

Trees and Landscaping Standards

A) *Purpose and Intent.*

The purpose of this section is to promote the proper planting and preservation of trees in the Town of Beaufort

The Board of Commissioners (BOC) has determined the planting and preservation of trees within the Town of Beaufort is not only desirable but essential to the present and future health, safety and welfare of all the citizens.

It is intent this section is to enhance the Town of Beaufort by:

- Regulating the preservation of protected and exceptional trees.
- Regulating the planting of street trees.
- Providing standards for trees, shrubs and their planting.
- Providing a list of native trees, shrubs and their characteristics.

This is done in the best interests of the health, safety and welfare of present and future citizens.

The preservation and planting of trees will also help the Town comply with EPA storm water Phase II rules for small municipal separate storm sewer system. These rules govern storm water run-off, aquifer recharge, and other environmental concerns.

B) *Tree Preservation.*

It shall be unlawful to cut down any protected or exceptional specimen tree without the written approval of the BOC or their appointed agent(s).

It shall further be unlawful to cut down any tree in the public right-of-way without the written approval of the BOC or their appointed agent(s).

1) Applicability.

This subsection applies to all deciduous trees within the Town and its ETJ meeting the standards of a protected or exceptional tree.

2) Exceptions.

The provisions of this Ordinance shall have the following exemptions:

- a) All lots dedicated as a school site or a playing field or similar non-wooded recreational areas.
- b) Any public utility or cable television company which clears, moves, cuts down, or destroys any trees for the purpose of erecting, installing, moving, removing, altering, or maintaining any structures or fixtures necessary for the supply of electric light, heat, or power, communication, network, or cable television services upon any lands in which it has acquired an easement or right-of-way.

- c) Upon the advice of the Town's Public Works Department, and in accordance with commonly accepted forestry practices, the Town may authorize the removal of trees to prevent the transmission of disease or infestation, to prevent danger from falling trees, or to prevent potential injury to life and property.
- d) In an emergency such as a hurricane, ice storm, fire or other disaster, the requirements of this Ordinance may be waived by the Town during the emergency period so the requirements of this Ordinance will in no way hamper private or public work needed to restore order. This shall not be interpreted as a general waiver of the intent of this Ordinance.
- e) Where practical difficulties or unnecessary hardships inconsistent with the purposes of this Ordinance resulting from its literal interpretation or enforcement, the Board of Adjustment (BOA) may waive, modify or delay the enforcement of these provisions, upon written request by the developer or the property owner. At no time shall the owner be denied reasonable, economically beneficial use of his or her property.

To qualify for an exemption due to economic hardship, a property owner must provide all of the following in order to establish a denial of all reasonable economic use: (i) feasibility of alternative development plans; (ii) current value of the property in relation to the original cost; (iii) current property taxes; and, (iv) offers to purchase.

- f) All property being managed in accordance with a forest management plan written by a North Carolina Registered Forester and/or any property currently enrolled in the Present-use Value Program for Forestland is exempted from this Ordinance. If not enrolled in the Present Use Value Program, a copy of the forest management plan under which the property is being managed must be presented to the Town's Planning and Inspections Department as documentation.

If a timber harvest is conducted under this forest management exemption in a manner which does not comply with the development provisions of this Ordinance, the Town's Planning and Inspections Department may deny a building permit for the area for up to three years.

3) Credit for Required Landscaping.

In cases where landscaping is required section 15 of this Ordinance, the preservation of existing trees may be used as credit towards required landscaping as detailed in this subsection.

4) Private Protected Tree Qualification Standards.

Protected tree includes all of the following:

- a) Private protected tree means any North Carolina native tree with a diameter at breast height (DBH) of:

Table 14-1 Private Protected Tree Qualification Standards

<i>DBH Size</i>	<i>Location</i>
Six inches (6") or greater	Within twenty feet of a street right-of-way (including an approved private street or other access easement)
Eight Inches (8") or greater	Within ten feet (10') of any other property line
Twelve Inches (12") or greater	Elsewhere on the lot

b) Public protected tree means any North Carolina native tree located on lands owned by the Town, or other governmental agencies or authorities, or any land upon which easements are imposed for the benefit of the Town, or other governmental agencies or authorities, or upon which other ownership control may be exerted by the Town, or other governmental agencies or authorities, including rights-of-way, parks, public areas and easements for drainage, sewer, water and other public utilities, with a DBH of six inches (6") or more.

