

# City of Elberton

Elbert County

Not located in a MSA.

2003 Population Estimate 4,612; -2.2% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

## ARTICLE VII. PLANTINGS, MAINTENANCE AND REMOVAL OF TREES

First adopted 1999. No revisions.

Addresses public and private property.

Includes buffer and landscape requirements.

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For more information, contact:

**Niles Poole**

Zoning Administrator

706.213.3100 voice / 706.213.3125 fax

[npool@cityofelberton.net](mailto:npoole@cityofelberton.net)

## **ARTICLE VII. PLANTINGS, MAINTENANCE AND REMOVAL OF TREES**

### **Sec. 22-420. Title.**

This article will be known as the "City of Elberton Plantings, Maintenance and Removal of Trees Ordinance."

(Ord. No. 2041, § 1, 3-1-99)

### **Sec. 22-421. Definitions.**

The following definitions shall apply to the interpretation and enforcement of this article:

*City:* The "City of Elberton", a Georgia Municipal Corporation.

*City manager:* Designated tree and shrub officer for the City of Elberton.

*Park trees:* "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

*Shade trees:* "Shade trees" shall be defined as trees which provide or will eventually provide shaded areas within the city and will help increase the overall canopy to assist in shading and cooling city areas.

*Street trees:* "Street trees" are herein defined as trees, shrubs, bushes, and other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(Ord. No. 2041, § 1, 3-1-99)

### **Sec. 22-422. Duties and responsibilities.**

It shall be the responsibility of the city manager to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Elberton.

The City Manager of Elberton shall have the authority to promulgate rules, regulations, standards, and specifications governing the planting, maintenance, and removal of city trees in Elberton. These may be written in a separate document as Arboricultural Standards and Specifications [sic].

The city manager, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-423. Street tree species to be planted.**

Instead of compiling a list of trees that may be planted as street trees on publicly owned properties in the City of Elberton, there will be two lists provided by this ordinance. The first list will include trees that may not be planted as street trees or a list of trees that are excluded from being planted as street trees by this ordinance. Any tree that is not on the "excluded" list may be planted.

The second list is a list of trees that are recommended for planting and are known to thrive in the Elberton climate under conditions to which street trees are often subjected.

This second list is intended only as a list of suggested trees and residents are not limited to the trees included in it.

*List #1.* List of trees that may not be planted as street trees. The following trees are excluded as street trees.

TABLE INSET:

Birch, Paper	Hemlock, Eastern	Poplar, Tulip
China berry	Maple, Silver	Poplar, White
Cottonwood	Mulberry	Royal Paulownia Sycamore
Crabapple, Flowering	Pine, Eastern White	Eucalyptus
Oak, Laurel	Poplar, Lombardy	Tree of Heaven

*List #2.* Trees recommended for planting as street trees. This list includes shade trees that are recommended.

Large trees--Defined as trees reaching a mature height of greater than 30 feet:

TABLE INSET:

Ash, Green	Beech, American	Birch, River
Blackgum	Catalpa, Southern	Maple, Florida
Cedar, Red	Cryptomeria	Oak, Scarlet
Cypress, Leyland	Elm, Chinese	Oak, Swamp Chestnut
Ginkgo	Hickories	Oak, Willow
Magnolia, Southern	Magnolia, Sweetbay	Pine, Longleaf
Maple, Red	Oak, Sawtooth	Pine, Virginia
Oak, Shumard	Oak, Southern Red	Tallowtree, Chinese
Oak, Water	Oak, White	Cedar, Deodar
Pear, Bradford	Pine, Lobloly	Cypress, Bald
Pine, Slash	Pine, Spruce	Elm, Winged
Pistache, Chinese	Redwood, Dawn	Japanese Zelkova

Small trees--Defined as trees reaching a mature height of 30 feet or less:

TABLE INSET:

Chaste Tree	Cherry, Kwanzan	Cherry, Yoshino
Crape Myrtle	Devilwood	Dogwood
Eastern Hophornbean	Fringetree (Grancy Breybeard)	Hawthorne

Holly, Nellie R. Stevens	Holly, Yaupon	Loquat
Magnolia, Japanese	Magnolia, Star	Maple, Japanese
Maple, Trident	Possumhaw	Red Buckeye
Red Bud	Sassafras	Serviceberry
Silverbell	Sourwood	Viburnums
Willow, Contorted	Windmill Palm	Witch Hazel

**Sec. 22-424. Spacing.**

The spacing of street trees will be in accordance with the two size classes listed. No trees may be planted closer together than the following: Small trees may be planted no closer than 30 feet apart. Large trees may be planted no closer than 50 feet apart.

