

CHAPTER 8: TREE PROTECTION, LANDSCAPING AND SCREENING

8.1 Purpose.

The appropriate use of existing and supplemental landscaping enhances the aesthetic appearance of Waynesville. This Chapter is intended to establish minimum standards for the design of landscapes to enhance Waynesville's visual and environmental character to:

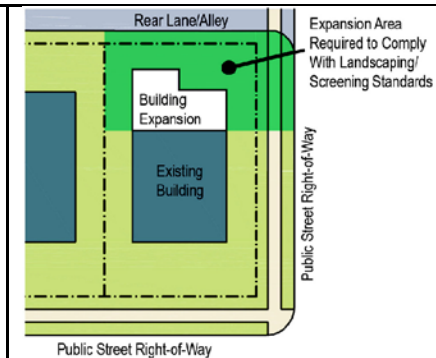
- Encourage the preservation of existing trees and vegetation and replenish removed vegetation.
- Improve the visual quality of the Town of Waynesville and minimize the potential impacts of development such as noise, dust, and glare of lights.
- Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of a property and provide a sense of privacy.
- Require the maintenance of landscaping installed to ensure that the landscaping continues to thrive and meet these stated objectives.

8.2 Applicability.

8.2.1 Applicability Matrix.

The standards contained in this Chapter shall apply to the following development conditions:

Development Condition	Applicability
New Construction (Except Single-family and Two-Family Dwellings on Previously Platted Lots)	All standards apply
Expansion of Parking Areas (Less than 40% of Total Existing Area or less than 12 spaces)	All standards apply only to the parking lot expansion areas.
Expansion of Parking Areas (40% or Greater of Total Existing Area or 12 spaces or more)	All new and existing parking area conditions and non-conforming street frontages per Section 8.6 shall be made conforming.
Building Expansion/Reconstruction (Less than 50% of Existing Floor Area)	All standards shall apply only to 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. (See diagram)
Building Expansion/Reconstruction (50% or Greater of Existing Floor Area)	The entire site shall be brought into full compliance with this Chapter.



Change of Use (From Residential to Non-Residential)	The entire site shall be brought into full compliance with this Chapter.
Building Interior or Exterior Renovation Only	Compliance with this Chapter is not required.

8.2.2 Landscape Plan Required.

Prior to obtaining a certificate of land development standards compliance, an applicant must receive approval of a landscaping plan that shall be prepared in accordance with the requirements of this chapter.

8.2.3 Revisions to Landscape Plan.

Due to lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to landscape plans may be approved by the Administrator if:

- A. There is no reduction in the quantity of plant material.
- B. There is no significant change in size or location of plant materials.
- C. The new plants are of the same general category (i.e., canopy trees, understory trees, shrubs, groundcover) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

8.2.4 Alternative Compliance.

- A. Alternative landscaping plans may be used where unreasonable or impractical situations would result from application of the landscaping requirements. Such situations may result from streams, natural rock formations, topography or other physical conditions; or from lot configuration, utility easements or unusual site conditions.
- B. The Administrator may approve an alternate plan which proposes different plant materials or plans, provided that quality, effectiveness, durability, and performance are equivalent to that required by this section.
- C. Decisions of the staff regarding alternate methods of compliance may be appealed to the Board of Adjustment.

8.2.5 Compliance and Maintenance.

- A. Landscaping must be installed prior to the issuance of a final certificate of occupancy. A temporary certificate of occupancy accompanied by a bond as noted in B below may be granted to permit installation of required landscaping subsequent to occupancy of the building.
- B. If the season or weather conditions prohibit planting, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to one hundred twenty-five (125) percent of the cost of installing the required landscaping to guarantee the completion of the required planting. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
- C. The owner of the property where required landscaping is planted shall be responsible for the maintenance and protection of all plant and screening materials. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a violation of this chapter.
- D. If existing vegetation is to be used in complying with any part of this section, a plan for the protection of this vegetation during construction must be submitted to, and approved by the Administrator.

