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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Engineering/Public Works

Department Head: Phil Mallon

Presenter, if needed: Nancy Howard

Preferred Meeting Date: Thursday, September 25, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Development Regulations regarding Article V. Buffer and Landscape Requirements, as presented by the Engineering Department.

Background/History/Details:

The suggested planting materials in Sections 8-157 and 8-161 of the Development Regulations lists several plant species that are not appropriate for Fayette County's climate zone and/or are very susceptible to disease. In addition, some of the plants are considered invasive and pose a threat to the natural areas of Georgia. The revised planting lists will omit the undesirable plant species and includes only those plants suited to the climate of Fayette County, are known to be disease-resistant, and are not considered invasive. Sources for the revised list include the University of Georgia publications "Landscape Plants for Georgia" and "Xeriscape: A Guide to Developing A Water-Wise Landscape." The revised list (attached) has been reviewed by several qualified horticultural specialists in Fayette County. This request has been discussed with the BOC at workshops but needed to proceed through the public hearing process because an ordinance amendment is required.

What action are you seeking from the Board of Commissioners?

Public hearing and subsequent action by the BOC to approve or reject the proposed amendments.

The P.C. recommended APPROVAL with one (1) change 5-0.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Thursday, August 14, 2008

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, September 25, 2008

- ○ Recognition/ Presentation
- ◉ Public Hearing
- ○ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO. 2008 - 08

AN ORDINANCE TO AMEND THE FAYETTE COUNTY DEVELOPMENT REGULATIONS, AS AMENDED, SPECIFICALLY ARTICLE V (BUFFER AND LANDSCAPE REQUIREMENTS) SO AS TO AMEND THE BUFFER AND LANDSCAPE REQUIREMENTS OF SECTION 8-157. LANDSCAPE AND BUFFER CATEGORIES TO AMEND THE SUGGESTED PLANT LISTING; TO AMEND SECTION 8-160. OTHER REQUIREMENTS TO AMEND THE TREE CALIPER MEASURMENT; AND SECTION 8-161. PLANTING MATERIALS TO AMEND THE SUGGESTED PLANT MATERIALS SET FORTH THEREIN; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section I. The Fayette County Development Regulations, as amended, is hereby further amended by adding provisions for buffer and landscape requirements.

Section II. The Fayette County Development Regulations, as amended, is hereby further amended by deleting Article V (Buffer and Landscape Requirements) in its entirety, and in lieu thereof, enacting a new Article V (Buffer and Landscape Requirements) to read as follows:

ARTICLE V. BUFFER AND LANDSCAPE REQUIREMENTS

Sec. 8-156. Purpose. The purpose of this Article is to establish minimum requirements for landscape areas and buffers in Fayette County's commercial (including Limited Business), industrial, office-institutional, and multi-family zoning districts. Said requirements are designed to: improve the appearance of Fayette County's commercial and industrial corridors; minimize noise, glare, and erosion; provide a visual separation between incompatible uses; and establish measures for water

conservation. E.g., in a C-C, C-H, M-1 and M-2 Zoning District where a lot abuts any residential or A-R Zoning District, a buffer shall be provided as specified in the following sections of the Fayette County Zoning Ordinance: 6-14 (D)(6) for C-C; 6-15 (D)(6) for C-H; 6-17(D)(6) for M-1 and 6-18(D)(6) for M-2. Off street parking associated with such uses shall be governed by such requirements within these Development Regulations.

Sec. 8-157. Landscape and Buffer Categories.

A. Street Frontage Landscape Areas. A landscape area shall be established along the rights of way of adjoining streets as specified under this Article. A developer or property owner may substitute a planted buffer (greenbelt) as specified under this Article in lieu of a landscape area.

B. Parking Lot Landscape Areas. Off-street parking lots shall be landscaped in accordance with this Article. For the purpose of this Ordinance, an exterior parking aisle shall refer to all parking aisles which adjoin a property line or a required landscape area or buffer along a property line, and an interior parking aisle shall refer to parking aisles which do not adjoin a property line, a required buffer, or a building wall. Exterior and interior parking aisles shall be terminated at both ends by a landscape island (three (3) feet in width by 20 feet in length, typical). Landscape islands shall be provided for each 150 feet of continuous bay length.

C. Side Yard Landscape Areas. A landscape area shall be established along the side property lines of all lots as specified under this Article. A developer or property owner may substitute a planted buffer (greenbelt) as specified under this section in lieu of a landscape area. However, where a side yard buffer is required pursuant to other provisions of this Ordinance, a landscape area may not be substituted therefore.

