



## Planning, Development & Inspections

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### Proposed Ordinance Amendment 02-18

**To: Board of County Commissioners**

**Project Name:** Native Plant UDO Amendment

**Case Number:** OA-02-18

**Date:** January 22, 2019

**Staff:** Terry Nolan, Planner III

**Purpose:**

To amend the Wake County Unified Development Ordinance (UDO) to support use of native plants.

**Background:**

This initiative was first introduced by the Wake County Open Space and Parks Advisory Committee (OSAPAC). OSAPAC recommended moving the initiative through the Growth, Land Use and Environment (GLUE) committee. The Board of Commissioners expressed their support at the October 8, 2018 work session and on October 15, 2018 they adopted a resolution stating Wake County will review and revise the Wake County Unified Development Ordinance and the Wake County Design Guidelines and Standards ensuring that Wake County projects utilize native plants to the greatest extent possible.

Wake County staff worked with a broad spectrum of professionals and organizations to identify opportunities related to county operations as well as development policies. These professionals and organizations included the NC Botanical Gardens, landscape architects, NC Native Plant Society, landscape nurseries, and landscape contractors. Discussions resulted in a recommendation to replace the outdated list of non-native invasive species located in Appendix A with current references, and to more clearly emphasize the use of native plants when landscaping is required in the UDO.

*The proposed amendment reads as follows:*

#### **16-10-3 Plant Material, Installation and Maintenance**

##### **(B) Plant Materials**

###### **(1) Existing Vegetation**

Existing vegetation that meets or exceeds applicable screening requirements may be used to satisfy the requirements of this section, provided the bufferyard contains sufficient area surrounding the vegetation to ensure its protection from encroachments that may threaten its continued healthy growth. Due to their effectiveness in immediately

providing a more effective screen, the retention and protection of existing vegetation must be given preference over the installation of new plant materials in the achievement of the required screening. Existing vegetation that is in a healthy condition, meets the minimum planting size requirements, and will meet the required mature plant size must be given credit ~~plant for plant~~ toward meeting the required screening. Existing vegetation must be noninvasive in nature. If invasive plants are found within the buffer, they must be permanently removed through mechanical or herbicidal means. No disposal of these plants (whole plants, clippings, root masses, etc...) may occur within buffers, easements, open space areas, or along rights-of-way. ~~See Appendix A for a USDA list of nonnative invasive species.~~ Invasive species are those identified on the most current lists published by the North Carolina Department of Agriculture & Consumer Services and NC Invasive Plant Council.

## **(2) Location and Spacing**

Plants must be staggered or clustered as necessary to maximize screening objectives and to meet the needs of the particular species of plants for root space, water, light, and circulation.

## **(3) General Standards**

All ~~landscaping~~ required landscape plant materials, inclusive of trees, shrubs and groundcovers, must comply with the American Nurseryman's Standards. Neither nonnative nor invasive plant species may be used for planting in landscaping and bufferyards ~~(see the USDA list of these species).~~ Native species used in replantings are encouraged over ornamentals. All species chosen for planting should be chosen from amongst those species that typically grow in our geographical area, Zone 7. The ~~developer~~ designer is responsible for researching ~~the biological requirements of each proposed~~ species utilized in the plantings and indicate on the plans that the material being used is native to our geographical area.

*Additionally, the amendment would delete Appendix A which lists non-native invasive species.*

## **Analysis**

General standards for landscape requirements are described in Article 16-10-3(B)(3), and are applied to sections of Article 16 and 18 related to commercial development and signs.

Landscaping requirements in the UDO are limited to the following development situations:

1. Off-Street Parking Areas (16-10-1) that contain 10 or more parking spaces or an area of 3,000 square feet or more. Parking lot perimeter landscaping requirements do not apply to places of worship.
2. Bufferyards (16-10-2) are required with the development of new nonresidential construction, high-density residential, change in land use to a more intensive class of use, or expansion of use.
3. Fences, Walls, and Berms (16-10-3 (C)) must be screened. This does not apply to residential homeowners.
4. Trash Storage Areas (16-11) must be screened with vines or other landscaping.
5. Permanent, Freestanding Signs (18-10), in both residential and nonresidential districts, if it is within 100 feet of road rights-of-way must have landscaping around the base. The amount of landscaping required is based on the size of the sign.

In discussions with landscape architects, nurseries, and contractors, it was the consensus that area nurseries have sufficient stock of native plants to meet the proposed amendments to the UDO. The impact of the proposed change is considered minor because the county has very limited requirements for landscaping that will not impose a hardship on developers. It should be noted that the UDO bufferyard requirement in Article 16 currently does not allow non-native or invasive plants; this provision of the code has been in effect since 2006.

### **Staff Findings**

The proposed amendments:

- 1) Support the Board of Commissioners' goal to promote sustainability efforts throughout the county.
- 2) Fulfills the direction provided by the Board of Commissioners, as stated in their October 15, 2018 resolution supporting increased use of native plants.
- 3) Replace references to non-native invasive species with resources that are regularly updated.

## **MOTION FOR CONSISTENCY (1<sup>ST</sup> MOTION)**

### **MOTION IF TEXT AMENDMENT IS CONSISTENT WITH THE LAND USE PLAN AND UDO**

In the matter of OA-02-18, I move that the Board of Commissioners adopts the following recommended statement finding that these proposed text amendments are consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance because:

- 1) The purpose of the Wake County Land Use Plan, and of the Unified Development Ordinance as seen in Article 1-11, is to provide a guide for the physical development of the County, preserve and enhance the overall quality of life of residents, and establish clear and efficient development review procedures. These purposes are advanced by the proposed text amendments' mandate that native plants must be used where plantings are required to meet the UDO's requirements for landscaping and bufferyards in connection with the development of land in Wake County, and by the replacement of the outdated list of non-native invasive plants in Appendix A with references to the most current lists of invasive

plants published by the North Carolina Department of Agriculture & Consumer Services and the North Carolina Invasive Plant Council.

- 2) The proposed text amendments are reasonable and in the public interest because they provide a clear and consistent guide for physical development, and because they were developed in consultation with a broad spectrum of professionals and organizations including the NC Botanical Gardens, NC Native Plant Society, and landscape architects and contractors. In addition, the impact of these proposed changes is minor because the UDO only requires landscaping in limited instances, and the current UDO bufferyard requirements already do not allow non-native or invasive plants to be used in bufferyards.

### **MOTION FOR APPROVAL (2<sup>nd</sup> MOTION)**

In the matter of OA-02-18, I move that the Board of Commissioners adopts the proposed text amendments as presented.