There will be an exception to the above in special plantings designed or submitted by a landscape architect and approved by the city manager.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-425. Distance from curb and sidewalk.**

No trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet; large trees, four feet.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-426. Distance from street corners and fireplugs.**

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street tree may be planted closer than ten feet of any fireplug.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-427. Utilities.**

No street trees other than those defined as small trees in section 22-424 may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-428. Public tree care.**

The city shall have the right to plant, prune, maintain and remove trees, plants, shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city manager may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature injurious to sewers, electric

power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insects or other pest. This section does not prohibit the planting of street trees by adjacent property owners on the public right-of-way providing that the selection of said trees is in accordance with sections 22-424 through 22-428.

(Ord. No. 2041, § 1, 3-1-99)

#### **Sec. 22-429. Tree topping.**

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city manager. Pruning allowed pursuant to the time of any franchise agreement between the city and a public utility shall continue to be authorized in accord with the terms of such franchise agreement.

(Ord. No. 2041, § 1, 3-1-99)

#### **Sec. 22-430. Pruning, clearance.**

Every owner of any tree overhanging any right of way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

(Ord. No. 2041, § 1, 3-1-99)

#### **Sec. 22-431. Dead, diseased or hazardous tree removal on private property.**

The city shall have the right to cause the removal of any dead, diseased or hazardous trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city manager will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice. Nothing herein shall be construed to establish any legal obligation or liability on the part of the city for the removal or trimming of dead or diseased trees on either public or private property.

(Ord. No. 2041, § 1, 3-1-99)

#### **Sec. 22-432. Removal of stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so

that the top of the stump shall not project above the surface of the ground.

(Ord. No. 2041, § 1, 3-1-99)

**Sec. 22-433. Interference.**

It shall be unlawful for any person to prevent, delay or interfere with the City of Elberton, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

(Ord. No. 2041, § 1, 3-1-99)

- (3) *Parking area site requirements.* All off-street parking shall be laid out, constructed, and maintained according to the following requirements (except for residential lots in the R-1, R-1A, R-1B, and R-2 districts). Off-street parking includes parking spaces or lots for customers and employees.
- a. All parking areas shall be hard surfaces with concrete or plant bituminous material and maintained in dust proof condition.
  - b. Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets.
  - c. The parking area shall be adequately drained.
  - d. A raised curb of at least six inches shall be erected along all of the property lines, except for driveway openings and those lot lines abutting residential districts where the requirement of section 22-91 shall prevail.
  - e. No sign shall be placed within the public rights-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.
  - f. Interior parking lot landscaping. Off-street parking areas in all zoning districts shall be subject to the following requirements. For the purpose of calculating off-street parking lot square footage, all areas within the lot's perimeter are counted, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement. The required amount of landscaping is based on the following sliding scale. Landscape provisions only apply to parking areas for customers or employees.

TABLE INSET:

Total Area of Lot	Percent of the Total Area (sq. ft.) of lot that must be an Interior Planing Area
0–15,000	5.0%
15,000–29,999	7.5%
30,000 or greater	10.0%

Off-street parking shall consist of planting islands. Sixty square feet of continuous pervious land area is required for each tree with no tree-planting area less than six feet wide in any dimension.

Planting islands shall be evenly spaced throughout the parking lot and shall be distributed approximately once every ten spaces for commercial development. Planting islands parallel to parking spaces must be at least nine feet wide to allow car doors to swing open.

Trees must have a clear trunk at least eight feet above the finished grade to allow vehicular circulation beneath the tree canopy without causing any damage. Deciduous shade trees planted with ground cover or low shrubs are recommended as the primary plant materials. Shrub varieties should be evergreen.

Good visibility in the parking lot is important for security and traffic safety reasons. Plants that restrict visibility, such as tall shrubs or low-branching trees, should be avoided.

