Greater than 35 feet in height at maturity. Minimum size at planting shall be two inches caliper with a 12 to 14 foot height.

Small maturing deciduous tree: Less than 35 feet in height maturity. Minimum size at planting shall be one-half inches in caliper with an eight to ten foot height.

Evergreen tree: Minimum height at planting shall be six feet.

Deciduous shrub : Minimum size at planting shall be a three gallon container or ten inch root ball with a height of 18 inches.

Evergreen shrub : Minimum size at planting shall be a three gallon container or ten inch root ball with a height of 18 inches.
 - 3) *Plant standards* . All plants must meet the requirements of the most recent edition of the American Standards for Nursery Stock, ANSI 260.1. Plants must be healthy, well-branched, and free of disease and insect infestation.