ARTICLE XIX - Screening and Trees

Part I. Screening

§295 Town Board findings concerning the need for screening requirements.
The Town Board finds that:
(a) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
(b) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the usual assault of an adjacent use.
(c) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
(d) The provisions of this part are necessary to safeguard the public health, safety and welfare.

§296 General Screening Standard
Every development shall provide sufficient screening so that:
(a) Neighborhood properties are shielded from any adverse external effects of that development;
(b) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

§297 Compliance with Screening Standard
(a) The table set forth in §299 (as the Table of Screening Requirements), in conjunction with the explanations in §298 concerning the types of screens, establishes screening requirements that satisfy the general standards established in §296.
(b) The land use classification designations contained in the Table of Screening Requirements (see §299) are keyed to the Land Use Classification Table (see §299), and the letter designations refer to types of screening as described in §298. This table indicates the type of screening that is required between two uses. Where such screening is required, only the proposed uses are responsible for installing the screening. The use assigned this responsibility is referred to as the proposed use in the Table of Screening Requirements, and the other use is the adjoining existing use.
   (1) To determine which type of screen is required to install:
      i. First, find the proposed use in the Land Use Classification Table and note the Class number (Class 1, Class 2, etc.);
      ii. Then, find the adjoining existing uses in the Land Use Classification Table and note each of the Class numbers;
      iii. Next, find the proposed Class number in the first column of the Table of Screening Requirements and follow the row across to its intersection with the adjoining existing Class number(s) of each use that adjoins the property to be developed.
      iv. For each intersecting square that contains a letter, the developer must install the level of screening indicated.
(c) If, when the analysis described in this section is performed, the proposed use is an existing developed property but the required screening is not in place, then this lack of screening shall constitute a non-conforming situation, subject to all the provisions of Article VIII of this ordinance or possibly an exemption provided in §300.
(d) Notwithstanding any other provision of this article, a multi-family development with 5 or more units shall be required, at the time of construction, to install any screening that is required between it and adjacent existing uses according to §299.

Amended November 21, 2016
§298 Descriptions of Screens

The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements (see §299).

(a) **Opaque Screen, Type A.** A screen that is substantially opaque from the ground to a height of at least six feet, with intermittent visual obstructions from above the opaque portion. A substantially opaque screen is intended to substantially exclude all visual contact between uses and to create a strong impression of special separation. The substantially opaque screen may be composed of all wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be substantially opaque in all seasons of the year. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E-6.

(b) **Semi-opaque Screen Type B.** A screen that is composed of intermittent visual obstructions from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion. The semi-opaque screen is intended to partially block visual contact between uses and to create a moderate impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation, compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E-7.

(c) **Broken Screen, Type C.** A screen composed of intermittent visual obstructions. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E-8.

Amended November 21, 2016, June 19, 2017, October 15, 2018

§299 Table of Screening Requirements and Land Use Classification Table

These tables are necessary to determine the screening type and subsequent requirements for proposed land use development.

(a) **Table of Screening Requirements**

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Class 1 Adjoining Existing</th>
<th>Class 2 Adjoining Existing</th>
<th>Class 3 Adjoining Existing</th>
<th>Class 4 Adjoining Existing</th>
<th>Class 5 Adjoining Existing</th>
<th>Street</th>
</tr>
</thead>
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<tr>
<td>Class 1 Proposed</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Class 2 Proposed</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>C</td>
</tr>
<tr>
<td>Class 3 Proposed</td>
<td>C</td>
<td>C</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>C</td>
</tr>
<tr>
<td>Class 4 Proposed</td>
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<td>B</td>
<td>B</td>
<td>N/A</td>
<td>N/A</td>
<td>B</td>
</tr>
<tr>
<td>Class 5 Proposed</td>
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<td>A</td>
<td>A</td>
<td>A</td>
<td>N/A</td>
<td>A</td>
</tr>
</tbody>
</table>

(b) **Land Use Classification Table**

(1) Land Use Class General Descriptions

(i) Class 1 – single/two-family residential and agriculture

(ii) Class 2 – residential other than Class 1
Town of Siler City - Unified Development Ordinance

(iii) Class 3 – office, institutional, civic, neighborhood business
(iv) Class 4 – retail/wholesale trade, highway commercial
(v) Class 5 – manufacturing, industrial, utility
(vi) Street – public/private roads

(2) See Land Use Classification Table on following page.

