

ARTICLE 8

GENERAL PROVISIONS

ARTICLE 8: GENERAL PROVISIONS**8.0 Applicability**

No structure shall be erected nor use established in conflict with:

- the district regulations of Article 3,
- the building and lot regulations of Article 4,
- the street regulations of Article 5,
- the off-street parking regulations of Article 6,
- the landscape and open space regulations of Article 7,
- the general provisions of Article 8, or
- the sign regulations of Article 10.

8.1 Street Frontage Required

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

.1 Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.

.2 Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.

.3 Up to six residential lots may be served by a privately maintained easement with a minimum 20 foot right-of-way if designed according to the specifications of the Open Space District's (OPS) Farmhouse Cluster development (Section 3.2.1(e)).

.4 A site specific development plan may be considered for approval in the CC, NR, OPS, and TND-O districts where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a rear alley and where the off-street placement of uses does not diminish the orientation of building fronts on the public street.

.5 A site specific development plan may be considered for approval in the Campus, Business, and Institutional District to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus front upon public street(s). See the CBI District.

.6 To access a lot or lots in the Highway Commercial District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

8.2 One Principal Building on a Lot; Exceptions

Only one principal building and its customary accessory buildings) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type.

8.3 Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

8.4 Yard Designation

.1 On lots which abut more than one street, building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.

.2 Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, either external- or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

.3 On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

8.5 Yard Dimensions for Corner Lots

.1 If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.

2. In any district, where the side lot line of corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.

8.6 Through Lots

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

8.7 Height Limitation

.1 The height of habitable buildings and components is controlled by building type (Article 4).

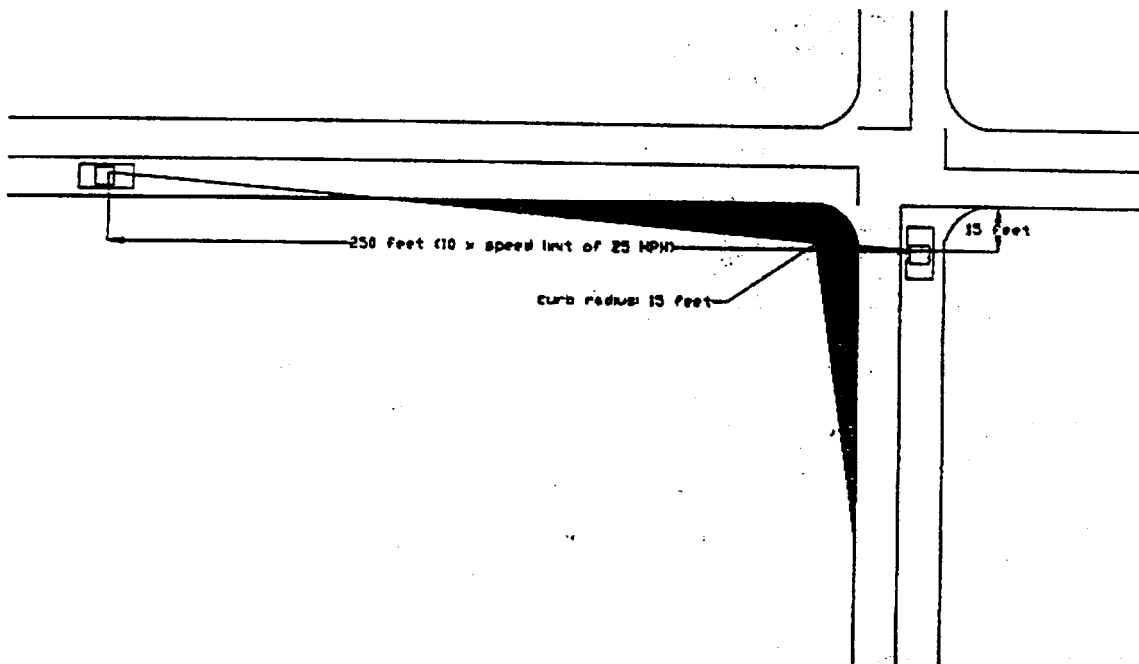
.2 Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground.

