

Columbia County

Augusta MSA

2003 Population Estimate 97,505; +8.4% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

Chapter 90 ZONING

Article IV. Supplemental Requirements

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

TABLE OF CONTENTS

Article IV. Supplemental Requirements

Section 90-131.	In general.
Section 90-132.	Nonconforming uses of land and structures.
Section 90-133.	Off-street parking.
Section 90-134.	Savannah River corridor buffer.
Section 90-135.	Signs.
Section 90-136.	Automobile wrecking yards, junkyards and salvage yards.
Section 90-137.	Unspecified uses.
Section 90-138.	Adult bookstores, adult entertainment establishments, adult theaters.
Section 90-139.	Buffers.
Section 90-140.	Landscaping.
Section 90-141.	Tree protection.
Section 90-142.	Customary home occupations.
Section 90-143.	Seasonal roadside vendors.
Section 90-144.	Placement of buildings and structures.
Section 90-145.	List of recommended trees.

Chapter 90 ZONING*

***Cross references:** Buildings and building construction, ch. 18; cable communications, ch. 26; environment, ch. 34; floods, ch. 42; mobile homes and trailers, ch. 54; public swimming pools, spas and natural beaches, § 62-76 et seq.; subdivisions, ch. 74.

State law references: The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.

Article I. In General

- Sec. 90-1. Jurisdiction.
- Sec. 90-2. Short title.
- Sec. 90-3. General intent.
- Sec. 90-4. Planning commission created; duties.
- Sec. 90-5. Official zoning map.
- Sec. 90-6. Zoning districts established.
- Sec. 90-7. Interpretation of district boundaries.
- Sec. 90-8. Changes to zoning district boundaries.
- Sec. 90-9. Definitions.
- Secs. 90-10–90-40. Reserved.**

Article II. Residential Districts

- Sec. 90-41. R-A residential-agricultural district.
- Sec. 90-42. R-1 single-family residential district.
- Sec. 90-43. R1-A single-family residential district.
- Sec. 90-44. R-2 single-family residential district.
- Sec. 90-45. R-3 single-family residential district.
- Sec. 90-46. R-3A single-family and two-family residential district.
- Sec. 90-47. R-4 recreational residential district.
- Sec. 90-48. T-R townhouse residential district.
- Sec. 90-49. A-R apartment residential district.
- Sec. 90-50. Permitted uses.
- Sec. 90-51. Effect of leasing room or ancillary or secondary structure on single-family use.
- Sec. 90-52. Ancillary or secondary residential structures.
- Sec. 90-53. List of lot and structure requirements.
- Sec. 90-54. Single-family and two-family residences.
- Sec. 90-55. RCO residential cluster overlay district.
- Secs. 90-56–90-85. Reserved.**

Article III. Commercial, Industrial, Professional, Special, Planned Unit Development and Planned Development Districts

- Sec. 90-86. C-1 neighborhood commercial district.
- Sec. 90-87. C-C community commercial district.
- Sec. 90-88. C-2 general commercial district.
- Sec. 90-89. C-3 heavy commercial district.
- Sec. 90-90. M-1 light industrial district.
- Sec. 90-91. M-2 general industrial district.
- Sec. 90-92. P-1 professional district.
- Sec. 90-93. S-1 special district.
- Sec. 90-94. PUD planned unit development district.
- Sec. 90-95. PDD planned development district.
- Sec. 90-96. Evans town center overlay district.
- Sec. 90-97. List of permitted uses.
- Sec. 90-98. List of lot and structure requirements.
- Sec. 90-99. Corridor protection overlay district.
- Secs. 90-100–90-130. Reserved.**

Article IV. Supplemental Requirements

- Sec. 90-131. In general.
- Sec. 90-132. Nonconforming uses of land and structures.

- Sec. 90-133. Off-street parking.
- Sec. 90-134. Savannah River corridor buffer.
- Sec. 90-135. Signs.
- Sec. 90-136. Automobile wrecking yards, junkyards and salvage yards.
- Sec. 90-137. Unspecified uses.
- Sec. 90-138. Adult bookstores, adult entertainment establishments, adult theaters.
- Sec. 90-139. Buffers.
- Sec. 90-140. Landscaping.
- Sec. 90-141. Tree protection.
- Sec. 90-142. Customary home occupations.
- Sec. 90-143. Seasonal roadside vendors.
- Sec. 90-144. Placement of buildings and structures.
- Sec. 90-145. List of recommended trees.
- Secs. 90-146–90-175. Reserved.**
- Article V. Administration**
- Sec. 90-176. Application of chapter.
- Sec. 90-177. Questions; interpretation; appeals.
- Sec. 90-178. Enforcement.
- Sec. 90-179. Appeals and variances.
- Sec. 90-180. Zoning changes; ordinance amendments.
- Sec. 90-181. Government property.
- Sec. 90-182. Additional requirements for special, planned unit development and planned development districts.
- Sec. 90-183. Review of certain zoning approvals.
- Sec. 90-184. Filing fees.
- Sec. 90-185. Provisions of chapter declared to be minimum requirements.
- Sec. 90-186. Complaints regarding violations.
- Sec. 90-187. Violation; penalties.
- Sec. 90-188. Repeal of conflicting ordinances.
- Sec. 90-189. Effective date.

Sec. 90-139. Buffers.

