

# City of Fayetteville

Fayette County

Atlanta MSA

2003 Population Estimate 13,455; +15.6% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

## Chapter 42 ENVIRONMENT

### Article III. Tree Preservation and Landscaping

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

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## Chapter 42 ENVIRONMENT\*

**\*Cross references:** Buildings and building regulations, ch. 18; energy code, § 18-176 et seq.; floods, ch. 54; health and sanitation, ch. 58; solid waste, ch. 70; abandoned vehicles, § 82-206 et seq.; utilities, ch. 86; zoning, ch. 94.

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## ARTICLE III. TREE PRESERVATION AND LANDSCAPING\*

**\*Editor's note:** Ord. No. 0-33-04, §§ 1, 2, amended art. III of this chapter in its entirety to read as herein set out. Former art. III, §§ 42-61--42-78, pertained to similar subject matter and derived from Ord. No. 0-1-00, § I, adopted Jan. 17, 2000.

### **Sec. 42-61. Purpose.**

In support and furtherance of its findings and determination that:

- (1) Rampant growth and development in the region has resulted in the innumerable loss of trees. Tree roots hold soil in place and tree photosynthesis converts carbon dioxide to oxygen. Tree loss thus has contributed to dramatically increased soil erosion and sedimentation. High growth areas, where natural green spaces are diminishing, have left fewer trees to transform into oxygen the carbon dioxide of ever increasing, harmful vehicular and industrial emissions, resulting in severe air quality degradation;
- (2) Integrated forest canopies reduce the costs of maintenance of other co-located parts of the urban infrastructure;
- (3) Well managed urban forest resources increase in value and provide benefits to all citizens of the community with respect to air quality, water quality, stormwater management, temperature amelioration, community aesthetics and general quality of life;
- (4) These benefits are crucial to the long term health, safety, and welfare of the citizens of Fayetteville;
- (5) The removal of forest canopy from urban areas of the state and its replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the community;
- (6) Community forests function to the benefit of the local citizenry as a part of the public infrastructure as much as streets, utilities, stormwater management structures and sewers;
- (7) Healthy community forests increase local commercial and residential property values; and
- (8) A tree conservation and landscaping ordinance is one part of a dedicated and integrated planning process dealing with land use, impacts of impervious surface, urban hydrology and water quality, air quality, soil erosion, transportation, noise abatement, and responsible growth.

The city council hereby declare it to be the purpose and intent of this article to establish a uniform procedure for use in providing protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural, aesthetic interest and value, economic or environmental value, in accordance with the provisions of this article.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-62. Intent.**

It is the expressed intent of these tree protection standards that all site planning and design for development of land be undertaken with a survey of trees on the property and that the grading, final placement of buildings, structures, and roads, utilities, and other features minimizes the removal of existing trees, and insures their aesthetic distribution throughout the development on the property.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-63. Definitions.**

The following definitions of terms shall apply to this article:

*Buffer:* That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts from other zoning districts, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area. Required buffer areas are in addition to required yard areas.

*Caliper inches:* The diameter or thickness of the main stem of a newly planted tree or sapling (in inches) as measured at least six inches above ground level. If the tree splits into multiple trunks below six inches, the diameter of the largest stem or trunk shall be used to measure the entire tree.

*Clearing:* An activity which removes or disturbs the vegetative cover, including trees.

*Clear cutting:* Silviculture practice which clears a site for replanting.

*Critical root zone (CRZ):* The total area contained within a circle that surrounds the trunk of a tree. The radius (measured from the trunk of the subject tree) of the circle shall be equal to 1.5 feet per caliper inch of the tree. For pines, the radius of the circle shall be equal to 0.5 foot per caliper inch of the tree.

*Deciduous tree:* Any tree which drops its leaves at the end of the growing season.

*DBH:* Diameter-at-breast-height is a standard of measure of existing tree size, and is the trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then each trunk is measured and added together to determine DBH. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

*Deforestation:* The cutting and/or removal of 40 percent or more of trees eight inches DBH and larger on the development site.