.9 Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of its depth, and may consume up to 20% of its area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line.

.10 Above ground back flow preventers are expressly prohibited in the established front yards of buildings.

8.9 Clear Sight Triangle at Street Intersection

.1 In most circumstances, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle". The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed 35 MPH or greater, the area to be clear of view obstructions at unsignalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for less than 35 MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at unsignalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on approaching street.



.2 No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.

.3 The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

.4 Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 9.9 are met.

8.8 Structures and Uses Limited in Yards

.1 No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principle structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.

.2 Except as otherwise provided in this section, no accessory structure shall be located within an established setback or required side yard, nor within five feet of a rear lot line. Where permitted, accessory dwellings may be located no closer than 5 feet to an abutting mid-block alley, nor closer than 15 feet to an abutting property line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of Section 8.9.

.3 Fences may be located in any yard, established or required, according to the standards of Section 8.11.2.

.4 Signs may be located in an established front setback or a side yard abutting a public street as permitted by the provisions of Article 10, Signs.

.5 Transit shelters may be located in any setback or yard which abuts a street, in accordance with Section 9.39.

.6 Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen. This restriction shall not apply to:

- a) a driveway which crosses a front yard to provide access from the street to a parking area; or
- b) an individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling; or
- c) plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas;

.7 No outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

.8 Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to 3 feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 3.

The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:

- (a) existing natural grades,

- (b) trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;

- (c) fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;

- (d) buildings located in the City Center District, or the commercial centers of TND-O Districts;

- (e) the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, speed tables, neck downs, intersection diverters, and curb bulbs.

8.10 Building Separation

All detached principle structures in all districts shall preserve a minimum building separation of 10 feet. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

8.11 Permitted Accessory Uses in All Districts

.1 Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.

.2 Fences and walls.

- In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of 2 feet in height and a maximum of 5 feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link or similar fencing materials, if used, shall be placed on the interior side of a masonry wall or solid wood fence and shall be planted with a semi-opaque vegetative screen between wall or fence and the public street.

- In a residential or mixed use district, a fence or wall in an established rear or side yard which abuts a street or alley may not exceed 6 feet in height unless placed 15 feet or more inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2 1/2 feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level

- In a residential or mixed use district, a fence or wall in an established rear or side yard which does not abut a street or alley may not exceed 8 feet in height.

- In a commercial district, a fence or wall shall not exceed 8 feet within the first 15 feet of an established side or rear yard abutting a street or alley. Fences of chain link *or* similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi opaque vegetative screen between

wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2 1/2 feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.

- In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.

- For parking lots as principal or accessory uses, the standards of Article 6 will control.

.3 On-site Land Clearing and Inert Debris (LCID) landfill.

- Any on-site LCID landfill must obtain a permit from and comply with the standards of the Stanly County Environmental Protection Department and the State of North Carolina.

- Any such landfill must be closed in an approved fashion within six months of completion of construction or within 12 months of cessation of construction, if the development project has not been completed.

- The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.

- No portion of any such landfill may be located within 75 feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area

- Any on-site LCID landfill which is located in a campus business district is exempted from the 12 month requirement provided that no portion of the landfill is located within 300 feet of any adjoining property zoned for residential or mixed use, and so long as an opaque screen is provided and/or maintained which visually separates the landfill from the residential or mixed use adjoiners.

- A surety bond or irrevocable letter of credit in an amount to be determined by the consulting engineer must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time.

.4 Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

.5 Temporary buildings and storage of materials, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot, the temporary uses shall be terminated upon completion of construction.

8.12 Standards for Construction; Developer Responsibility

Where standards and responsibility for infrastructure construction, including but not limited

to streets, sidewalks, and landscaping are specified in this document or in the subdivisions of regulations of the City of Locust, City standards shall control. In the absence of a specified City standard, construction shall be in conformance with the most recent version of the Stanly County Land Development Standards Manual.

8.13 Regulation of Nuisances

.1 Noises. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.