(a) *Required.* Buffers shall be required to be located on any development project which abuts a dissimilar zoning district, as follows:

(1) On the property of any high density residential zoning district along that portion of any side or rear lot line abutting a low-moderate density residential zoning district, or abutting a single-family residential area approved within a planned zoning district.

(2) On the property of any planned zoning district along that portion of any side or rear lot line of an area approved for multifamily residential development abutting a low-moderate density residential zoning district, or abutting a single-family residential area approved within a planned zoning district.

(3) On the property of any planned zoning district along that portion of any side or rear lot line of an area approved for nonresidential development abutting a residential zoning district, or abutting a residential area approved within a planned zoning district.

(4) On the property of any planned zoning district along that portion of any side or rear lot line of an area approved for industrial development abutting a commercial or office zoning district, or abutting a commercial or office area approved within a planned zoning district.

(5) On the property of any nonresidential zoning district along that portion of any side or rear lot line abutting any residential zoning district, or abutting a residential area approved within a planned zoning district.

(6) On the property of any C-3, M-1 or M-2 zoning district along that portion of any side or rear lot line abutting any zoning district other than C-3, M-1 or M-2 zoning districts.

(b) *Design standards.*

(1) Buffer areas shall contain no structures, driveways, parking areas, patios, stormwater detention facilities or any other accessory uses, except for a fence, wall or earthen berm which is constructed to provide the visual screening required to meet the standards of this chapter. Underground utilities may be permitted to cross a buffer if the screening standards of this chapter will subsequently be achieved.

GRAPHIC LINK: Types of Buffers

(2) Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

(3) Structural buffers shall meet the following requirements:

a. Structural barriers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, groundcovers, shrubs and trees.

b. Trees shall be located or planted within any structural buffer at a density of not less than one tree for each 20 feet of buffer length, or portion thereof. New trees shall have a caliper of not less than two inches upon planting, and may be clustered for decorative effect following

professional landscaping standards for spacing, location and design.

c. Fences and walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two feet. Shrubs, groundcovers or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect following professional landscaping standards for spacing, location and design.

(c) *High density residential zoning districts.* Required buffers in high density residential zoning districts shall meet the following requirements:

(1) *Width of buffer.*

a. *Side lot line.* Buffers required along any side lot line shall be no less than one-half the minimum required width of the side setback.

b. *Rear lot line.* Buffers required along any rear lot line shall be no less than the minimum required width of the rear setback.

(2) *Minimum required screening.* Minimum required screening shall consist of a natural buffer, utilizing existing vegetation, which provides an opaque visual screen to a height of six feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen to a height of six feet within two growing seasons.

(3) *Modifications.* In lieu of a natural buffer, if a structural buffer is provided that creates an opaque screen to a height of no less than six feet, the buffer may be reduced to a width of no less than ten feet along a side lot line, and to a width of no less than 20 feet along a rear lot line.

(d) *Planned zoning districts.* Required buffers in planned zoning districts shall meet the following requirements:

(1) *Width of buffer.*

a. *Side lot line.* Buffers required along any side lot line shall be no less than one-half the minimum required width of the side setback of the least intensive zoning district in which the use would otherwise be permitted.

b. *Rear lot line.* Buffers required along any rear lot line shall be no less than the minimum required width of the rear setback of the least intensive zoning district in which the use would otherwise be permitted.

(2) *Minimum required screening.*

a. Minimum required screening of multifamily projects in the planned development shall consist of a natural buffer, utilizing existing vegetation which provides an opaque visual screen to a height of six feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen to a height of six feet within two growing seasons.

b. Minimum required screening of nonresidential projects in the planned development shall consist of a structural buffer which creates an opaque screen to a height of no less than six feet upon construction.

(3) *Modifications.*

a. Buffers may be established, increased or decreased by the board of commissioners as part of the zoning approval of the PUD or PDD district.

b. In lieu of a natural buffer, if a structural buffer is provided for a

multifamily project that creates an opaque screen to a height of no less than six feet, the buffer may be reduced to a width of no less than ten feet along a side lot line, and to a width of no less than 20 feet along a rear lot line.

c. A natural buffer may be provided in lieu of a structural buffer for a nonresidential project if the existing vegetation in the buffer area creates an opaque screen to a height of six feet, and no land disturbance will occur within ten feet of the buffer.

(e) *Nonresidential zoning districts.* Required buffers in nonresidential zoning districts shall meet the following requirements:

(1) *Width of buffer.*

a. *Side lot line.* Buffers required along any side lot line shall be no less than one-half the minimum required width of the side setback.

b. *Rear lot line.* Buffers required along any rear lot line shall be no less than the minimum required width of the rear setback.

(2) *Minimum required screening.* Minimum required screening shall consist of a structural buffer which creates an opaque screen to a height of no less than six feet, upon construction of such screen.

(3) *Modifications.*

a. Buffers in nonresidential zoning districts may be increased or relocated on the site by the board of commissioners as part of the zoning approval to achieve the screening required.

b. A natural buffer may be provided in lieu of a structural buffer if the existing vegetation in the buffer area creates an opaque screen to a height of six feet, and no land disturbance will occur within ten feet of the buffer.

(f) *Summary table of requirements.* The following table presents a summary of where buffers are required, the minimum width of such buffers, in feet, and the type of buffer. The table is provided for informational purposes only, and if a conflict between the table and the text of other sections of this chapter occurs, the text of the other sections shall control.