D. Buffer Areas (Greenbelt). Buffer areas required by this Ordinance shall be established and maintained by the property owner subject to the requirements listed below and those specified under this Article.

1. Listed below are suggested evergreen plant combinations characteristic of buffer area plantings: New under canopy shrubs required in buffer areas shall provide a visual screen to a minimum height of four (4) feet upon planting, singularly or in combination with various plant types. Additional plant choices can be found at the Fayette County Engineering Department's website.

Trees	Shrubs	Groundcovers
Virginia Pine	Southern Waxmyrtle	Liriope
Red Cedar	Burfordi Holly	Euonymus Wintercreeper
Nellie R. Stevens Holly	Cleyera	Asiatic Jasmine
Cryptomeria	Abelia	
	Pfitzer Juniper	

Trees	Shrubs	Groundcovers
Lusterleaf Holly	Hetzi Juniper	Creeping Raspberry
Loblolly Pine	Cherry Laurel	Vinca
Evergreen Dogwood	Leucothoe	Mondo Grass
Laurel Oak	Pragense Viburnum	Asiatic Jasmine
Chinese Evergreen Oak	Wax Myrtle	Evergreen Ferns
	Osmanthus	
Leyland Cypress	Wax Myrtle	
Green Giant	Osmanthus	
Western Red Cedar		
Southern Magnolia	Loropetalum	
	Yaupon Holly	

2. Buffer areas may include hardwood or perennial plant materials. Although it is not required that buffer areas be totally planted, such areas must provide an evergreen visual screen from the ground to a height of four (4) feet upon planting or supplemental planting, and when so planted must include evergreen trees which will provide at least 60% evergreen crown cover within three (3) years, assuming normal weather conditions. Where required buffers adjoin undeveloped property, the Zoning Administrator may specify less mature plantings than those specified above.

Sec. 8-158. Landscape Plan Requirements. Landscape Plans must be submitted prior to the issuance of Certificate of Zoning Compliance for any development project. Said plans may be submitted as part of a Tree Protection Plan (TPP), as part of a Site Plan, or separately. At a minimum, said plan shall include:

A. The boundary lines of all buffer and landscape areas;

B. Locations of existing plant materials to be retained and/or new plant materials to be installed, with all details drawn at a scale of one (1) inch to 100 feet or greater.

C. A plant material list, which shall include:

1. Common and/or botanical names of all proposed plants.

2. Plant quantities.

3. Size and condition of plants. (Example: 1 ½ caliper, 8-foot height, balled and burlapped).

4. Spacing.

5. Remarks as necessary to proper plant selection upon installation.

D. Project name and developer's name and telephone number.

Sec. 8-159. Fayette County Landscape And Buffer Requirements.

TYPE	SIZE OF AREA LANDSCAPED	REQUIRED TREES* Number	Height	REQUIRED SHRUBS Number	Height
Street Frontage	Arterials: 20' Collectors: 15' Locals: 10'	1 per 20' 1 per 20' 1 per 20'	10' 10' 10'	7 per tree 7 per tree 7 per tree	2' 2' 2'
Parking Lot	Exterior Aisles 10'	1 per 30'	6'	5 per tree	2'
	Interior Aisles 7'	1 per 30'	6'	5 per tree	2'
	Buildings or Walls 5' (Excluding walls not visible from street)			5 per 25 linear feet of building wall.	2'
	Landscape Islands 3'	1 per island		5 per island	2'
Side Yard	Side Property Lines 6'	1 per 40'	6'	3 per tree	2'
Buffer (Greenbelt)	O-I: 20'	1 per 10'	6'	As needed to provide visual screen	4'
	C-C, C-H, L-B: 30'	1 per 10'	6'		4'
	L-I 50'	1 per 10'	6'		4'
	M-1, M-2 75'	1 per 10'	6'		4'

*Trees shall be distributed along the entire length of the area to be landscaped.
(ORD. No. 98-01, § 1, 1-14-98)

Sec. 8-160. Other Requirements:

A. Groundcovers, flowers, stones, and mulch shall be utilized as needed to meet coverage requirements.

B. Grass coverage shall not exceed 25 percent (25%) of required street frontage, parking lot, and side yard landscape areas.

C. Islands shall be required at ends of interior parking aisles and per each 150 feet of continuous aisle length.

D. Required heights listed above shall be height at time of planting.

E. Landscape strips shall be provided for every other interior-parking isle.

F. Buffers are required where property adjoins residential or A-R Zoning Districts. Evergreen trees are required in required buffers. Berms, and/or opaque fences may be used to supplement required buffers. Existing vegetation shall not be removed.