To prevent cars from parking too close to trees or damaging shrubs, a curb or wheelstop must be provided.

Trees shall be distributed to break up the parking lot and to create a canopy effect. A minimum of one 15-gallon tree and three shrubs shall be required for every ten parking spaces. The distribution of the trees must maximize shading during the summer months.

- g. Perimeter landscaping adjacent to the public rights-of-way. All commercial and industrial sites, unless otherwise specified in section 22-91 must include a perimeter landscape strip. The strip must be at least 15 feet wide for sites larger than 15,000 square feet, or ten feet wide if the site is smaller. The strip must be located on the property, adjacent to the public rights-of-way and cannot include any paved surfaces, with the exception of pedestrian sidewalks or trails that cross the strip.

Preservation of natural woodland is preferred. If a woodland perimeter strip is preserved, all diseased, dangerous or decayed growth shall be removed. If the natural growth is too dense for preferred growth, the natural growth may be thinned. However, if there is not woodland perimeter, the strip must be planted as follows: one 15-gallon deciduous shade tree and ten evergreen shrubs are required per 35 linear feet of perimeter. Two evergreen or two ornamental trees may be substituted for one shade tree. One shade tree may be substituted for five evergreen shrubs.

Plant materials at vehicular entrances should be located so as to maintain safe sight distances.

If the required planting would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other related factors, a suitable landscape plan, approved by the planning commission, may be substituted.

- h. Maintenance of perimeter and interior parking lot landscaping. The owner, tenant, and their agent, if any, are jointly and severally responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas must be watered via an underground sprinkler systems or be provided with a readily available water supply with at least one outlet located within 150 feet of all plant material to be maintained.

All plant growth in landscaped areas must be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard. All planted areas must be maintained in a relatively weed-free condition and clear of undergrowth.

All planting must be fertilized and irrigated at such intervals as necessary to promote optimum growth.

All trees, shrubs, groundcovers, and other plant materials must be replaced during the next suitable planting period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

Replacement plants must conform to all standards that govern the original installation of plantings.

**c. 22-91. Buffer areas.**

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in Division 6.

- (1) In any business (B-1, B-2) or industrial (I) district, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall or solid fence or tight evergreen hedge not less than eight feet in height. The bottom of the fence must be no higher than four inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, fence height must be achieved by the installation of one continuous eight-foot, or greater board. The designated zoning compliance officer shall, based on the character of the area, determine whether the applicant must install the solid wall, solid fence, or tight evergreen hedge.
- (2) In any district not subject to the requirements of section 22-91(1) but requiring screening of a specified operation, said screening shall be solid wall or solid fence or tight evergreen hedge not less than eight feet in height. The tight evergreen hedge shall grow to at least eight feet in height within five years. There shall be a perimeter landscape strip at least 20 feet wide, unless otherwise specified, that conforms to the planting requirements of section 22-86(g). All buffer area requirements are in addition to the area, yard, and height requirements for that district. Prior to any site construction of grading, the designated zoning compliance officer must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.
- (3) A perimeter landscape strip of ten feet in width, or six feet if the commercial or industrial site is less than 15,000 square feet and not regulated by section 22-91(1) and (2), shall be planted in accordance with section 22-86(g), adjacent to the lot line when the following conditions exist or are created:
  - a. A proposed structure will exist on a lot where the side or rear lot line is a district boundary other than B-1, B-2, or I.
  - b. The lot or parcel on the opposite side of the boundary is zoned R-1, R-1A, R-1B, or R-2.
- (4) All outdoor lighting must reflect away from all residential dwellings and shall be situated to not directly reflect into any public rights-of-way.
- (5) Any grading, improvements or construction adjacent to the buffer must not disturb or encroach on the buffer area.
- (6) A manufactured home or mobile home subdivision shall be screened by a solid wall or solid fence or tight evergreen hedge and contain a perimeter landscape strip at 30 feet wide, unless otherwise specified, that conforms to the planting requirements of section 22-86(g). All perimeter landscape strip requirements are in addition to the area, yard, and height requirements for that district. Prior to any

site construction or grading, the designated zoning compliance officer must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.

- (7) A ten-foot rear and side yard vegetated buffer is required for all multifamily development in addition to required side and rear yards specified in Division 6.

(Ord. No. 2050, §