Summary Table of Side and Rear Buffer Requirements*

TABLE INSET:

This Type of Buffer	Natural	Natural	Structural	Structural	Structural	Structural	Structural
Required in this District	High Density Res.***	Planning Zoning District		Nonresidential Zoning Districts			
	T-R, A-R	Multifamily Res.**	Nonres.	P-1	C-1, C-C, C-2, S-1	C-3, M-1	M-2
When Next to this District							

Low-moderate density residential district:							
R-A, R-1, R-1A, R-2, R-3, R-3A, R-4	20, 40	20, 40	See Dist. ***	5, 10	10, 20	15, 30	20, 40
High density residential district:							
T-R, A-R	None	None	See Dist. ***	5, 10	10, 20	15, 30	20, 40
Planned zoning district:							
Single-family residential area	20, 40	20, 40	See Dist. ***	5, 10	10, 20	15, 30	20, 40
Multifamily residential area	None	None	See Dist. ***	5, 10	10, 20	15, 30	20, 40
Office or commercial area	None	None	See Dist. ***	None	None	15, 30	15, 30
Industrial area	None	None	None	None	None	None	None
Nonresidential zoning district:							
P-1, C-1, C-C, C-2, S-1	None	None	None	None	None	15, 30	20, 40
C-3, M-1, M-2	None	None	None	None	None	None	None

* The dimensions show the minimum buffer width along a side lot line, followed by the minimum buffer width along a rear lot line.

** May be reduced to 10 feet, 20 feet if provided as an opaque structural buffer.

*** Same as would be required by applicable nonresidential zoning district.

(Code 1979, § 2-16-68)

Sec. 90-140. Landscaping

(a) *Landscaping required.* Landscaping required shall be as follows:

(1) A minimum ten-foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate five or more cars, and any lot frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or by another means.

(2) A minimum ten-foot wide landscape strip shall be provided between any vehicular loading area and any lot frontage of the property on which the loading area is located, unless the loading area is otherwise screened from the street by

a building or by another means.

(3) Deciduous shade trees shall be provided within any parking lot designed or intended to accommodate five or more cars, in accordance with the requirements of this section.

(4) Industrial, commercial and multi-family residential property located in a CPOD shall plant an evergreen hedge in a landscaping strip at least ten feet in width along the entire road frontage of the property. This hedge shall be continuous, except for ingress and egress points to the property, and reach a 30-inch height within two growing seasons from the date of planting. Thereafter, such hedge must be continuously maintained at a height of not less than 30 inches. This landscaping strip may cover the same area in front of parking lots as the landscaping strip required in subsection (a)(1) above.

(b) *Design standards.*

(1) Landscape strips required in this section shall meet the following requirements:

a. Landscape strips shall contain no structures, parking areas, patios, stormwater detention facilities or any other accessory uses, except for retaining walls or earthen berms constructed as part of an overall landscape design, pedestrian-oriented facilities such as sidewalks and bus stops, underground utilities, driveways required to access the property and signs otherwise permitted by this chapter.

b. Trees planted within the landscape strip may be deciduous or evergreen, but must be of a type that is suitable to local growing conditions, and that will normally, upon maturity, reach at least 12 inches at diameter breast height, spacing between overstory trees shall be 40 feet to provide room for maturity. When mid-story and under-story trees are used, spacing between trees shall be reduced to 30 feet.

c. All portions of a landscape strip shall be planted in trees, shrubs, grass or groundcover, except for those ground areas that are mulched or covered by permitted structures.

d. Upon planting, new trees shall have a caliper of no less than two inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location and design.

(2) Parking lot landscaping shall be provided as follows:

a. One deciduous shade tree shall be provided within the parking lot for every 12 parking spaces or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer may not be counted towards this requirement.

b. A landscaped island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The landscaped island shall be no less than eight feet wide for at least one-half the length of the adjacent parking space. The landscaped island shall be planted in trees, shrubs, grass or groundcover, except for those areas that are mulched.

c. Tree planting areas shall be no less than eight feet in width, and shall provide at least 100 square feet of planting area, per tree. No tree shall be located less than 2 1/2 feet from the edge of the pavement or the

back of the curb. If curbing is not provided around the tree planting area, curb stops shall be placed so that vehicles will not overhang the tree planting area.

d. Landscaped islands and tree planting areas shall be well-drained, and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

(Code 1979, § 2-16-69; Ord. No. 02-16, §§ 3, 4, 2-18-2003; Ord. No. 05-06, § 2, 6-7-2005)

Sec. 90-141. Tree protection.

(a) *Purpose.* To encourage tree preservation by making the preservation of existing trees a priority in the design of development projects, and one of the criteria used in determining the design of projects; to encourage the planting of additional trees during the development process to achieve levels of tree density to maintain Columbia County's stock of trees; to contribute to the aesthetic appeal of the county, and to contribute to environmental quality by reducing water runoff, glare, heat, noise and to contribute to air purification.

(b) *Required.* This section shall apply to all land uses in all zoning districts other than single-family and two-family residences on a single lot. This section shall apply in the R-A zoning district only to the process of subdivision of lots in which case the provisions of (c)(2) and (d)(2) below pertinent to the subdivision process will apply.

(c) *Removal of trees.*

(1) Unless otherwise authorized or exempted, removal of any tree having a diameter of 16 inches or more at breast height shall require issuance of a tree removal permit.