*Disturbed area:* Disturbed area is defined as the entire limits of the site project activity, outside of any undisturbed buffer area. Any area that will be graded, is classified as disturbed area.

*Evergreen:* Any tree which retains its green foliage throughout the year.

*Farm and pasture land:* Any land that has historically been used for agricultural

purposes, other than silviculture, for more than ten years.

*Land disturbance activity:* Any land change which may result in soil erosion from water or wind and the movement of sediment into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, other than federal lands.

*Land disturbance permit:* A permit issued to authorize clearing, dredging, grading, excavating, transporting and filling of land.

*Landscape areas:* An area set aside for the installation and maintenance of native planting materials.

*Landscaping:* Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more environmentally compatible, as by adding trees and shrubs, groundcover, etc., to the natural environment. Landscaping requirements shall not interfere with fire and life safety standards according to the development standards and other adopted ordinances and requirements, subject to public safety review.

*Native species:* Any tree species that originated in a particular place or region. For the purposes of this article, a tree species is considered to be native to the Fayetteville region if it is listed in Native Trees of Georgia, Georgia Forestry Commission, 1996 (as amended), and is considered indigenous to Plant Hardiness Zone II (the Piedmont Region) as shown in Landscape Plant Materials for Georgia, Bulletin 625, University Cooperative Extension Service, 1988 (as amended).

*Natural vegetation:* Natural vegetation shall mean a generally undisturbed, maintenance free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, ground cover, wild grasses, and trees.

*Natural vegetation areas:* The areas within the boundaries of a given lot which is devoted to natural vegetation.

*Overstory trees:* Canopy trees, either deciduous or evergreen, of greater height and spread than surrounding understory trees, which provide shade and protection to the earth and vegetation beneath it.

*Project activity:* Project activity is defined as buildings, roads, parking areas, stormwater management systems, etc.

*Protection area:* All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain protected, the critical root zone of a tree or a cluster of trees to be retained, and/or all areas required as landscaping strips or buffers according to the provisions of the City of Fayetteville zoning ordinance and development standards, or conditions of zoning approval.

*Shrub:* A woody plant or bush of relatively low height (two through six feet), distinguished from a tree by having several stems rather than a single trunk.

*Shrub density unit (SDU):* A measurement of shrub density. Individual shrubs of three-gallon pot size (generally between 24 inches and 36 inches in height) count as one SDU. A project requiring a land disturbance permit shall have a minimum ratio of 200 SDUs per disturbed acre. In order to promote variety in landscape design, 25 percent of the required SDUs may be from the ground cover list.

*Specimen tree or stand:* Any tree or grouping of trees which has been determined to be of high value because of its species, size, age, location, or historic value.

*Tree density units (TDU):* A measurement for tree density. For existing trees designated to remain, total Existing TDUs = Sum of tree diameters (DBH) in inches. Replacement trees are measured in caliper inches, six inches above grade, and must be from section 42-75, Plant

materials list. The amount of TDU credit for a replacement tree is determined by the trunk's diameter. Replacement trees may be no smaller than two caliper inches. Replacement trees from two caliper inches up to three caliper inches are worth 50 percent of the TDUs for an existing tree. Replacement trees from three-inch caliper to four-inch caliper are equal to the TDUs of an existing tree. Replacement trees four-inch caliper and larger are worth 150 percent of the TDUs for an existing tree. No more than 25 percent of the required TDUs may be grouped together on a site, without approval from the city.

*Tree removal:* The unauthorized intentional, or negligent killing, uprooting, removal or damaging of trees on a parcel of land. Such acts shall include but are not limited to damage inflicted upon the root system of a tree or trees, by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unauthorized alteration of the soil or tree.