5) Exceptional Trees.

Exceptional specimen tree means any tree which is determined by the Board of Commissioners to be of unique and intrinsic value to the general public because of any of the following:

- a) Exceptional size;
- b) Age;
- c) Unique location;
- d) Historic association; or,
- e) Ecological value.

It further includes any tree designated a Carteret County Champion by the Carteret County Tree Awareness Group. The Town shall keep a record of all specimen trees so designated and their location.

6) Right to Appeal.

Any person may appeal from any ruling or order of the BOC or their designee(s) to the BOA who may hear the matter and make final decision.

7) Damaged Tree Replacement Calculations.

This includes any damage or destruction caused by willful action, negligence or neglect.

If a tree is destroyed or damaged to such an extent it is no longer viable and must be removed, the owner of the property shall be liable to replace it. The number of replacement trees shall be determined by the following calculations:

Table 14-2 Damaged Tree Replacement Calculations

1	DBH of tree	_____ inches
2	Credit as calculated in Table 15-2 of this Ordinance	_____ sq. ft.
3	Divide by 2000	_____

4	Round up to the nearest whole number	_____ trees
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In addition:

- a) At least one replacement tree will be planted as near as is viable to the removed tree.
- b) If the required replacement trees can not all be planted on the property, the Town may designate alternate planting locations as street trees.

C) *Street Tree Ordinance.*

This subsection regulates trees planted or to be planted in the public right-of-way.

1) Tree Species Allowed.

No species other than those included in subsection 14-E of this section may be planted as street trees without written permission by the BOC or their designee(s).

2) Spacing of Street Trees.

The spacing of street trees will be in accordance with the three species size listed in section 14-E and no closer together than the following:

Table 14-3 Spacing of Street Trees

<i>Size</i>	<i>Spacing Between Trees</i>
Small Trees, 10'-20' Tall (from table 14-10 of this section)	Thirty feet (30')
Medium Trees, 20'-50' Tall (from table 14-11 of this section)	Forty feet (40')
Large Trees, 50' or Taller (from table 14-12 of this section)	Fifty feet (50')*

*Except in special plantings designed or approved by a landscape architect.

3) Rights of the Town.

- a) The Town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- b) The BOC or their designee(s) may remove or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insects, or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing the selection and location of said trees is in accordance with subsection 14-C of this section.
- c) The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the Town. The BOC or their designee(s) will notify in writing the owners of such trees. Removal shall be done by said owner at their own expense within sixty

days after the date of service of notice of the letter. In the event of failure of the said owners to comply with this provision, the Town shall have the authority to remove such trees and charge the cost of the removal on the property owners' property tax notice.

4) Topping of Trees.

It shall be unlawful as a normal practice for any person, firm, or town department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Ordinance at the determination of the BOC or their designee(s).

5) Responsibilities of Owners.

Every owner of any tree or shrub overhanging any street or right-of-way within the Town shall prune the branches so such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees or shrubs, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign, or impedes upon the flow of traffic on the sidewalk.

6) Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground.

7) Unlawful to Interfere.

It shall be unlawful for any person to prevent, delay, or interfere with the BOC or their designee(s), while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing any street trees, park trees, or other trees on private grounds, as authorized in this Ordinance.

8) Privilege License Requirement.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town's corporate jurisdiction without first applying for and procuring a privilege license. The license fee shall be determined by the Town Tax Collector annually in advance; provided however, no such license shall be required of any public service company or town employee doing work in pursuit of their public service endeavors. Before a privilege license can be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury, and \$100,000 for property damage

indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

D) ***Standards for Planting Trees and Shrubs.***

1) Applicability.

Trees and shrubs planted in compliance with this section or section 15 of this Ordinance shall meet or exceed the requirements of this subsection. In all other cases this section provides guidelines.

2) Standards for Trees.

