

City of Dawsonville

Dawson County

Atlanta MSA

2003 Population Estimate 632; +7.3% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

LAND USE & ZONING ORDINANCE ARTICLE 23. BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

First adopted 1994. Last revised 2004.

Addresses private property.

Includes buffer and landscape requirements.

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ORDINANCE NO.: _____

CITY OF DAWSONVILLE LAND USE & ZONING ORDINANCE

**Approved and Adopted by the Mayor and City Council of Dawsonville,
Georgia
JULY 19, 2004**

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Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Tree Protection Zone: All areas of a lot or tract of land defined as the combined minimum front yard, minimum side yards, minimum rear yard or minimum buffer required by the particular district regulations within which such property is located.

Truck Stop: An area principally devoted to the service re-fueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

Truck Terminal: An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

Use: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with access to contents only through management personnel.

Wetland: An area that is inundated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

- ❖ Bulk feedlots.
- ❖ Commercial slaughtering of animals.
- ❖ Paper or wood pulp manufactures.
- ❖ Open pit mining.
- ❖ Quarrying or sand/gravel removal operations

CIR-RESTRICTED INDUSTRIAL COMMERCIAL DISTRICT

Minimum lot size	Front setbacks	Side setbacks	Rear setbacks	Minimum sq. feet	Maximum bldg. height
5 acres	40' *	20'	20'	2000'	35'

- **Front setback may be greater if located on a State Highway.**

ARTICLE XXIII

BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

Section 2301. Purpose And Intent.

The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable views, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping. These regulations are also designed to encourage the protection and planting of trees, which are declared to be beneficial public resources, and to prevent the needless, wasteful or purposeless destruction of trees in order to better control problems of flooding, soil erosion and air pollution.

Section 2302. Buffer Required.

Property zoned for commercial and industrial uses shall provide a buffer, as defined by these regulations, along any rear or side property lines abutting a residential district or abutting an alley across from a specified residential district, provided that no buffer shall extend within fifteen (15) feet of a public right-of-way line. Minimum buffer widths shall be established in accordance with the following stipulations.

1. When an HB, CBD, or NB District abuts a R-1, R2, or R-3 District, a setback of forty (40) feet shall be provided, including a thirty (30) foot buffer.
2. When an LI or CIR District abuts a R-1 or R-2 District, a setback of sixty (60) feet shall be provided, including a fifty (50) foot buffer.

3. When any District abuts a TB District, a ten (10) foot planted landscape buffer shall be provided on property which abuts the TB District.

It shall be the responsibility of the developer, upon installation of utilities, streets, etc., to designate required buffers on construction plans and to ensure that existing vegetation within required buffers is maintained unless disturbance of the buffer is approved by the building Official as specifically provided herein.

It shall be the responsibility of the property owner of the lot to be used or built upon to maintain existing vegetation within required buffers and to replant where sparsely vegetated or install fencing, walls, etc. as approved to achieve the desired screening. Installation of vegetation, fencing, walls, etc. may be phased in accordance with approved building plans.

Section 2303. Buffer Specifications.

All buffers required by these regulations shall conform to the following provisions:

1. Utilization will be made of existing vegetation where it has been determined by the Building Official that existing vegetation is appropriate for inclusion within the buffer, or when found not appropriate, shall be supplemented with approved, additional plantings.
2. Disturbance or modification of the natural topography of the land for property improvements or during construction and maintenance activities is to be minimized, except in the following instances that have been approved by the Building Official:
 - a. where the land must be cleared and graded as required by the application of laws to prevent soil erosion or sedimentation;
 - b. where regulations for storm drainage improvements require alteration of the topography;
 - c. where necessary to prevent a nuisance, or to thin natural growth that has become so dense as to prohibit normal growth, or to remove diseased, misshapen, or dangerous or decayed growth;
 - d. where access and/or utility crossings have been approved.
3. Vegetation, except for ground covers, shall be of such type as to be a height of not less than three (3) feet when planted and which will, in normal growth, attain a height of six (6) feet within three (3) years; provided, however that such plant materials can form a hardy screen, dense enough and high enough both to interrupt vision and to reduce the transmission of sound.