Amended November 21, 2016, October 15, 2018

§300 Exemptions and Alternatives from this Article
(a) Bona Fide Farm, as defined in the NC General Statutes.

(b) Changes in use that result in no increase in volume (amount of space occupied) or scale (the relative size) to existing development, parking, or building.

(c) Expansions or reconstructions that will result in development, parking, or building square footage increases of less than three thousand (3,000) square feet or fifty percent (50%), whichever is greater, of respective existing development, parking, or building square footage.

(d) Redevelopments in which required perimeter tree planting is impracticable because the bufferyard:
   (1) would be less than the required minimum bufferyard width;
   (2) would reduce the existing access/drive aisle width below the required minimum;
   (3) is located on a slope steeper than 3:1;
   (4) is located over an existing underground utility;
   (5) is located over an existing vehicle accommodation area;
   (6) is located over existing pavement or building; or
   (7) the bufferyard would have to be located within the street right-of-way.

Except that opaque screen requirements (whether 3’ or 6’ tall) are not exempt.

(e) Any site containing an unoccupied public utility equipment structure that is less than one thousand (1,000) square feet in area, except that all electrical substations shall install the required minimum Type screen.

(f) Developments within or surrounded by the Central Business (CC) zoning district, except that in instances where off-street parking is provided, such parking area shall include the required minimum Type screen.

(g) Single-family detached homes and individual duplexes on individual lots.

(h) Multifamily developments containing four (4) or fewer dwelling units on a single zoning (building) lot.

(i) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width.

(j) Property lines abutting dedicated street right-of-way that has remained unopened for a period of at least fifteen (15) years.

(k) If the adjoining property is vacant, empty, unoccupied, or in agricultural use or forestry and in which there is no current development process, then no screen is required (a minimum 10’ bufferyard must be preserved if applicable).

(l) Reduction in parking requirement for pre-existing developments: To allow compliance with landscaping regulations, the number of required off-street parking spaces may be reduced by up to ten (10) percent.
Town of Siler City - Unified Development Ordinance

(m) If the adjoining property boundary line is owned by the same owner of property being developed, then no screen is required along the adjoining property boundary line (a minimum 10’ bufferyard must be preserved if applicable).

Amended November 21, 2016, June 19, 2017

§301 Combination Uses
(a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on §299 interpreted in the light of §300.

(b) When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in §296.

Amended November 21, 2016

§302 Subdivisions
When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing such screening shall be determined in accordance with the other requirements of this Article.

§303 through §304 Reserved

Part II. Shading

§305 Council Findings and Declaration of Policy on Shade Trees
(a) The council finds that:
   (1) Trees are proven producers of oxygen, a necessary element for human survival,
   (2) Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe,
   (3) Trees transpire considerable amounts of water each day and thereby the air much like the air-washer devices used on commercial air conditioning systems,
   (4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers,
   (5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control,
   (6) Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas, and
   (7) For the reasons indicated in §305(a)(6), trees have an important impact on the desirability of land and therefore on property values.

(b) Based upon the findings set forth in §305(a), the council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the city’s planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

§306 Required Trees Along Dedicated Streets
Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in Article, XIV, the developer shall either plant or retain sufficient trees so that between the right-of-way of the street and a line running parallel to and fifty (50) feet from the right-of-way of the street, there is for every fifty (50) feet of street frontage at least an average of one (1) deciduous tree (see planting list E-10a, E-10c, or E-10g) . When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E.

Amended November 21, 2016
§307 Retention and Protection of Large Trees

(a) Every development shall retain all existing trees eighteen (18) inches in diameter or more unless the retention of such trees would unreasonably burden the development.

(b) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more (measured at five (5) feet above average grade), and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12 ½) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(c) The retention or protection of trees eighteen (18) inches in diameter or more as provided in §307(a) and §307(b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

(d) Incentives and Alternatives - If space that would otherwise be devoted to parking cannot be so used because of the requirements of §307(a) or §307(b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces “lost” because of the provisions of §307(a) and §307(b), up to a maximum of fifteen (15) percent of the required spaces.

