

Butts County

Atlanta MSA

2003 Population Estimate 22,099; +11.7% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

ORDINANCE NO. 9-2004-7 to AMEND APPENDIX B, THE DEVELOPMENT ORDINANCE, AND ARTICLE 5 "REQUIRED DEVELOPMENT STANDARDS"

First adopted 2004. No revisions.

Addresses private property.

Includes buffer and landscape requirements.

TABLE OF CONTENTS

SECTION 1. [amendment]

Section 507. Development standards for landscaping.

- A. Purpose and applicability.**
- B. Definitions**
- C. Landscape plan standards.**
- D. Landscape plan.**
- E. Selected species.**
- F. Exemptions.**
- G. Maintenance**
- H. Enforcement.**
- I. Penalties.**
- J. Separability.**

Appeal provisions.

SECTION 2. [codification]

SECTION 3. [validity]

SECTION 4. Repeal of Conflicting Provisions.

SECTION 5. Effective Date.

For more information, contact:

Steven Lease

Community Development Director

770.775.8003 voice / 770.775.3118 fax

srlease@buttscounty.org

www.buttscounty.org

ORDINANCE NO. 9-2004-7

AN ORDINANCE TO AMEND APPENDIX B, THE DEVELOPMENT ORDINANCE, OF THE BUTTS COUNTY CODE OF ORDINANCES; TO AMEND ARTICLE 5 – ENTITLED “REQUIRED DEVELOPMENT STANDARDS”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, on March 16, 1998, The County Commission of Butts County, Georgia adopted the Zoning Ordinance; and

WHEREAS, since the adoption, an item has come to the attention of the County Commission which requires a text amendment to the Zoning Ordinance; and

WHEREAS, the County Commission after conducting a public hearing according to law, determined that such amendment is necessary to reduce the occurrence of hazardous traffic patterns; prevent the overcrowding of land and undue concentration of population; facilitate the adequate provision of public utilities and facilities; promote adequate living conditions and sustained suitability of neighborhoods; promote property against blight and depreciation; and to promote a higher level of convenience, order, prosperity and aesthetics

WHEREAS, the Planning Commission, at the conclusion of its called meeting on September 2, 2004, approved and recommended to the County Commission that this text amendment to the Zoning Ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF BUTTS COUNTY, GEORGIA:

SECTION 1. Appendix B, Article 5, Required Development Standards of the Butts County Code of Ordinances is hereby amended by adding the following development standards:

Section 507. Development standards for landscaping

A. Purpose and applicability.

1. The purpose of this article is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multifamily residential, new residential subdivisions, and mobile home zoning districts, in order to enrich the urbanized and natural environment of Butts County. The article also applies to institutional uses such as churches, schools, day care centers, and nursing homes which are allowed in residential zoning districts pursuant to a conditional use permit. It is the intent and purpose of this landscape article to reduce the adverse visual, environmental and aesthetic effects of parking lots, drives, loading areas and other development through the introduction of trees and other plant materials in order to:

Minimize the rate of stormwater runoff;

Maximize the capability of groundwater recharge in urban or suburban areas;

Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;

Provide shade and noise attenuation;

Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;

Improve the appearance of parking areas and vehicular surface areas; and

Minimize the visual blight created by large expanses of paved surface area.

2. The article shall apply to all properties or portions thereof located within the unincorporated areas of Butts County and the Cities of Jackson, Jenkinsburg and Flovilla, Georgia provided the City Councils in those Cities properly adopt it.

B. Definitions.

1. *Buffer.* A protective area consisting of a combination of trees, shrubs, grass, fences, as defined in and required by Appendix A, The Zoning Ordinance for various land uses, or as a condition of zoning approval for a specified property.

2. *Buffer Strip.* Land area located within the boundary of a lot and required to be set aside and used for landscaping and upon which only limited encroachments are authorized.
3. *Building Department.* The County Department responsible for the issuance of building permits and inspections of developments.
4. *Department of Zoning and Inspections.* Butts County Department of Zoning and Inspections, as established by the Board of Commissioners of Butts County.
5. *Interior landscape area.* An area to be landscaped which is located in the interior of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.
6. *Landscape plan.* A detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval for uses affected by this article.
7. *Perimeter landscape area.* An area to be landscaped which is located between the buffer area required by Appendix A, The Zoning Ordinance and the interior landscape area, as defined in this section.
8. *Shade tree.* Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet. Shade trees existing or planted, shall be at least eight (8) feet in height and two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4.5) feet above grade for existing trees.
9. *Tree.* Any live, self-supporting green plant, usually having a single trunk, and at maturity normally attaining a trunk diameter greater than four (4) inches at any point and a height over twelve (12) feet.
10. *Tree diameter.* The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below diameter breast height for new trees or multitrunk species, but in no case less than six (6) inches from the ground.
11. *Canopy tree.* Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover.
12. *Vehicular use areas.* Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