8.3 General Provisions.

8.3.1 Existing Vegetation.

- A. **Existing Vegetation, Fences, Walls, and Berms:** The use of existing trees or shrubs to satisfy the landscaping requirements of this Chapter is expected. Significant existing vegetation within landscaped areas shall be preserved and credited toward required landscaping. Existing berms, walls, or fences within the landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of landscaping required, provided that these elements are in good condition.
- B. **Protection of Vegetation During Design:** The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features and to complement the existing topography. Additionally, Major Subdivisions and Major Site Plans shall preserve 5% of the existing trees on site. Tree preservation areas (native species with no obvious damage/decline) with adequate protection measures from construction activities shall be shown on the landscape plan. Tree preservation can be counted towards the required buffers, screens, and/or street trees as specified in 8.3.1.C.
- C. **Landscape Credits:** The preservation of existing trees, where possible is strongly encouraged. In order to encourage such preservation, preserved trees may be credited towards compliance with the requirements of this section at the rate of:
 - 2"—6" caliper tree = 2 trees
 - 7"—12" caliper tree = 4 trees
 - 13"—18" caliper tree = 5 trees
 - 19"—24" caliper tree = 6 trees
 - 25" + caliper tree = 7 treesIn order to receive credit, preserved vegetation must be in good health and condition. Trees designated for preservation must be indicated on the landscape and grading plans and protected (with barriers) during grading and construction.
- D. **Replacement of Preserved Trees:** If a preserved tree dies within twenty-four (24) months of completion of the project, it must be replaced with the total number of trees which were credited to the existing tree.

8.3.2 Restrictions on Landscape Areas.

- A. **Easements and Right-of-Ways:** Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Administrator and the easement holder at the time of site plan approval.
- B. **Building Setbacks:** Required building setbacks (as listed in Chapter 2) shall supersede any Landscape Yard requirements.

8.3.3 Tree Trimming and Removal.

- A. **Tree Trimming:** Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the sidewalk or parking area and 13 feet above any travelway. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute

a menace to the safety of the public. The Town is authorized to remove and/or trim trees and shrubs from public properties and public rights-of-way. The North Carolina Department of Transportation is authorized to remove and or trim trees and shrubs in the public rights-of-way owned by the State of North Carolina. Approval from the Administrator is required to trim a tree in a tree save area, required landscaping area, or buffer yard more than 25 percent of its overall canopy.

- B. **Trimming and Removal by Utility Companies:** Trees to be removed from the public right-of-way by electric utilities and other overhead utilities must be replaced by such entity in equal quantity and minimum caliper size with an approved species.
- C. **Tree Topping:** Tree topping and/or shearing shall be prohibited on all trees on public property, designated rights-of-way, required tree save areas, landscaping, and buffer yards unless otherwise approved by the Administrator. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the determination of the Administrator.
- D. **Removal of Dead Trees on Public Property:** Approval by the Administrator shall be required for removal of trees that are dead, infected by disease, or determined to be a hazard to public safety and welfare.
- E. **Tree Removal on Private Property:** The Town shall have the right to cause the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees in the Town. The Administrator or their designee will notify in writing the owner(s) of such trees. Removal shall be done at the owner(s) expense within 90 calendar days after the date of service of notice. In the event of failure of the owner(s) to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owner.
- F. **Protection during Surveying:** No tree greater than 12 inches in diameter at breast height (DBH) located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the Administrator.

(Ord. No. O-22-24, § 2, 6-11-2024)

8.4 Buffer Yards.

Buffer yards are planting areas located parallel to the side and rear lot lines. The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are designed to separate incompatible adjacent uses, or to provide privacy and protection against potential adverse impacts of an adjoining use or zoning district.

8.4.1 Required Buffer Yards.

- A. **Required Yards by District:** The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A ¹	A ¹
	NR/UR ²	C	X	X	X	X	X
	NC ²	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	¹ Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property						X = No Buffer Required
² Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes							

- B. **Additional Buffer Yard Requirements:** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of 15 or more units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.
- C. **Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- D. **Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- E. **More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear yard, the largest buffer will apply.
- F. **Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.

8.4.2 Buffer Yard Types.

A. Type A Buffer Yard	<i>A Type A buffer yard is intended to provide a very dense all season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.</i>			
	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
1. Option A	40 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 48 Shrubs	Not Required	Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within two 2 years of planting)
2. Option B	25 feet	2 Evergreen Trees 1 Canopy Tree 1 Understory Tree 12 Shrubs	Wall or Berm	
3. Option C	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 12 Shrubs	Wall	

B. Type B Buffer Yard	<i>A Type B buffer yard is medium density screen which is intended to create a visual separation between uses and zoning districts.</i>			
	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
1. Option A	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Shrubs	Not Required	Semi opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within two 2 years of planting)
2. Option B	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Shrubs	Not Required	