*Understory tree:* Any tree or woody plant which of lesser height and spread than surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-64. Applicability.**

This article shall apply to any and all activity within the City of Fayetteville (city) which requires a land disturbance permit or soil erosion and sediment control permit, and shall replace Ordinance 0-18-90 (landscape ordinance) and Ordinance 0-19-91 (tree protection ordinance). Projects located within the Highway Corridor Overlay District shall comply with all required landscaping standards, in addition to this article. Exemptions from this article are:

- (1) Removal of dead, diseased, or infested trees, as determined by the Georgia Forestry Commission. Proof of a certified arborist's determination is required, in order to avoid penalties for tree removal.
- (2) The operation and maintenance of orchards and tree nurseries in active commercial operation.
- (3) All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields, and/or livestock operation). Commercial forestry operations are allowed, provided that valid forestry management plans have been submitted to, and accepted by the city.
- (4) Any lot within a subdivision zoned for single family residential uses where the lot has been purchased from the developer and a house has been built.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-65. Specimen tree.**

[A specimen tree is] any tree or grouping of trees which has been determined to be of high value because of its species, size, age, location, or historic value. General criteria for the determination of specimen trees are as follows:

- (1) Any deciduous canopy tree whose DBH equals or exceeds 26 inches.
- (2) Any evergreen canopy tree whose DBH equals or exceeds 22 inches.
- (3) Any understory tree whose DBH equals or exceeds eight inches.
- (4) Any dogwood, redbud or magnolia tree whose DBH equals or exceeds four

inches.

(5) Any tree which has a significant historical value and can be documented through historical records, or otherwise.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-66. Protected trees.**

(a) No person shall cut, destroy, cause to be destroyed or remove any tree of eight inches DBH (25-inch circumference) or larger or any dogwood, redbud or magnolia tree with a trunk diameter of four inches DBH or larger in preparation for, anticipation of, or in conjunction with any development activity until such removal has been approved as part of the overall site development approval process of this article. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements for replacement of trees that are approved for removal.

(b) Deforestation on non-exempt properties is strictly prohibited. Any person, or entity who is responsible for the deforestation of a site shall be subject to the maximum penalties allowed under this article. Additionally, any site, which includes exempt and non-exempt properties, that has been deforested shall not be eligible to apply for a development permit, a building permit, rezoning, or annexation into the city for a period of 36 months from the date that the deforestation occurred. For purposes of this paragraph the last date of deforestation shall be the last day in which a forestry operation is conducted. The property owner who conducts a forestry operation within the city shall be required, within 30 days of the last day of deforestation, to deliver to the city manager a written notice setting forth the last date of deforestation and the identity and location of the property deforested. Upon a property owner failing to timely notify the city manager as provided above, the city engineer shall establish the last day of deforestation based upon the best information available to him/her, which estimated date shall not be rebuttable. For purposes hereof forestry operation shall include, but is not limited to, the harvesting of 40 percent or more of the trees measuring eight inches dbh and larger on any property or development site. For purposes of this paragraph, the term site shall encompass and include any and all property within the city without regard to any possible exemption.

(c) The sites of trees that have been identified to be saved on a tree protection plan (see below) and are subsequently removed, must be replaced with an equal number of replacement TDU's.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-67. Tree protection plan (TPP) required.**

(a) A tree protection plan (TPP) must be submitted to the city engineer upon application for a land disturbance permit. The TPP shall be combined with a preliminary plat, construction plans and/or site plans whenever possible. The TPP must be prepared by one or more of the following professional, registered in the State of Georgia: registered landscape architect, urban forester, arborist, land surveyor, or engineer. The TPP must include:

(1) The location of all trees with a trunk diameter of eight inches DBH and larger and all dogwoods, redbuds, and magnolias with a trunk diameter of four inches DBH and larger. For sites over ten acres in size, representative sample areas proposed by the owner's licensed engineers may be used to determine

tree density. The sample areas shall be representative of the average total tree coverage of the site. When city staff questions the sample's fair representation of average total tree coverage, the city manager after consultation with the city's engineers shall determine the sample areas to be used.

(2) The species, location, DBH, and CRZ of all existing trees and specimen trees which will be retained to fulfill density requirements. Five or more trees whose CRZ combine into one tree protection area may be outlined as a group, with their size and species listed in a summary table.