Trees planted shall have most or all of the following qualities. The trees recommended shall be the best combinations of these characteristics:

- Hardiness;
- Resistance to extreme temperatures;
- Resistance to drought;
- Resistance to storm damage;
- Resistance to air pollution;
- Resistant to pests;
- Resistant to plant diseases;
- Resistance to salt water when planted in low lying areas;
- Ability to survive physical damage from human activity;
- Resistance to destruction or damage from wind;
- Long life;
- Tendency to branch high above the ground;
- Wide spreading habit;
- Relatively dense foliage for maximum shading;
- Little or no pruning requirements; or,
- No significant litter problems.

New trees and shrubs may be evergreen or deciduous and shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen.

3) Tree Size Measurement.

Measurements of the diameter of a tree shall be determined by measuring four and one-half feet (4½') DBH above ground level. In the case of multiple stems, only the largest shall be measured.

4) Minimum Installed Tree Dimensions.

When planted, trees shall have the following minimum dimensions:

Table 14-4 Minimum Installed Tree Dimensions

<i>Tree Size Category (all trees at maturity size)</i>	<i>Minimum DBH</i>	<i>Minimum Height (at planting)</i>
Small Trees, 10'-20' Tall (from table 14-10 of this section)	1"	4'
Medium Trees, 20'-50' Tall (from table 14-11 of this section)	1.5"	6'
Large Trees, 50' or Taller (from table 14-12 of this section)	2"	8'

5) Planting Distance from Curb, Curb Line, or Sidewalk.

The distance trees may be planted from any curb, curb line, or sidewalk will be in accordance with the three species size classes listed subsection 14-E of this section, and no trees may be planted closer to any curb, curb line, or sidewalk than the following:

Table 14-5 Tree Planting Distance from Curb, Curb Line, or Sidewalk

<i>Size</i>	<i>Distance from Curb, Curb Line, or Sidewalk</i>
Small Trees, 10'-20' Tall (from table 14-10 of this section)	Two feet (2')
Medium Trees, 20'-50' Tall (from table 14-11 of this section)	Three feet (3')
Large Trees, 50' or Taller (from table 14-12 of this section)	Four feet (4')

6) Distance from Street Corner and Driveways.

- a) No tree shall be planted closer than thirty-five feet (35') from any street corner except when the intersection contains a stop sign in every direction in which case no tree shall be planted within twenty feet (20') of the corner., measured from the point of the nearest intersecting curbs or curb line.
- b) No trees shall be planted in sight triangle(s) of driveways and streets without approval from the Town's Planning and Inspections Department. On state maintained roads, both NCDOT and town standards shall apply.

7) Distance from Overhead Electrical Wires.

- a) No street trees other than those species designated as small trees in Table 14-10 of this section may be planted under or within ten lateral feet of any overhead electrical distribution wire.
- b) No street trees other than those species designated as small or medium trees in Tables 14-10 and 14-11 of this section may be planted under or within fifteen lateral feet of any overhead electrical high-voltage transmission wire.

8) Distance from Underground Utilities.

- a) No trees shall be planted within five lateral feet of any underground water line, sewer line, transmission line, or other utility line.
- b) All tree plantings within the public right-of-way require a written statement from the Public Works Department determining the location where the tree is to be planted will not impact on any underground municipal utilities. Applicants should call the 811 service for information on other buried utility lines.

c) No street tree shall be planted closer than ten feet (10') of any fire hydrant.

9) Shrubs Size.

a) Shrubs shall be at least eighteen inches (18") in height or spread at the time of planting if utilized to satisfy the parking lot interior coverage shrub requirements.

b) Shrubs shall be at least twenty-four inches (24") in height at the time of planting to satisfy the parking lot street frontage requirement.

c) Shrubs planting immediately adjacent to the building shall be at least eighteen inches (18") in height at the time of planting to satisfy the foundation shrub requirement.

d) Shrubs shall be evergreen and at least thirty-six inches (36") in height at the time of planting, reaching a minimum height of six feet (6') in three years to satisfy the loading dock shrub screening requirement

10) Minimum Planter Width.

All planters will have a minimum width corresponding with the size tree planted within.

Table 14-6 Minimum Planter Width

<i>Tree Size at maturity</i>	<i>Minimum Planter Width</i>
Small Trees, 10'-20' Tall (from table 14-10 of this section)	Four feet (4')
Medium Trees, 20'-50' Tall (from table 14-11 of this section)	Four feet (4')
Large Trees, 50' or Taller (from table 14-12 of this section)	Six feet (6')

11) Required Tree Variety.