C. Landscape plan standards.

1. Within the following zoning districts a landscape plan shall be required in connection with all applications for development or building permits:
 - O-1 - Office/institutional district
 - C-1 - Neighborhood business district
 - C-2 - General business district
 - M-1 - Light manufacturing district
 - M-2 - Heavy manufacturing district
 - P-M - Planned Development – Mixed Use district

2. Within the following zoning districts a landscape plan shall be included (A landscape plan shall be included with all plats, including the plan showing treatment of the entrance to proposed subdivisions; individual lots shall be sodded front yards, lawn grasses shall be planted so as to achieve coverage within two (2) calendar years from the time of planting for the remainder of the yards, bushes shall be planted every six (6) feet along the front property line and four (4) trees shall be planted per lot):
 - R-1 – Single Family Residential – Low Density
 - R-2 – Single Family Residential – Medium Density
 - R-3 – Single Family Residential – High Density
 - R-4 - General Residential district
 - R-MF – Residential Multi-Family
 - P-R - Planned Development – Residential district

3. A landscape plan shall also be required in connection with any application for a development or building permit for a church, school, day care center, nursing home, or similar institutional use permitted in a single-family residential or agricultural district pursuant to a conditional use permit.

4. The landscape plan shall be included as a separate plan sheet along with other plan sheets for other site improvements when an application is made for a development permit.

5. A minimum of twelve (12) percent of the total developed area in any parcel developed as Commercial, Industrial, Office or Planned Mixed Use shall be devoted to landscape development.

6. Landscaped area requirements are in addition to required buffer areas as indicated in the zoning ordinance.

7. Within the front and side yard setback perimeter landscape areas a minimum of one (1) tree for each twenty-five (25) linear feet of lot street frontage or major portion thereof shall be required, with no less than fifty (50) percent of said trees being shade trees.

8. Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas. Grass appropriate to the season shall be planted in all yard areas not occupied by building, driveways and vehicle parking areas.
9. Within the interior of a site devoted to Commercial, Industrial, Residential Multi-Family or Office uses, a two-hundred-fifty square-foot planting area shall be required for each five thousand (5,000) square feet or major portion thereof of vehicular parking area. Vehicular use areas designed to accommodate more than twenty (20) automobiles are required to install interior landscaped areas such as islands, peninsulas, and medians so that no more than twelve (12) adjacent parking spaces exist without a landscaped separation at least five (5) feet in width. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than six (6) feet in width.
10. Perimeter landscape areas shall be a minimum of ten feet in width.
11. Buffer areas as defined in Article 2, Appendix B, of the Code of Butts County shall also be subject to the landscaping requirements of this Article. Within the buffer area a minimum of one (1) tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof shall be required, with a minimum of fifty (50) percent of said trees being shade trees. Trees shall be spaced so as to allow mature growth of shade trees. Retention of existing canopy trees on site in order to meet this requirement is required where possible. Grass or other ground cover species shall be planted on all areas of the buffer strip required by this section which are not occupied by other landscape material.

D. Landscape Plan.

1. A landscape plan shall be submitted upon application for a development permit. The plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with this Article, including the following:
 - (a) Identification of all trees, natural features and man-made structures that will be retained upon the site;
 - (b) A description of proposed landscaping improvements and plantings, including the species, size, quantity and location of trees, shrubs and other landscaping materials;
 - (c) Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences; and

- (d) A depiction of adjoining streets and parcels sufficient to identify the same and to demonstrate the relationship between the development and the same.