(3) The species, location and DBH of all trees proposed to be removed. The city engineer may require additional information including, but not limited to, a certified arborist's appraisal of the trees viability and anticipated life span. A specimen tree may be removed if it is shown that at least one of the following conditions are met:

a. The location of the tree prevents the opening of necessary traffic lanes.

b. The location of the tree prevents access to the property, and that no alternative access exists.

c. The tree is dead, diseased, or dying to the point that repair or restoration is not practical, or the disease may be transmitted to other trees, as determined by a certified arborist, the director of planning and zoning, or his/her designee, or Georgia Forestry Commission.

d. The construction of utility lines necessary for the project cannot be installed via directional boring.

(4) The boundaries of all required buffer areas.

(5) The boundaries of all landscaped areas.

(6) The boundaries of all proposed buildings.

(7) The boundaries of all other impervious surfaces.

(8) The location, depth and height of all utilities.

(b) Upon submission of the TPP to the city engineer, a preliminary review will be made by the city engineer, or his/her designee. The TPP will either be approved, denied, or returned to the applicant with recommended changes, which must be made prior to the issuance of a land disturbance permit or soil erosion and sediment control permit.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-68. Site design.**

All non-residentially zoned properties located outside of the Main Street district must maintain 40 percent of the site as green space. All non-residentially zoned properties inside the Main Street district must maintain 25 percent of the site as green space. Zoning districts which allow both residential and non-residential uses, are subject to the non-residential green space requirements.

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of hardwood trees with a DBH of 26 inches or larger. Removal of these valued trees is highly discouraged, and will only be approved upon the determination of the planning and zoning commission that all responsible design

alternatives have been explored by the applicant and removal cannot be avoided.

The placement of grade changes and building pads shall respect existing significant trees. Under no circumstance shall a grade change be allowed to intrude upon the CRZ of a retained tree. For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-69. Tree and shrub density requirements.**

(a) Property subject to this article shall have, as a condition of approval, a minimum average tree density of 100 TDUs per acre of disturbed area. Disturbed area is defined as the entire limits of the site project activity (buildings, roads, parking areas, stormwater management systems, etc.) outside of the buffer area. Existing trees, which will be retained, will be given credit toward this requirement at the rate of one TDU per caliper inch DBH. Replacement trees will be given credit toward this requirement using a trunk measurement which is no less than six inches from the ground, at rate of one TDU per two inches of trunk diameter. Replacement trees from two-inch caliper up to three-inch caliper are worth 50 percent of the TDUs for an existing tree. Replacement trees from three-inch caliper to four-inch caliper are equal to the TDUs of an existing tree. Replacement trees four-inch caliper and over are worth 150 percent of the TDUs for an existing tree. Under no circumstances will the density be less than 100 or greater than 200 TDUs per acre of disturbed area. Tree density units per disturbed acre are in addition to any natural, undisturbed, watershed protection buffers or other environmental buffers required for development.

(b) For non-residential properties which have been historically used for farm and pasture land, replacement trees between two-inch caliper and four-inch caliper are equal to the TDUs of an existing tree. Replacement trees four-inch caliper and over are worth 150 percent of the TDUs for an existing tree.

(c) Residential lots being developed, shall have proportional share of 100 TDUs per acre, post development, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right of way, and spaced 80 to 100 feet apart. Example:

One acre lots shall have 100 TDUs;

Three-quarter acre lots shall have 75 TDUs;

One-third acre lots shall have 33 TDUs;

One-quarter acre lots shall have 25 TDUs;

Less than one-quarter acre lots shall have TDUs at the same proportions as above.

(d) Residential lots, being developed on properties which have been historically used for farm and pasture land, shall have proportional share of 50 TDUs per acre, post development, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right-of-way, and spaced 80 to 100 feet apart. Example:

One acre lots shall have 50 TDUs;

Three-quarter acre lots shall have 37.5 TDUs;

One-third acre lots shall have 16.5 TDUs;

One-quarter acre lots shall have 12.5 TDUs;

Less than one-quarter acre lots shall have TDUs at the same proportions as above.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

**Sec. 42-70. Shrub density requirements.**

(a) Property subject to this article shall have, as a condition of approval, a minimum average shrub density of 200 SDUs per acre. All SDUs to be planted must be located outside any natural,

(b) In order to encourage the protection of trees above and beyond the required 100 TDUs, shrub density requirements may be reduced by a similar area covered by the CRZ of the additional trees to be saved.