Trees shall be of a native variety including but not limited to those species listed in section 14-E (palm trees do not conform as trees to the intent of this section; however, they may be planted in addition to those required by this section). In no case should any tree or plant on the NCSU's list of invasive exotic plants be planted. When planting multiple trees, more than one variety may be required.

Table 14-7 Required Tree Variety

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

The Town encourages at least 20% of large trees planted to be live oak trees.

E) ***Native Shrubs and Trees of Carteret County, North Carolina.***

When not required, the planting of trees and shrubs native to eastern North Carolina and/or adaptable to coastal conditions and climate, is strongly encouraged. A list of desirable trees and shrubs, in three classes based on size, is listed below.

Table 14-8 Special Characteristics Key

<i>Code</i>	<i>Special Characteristics Key</i>	<i>Code</i>	<i>Special Characteristics Key</i>
AuF	Autumn flowering	S	Stately
AW	Attracts wildlife	SF	Spring flowering
D	Drought tolerant	ST	Salt tolerant
E	Evergreen	SuF	Summer flowering
F	Fragrant	TW	Tolerates wet areas
FC	Fall color	W	Resistant to wind damage
LL	Long-lived	WI	Winter interest
LM	Low maintenance	WK	Weak wood
S	Stately	YLI	Year-long interest

1) Native Shrubs.

Shrubs may reach up to ten feet (10') high at maturity.

Table 14-9 Native Shrubs

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
American beauty berry	<i>Calicarpa Americana</i>	FC, SF-white, fuchsia berries in fall, AW
Bear grass	<i>Yucca filamentosa</i>	E, SF-white, ST, AW
Cabbage palmetto**	<i>Sabal palmetto</i>	E, ST, W
Carolina allspice	<i>Lindera benzoin</i>	FC, SF-white, berries, AW, F
Coastal, dwarf azalea	<i>Rhodendron alanticum</i>	SF-white, F, TW
Dahoon (Holly)	<i>Ilex cassine</i>	E, SF-white, red berries, AW
Dwarf Yaupon Holly	<i>Ilex vomitoria</i>	E, SF-white, red berries, AW, culinary leaves (tea)
Fetterbush, leucothoe	<i>Leucothoe axillaries</i>	E, SF-white, AW
Fringe tree, old man's beard	<i>Chionathus virginicus</i>	FC, SF-white
Groundsel tree	<i>Baccharis halimifolia</i>	E, FC-white
Heart's-a-bustin'	<i>Euonymus Americana</i>	SF-white, striking fruit, WI
High bush blueberry	<i>Vaccinium corymbosum</i>	FC, very early SF-white, AW
Hydrangea	<i>Hydrangea sp.</i>	SuF-white, WI, ST
Inkberry holly	<i>Ilex glabra</i>	E, SF-white, berries, AW
Lyonia, fetterbush	<i>Lyonia lucida</i>	E, SF-pink, AW
New Jersey tea	<i>Ceanothus americanus</i>	SF-white, TW, AW
Red chokeberry	<i>Sorbus arbutifolia</i>	FC, SF-white/pink, AW, F
Smooth sumac**	<i>Rhus glabra</i>	FA, SuF-white, AW
Spanish dagger	<i>Yucca aloifolia</i>	E, SuF-white, ST, AW
St. John's wort	<i>Hypericum sp.</i>	SuF-yellow
Swamp honeysuckle	<i>Rhodendron viscosum</i>	SF-white, TW
Swamp rose	<i>Rosa palustris</i>	SuF-pink, winter red hips, AW, TW
Sweet pepper bush	<i>Clethra alnifolia</i>	FC, SuF-white, AW, ST
Sweet shrub**	<i>Calycanthus floridus</i>	SF-maroon, F
Virginia sweet spire	<i>Itea virginica</i>	FC, SF-white, AW, F

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
Wax myrtle (myrkle)	<i>Myrica certifera</i>	E, ST, AW, leaves fragrant
Wild azalea	<i>Rhododendron nudiflorum</i>	SF & SuF-white/pink, TW
Winter berry, black elder	<i>Ilex verticillata</i>	Red berries, AW, TW
Witch alder	<i>Fotherfilla gardenia</i>	FC, SF-white
Zenobia	<i>Zenobia pulverulenta</i>	SF, SuF-white, TW

*All special characteristics shall be found in Table 14-8.