E. Selected species.

1. The following plants are approved for landscaping requirements:

- (a) Large trees (mature height: thirty-five (35) feet or greater):

Willow Oak
Sugar Maple
Scarlet Oak
Red Maple
English Oak
Bald Cypress
Schumard Oak
Dawn Redwood
White Oak
Chinese Elm
Darlington Oak
Littleleaf Linden
Gingko (male only)
Bradford Pear
Japanese Cedar
Tulip Poplar
Japanese Pagoda
American Beech
Japanese Zelkova
Southern Magnolia
Deodar Cedar
Sequoia
Loblolly Pine

- (b) Medium Trees (mature height: twenty-five (25) to thirty-five (35) feet):

Mountain Silverbell
Saucer Magnolia
Sourwood
Weeping Cherry
Leyland Cypress
Yoshino Cherry
Golden Rain Tree
Kwansan Cherry
Mountain Ash

Redmond Linden
Yellowwood
American Holly
Pisachio
Japanese Black Pine

(c) Small Trees (Mature height: less than twenty-five (25) feet):

Japanese Maple
Star Magnolia
Japanese Dogwood
Golden Chain Tree
Flowering Dogwood
Crape Myrtle
Eastern Redbud
Wax Myrtle
Amur Maple
Yaupon Holly
Crabapple

(d) Large screening shrubs:

American Holly
Japanese Black Pine
Burford Holly
Osmanthus
Nellie R. Stevens Holly
Thorny Eleagnus
Savannah Holly
Leyland Cypress
Hetz Juniper
Ligustrum
Arborvitae
Russian Olive
Eastern Red Cedar

(e) Interior shrubs)Mature height: approximately thirty-six (36) inches):

Evergreen
Warty Barberry
Dwarf Burford Holly
Dwarf Chinese Holly
Japanese Holly
Dwarf Yaupon Holly
Mugo Pine
Juniper

Oregonholly Grape
Nandina
Dwarf Nandina
Leatherleaf Vinburnum
Winter Honeysuckle

Deciduous

Forsythia
Dwarf Burning Bush
Spirea (all varieties)
Viburnum
Oakleaf Hydrangea
Japanese Flowering Quince
Weigela
Azalea
Flowering Jasmine
Winter Jasmine
Chinese Privet
Chinese Witchhazel

(f) Ground Cover (planting areas, berms, wall planters):

Shore Juniper
English Ivy (shade)
Periwinkle (shade)
Purpleleaf Wintercreeper
Dwarf Roses
Aaronsbeard St. Johnswort
Evergreen Candytuft (border)
Rockyspray Cotoneaster
Lily-Turf
Willowleaf Cotoneaster
Creeping Lilyturf (shade)
Pachysandra (shade)
Hybrid Daylily
Ornamental Grasses

(g) Grasses:

Fescue
Bermuda
Centipede
Zoysia

2. Grasses may be soded, sprigged, plugged or seeded except that solid sod shall be used in drainage swales or other areas subject to erosion. Lawn grasses

shall be planted so as to achieve complete coverage within two (2) calendar years from the time of planting.

3. Other plant materials with similar growth characteristics may be substituted upon approval of the Community Services Department.

F. Exemptions.

This Article shall not apply to any portion of a parcel for which a valid development permit or building permit was issued prior to the effective date hereof, provided all time constraints relating to the permit are observed.

G. Maintenance.

The owner of each parcel subject to the requirements of this Article shall be responsible for the perpetual maintenance and protection of buffers and landscape plantings required thereby. This Ordinance requires that diseased, infested, dying, dead or damaged landscaping be replaced.

H. Enforcement.

It shall be the responsibility of the Zoning and Inspections Department, the Building Department and the Code Enforcement Department to enforce this Article. The Administrative Officer or the Building Department Director shall have the authority to revoke, suspend, or void any development or building permit or to withhold issuance of a Certificate of Occupancy until the requirements hereof are met.

I. Penalties.

Any person violating any provision of this Article shall, upon conviction by a court of competent jurisdiction, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or confinement in the County Jail not to exceed sixty (60) days, or both.

J. Separability.

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Article as a whole or any part hereof other than the part so declared to be unconstitutional or invalid.

K. Appeal provisions.

An aggrieved party may appeal any administrative decision made by the Administrative Officer or the Building Director relating to this Article as provided in Article 4 of Appendix A, The Zoning Ordinance of the Code of Butts County.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

- A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.
- B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- C. In the event that any section, paragraph, sentence, clause or phrase of this or otherwise unenforceable by a valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

SECTION 4. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective ten (10) days following its adoption by the Board of Commissioners.

SO ORDAINED this _____ day of _____, 2004.

LESTER PEEK, Chairman, District 5

Gerald Kersey, District 1

Grover McIntyre, District 2

John Harkness, District 3

Eddie Travis, District 4

ATTEST:

Dianne Holloway, County Clerk
(Seal)

Date of First Reading: _____