(c) As a healthy shrub eventually covers an area with a five-foot diameter, or 19.6 square feet, the required SDUs may be reduced by that area equal to 19.6 square feet, or multiples thereof. For example, should a development save 110 caliper inches of existing tree stock, per acre, the applicant would receive credit for the additional ten inches. This could be calculated as follows:

- (1) Determine the critical root zone (CRZ) of the tree to be saved (a ten-inch tree would yield a 15-foot CRZ).
- (2) Square the CRZ (225 square feet).
- (3) Multiply the product of Step 2 by 3.14 (pi). This determines the healthy growing area of the tree to be saved, or 706.5 square feet.
- (4) Divide the result of Step 3 by 19.6 = 36 SDUs.
- (5) The number derived in Step 4 is the allowable reduction in SDUs.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

**Sec. 42-71. Highway buffer.**

(a) A landscaped buffer shall be established parallel to the entire front of the property along the State Highways 85, 54, 92, 314 and Jimmie Mayfield Corridor Overlay District, as delineated at section 94-202 of the City of Fayetteville Code of Ordinances, highway right-of-way. The highway buffer is included in the 100 TDU and 200 SDU per acre requirements.

(b) For existing lots of record with a total depth from the right-of-way lines less than 500 feet, the depth of the highway buffer will be measured at ten percent of the depth of the lot. For each 50-foot decrease from the 500-foot measure, landscaping will be required according to the following table per every 100 feet of lot width:

TABLE INSET:

Depth of Lot	Buffer Depth	TDUs required per 100 linear feet	SDUs required per 100 linear feet	Area of Buffer
500	50	26	30	50,000
450	45	26	30	45,000

400	40	24	28	40,000
350	35	22	26	35,000
300	30	20	24	30,000
250	25	18	22	25,000

(c) For lots that measure between the 50-foot increments, the number closest to the lot depth shall apply (i.e., a depth measuring 285 feet would be required to plant additional vegetation).

(d) If an existing lot measures less than 250 feet in depth, the minimum depth of the highway buffer shall be 25 feet.

(e) This sliding scale provision for the highway buffer does not apply to any lot with a depth greater than 500 feet, which would be required to provide for the 50-foot buffer.

(f) If due to site constraints and location of existing vegetation, the number of total required landscaping materials cannot be reasonably placed within the highway buffer, the individual plant materials are still required but may be placed elsewhere along the side buffers, rear buffer or within the parking medians. The planning and zoning commission shall have discretion over the alternate placing of materials.

(g) The buffer shall contain only vegetative landscaping materials, except for the uses listed below:

- (1) Vehicular access drives placed approximately perpendicular to the right-of-way;
- (2) Foot and bicycle paths;
- (3) Walls and fences less than six feet in height;
- (4) Landscaping sculpture, lighting fixtures, trellises and arbors;
- (5) Signage;
- (6) Water, sanitary sewer, electrical, telephone, natural gas, cable and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, an equivalent amount of buffer may be required beyond the 50 feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes.
- (7) Electrical, telephone, gas, water supply, sewage disposal and other utilities may be constructed within the required buffer area. After installation of such services and to meet the requirements of this section 42-71, the developer shall be required to restore the buffer area as approved by the city.
- (8) Drainage and storm water detention areas. Where existing or created ponds and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this section 42-71.

(h) No tree six inches in diameter at four feet dbh (diameter breast height) or larger may be removed from the highway buffer except for access drives, sight triangles, and dead or diseased trees as approved by the planning and zoning commission.

(i) *Landscaping.* The purpose of this section is to protect and enhance any existing

tree canopy, understory trees and shrubbery coverage in order to soften the appearance of structures and parking lots visible from the highway. It is also the purpose of this section to screen headlight glare on and off site and to mitigate commercial lighting as seen by neighboring properties and from the highway. Natural appearing landscape forms are encouraged.