2) Small Native Trees.

Small trees will typically reach ten to twenty feet (10'–20') tall at maturity.

Table 14-10 Small Native Trees

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
Georgia fever tree (rare)	<i>Pinkneya bracteata</i>	SuF-pink, YLI
Loblolly bay	<i>Gordonia lasianthus</i>	SuF-white, TW,F, semi-E
Persimmon	<i>Diospyros virginiana</i>	SF-white, edible fruit
Possum haw	<i>Ilex deciduas</i>	SF-white, AW, WI
Red buckeye	<i>Aesculus pavia</i>	SuF-Red
Redbud	<i>Cercis Canadensis</i>	FC, FC-deep pink
Serviceberry	<i>Amelanchier Canadensis</i>	Early SF-pink/white
Tea olive	<i>Osmanthus americanus</i>	E, SF-white, ST,F
Titi, leatherwood	<i>Cyrilla racemiflora</i>	FC, SuF-white
Wax myrtle	<i>Myrica cerifera</i>	E, fast growing, AW, fragrant leaves
Witch hazel	<i>Hamamelis virginiana</i>	FC, early SF-orange/yellow
Yaupon holly	<i>Ilex vomitoria</i>	E, WI-red berries, SF-white, culinary leaves (tea), dwarf varieties up to 10'

*All special characteristics shall be found in Table 14-8.

3) Medium Native Trees.

Trees in this category will typically reach twenty to fifty feet (20'-50') tall at maturity.

Table 14-11 Medium Native Trees

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
Black cherry	<i>Prunus serotina</i>	SF-white, AW
Carolina cherry laurel	<i>Prunus caroliniana</i>	E, SF-white
Dogwood	<i>Cornus florida</i>	SF-white, YLI
Eastern red cedar	<i>Juniperus virginiana</i>	E, LM
Margaretta or Post oak	<i>Quercus margaretta</i>	AW
Pawpaw	<i>Asimonia triloba</i>	SF-maroon, edible fruit
Red bay	<i>Persea borbonia</i>	E, fragrant culinary leaves
Sassafras	<i>Sassafras albidum</i>	FC, SF-yellow, culinary
Sourwood	<i>Oxydendrum arboretum</i>	FC, SuF-white, YLI

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
Sweet Bay magnolia	<i>Magnolia virginiana</i>	SF-white, F, semi-E

*All special characteristics shall be found in Table 14-8.

4) Large Native Trees.

Trees in this category will typically reach over fifty feet (50') tall at maturity.

Table 14-12 Large Native Trees

<i>Common Name</i>	<i>Botanical Name</i>	<i>Special Characteristics*</i>
American holly	<i>Ilex opaca</i>	E, SF-white, YLI
Bald cypress	<i>Taxodium distichum</i>	FC, LL, TW
Laurel oak	<i>Quercus laurifolia</i>	E, LL, S, AW
Live oak	<i>Quercus virginiana</i>	E, LL, S, AW
Longleaf pine	<i>Pinus palustris</i>	E, large attractive pinecones
Pond Cypress	<i>Taxodium ascendens</i>	FC, LL, TW
Red Maple	<i>Acer rubrum</i>	FC, SF-red
Southern magnolia	<i>Magnolia grandiflora</i>	E, late SF-white, F
Southern red oak	<i>Quercus alcata</i>	AW, TW
Sweet gum	<i>Liquidambar styraciflua</i>	FC, fruitless variety available
Sycamore	<i>Platanus occidentalis</i>	Exfoliating bark
Tulip poplar	<i>Liriodendron tulipifera</i>	Late SF-yellow
Tupelo, black gum	<i>Nyssa sylvatica</i>	FC, M, TW, used in decoys
Water oak	<i>Quercus nigra</i>	AW

*All special characteristics shall be found in Table 14-8.

**Native to North Carolina, but not to Carteret County.

***Use as under story plants or at woodland edges.

The Town would like to acknowledge the use of the charts used in section 14-11 which come from the Carteret County Master Gardener Volunteers, Sharon Bailey and Carolyn Hoss (1999); Carolyn Hoss and Claire Honodel (2006).