Section 2304. Landscape Strip Required.

All properties except those containing single-family detached or attached residences and two-family residences shall provide a landscape strip, as defined by these regulations, of ten (10) feet in width along the developed portion abutting any public street or right-of-way and five (5) feet

in width along the developed portion of side property lines. A five (5) foot wide landscape strip along a side property line may be relocated if required to share a common access drive along said side property line.

It shall be the responsibility of the property owner of a lot to be used or built upon to install and maintain the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.

Section 2305. Acceptable Plant Materials.

In those instances where the natural vegetation and topography are insufficient to achieve the desired level of screening required by these regulations, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. Planted materials shall conform to the following specifications:

1. Trees used for screening purposes should be native to the region and shall not be deciduous. Trees should be at least three (3) feet in height above the ground when planted or which will, in normal growth, attain a height of six (6) feet within three (3) years.
2. Shrubs that are used to form hedges shall not be deciduous. Shrubs shall be a least three (3) feet above the ground level when planted. They should be spaced in such a way that, when mature, they will form a continuous visual screen (hedge) that is at least six (6) feet in height.

Section 2306. Maintenance Of Buffers And Landscape Strips.

The owner and/or user of the property shall be responsible for installing the trees and shrubs and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. In cases of non-compliance, the Building Official shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

Section 2307. Tree Protection.

No more than seventy-five (75%) percent of the mature, healthy, existing trees in excess of 10 inches in diameter shall be cut, damaged or destroyed; provided, however, that additional trees may be removed upon approval by the Building Official if one (1) tree is planted and maintained for each one (1) tree removed in excess of 10 inches in diameter.

Section 2308. Parking Area Landscaping Requirements.

Interior landscaping for parking areas shall be required for parking lots designed and constructed for more than five (5) or more spaces. Such interior landscaping shall not be less than ten (10%) percent of the total area devoted to parking on the lot.

In districts where permitted, all outside storage areas shall be screened from all public rights-of-ways with a 100% opaque, solid wooden fence or masonry wall at least six (6) feet in height, or a densely planted landscape strip of at least ten (10) feet in width. The insertion of plastic or metal weaving into chain link fences shall not be considered to be in compliance with the requirements of this Section. Access driveways serving open storage areas shall be provided with a gate that is 100% opaque. In cases where the Governing Body approves an open storage area as a conditional use in the NB or CHB Districts, the Governing Body may require screening in addition to the requirements of this Section.

Section 2309. Screening of Dumpsters Required.

In all zoning districts, dumpsters and trash receptacles shall be screened from view from all public rights-of-ways, either by locating said dumpsters to the rear of a building, or by erection of a 100% opaque, solid wooden fence or masonry wall on three (3) sides of said dumpster.

Section 2310. Administration And Enforcement.

Where buffers are required, the applicant must demonstrate, whether on appropriate plans or after inspection by the Building Official, that the plant materials in place or installed achieve the required screening. All site plans, plot plans and grading and drainage plans shall indicate all required buffers and landscape strips. Required buffers, landscape strips, and parking lot landscaping shall be installed in accordance with approved plans prior to the issuance of a Certificate of Occupancy. However, owing to special conditions or exceptional circumstance such as drought, said buffers and landscape strips may be installed within ninety (90) days after the issuance of a Certificate of Occupancy, provided that a letter of credit, escrow money, performance bond or other approved alternative is submitted to the Building Official prior to the issuance of a Certificate of Occupancy.

ARTICLE XXIV

FLOOD HAZARD AREA REGULATIONS

Section 2401. Purpose And Intent.

The purpose of this Article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by the application of regulations designed to: restrict or prohibit uses which are dangerous due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such