G. Trees shall have a minimum caliper of two and one-half inches (2½) measured at six inches (6") above ground at time of planting.

H. Buffers and landscape areas fronting on County maintained roads shall be measured from the right-of-way.

I. All disturbed areas not otherwise addressed in this Ordinance shall have a vegetative ground cover for erosion control purposes.

Sec. 8-161. Planting Materials.

A. Xeriscape Requirements. All street frontage, parking lot, and side yard landscape areas shall be planted with water-conserving groundcover and vegetation. Other conservation measures are encouraged, including:

1. Irrigation systems which are electronically set for night and/or early morning irrigation;

2. Designs which collect and recycle water; and

3. The minimization of overspray onto non-landscaped areas to avoid wasting water.

B. Suggested Planting Materials.

1. Plants Which Are Native to Georgia

Trees	Small Shrubs (1-8 feet)	Large Shrubs (8ft. & up)
Redbud	Sweet Shrub	Oakleaf Hydrangea
Dogwood	Flame Azalea	Yaupon Holly
Red Maple	Florida Azalea	Spanish Dagger Yucca
Sugar Maple	Yucca	Bottlebrush Buckeye
Southern Magnolia	Virgina Sweetspire	Devilwood Osmanthus
Fringe Tree	Dwarf Yaupon Holly	Southern Wax Myrtle
Overcup Oak	Inkberry Holly	Small Anise-Tree
Bald Cypress	Clethra	Cherry Laurel
Tulip Poplar	Deciduous Holly	

Trees	Small Shrubs (1-8 feet)	Large Shrubs (8ft. & up)
Willow Oak		
River Birch		
Swamp Chestnut Oak		
Nuttal Oak		
Serviceberry		
Bigleaf Magnolia		
Blackgum		
Georgia Gem Ash		
American Hornbeam		
American Beech		
Carolina Silverbell		

Groundcovers	Vines
Liriope	Carolina Yellow Jessamine
Creeping Liriope	Swamp Jessamine
Daylilly	Crossvine
Mondo Grass	Trumpet Honeysuckle
Native Ferns	Climbing Hydrangea
Miscanthus	
Penisetum	

2. Other Suitable Plants

Trees	Shrubs	**Perennials and Groundcovers**
Sycamore	Abelia	Daylilly
Trident Maple	Holly	Rudbeckia
Crape Myrtle	Japanese Barberry	Coneflower
Winged Elm	Beautyberry	Yarrow
Chinese Pistache	Juniper	Sedum
Shumard Oak	Indian Hawthorn	Daisy
Red Oak	Spirea	Asiatic Jasmine
Lacebark Elm	Knock Out Rose	Liriope
Japanese Zelkova	Viburnum	Mondo Grass
Western Red Cedar	Osmanthus	Vinca
Okame or Yoshino Cherry	Loropetulum	St. Johnswort
Chinese Flame Tree	Forsythia	
Sawtooth Oak	Forsythia	
Saucer Magnolia		
Dawn Redwood		
Chaste Tree		

3. In addition to those listed above, acceptable plant choices can be found at the Fayette County Engineering Department's website.

Sec. 8-162. Prohibited Plants. No plants with vigorous root systems shall be planted within any sanitary sewer or public water easement. Such plants include the following:

Eastern Cottonwood
Willow
Lombardy Poplar

Sec. 8-163. Performance Surety.

A. No occupancy permit shall be issued prior to complying with the specifications of this Ordinance and all conditions of zoning.

B. Landscape Performance Surety. In the event that the requirements of this Article have not been met at the time that a Certificate of Occupancy could otherwise be granted, the owner or his agent shall post a Landscape Performance Bond or other County approved surety in an amount equal to 110 percent of the cost of materials, labor, and other attendant costs, incidental to the installation of the required landscaping.

Said surety shall:

1. Be drawn in favor of the Board of Commissioners.

2. Be in a form satisfactory to the County Attorney.

3. Specify the time for the completion of the landscaping requirements of this Article which shall not be longer than six (6) months following the issuance of a temporary Certificate of Occupancy.

Sec. 8-164. General Maintenance. Plants required pursuant to the provisions of this Ordinance shall be attractively maintained. All dead and/or diseased plants shall be replaced annually as a condition of occupancy.

Sec. 8-165 - 8-175. Reserved.

Section III. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder of this enactment shall remain in full force and effect.

Section IV. All laws, ordinances, and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section V. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this 25th day of September, 2008.

FAYETTE COUNTY BOARD
OF COMMISSIONERS

_____
Jack Smith, Chairman

ATTEST:

_____
Floyd L. Jones, Deputy Clerk