(2) Clearance of trees and vegetation during the land development process shall be limited to that necessary for, and directly related to the construction of improvements specifically authorized by the land disturbance permit for a subdivision, or in accordance with an approved site plan for a nonresidential project or a multifamily residential project.

(3) Removal of trees from a site that is maintained for ongoing timbering activity shall not be required to obtain a permit for tree removal.

(4) Selective cutting of trees from a site that will be developed as single-family residential lots, determined either by zoning or future land use policy, is permitted without a permit so long as a basal area of 20 square feet per acre is maintained.

(5) If tree removal is conducted under the terms of (3) and is not authorized by permit or site plans as stipulated in (1) and (2) above, development of the property for subdivision activity or for multifamily or nonresidential development shall not be permitted for three years following tree removal, unless the required tree density is met by installation of replacement trees with minimum diameter of six inches dbh.

(d) *Landscaping/tree protection plan required.* Prior to granting approval of a preliminary plat for a subdivision, or a site plan for a nonresidential or multifamily residential project, a landscaping/tree protection plan which shows the following information must receive the approval of the director of the county's planning and development services division or his/her designee.

(1) The limits of clearance and land disturbance.

(2) Approximate location of each tree having a diameter of 16 inches or more at breast height, with each tree designated whether it is to remain or to be removed. For subdivision development the area of clearance must be shown and only specimen trees within the area of clearance must be identified.

(3) The extent of the area to be cleared of vegetation with verification it is limited to that portion of the property where:

- a. Soil erosion and sedimentation controls are to be installed.
- b. Utilities, streets and other site improvements are to be constructed under authorization of the permit.
- c. Nonresidential or multifamily residential buildings and related improvements are to be located in accordance with an approved site plan for the project.
- d. Additional clearance directly related to the proposed improvements authorized by the permit is otherwise appropriate and necessary.

(4) Landscaping and structures that are to be installed to meet the buffer requirements of section 90-139 and the landscaping requirements of section 90-140.

(e) *Minimum tree removal and grading.*

(1) No landscaping/protection plan shall be approved unless, in the opinion of the director, based on the material submitted to him, such plan avoids removal or severe trimming of trees and/or excessive or unsightly grading, indiscriminate earth moving or clearing and unnecessary removal of trees and vegetation. The landscaping/tree protection plan shall provide for tree removal only on that portion of the property covered by such plan where buildings, roads, driveways, parking lots, utilities, erosion control devices and stormwater retention facilities are to be located, provided that in each instance, the improvements on the property shall be designed and located in such a way as to minimize the removal of trees, and the roads, driveways, parking lots, utilities, erosion control devices and stormwater retention facilities shall be built around existing trees, which shall be protected with islands or planting strips to the extent reasonably practical as determined by the director or his designee. Clear cutting of land is not to be approved except in those instances where the director of the county planning and development services division or his designee finds that the circumstances given for such actions are of such importance that they outweigh the public interest in carrying out the goals for restricting tree removal.

(2) No trees having a diameter of 16 or more inches at breast height shall be removed, nor severely trimmed unless such trees have been identified on the approved landscaping/tree protection plan, or prior thereto, a permit for tree removal or severe trimming has been obtained from the county planning and development services division. The term "severely trimmed" means the tipping, topping or flush cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural slope of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stubby appearance. If trees are removed or trimmed in violation of this subsection, in addition to other remedies or penalties provided for in this Code or by law, the violator shall be required to replace each tree removed or severely trimmed, as soon as practical, but not to exceed six months from the date of removal or severe trimming, with one on the master list of permitted tree plantings, which is of a size not less than four caliper inches, and to take the

necessary steps to care for the replacement tree so as to maximize the survival rate of the tree.

(f) *Tree density required.* Each tract of land on which improvements are constructed shall have provided and continually maintained thereon trees measuring in the aggregate the following caliper inches per acre:

TABLE INSET:

	Within ETCOD or any CPOD	Outside ETCOD or any CPOD
Multifamily zoning districts	105	70
Professional zoning districts	75	50
Commercial zoning districts	75	50
Industrial zoning districts	37.5	25

The caliper inches required per acre shall be multiplied by the total acreage within the tract of land to determine whether or not this requirement is being met. All trees growing on the tract of land shall be included to determine if the requirement of this subsection is being met. A tree whose trunk is on a property line such that the trunk is on more than one tract of land shall contribute its caliper inches of credit to all tracts of land in which a portion of the trunk is situated. Meeting such requirement shall not be in lieu of or satisfy other tree planting or growing requirements of this chapter. Existing trees six inches or larger in diameter at breast height shall contribute toward the tree density requirement at the rate of three inches of required density for each one inch of diameter at breast height. Existing trees smaller than six inches in diameter and replacement trees shall contribute one inch of credit for each caliper inch.

(g) *Plant diversity required.* If trees must be planted in order to meet the requirements of this section, a monoculture among plantings is to be avoided, and a diversity of plantings is required. The species of trees to be planted shall come from the master list of permitted tree plantings prepared by the county planning and development services division and approved by the board of commissioners, unless some other species of trees is expressly approved in writing by the planning commission. The diversity of trees planted shall include and meet at least the following minimum guidelines:

TABLE INSET:

Number of Trees Planted	Minimum Number of Species Required
Less than 5	1

5 to 10	2
11 to 20	3
More than 20	4

(1) Of the new trees planted, at least 50 percent are required to be canopy or overstory trees, not more than 30 percent are required to be intermediate or midstory trees, and not more than 20 percent are required to be understory trees and plants.