.2 Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

.3 Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.

8.14 General Standards for Driveway Permitting

.1 No driveway or other point of access to the street shall be constructed, relocated, or altered unless a driveway permit is obtained from the City of Locust or the State of North Carolina, whichever jurisdiction applies.

.2 For development projects composed of multiple buildings and lots, access to the preexisting public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area.

8.15 Special Requirements for Lots along Thoroughfares

.1 Authorization Pursuant to North Carolina General Statutes 160A-306 and 153A-326 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.

.2 Minimum Setbacks Along Thoroughfares. The build-to or set back line for any lot which abuts a thoroughfare classified on the Stanly County Thoroughfare Plan shall be measured from the proposed right-of-way line, if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

<u>Thoroughfare Classification</u>	<u>Distance from Thoroughfare Center line to "Proposed Right-of-Way Line"</u>
Freeway or Expressway (Class I)	125-175 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet
Minor Arterial (Class IV)	35 feet

.3 Transitional Setbacks for Lots along Thoroughfares. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the ultimate right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. The area between the existing right-of-way and the Proposed Right-of-Way Line may not be used to satisfy any minimum open space requirement, any minimum lot size requirement, or any other minimum requirements imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

.4 Exceptions. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the City Center District.

.5 Right to Appeal. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:

- (a) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and
- (b) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and
- (c) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and

appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160A-388 (e).

8.16 Standards for Residential Garages and Parking in Residential Districts

- .1 On lots greater than 60 feet in width, front loading garages shall be recessed at least 6 feet behind the primary plane of the front facade of the structure.
- .2 On lots 60 feet or less in width, alley access is required if on-site parking is provided.
- .3 When an elevated porch with steps to ground level provides permanent structural screening of a single bay front loaded garage, the garage setback may be measured from the front face of the porch.
- .4 In no case shall on-site residential parking extend into the public right of way, or into an easement for a public sidewalk on private property.
- .5 On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
- .6 Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard.
- .7 Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of .1 through .2, above.
- .8 Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
- .9 See Amendments

8.17-8.19 Reserved

8.20 Buffer Yards

.1 The purpose of a buffer yard is to exclude visual contact and create spatial separation between a large scale or high impact use and the view from public streets and abutting properties. Under most conditions, the standards below will meet the purpose of the buffer yard. Where topographical changes, the size and shape of existing lots of record, or other special conditions exist which would make adherence to the basic requirement either impossible or ineffective in meeting the purpose of the buffer yard, alternative buffer plans will be considered or may be required.

Condition	Buffer Yard Width	
The perimeter of any Campus Business and Institutional (CBI) District except:	80 feet	-
<ul style="list-style-type: none"> •abutting a public street, where building scale, frontage relationship, and location of accessory uses ensures design compatibility off site, or where it abuts another CBI district 		

.2 The composition of the buffer yard may include:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

.3 A buffer shall function as an opaque barrier between the viewer and at least the lower eight feet of the use or structure to be buffered. Therefore the exact location and arrangement of materials in the buffer will be determined based upon an analysis of site topography and sight lines from public spaces or private properties which are to be protected. Performance of the buffer should meet or exceed: (a) the intermittent planting of deciduous and evergreen trees with height at maturity of no less than 20 feet and no unobstructed openings wider than ten feet between tree canopies upon maturity, (b) shrub plantings with minimum height of 3 feet upon installation, expected height at least 6 feet at maturity, and no unobstructed openings wider than four feet, and (c) at least 50 percent of required trees and at least 75 percent of required shrubs as evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock", published by the American Association of Nurserymen. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the buffer requirement of this section. Natural changes in topography and existing vegetation will be taken into account when evaluating sight lines and opacity of buffer.

.4 Mechanical equipment, permanent detention, and temporary erosion and sedimentation control basins are prohibited in required buffer areas. Utility easements may cross, but may not be placed laterally in a buffer.