- (1) The plant materials designated in this article shall be generally distributed along and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles and road intersections).
- (2) No more than one in three overstory trees shall be pine or cone-bearing.
- (3) Existing, as well as installed, vegetation may be included in meeting the requirement, but if there is not sufficient distribution within the buffer, then additional plantings will be required at the discretion of the planning and zoning commission.
- (4) Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements.
- (5) Size, caliper, and height of trees, shrubs or plants shall meet requirements of city's general landscape ordinance.
- (6) Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice. Trees shall not be limbed-up from the ground more than six feet to the lowest branches, except as required within sight triangles at intersections or to provide adequate light for understory plantings.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-72. Other buffer and landscaping standards.**

- (a) *Perimeter buffers.* Unless otherwise required under section 94-315, landscaped buffers at least ten feet in width shall be maintained along the side and rear property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.
- (b) *Foundation buffers.* A landscaped buffer at least eight feet wide shall be maintained between any structure and any parking or driving area, except for loading areas and areas where drive-through facilities are utilized. This space is to be reserved for plant material, either existing or planned. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. The buffer may be penetrated to provide for access to the building.
- (c) *Opaque walls and fences.* Any opaque or partially opaque walls or fences installed along the front of the property, including those used for screening of parking areas, must be softened with landscaping materials.
- (d) *Frontage roads.* Frontage roads shall be located behind the front buffer.
- (e) *Parking lot requirements.* Parking lots shall include landscaped strips and landscaped islands as follows:
  - (1) *Landscaped strip:* As required by city Code section 94-361(5)c.2. Shrubs and/or trees shall be installed in the landscaped strip to provide for semi-continuous planting along the landscaped strip. Shrubs shall be at least one foot

in height at installation and reasonably projected to grow at least two feet in height within three years.

(2) *Landscaped island*: As required by city Code section 94-361(5)c.1. Each landscaped island shall contain one broad-leaved overstory tree with a minimum size of two caliper inches at dbh and a minimum height of ten feet.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

#### **Sec. 42-73. Tree protection requirements.**

(a) Tree protection best management practices (BMPs) will be mandatory to insure the survival of existing trees and stands of trees during and after construction. Sometimes, it is more feasible to save stands of trees than it is to save single trees which are scattered throughout a site. A tree protection area shall be maintained around all trees and stands of trees to be retained. In most cases, this tree protection area is the same as the critical root zone (CRZ). In some instances, a larger area may have to be designated as a tree protection area as determined by the Georgia Forestry Commission, or the city engineer. The tree protection area shall be marked with standard tree protection fencing (orange) as well as with "Tree Protection Area" signs attached to the tree protection fencing stakes.

(b) The construction and grading process can cause damages such as direct physical root damage, indirect root damage, and trunk/crown damage. Due to this, no land disturbance, construction process, or storage of equipment or materials will be allowed to take place within the tree protection area, and the following will be adhered to:

(1) All individual trees to be retained must be marked with orange engineering tape tied around the trunk of the tree at a height of five feet above the pre-development grade.

(2) The tree protection area (CRZ) of individual trees and stands of trees will be marked with standard tree protection fencing (orange). At least two "Tree Protection Area" signs (two square feet each) shall be posted at each individual tree protection area. At least four "Tree Protection Area" signs shall be posted at stand of trees to be protected. Signs shall not be nailed or affixed to trees, but shall be attached to stakes supporting the tree protection fencing.

(3) No person engaged in the construction of any structure(s) or improvement (s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet of the area outside the critical root zone as defined herein, or any existing significant tree within a tree save area or buffer zone.

(4) During subdivision street construction, land disturbance allowed by a development permit, shall be limited to areas needed for street right-of-way (r-o-w), drainage easements, and utilities. All other areas will be considered tree protection areas. If utilities must be routed through a tree protection area, and as a result, encroach upon the CRZ of any tree to be saved, the utility must be tunneled (by directional bore technique) at a minimum depth of 24 inches.