(2) Canopy or overstory trees are the dominate trees with well-developed crowns that form the canopy or overstory and receive full sunlight. The foliage of the canopy or overstory trees absorbs or scatters more than half of all available sunlight. On new development sites, these trees are the ones expected to have the longest life cycle, largest root system, require the lowest maintenance and be larger than the average trees on-site at maturity. Trees that must be planted to meet the canopy or overstory requirement must be at least 2.5 caliper inches in size at the time of planting.

(3) Intermediate or midstory trees are trees shorter than those canopy or overstory trees on-site, and are submerged under the canopy. Intermediate or midstory trees typically receive only 50 percent sunlight. They may include saplings and/or immature trees of the same species as the canopy trees, and consist of mostly shade tolerant species of trees and bushes. Midstory trees are those with a projected height between 16 and 35 feet, at maturity.

(4) Ground cover and understory plants and trees are plants and trees that can tolerate shade created by the overstory and midstory trees. This includes many of the ornamental species, shrubs, creepers, herbaceous plants and flowers. Generally, groundcover and understory plants and trees receive only five percent to ten percent of the sunlight, and may rise only a few feet above the ground. Mulch used around groundcovers must be organic, noncompressible and not reflect or store heat.

(h) *Installation.* Landscaping installation and tree preservation required by this section shall be completed prior to issuance of a certificate of occupancy. Because it is difficult to ensure the survival of landscaping materials planted during the hotter months of the year, the installation of landscaping may be postponed for a maximum of eight months provided a performance bond in an amount equal to one hundred, ten percent of the estimated cost of the landscaping costs, including installation, is provided to the county. In the event the bonding process is followed, the certificate of occupancy may be issued upon receipt of the bond. The landscaping and tree preservation requirements shall be met within eight months thereafter.

(i) *Maintenance and replacement.* Prior to the issuance of a certificate of occupancy, the owner of the developed land must provide the county with a written warranty/guarantee in a form approved by the board of commissioners, running from the date of issuance of the certificate of occupancy or the date of installation, whichever occurs later, which shall cover the prompt replacement, during such period, of any trees planted or preserved which show less than normal tree growth, poor condition or structure, severe pest damage or death. The warranty/guarantee shall be for one year for containerized stock the trunk of which is 2 1/2 inches or smaller in diameter six inches above the ground. A two-year warranty/guarantee shall be required for larger balled-in-burlap stock. At the time a tree covered by the approved landscaping/tree protection plan dies, the property owner is required to remove such tree and to replace it

within six months of the death of the tree. To help ensure healthy tree growth, a source for watering shall be located within 100 feet of every replacement tree.

(j) *Protection of trees during construction.* A tree protection zone shall be established around each tree or cluster of trees to be preserved prior to construction or the introduction to the site of heavy earth moving equipment for site preparation. The tree protection zone shall be delineated by fences or barriers that effectively prevent construction activity from entering into the tree protection zone. The tree protection zone shall remain open, unpaved, free of any buildings, construction, or earth movement, storage of chemicals, materials, or tools, or parking of vehicles. No change in grade shall occur in the protected zone unless tree wells or other measures are taken to protect the trees, and only construction for such protective measures shall be permitted within the protection zone. Grading of surrounding areas shall be done so as to maintain adequate drainage around all preserved trees.

(k) *Required open space.* Each tract of land on which improvements are constructed, shall have provided and continually maintained on such tract of land, open space (pervious surface) measuring in the aggregate 20 percent in multifamily residential zoning districts, ten percent in P-1 professional zoning districts and commercial zoning districts, and five percent in industrial zoning districts, multiplied by the total acreage in the tract of land at the time of a determination as to whether the requirement of this subsection is being met.

(l) *Remedies for violations.* Any person who violates these provisions is subject to the violations and penalties provisions of section 90-187. In addition, any tract of land on which trees are cut or severely trimmed in violation of this chapter must be cleaned of debris and the replacement trees planted within six months of the date of such cutting or severe trimming.

(m) *Exemptions.* Tree removal shall be administratively authorized under any of the following circumstances:

(1) The proposed action is located within the same boundaries of an area for which a land disturbance permit has been issued prior to the effective date of the ordinance from which this section is derived, and is currently valid.

(2) The proposed action is a subsequent phase of a project within the same boundaries covered by a previously issued land disturbance permit, or a subsequent phase of a project which has previously received authorization for clearance and grading activities for at least 75 percent of its total land area, prior to the effective date of the ordinance from which this section is derived.

(3) To prevent the spread of disease or infestation, in accordance with accepted forestry practices and upon the written recommendation of the county extension service or the state forestry commission.

(4) To grant emergency removal of any tree that poses an immediate threat to life or property, or has been destroyed by fire, accident or natural calamity.

(5) Upon the written finding of the county extension service or the state forestry commission that the tree is dead or has been damaged to such an extent that survival is unlikely.

(6) Any tract of land that has a forest management plan in place will be excluded from landscaping and tree protection requirements, except for the requirement of subsection (l).