C. Type C Buffer Yard	<i>A Type C buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.</i>			
	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
1. Option A	20 feet	1 Canopy Tree 2 Understory Trees 8 Shrubs	Not Required	Semi opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within two 2 years of planting)
2. Option B	10 feet	2 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required	

8.4.3 Additional Buffer Requirements.

- A. **Fences and Walls:** Any required 6-foot tall privacy fence or wall shall be made of treated and stained wood, brick, stone, or other composite material as approved by the Administrator and maintained in a like-new manner. All required vegetation shall be placed on the side of the fence or wall of the adjacent property.
- B. **Berms:** All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than 4 feet shall be approved by the Administrator on a case by case basis.
- C. **Existing Vegetation:** Existing vegetation within the buffer yard which meets or exceeds the standards of this section shall be maintained and may receive partial or total credit toward buffer yard requirements.

(Ord. No. O-37-22, § 1, 12-13-2022; Ord. No. O-22-24, § 3, 6-11-2024)

8.5 Street Tree Plantings.

It is the desire of the Town to maintain tree-lined, pedestrian-friendly streets throughout the community. Street trees shade the pedestrian realm of the street, encourage cars to move more slowly, improve pedestrian safety by creating a buffer between the moving cars and the sidewalk, absorb stormwater, absorb pollutants from tailpipe emissions, and add value to the fronting properties.

8.5.1 Planting Requirements.

- A. Street trees shall be planted in the right-of-way, between the street and the sidewalk in accordance with the table below:

District or Location	Requirement
Rural Districts	Not required
RL/RM/NR/UR Districts	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width)
NC/BD/RC/CI Districts	Rate: 1 Canopy Tree for every 50 feet of street frontage Spacing: Maximum of 50 feet on-center Location: In Planting Strip (5-foot minimum width) or Tree Well (25 square foot minimum area)
NC/BD/RC Districts with On-Street Parking and Ground Floor Retail	Rate: 1 Canopy Tree for every 40 feet of street frontage Spacing: Maximum of 50 feet on-center Location: Tree Well (25 square foot minimum area)
Alleys	Not Required
Existing Development with Non-Conforming Frontages	See Section 8.2

- B. **Overhead Power Lines:** Where overhead power lines are present, small maturing trees (thirty (30) to forty (40) feet in height at maturity) must be utilized. One small maturing tree is required for every thirty-five (35) feet of property abutting a street (utility lines such as cable and phone do not constitute a hazard and large maturing trees should be used if only these are present).
- C. **Existing Town-Adopted Streetscape/Tree Planting Plan:** Where a town-approved existing tree pattern exists on a street, the placement of new trees shall be compatible with the established pattern/species.

8.5.2 Specifications.

- A. Where street trees are required, such trees shall be planted in a planting strip parallel to the street edge (street yard) or in tree wells located along the street/sidewalk.
- B. Tree wells shall provide a root aeration zone around the base of a tree. If the adjacent sidewalk is less than 6 feet in width, tree grates shall be provided to cover the exposed area of soil and to widen the pedestrian passage zone along the sidewalk.
- C. Street trees must (unless approved by the Administrator) maintain the same species, spacing, and distance from the street along both sides of the street.
- D. No street tree can be planted farther than eight (8) feet from the edge of the traveled way to count as a street tree, or it must be in between the sidewalk and the street. Exceptions may be granted by the Administrator along NCDOT streets.
- E. All planter strips must be covered with living material, including ground cover and/or shrubs, except for mulched areas directly around the trees so that no soil is exposed.
- F. Planter strips must always be placed between the sidewalk and the traveled way except where the Administrator determines that this is impossible due to road conditions or topography.

8.6 Parking Lot Landscaping.

8.6.1 Parking Lot Screening.

- A. **Required Screen:** Parking lots shall be screened from sidewalks, streets, and adjacent properties by a semi-opaque screen that incorporate a low screen from the ground to at least a height of 3.5 feet along with canopy trees planted with a maximum spacing of 30 feet on-center for screening of car lights and glare. Effective screening devices may include solid decorative brick walls, wood fences, earth berms, architectural features (e.g., façade extension, pergolas) and tight evergreen hedges which shall reach the required height within two years of planting, or any combination of the above.
- B. **Minimum Width of Required Screen:** 7 feet.
- C. **Permitted Openings for Driveways and Pedestrians:** A 6-foot opening shall be allowed every 150 feet to permit pedestrian passage where a formal connection to a sidewalk or pathway is provided. Openings for permitted driveways and their associated sight triangles are also permitted.