(e) Large trees located along the edge of construction corridors should be retained wherever possible. Disturbed areas should be re-seeded with mixtures beneficial to wildlife, i.e. native annual grains appropriate for the season.

(f) Exemptions
   (1) Property within the A-R (Agricultural-Residential) and C-C (Central Business) zoning district.
   (2) Existing or proposed single-family detached dwellings or two-family dwellings on individually owned lots.
   (3) Multifamily developments containing less than five (5) dwelling units on a single zone lot.
   (4) Lots smaller than one (1) acre.
   (5) The removal of trees in conjunction with tree farms, agricultural practices, or commercial nurseries.
   (6) Removal of trees that are dead, dying, diseased, or damaged from storms or other causes.
   (7) Removal of trees that pose a risk to public health, safety, and welfare to the property.
   (8) Tree removal to protect utilities or maintain utility right-of-ways.
   (9) Trees located within a project’s future right-of-way, outline of a building envelope/footprint, project parking area.
   (10) Blockage of stormwater control mechanisms.
   (11) Forestry activity on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the NC General Statutes.
   (12) Activity conducted in accordance with a forest management plan prepared by a forester registered as prescribed in Chapter 89B of the NC General Statutes

(g) Tree Survey
   (1) Tree survey is required prior to any land disturbing activity or any applications for grading, building, or rezoning.
   (2) Tree survey must be submitted in conjunction with site review plan application.
   (3) Tree survey is prepared by a surveyor, registered forester or certified arborist.
   (4) Elements required as part of the tree survey include: location of trees, size of trees, species of trees, and where clear cutting activity occurred within the previous three (3) years
(5) All trees that were previously on the site need to be identified and quantified in some way.

(h) Credits for Retained Trees
   (1) Trees retained may be used to satisfy streetscape, screening, and shading requirements and can receive credits according to the following: The developer shall receive credit toward planting requirements of four (4) trees for each retained tree that remains on site after construction that is eighteen (18) inches in diameter or greater.

(i) Mitigation for Trees Not Retained
   (1) If a property owner/applicant cannot preserve trees eighteen (18) inches in diameter or greater, then the property owner/applicant shall replant at least the same number of existing trees that cannot be preserved that are eighteen (18) inches or greater; and/or
   (2) Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
   (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

(j) Trees Removed Prior to Site Plan and Zoning Permit Approval
   (1) If the Town can determine the number of trees eighteen (18) inches or greater that were removed, then the owner/applicant shall be subject to the following:
      i. For every tree that is removed that is eighteen (18) inches diameter or greater, the owner/applicant must replace four (4) times the number of trees that were removed; and/or
      ii. Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
   (2) If the Town cannot determine the number of trees that were removed that are eighteen (18) inches or greater, then the owner/applicant shall be subject to a fee equal to ten cent ($.10) per square foot ($4,356 per acre) of cleared property.
   (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

(k) Any fees collected will be deposited into the Town of Siler City Landscaping account.
   (1) Funds shall be spent on landscaping located on public property including but not limited to: streetscape improvements, public parks, public spaces, public road right-of-ways, and public parking lots.
   (2) Fee shall be paid prior to any development permits are issued.

Amended June 15, 2015

§308 Shade Trees in Parking Areas
   (a) Vehicle accommodation areas that are required to be paved by §284 must be shaded by deciduous trees (either retained or planted by developer). When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E.
   
   (b) Each tree of the type described in §308(a) shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that the vehicle accommodation area will be shaded.

   (c) No paving may be placed within twelve and one-half (12½) feet (measured from the center of the trunk) of any tree retained to comply with §308(a).

   (d) New trees planted to comply with §308(a) shall be located so that they are surrounded by at least one hundred fifty (150) square feet of unpaved area and interior planting islands shall be not less than nine (9) feet in width.

   (e) Unpaved area (landscaped areas) shall be covered with mulch, ground cover or grass.
(f) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet, six (6) inches.

(g) The minimum quantity of shade trees shall be one (1) large or two (2) small trees per each twenty (20) parking spaces.

(h) When determination of the number of trees requires a fractional tree, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) shade tree.

Amended November 21, 2016

§309 through §310 Reserved