(n) *Nonconforming uses.* Any tract of land that is developed with buildings, structures, signs or uses which on the effective date of the ordinance from which this section is derived is not in conformance with the requirements set forth herein, but the tract and its

buildings, structures, signs and uses are otherwise conforming to all other requirements of this chapter, shall be permitted to change or replace uses, expand or enlarge, repair, replace or rebuild after damage, or reestablish after discontinuance of use of operation for one year, so long as compliance with the provisions of this section occurs as follows:

TABLE INSET:

Action	Aggregate value of improvements as percent of total value of property and improvements according to county tax records	Compliance required
Change of use:	Less than 10 percent; no improvements to site	No compliance required
Improvements to site, improvements or enlargement of structures; new construction:	10 percent or less	No compliance required
	11 to 25 percent	25 percent of tree density required
	26 to 50 percent	50 percent of tree density required
	Over 50 percent	Full compliance required

(Ord. No. 02-16, § 3, 2-18-2003; Ord. No. 05-06, § 3, 6-7-2005)

Editor's note: Ord. No. 02-16, § 3, adopted Feb. 18, 2003, repealed the former § 90-141 and enacted a new § 90-141 as set out herein. The former § 90-141 pertained to similar subject matter and derived from Code 1979, § 2-16-70.

Sec. 90-142. Customary home occupations.

(a) A customary home occupation is a business or profession carried on by an occupant of a dwelling as a secondary use which is clearly incidental to the main residential use. A home occupation shall:

- (1) Be conducted by no persons other than members of the family residing on the premises.
- (2) Be conducted entirely within the principal building and out of sight of neighboring properties.

- (3) Utilize not more than 20 percent of the floor area of the principal building, except where family-type personal care is provided in a home for adults which is noninstitutional in character.
 - (4) Produce no alteration or change in the character or exterior appearance of the principal building from that of a dwelling.
 - (5) Involve no retail sales, retail delivery or retail distribution of an article or service not produced by members of the family residing on the premises.
 - (6) Contain no outside accessory buildings, repair or storage shops.
 - (7) Not be used for storage for more than one commercial vehicle which is licensed as one ton or less in capacity, per family residing on the premises.
- (b) The following occupations, subject to the requirements of this section, are permitted as customary home occupations:
- (1) Barbershops and beauty shops, operated by not more than two members of the residence, with no more than two chairs.
 - (2) Artists, dressmakers, seamstresses, tailors, crafts and interior decorators.
 - (3) Offices for architects, accountants, lawyers, engineers, doctors, dentists or similar professionals.
 - (4) Teaching musical instruction, and a day care, limited to six pupils each, at a given time.
 - (5) Offices for businesses such as electricians, plumbers, HVAC and other contractors that perform their services at other locations and do not store materials or equipment at the site of the home occupation.
 - (6) Agents for manufacturers and sales persons for records and bookkeeping only. Any orders shall be solicited from the dwelling only by telephone or fax, and no deliveries may be made at the dwelling.
 - (7) Personal care home, not to exceed six persons receiving care.

(Code 1979, § 2-16-71)

Cross references: Businesses and business regulations, ch. 22.

Sec. 90-143. Seasonal roadside vendors.

(a) A seasonal roadside vendor is a person who sells produce, goods and merchandise, for profit, from a stationary location or from a pushcart, bicycle cart, motorized cart or any other motor vehicle or trailer, that is temporary in nature (six months or less in one location), and is not operated by or as an accessory use to the primary use existing on the premises. A property owner selling produce grown on his property, which is the same property on which the produce was grown, is not defined as a seasonal roadside vendor. A seasonal roadside vendor shall:

- (1) Be located in the C-1, C-C, C-2 or C-3 zoning districts. Display of products must be located outside of the road right-of-way, and all structures shall be located in accordance with the setback requirements established in this chapter, based on the zoning district and classification of the road on which the activity is taking place. The display area for a seasonal roadside vendor shall not exceed 2,500 square feet, including any structure on the site.
- (2) Only be located on property where controlled vehicular access (a

recognized curb cut) and adequate parking with a minimum of 1,000 square feet located outside of the road right-of-way, is provided.

(3) Meet criteria established by the Standard Building Code for type VI construction for any temporary structure on the premises, other than a tent. A building permit will be required for such structures.

(4) Provide to the county a copy of a written agreement of the land owner permitting use of the property by the roadside vendor, accompanied by a plat of the property being used, if the seasonal roadside vendor is not the owner of the property on which the activity is taking place.

(5) Not permit more than two seasonal roadside vendors on any tract of land.

(6) Comply with all County Code requirements, including site plan review and building plan review, upon erection of any structure requiring electrical service, temporary or permanent (shack, shelter, shed, tent, etc.).

(7) Comply with all requirements of this chapter relating to signs. The signs of temporary roadside vendors will be treated as temporary signs for special events and shall meet the requirements set forth in section 90-135(8)e. The temporary sign may be maintained for a maximum period of six months.

(b) A seasonal roadside vendor must obtain a permit from the county, and pay the occupation tax prior to engaging in any selling or display activities set forth in this section.

(c) A permit to be a seasonal roadside vendor may not be applied for or granted by the same person on the same land for a period of six months after the expiration of the prior permit.

(Code 1979, § 2-16-72)

Sec. 90-144. Placement of buildings and structures.

(a) *Minimum principal building setbacks.*

(1) All principal buildings on a lot shall be set back from the street centerlines and from the front, side and rear lot lines bounding the lot no less than the set forth in section 90-53 for residential zoning districts and section 90-98 for other zoning districts, or as may otherwise provided in this chapter.