8.21 Screens

.1 The purpose of a screen is to provide a visual barrier between an unsightly or out of scale development feature and the view from public streets and abutting properties. It is required as specified below:

- dumpster or trash handling areas: opaque screen
- service entrances or utility facilities for building operation: semi-opaque screen
- loading docks or spaces: semi-opaque screen
- all other uses for which screening is specifically required under these regulations (see Article 9, Conditions for Certain Uses).

.2 An opaque screen is intended to exclude all visual contact with the screened structure or use. It may be composed of:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

The width of the screen is that which is necessary to accommodate the screening materials. To provide maximum sight line obstruction, a screen is usually placed immediately adjacent to the structure or use to be screened. Performance of the screen shall meet or exceed the following exemplar: To produce an opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than ten feet between tree canopies upon maturity. At installation, shrub plantings shall have a minimum height of 3 feet, expected height at maturity at least 6 feet, and no unobstructed -openings wider than four feet. At least 50 percent of the required trees and at least 75 percent of the required

shrubs shall be evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock". In most instances, a structural screening material such as a wall or wood fence must be augmented with vegetation. Exceptions can include the screening of dumpsters in rear yard parking lots. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the screening requirement of this section. Natural changes in topography will, however, be taken into account when evaluating sight lines.

.3 A semi-opaque screen is intended to obscure visual contact with the screened structure or use. It can be used as a device to reduce the perceived scale and massing of a structure to enhance its compatibility with the existing built and natural environment. It may be composed of:

- a wall
- wood fence .
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

The width of the screen is that which is necessary to accommodate the screening materials. To obscure the sight line, a screen is usually placed immediately adjacent to the structure or use to be screened. Performance of the screen shall meet or exceed the following exemplar: To produce a semi-opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than 20 feet between tree canopies upon maturity. At installation, shrub plantings shall have a minimum height of 3 feet, expected height of at least 6 feet' at maturity, and no unobstructed openings wider than four feet. At least 75 percent of the required shrubs shall be evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock". When a structural screening material such as a wall or wood fence is chosen by the builder or developer, it will in most cases require the addition of some supplemental vegetation. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the screening requirements of this section. Natural changes in topography will, however, be taken into account when evaluating sight lines.

8.22 Street Tree Planting

.1 Street tree planting is required along all major and minor thoroughfares and is the responsibility of the builder or developer. Planting shall be provided as follows:

- a) if a street specific cross-section and planting plan has been adopted by the City Council for a new or existing thoroughfare, the requirements of the adopted plan shall control,
- b) if no specific plan and section have been adopted for an existing thoroughfare, canopy trees shall be planted at a spacing not to exceed 40 feet on center; where overhead utility lines preclude the use of canopy trees, small maturing trees shall be planted 30 feet on center; man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the tree planting requirements of this section.

.2 Along streets which are built by the developer as part of the development process, the standards of Article 5, Streets shall control.

.3 Along roads or streets that are well-forested, or new streets that are to be maintained in a forested condition by the developer, the street tree planting requirement may be reduced or eliminated to minimize grading and enhance preservation of existing, mature trees.

8.23 Installation and Maintenance Responsibility for Landscaping

.1 Certificate of Compliance Accepted. While land development occurs continuously, vegetation used in landscaping and screening should be planted at certain times of the year to improve survival rate. To ensure compliance with this section and to reduce the potential expense of replacing vegetation installed in an untimely or improper fashion, a letter of compliance must be filed with the zoning administrator at the time of building permit issuance. This letter will acknowledge that the applicant for the building permit is aware of *any* landscape requirements which apply to his property and that he or she will comply with those requirements by a specific date, generally within the next planting season, but in no case more than one year after the issuance of the building permit for the portion of the project or building for which the permit was issued. Failure to comply with the provisions of this section within the time specified in the letter of compliance constitutes violation of this section.

.2 Maintenance. All landscape materials required or committed voluntarily by the developer, whether screen, buffer, urban open space, rural open space, street trees, or maintained vegetation shall be properly maintained by the property owner. Maintenance includes actions necessary to keep landscape materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscaping lost shall be replaced unless increased maturity of remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met.