(5) The tree protection area should be maintained in a naturally vegetated state. The clearing of invasive non-native plant materials, such as kudzu, shall be allowed.

(6) Structures shall not be located closer to a specimen tree than the distance equal to the CRZ.

(7) Roads and paved areas shall not be located closer to a specimen tree than the distance equal to the CRZ plus ten feet, without consent of the city.

(8) If irreparable damage has occurred to a tree or trees within a tree protection area, as determined by the city engineer, or the Georgia Forestry Commission, it shall be the responsibility of the developer/builder to remove and replace tree or trees with an equal number of replacement TDU's as the damaged tree(s), and to guarantee survival of the tree or trees, after the issuance of the certificate of occupancy.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-74. Tree replacement requirements.**

In some cases, tree replacement will be necessary to fulfill the tree density requirement. The following are guidelines for tree replacement to be followed after the construction process:

(1) All trees selected for replacement must be quality specimens free of disease, injury, or infestation, and must be ecologically compatible with the specifically intended growing area, and planted in accordance with standards established by the International Society of Arboriculture.

(2) All new trees planted to fulfill the tree density requirements must be in place prior to the issuance of a certificate of occupancy.

(3) New trees planted under the requirements of this article which do not survive for 24 months after the issuance of a certificate of occupancy, will be replaced as a condition of occupancy. Trees shall be bonded via a maintenance agreement. Bonds will be released after the 24-month period has passed, and the health of the trees has been certified and accepted by the city.

(4) Replacement overstory trees shall not be planted within 20 feet of any structure, or within ten feet of any paved area. Replacement understory trees shall not be planted within ten feet of any structure, or within five feet of any paved area.

(5) Landscape islands and peninsulas in non-residential and institutional parking areas must contain sufficient pervious surface area to accommodate the appropriate replacement tree, in order to insure its longevity, and shall be irrigated.

(6) At least 75 percent of the replacement trees must be native trees as indicated in the list of suitable replacement trees.

(7) The minimum diameter for replacement trees shall be two inches as measured six inches above grade.

(8) Vegetation shall be at least five feet from fire hydrants, and shall be maintained as such.

(9) Residential lots shall have proportional share of TDUs per acre, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right-of-way, and spaced 80 to 100 feet apart. Example:

One acre lots shall have 100 TDUs;

Three-quarter acre lots shall have 75 TDUs;

One-third acre lots shall have 33 TDUs;

One-quarter acre lots shall have 25 TDUs;

Less than one-quarter acre lots shall have TDUs at the same proportions as above.

Residential lots, developed on properties which have been historically used for farm and pasture land, shall have proportional share of 50 TDUs per acre, post development, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right-of-way, and spaced 80 to 100 feet apart. Example:

One acre lots shall have 50 TDUs;

Three-quarter acre lots shall have 37.5 TDUs;

One-third acre lots shall have 16.5 TDUs;

One-quarter acre lots shall have 12.5 TDUs;

Less than one-quarter acre lots shall have TDUs at the same proportions as above.

(10) In order to prevent a mono-crop urban forest, which can be prone to disease, no more than 50 percent of the replacement trees may be of one species. The remaining replacement tree stock must be made up of two additional species.

(11) Where minimum tree density cannot be met due to natural site constraints, or redevelopment status, and not site design or size of the property, the developer/builder may seek permission from the planning director to donate to the City of Fayetteville landscaping and reforestation fund to compensate for not meeting the requirements of the landscaping ordinance. See section 42-81, Landscaping and reforestation fund, for guidelines.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

**Sec. 42-75. Plant materials list.**

SUITABLE OVERSTORY TREES

TABLE INSET:

Botanical Name	Common Name
Acer barbatum	Southern Sugar Maple
Acer floridanum	Florida Maple
Acer rubrum	Red Maple
*Acer saccharum	Sugar Maple
*Betula nigra	River Birch