(2) In commercial and industrial districts, the side and rear building setbacks along adjoining commercially or industrially zoned property may be reduced to three feet.

(b) *Accessory buildings.* Minimum setbacks for accessory buildings shall be as follows:

(1) Accessory buildings having a floor area of 400 square feet or less must be at least five feet from any property line.

(2) Accessory buildings having a floor area greater than 400 square feet must comply with the same setbacks as required for principal buildings in each zoning district.

(c) *Accessory structures.* Minimum setbacks for accessory structures, excluding buildings, but including parking lots, shall be as follows:

(1) *Fences and freestanding walls.* There shall be a minimum setback for fences and freestanding walls, other than those provided as part of a structural

buffer as set forth in section 90-139 or specifically required by this subsection, provided that any fence or freestanding wall shall not obstruct visibility at street intersections, in accordance with the provisions of chapter 74, and shall conform to the following height restrictions:

a. In the R-1A, R-2, R-3 and R-3A residential zoning districts, the following shall apply:

1. A fence or freestanding wall placed along a collector or arterial street, or other placed for privacy or decorative purposes along a street that adjoins a subdivision, may not exceed eight feet in height, and shall not be constructed of metal, wire or chainlink. Such fences and freestanding walls shall present a finished and decorative appearance to the adjoining street, and shall be located no closer than two feet to the right-of-way line. Shrubs, groundcovers or other vegetation shall be provided between the fence or wall and the right-of-way line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

2. All other fences or freestanding walls that are closer to a street than the front principal building setback line must not be higher than 2 1/2 feet (30 inches), and shall not be constructed of metal, wire or chainlink.

3. A fence or freestanding wall that is closer to a side or rear property line than the front, side or rear principal building setback line, may not exceed six feet in height.

b. In the R-A, R-1, T-R and A-R residential zoning districts, any fence or freestanding wall that is closer to a property line than the front, side or rear principal building setback line, may not exceed eight feet in height.

c. A fence or freestanding wall that is closer to a property line than the front, side or rear principal building setback line, as applicable in the commercial, industrial, professional, special or planned development or planned unit development zoning districts, may not exceed eight feet in height, with no more than an additional two feet of security wire.

(2) *Gasoline pumps.* Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuel shall comply with the front, side or rear principal building setback lines, as applicable, in each zoning district, except that the setback may be reduced in the C-2 zoning district to no less than 50 feet from the street right-of-way at the discretion of the board of commissioners.

(3) *Canopies.* Canopies shall conform to the front, side or rear principal building setback line, as applicable, in each zoning district, except that the setback may be reduced in the C-2 zoning district to no less than 50 feet from the street right-of-way at the discretion of the board of commissioners.

(4) *Other accessory structures.* Accessory structures, excluding buildings, but including parking lots, not otherwise set forth in this section, must be at least five feet from any property line.

(d) *Exemptions.* The following shall be exempt from the setback requirements of this chapter:

- (1) Surface parking areas.
- (2) Driveways and circulation aisles.

- (3) Landscaping areas, buffer plantings and buffer structures.
- (4) Sidewalks and other pedestrian facilities, including benches.
- (5) Stormwater drainage facilities, and public and private utility connections.
- (6) Flagpoles, customary yard accessories, ornaments and furniture.
- (7) Satellite dishes of one meter in diameter or less, and television reception antennas.

Cross references: Buildings and building construction, ch. 18.

Sec. 90-145. List of recommended trees.

The following tables set forth recommended native, ornamental and exotic trees for use in landscaping.

- (a) Large trees--Native species (shade or overstory).

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments
Ash, Green <i>Fraxinus pennsylvanica</i>	Good	Moist site
Ash, White <i>Fraxinus americana</i>	Moderate to Good	Upland soils, slopes & moisture
Bald cypress <i>Taxodium distichum</i>	Good	Recommended for parking lots
Pond cypress	Good	
Beech, American <i>Fagus grandifolia</i>	Poor	Sensitive to compaction; Rich soil, slopes & bottom lands
Birch, River <i>Betula nigra</i>	Moderate to Good	Streams & wet bottoms
Cedar, Red <i>Juniperus virginiana</i>	Good	Intolerant of mechanical injury
Elm, American <i>Ulmus americana</i>	Moderate	Street & shade tree, pest problems, recommended for parking lots
Magnolia, Southern <i>Magnolia grandifolia</i>	Poor to Good	Dependent on location
Maple, Florida <i>Acer barbatum</i>	Moderate	Intolerant of mechanical injury