8.6.2 Interior Parking Lot Plantings.

- A. **Applicability:** Parking lot plantings are required for all parking lots containing more than six (6) spaces.
- B. **Performance Standard:** No parking space shall be more than 40 feet from the base of a canopy tree (parking lots using bioretention areas, as outlined in the section below, are exempt from this requirement). The use of existing vegetation to satisfy this requirement is encouraged.
- C. **Minimum Additional Plantings:** One canopy tree per 12 parking spaces.
- D. **Planting Areas:** Plantings shall be in a planting area within the parking lot measuring at least 64 square feet and a minimum of eight feet in width and protected by curbs or wheel stops. Planting areas may have no bare soil.
- E. **Small Lots (Less than 24 Spaces):** Trees and shrubs may be planted at the end of parking rows or in planting strips as defined above.
- F. **Credits for Existing Trees:** Landscape credits for existing trees in parking areas shall be given at a rate of one tree per each 4 inches DBH of existing plant preserved.
- G. **Tree Clusters:** In lieu of individual planters, up to 50% of the required parking lot trees may be clustered in larger islands internal to the parking lot.

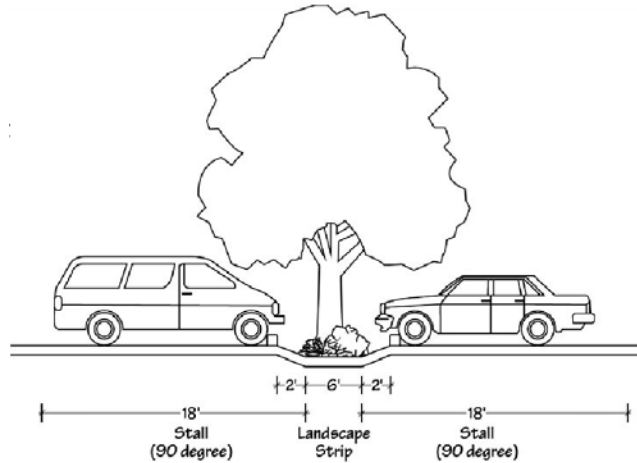
8.6.3 Curbing.



Example of discontinuous curbing around parking lot bio-retention area

All parking areas and landscaped islands shall either be curbed using a vertical curb or wheel stops. Curbing may be discontinuous or perforated allowing stormwater to enter landscaped areas constructed for bioretention (rain gardens). Where bioretention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade, curbing must be continuous to prevent landscaping material from eroding into the parking area.

8.6.4 Bioretention Areas/Rain Gardens.



Required parking landscaped areas may include up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown.

- A. **Rain Gardens Permitted:** Required parking lot landscaping may be incorporated with one or more consolidated bioretention areas (rain gardens). Bioretention areas shall be located where it is most practical to capture stormwater, manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet - Bioretention (EPA 832-F-99-012, September 1999;), or equivalent, including NC Cooperative Extension Bulletin, Designing Rain Gardens (Bio-Retention Areas), 2001.
- B. **Parking Dimension Bonus:** A portion of the space devoted to motor vehicle parking may be landscaped instead of paved, as follows:
 - 1. A landscaped area may include up to 2 feet of the front of the parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown at right. The landscape strip shall be a minimum of 6 feet in width.
 - 2. The landscaped area within the parking space counts toward parking lot landscaping requirements and toward any overall site landscaping requirements.
 - 3. In order to utilize this parking dimension bonus, landscaping must be below grade and designed as a bio-retention area.

8.7 Screening of Dumpsters, Loading Docks, Outdoor Storage Areas, and Utility Structures.

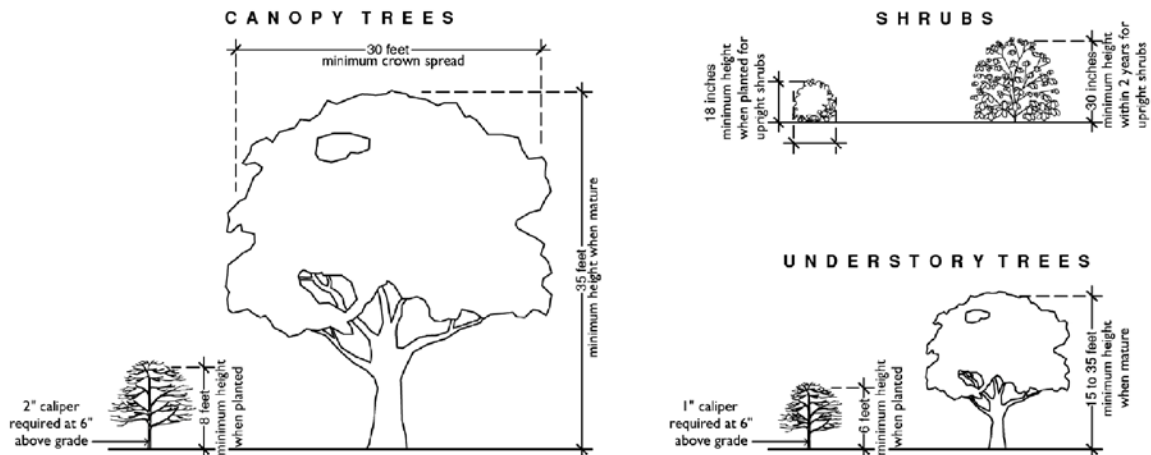
8.7.1 Required Screening.

- A. 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 buffer yard.
- B. All unenclosed outdoor storage areas greater than one hundred (100) square feet shall also be screened from adjacent properties and streets.
- C. Screening may be created through the use of: a continuous hedge of evergreen and/or densely twigged deciduous shrubs or by a fence or wall.

8.8 General Installation and Maintenance Standards.

8.8.1 Plant Material Specifications.

- A. **Evergreen Trees:** Evergreen trees must be a locally adapted species with a green foliage that lasts through all seasons with an expected mature height of 20 feet or greater. Evergreen trees, existing or planted, must be a minimum of 8 feet high, and have a minimum caliper of 2 inches measured 6 inches above grade.
- B. **Canopy (Large Shade) Trees:** Canopy trees must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of 30 feet or greater. Canopy trees, existing or planted, must be a minimum of 8 feet high, and have a minimum caliper of 2 inches measured 6 inches above grade. Multi-stemmed trees shall have at least 3 stalks and be at least 8 feet in height.
- C. **Understory (Small) Trees:** Understory trees must be a minimum of 6 feet high and 1-inch in caliper, measured 6 inches above grade when planted. When mature, understory trees should have an expected height of 15 to 35 feet.
- D. **Shrubs:** All shrubs shall be a minimum of 1½ feet in height when planted. All shrubs shall reach a height of 36 inches and a minimum spread of 30 inches within two years of planting.
- E. **Groundcover:** All required groundcover type plants must be a minimum of 1½ to 2½-inch pots with a 4-inch minimum length. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.