Maple, Red & various <i>Acer rubrum</i>	Moderate to Good	
Mulberry, Red <i>Morus rubra</i>	Good	Tolerant of disturbance & fill
Oak, Darlington <i>Quercus hemisphaerica</i>	Good	Good street tree
Oak, Laurel <i>Quercus laurifolia</i>	Moderate	Intolerant of extreme variation in moisture.
Oak, Live "Highrise" <i>Quercus virginiana</i>	Good	Likes well drained soils
Oak, Northern Red <i>Quercus rubra</i>	Moderate to Good	
Oak, Nuttall <i>Quercus nuttallii</i>	Good	Grows on poorly drained, clay soil, good for streets, parking lot
Oak, Overcup <i>Quercus lyrata</i>	Good	Poorly drained clay soil. Good street tree, parking lot
Oak, Pin "Crownright" <i>Quercus palustris</i>	Moderate to Good	Preferred variety Recommended for parking lots
Oak, Shumard <i>Quercus shumardii</i>	Good	Preferred variety Recommended for parking lots
Oak, Southern Red <i>Quercus falcata</i>	Moderate to Good	
Oak, Swamp Chestnut <i>Quercus michauxii</i>	Good	Large nuts Prefers moist site
Oak, Scarlet <i>Quercus coccinea</i>	Moderate to Good	Intolerant of construction injury
Oak, Willow <i>Quercus phellos</i>	Good	Preferred variety Recommended for parking lots
Oak, White <i>Quercus alba</i>	Good	Moist site
Pine, Loblolly <i>Pinus taeda</i>	Moderate to Good	Recommended for buffers, strips Not for parking lots
Pine, Longleaf <i>Pinus palustris</i>	Moderate to Good	Prefers sandy site Not for parking lots
Sugarberry (Hackberry)		Intolerant to mechanical injury

Celtis laevigata	Good	Prone to cavities
Sweetgum "Rotundiloba" Liquidambar styraciflua	Poor to Good	Balls are messy and not recommended for parking lots.
Sycamore, American Platanus occidentalis	Moderate	Leaves & root balls are messy
Tupelo, Black (Blackgum) Nyssa sylvatica	Good	Moist soils
Yellow Poplar Liriodendron tulipifera	Good	Sensitive to wounding

(b) Medium trees--Native species (shade or midstory).

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments
Carolina Ash Fraxinus caroliniana	Good	
Carolina Laurelcherry Prunus caroliniana	Good	Messy
Carolina Silverbell Halesia carolina	Moderate	Intolerant of mechanical injury Recommended for power lines
Hophornbeam, Eastern Ostrya virginiana	Moderate	
Holly, American Ilex opaca	Good	
Maple, Trident Acer buergeranum	Good	Good for power lines
Oak, Sawtooth Quercus acutissima	Good	Recommended for power lines
Persimmon Diospyros virginiana	Good	Messy fruits
Sassafrass Sassafrass albidum	Good	
Sourwood Oxydendrum arboreum	Moderate	Prefers moist sites
Sweetbay	Good	

Magnolia virginiana

(c) Small trees--Native species (understory).

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments
Buckeyes Aesculus spp.	Poor to Moderate	Recommended for power lines
Buckthorn Rhamnus caroliniana	Moderate	Recommended for power lines
Dogwood, Flowering Cornus florida	Poor to Moderate	Intolerant of site disturbance Recommended for power lines
Downy Serviceberry Amelanchier arborea	Moderate	Intolerant of mechanical injury Recommended for power lines
Loblolly Bay Gordonia lasianthus	Good	Recommended for power lines
Maple, Chalkbark Acer leucoderme	Moderate	Site dependent Recommended for power lines
Oak, Myrtle Quercus myrtifolia	Good	Recommended for power lines
Possumhaw Ilex decidua	Moderate to Good	Recommended for power lines
Redbay Persia borbonia	Good	Recommended for power lines Short lived
Redbud, Eastern Cercis Canadensis	Moderate	Recommended for power lines
Waxmyrtle Myrica cerifera	Good	Recommended for power lines
Yaupon Holly Ilex vomitoria	Good	Recommended for power lines

(d) Large trees--Ornamental and exotic species (shade or overstory)

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments

Chinese Elm Ulmus parvifolia	Good	Good for parking lots
Dawn Redwood Metasequoia glyptostroboides	Good	
Ginkgo Ginkgo biloba	Good	Male Species only Recommended for parking lots
Locust, Skyline Gleditsia	Good	
Pistacio Pistacia chinensis	Good	Recommended for parking lots
Sunset Maple "Red Sunset" Acer rubrum	Good	Recommended for parking lots
Zelkova, Japanese Zelkova serrata	Good	Recommended for streets and parking pots

(e) Medium trees--Ornamental and exotic tree species (intermediate or midstory)

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments
Chinese Evergreen Oak Quercus myrsinifolia	Good	Recommended for power lines
Cryptomeria Cryptomeria japonica	Good	Recommended for buffers
Golden Rain Tree Koelreuteria paniculata	Good	Good for power lines
Savannah Holly Ilex opaca "Savannah"	Good	
Trident Maple Acer buergeranum	Good	Good for power lines

(f) Small trees--Ornamental and exotic tree (understory) and large shrubs.

TABLE INSET:

Common Name Scientific Name	Relative Tolerance to Development Impacts	Comments
Cherry, Okame Prunus subhirtella "x Okame"	Good	

Chinese Redbud Cercis chinensis	Good	
Crape Myrtle Lagerstromia indica varieties	Good	Good for power lines
Devilwood Osmanthus americanus	Good	
Holly, Foster Ilex opaca "Fosteri"	Good	Recommended for parking lots
Holly, Nellie R. Stevens Ilex aquifolium X comuta	Good	
Lilac Chaste Spikenard Vitex agnus-castus	Good	Good for power lines
Magnolia, Star Magnolia stellata	Good	
Maple, Japanese Acer palmatum	Good	Recommended for power lines
Maple, Japanese Acer palmatum "Bloodgood"	Good	
Tulip Tree Magnolia X Soulangeriana	Good	

(Ord. No. 02-16, 2-18-2002)

Secs. 90-146--90-175. Reserved.