8.8.2 Plant Standards.

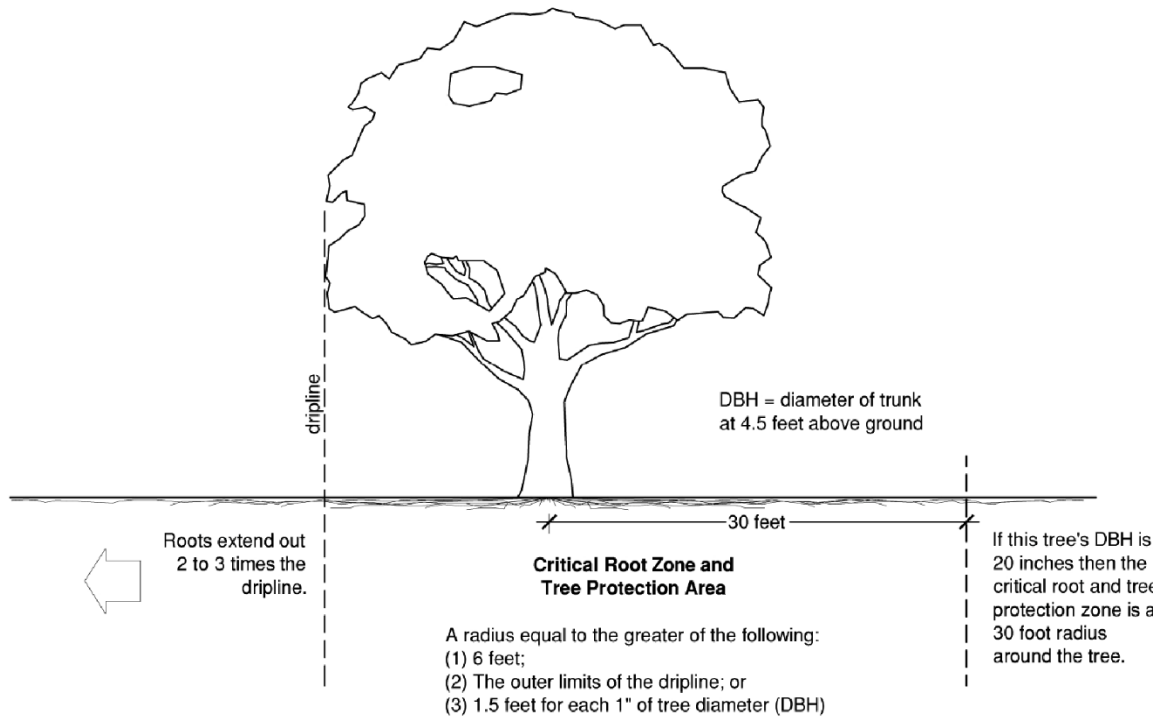
- A. **General Material Standards:** All plant materials shall be installed in accordance with the standards found in the latest edition of American Standards For Nursery Stock published by the American Association of Nurserymen. After installation, plant materials shall be mulched with a 2 to 3-inch layer of appropriate material.
- B. **Recommended Species List:** Plant materials utilized in meeting the requirements set forth in this section may be chosen from the Recommended Species List maintained by the Administrator. This list encourages the use of plant materials which are indigenous to this region and which are readily available from local nurseries. Plant materials which are not on the list may also be used following approval by the Administrator. [154.303.G]
- C. **Native or Locally Adapted Species Required:** The use of drought tolerant vegetation that is native to the area is encouraged to reduce dependency upon irrigation.

8.8.3 General Construction Standards.

- A. **Grading and Development in Required Landscape Areas:** The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. If grading within a planting yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.
- B. **No Bare Soil Permitted:** All portions of the landscaping area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass, or covered with natural mulch with a minimum depth of 2 inches.
- C. **Sight Distance:** All trees planted within the sight distance triangle at an intersection, or driveway access point as defined by this Ordinance shall be limbed up to provide for clear sight lines between 2 feet and 7 feet above the finished grade. (Exception: NCDOT has separate provisions for state-maintained roadways).

8.8.4 Protection of Existing Trees During Construction.

- A. Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. Protective barricades shall remain in place until development activities are completed. The following conditions are required:
 - 1. Barricades may consist of 2 x 4 inch posts with 1 x 4 inch rails, orange safety fence, or a similar treatment and shall remain in place until development activities are complete.
 - 2. The barricaded area shall remain free of all building materials, stockpiled soil or other construction debris.
 - 3. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees.
- B. Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
 - 1. For trees 10 inches or less in caliper: Place at a minimum distance of 6 feet from the base of each protected tree, or outside the dripline, whichever is greater.
 - 2. For trees greater than 10-20 inches in caliper: Place at a minimum distance equal to 1.5 feet for each 1 inch in caliper, or outside the dripline, whichever is greater.
 - 3. For trees 20 inches or greater in caliper: Place at a minimum distance of 30 feet from the base of each protected tree.



- C. Land disturbance within a tree dripline is prohibited except for driveway access points, sidewalks, curb and gutter.
- D. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to $\frac{1}{4}$ to $\frac{1}{2}$ of the area within the dripline, and tree roots must be pruned with clean cuts at the edge of the disturbed area. (No fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.)

8.8.5 Maintenance.

- A. **Maintenance:** All vegetation and other screening devices shall be maintained so as to continue their effectiveness. The owner shall replace any required plantings, which die or otherwise fail to satisfy the requirements of this Chapter, within 180 calendar days with an equal or similar species and size. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have up to two years to replant with submittal of a guarantee.
- B. **Inspection of Site:** The Administrator may inspect the site once a year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained. The Administrator may issue a Notice of Violation to comply with the provisions of this ordinance if warranted upon an inspection under the provisions of Chapter 16 of this Ordinance.

8.8.6 Replacement of Disturbed and Damaged Vegetation.

The disturbance of any landscaped area or vegetation required by this Code shall constitute a violation of the site or sketch plan. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this section as well as the approved site or sketch plan.