* <i>Carya illinoensis</i>	Pecan
* <i>Castanea mollissima</i>	Chinese Chestnut
* <i>Cunninghamia lanceolata</i>	Common China Fir
* <i>Fagus grandifolia</i>	American Beech
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ginkgo biloba</i>	Ginkgo, grafted
<i>Ilex opaca</i>	American Holly
* <i>Juniperus virginiana</i>	Eastern Red Cedar
* <i>Liquidambar styraciflua</i>	Sweet Gum
* <i>Liriodendron tulipifera</i>	Yellow Poplar
* <i>Magnolia grandiflora</i>	Southern Magnolia
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa aquatica</i>	Swamp Tupelo
<i>Nyssa sylvatica</i>	Black Gum
* <i>Platanus occidentalis</i>	American Sycamore
<i>Quercus accutissima</i>	Sawtooth Oak
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus falcata</i>	Southern Red Oak
<i>Quercus nigra</i>	Water Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus Prinus</i>	Chestnut Oak
<i>Quercus shumardi</i>	Shumard Oak

Sophoria japonica	Japanese Pagoda Tree
Taxodium disticum	Bald Cypress
Ulmus parvifolia	True Chinese Elm
Zelkova serrata	Japanese Zelkova

\* indicates not suitable for parking peninsulas and islands

SUITABLE UNDERSTORY TREES

TABLE INSET:

Botanical Name	Common Name
Acer buergerianum	Trident Maple
Amelanchier arborea	Serviceberry
Carpinus caroliniana	American Hornbeam, Musciewood
Cercis Canadensis	Eastern Redbud
Cersis chinensis	Chinese Redbud
Cercis reniformis	Redbud
Chionathus virginicus	Fringe Tree, Grancy Graybeard
Cotinus coggygia	Common Smoketree
Crataegus phaenopyrum	Washington Hawthorne
Cupressocyparis leylandii	Leyland Cypress
Cryptomeria japonica	Japanese Cryptomeria
Ilex x attenuata	Savannah Holly
Ilex deciduas	Deciduous Holly
Ilex x Nellie R. Stevens	Nellie R. Stevens Holly
Ilex vomitoria	Yaupon Holly
Koelreuteria bipinnata	Bougainvillea Goldenrain Tree

Koelreuteria paniculata	Panicked Goldenrain Tree
Lagerstroemia hybrids	Crepe Myrtle, improved hybrids
Magnolia virginiana	Sweetbay Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Malus species	Flowering Crabapple
Myrica cerifera	Wax Myrtle
Ostrya virginia	Ironwood, Carolina Hornbeam
Oxydendrum aboreum	Sourwood
Pistachia chinensis	Chinese Pistache
Sassafras albidum	Sassafras
Vitex agnus-castus	Chaste Tree

SUITABLE SHRUBBERIES

TABLE INSET:

Botanical Name	Common Name
<i>Small Shrubs 1-5'</i>	
Abelia 'edward goucher'	Goucher or pink abelia
Abelia x grandiflora 'sherwoodii'	Sherwood dwarf abelia
Aucuba japonica 'nana'	Dwarf aucuba
Berberis thunbergii 'atropurpurea'	Red Japanese barberry
Berberis thunbergii 'atropurpurea nana'	Crimson pygmy barberry
Buxus microphylla var. japonica	Japanese boxwood
Buxus microphylla var. koreana	Korean boxwood

Camellia hiemalis	Dwarf sasanqua
Cephalotaxus harringtonia 'drupacea'	Japanese plum yew
Chaenomeles japonica	Japanese flowering quince
Clethra alnifolia	Hummingbird clethra
Cotoneaster horizontalis	Rock cotoneaster
Cotoneaster salicifolius 'repens'	Groundcover cotoneaster
Gardenia radicans	Creeping gardenia
Ilex crenata 'compacta'	Compacta holly
Ilex c. helleri	Heller Japanese holly
Ilex c. 'hetzi'	Hetz holly
Ilex c. 'repandens'	Repandens holly
Ilex c. 'rotundifolia'	Boxleaf holly
Ilex cornuta 'carissa'	Carissa holly
Ilex cornuta 'rotunda'	Dwarf Chinese holly
Ilex v. vomitoria 'nana'	Dwarf yaupon holly
Jasminum floridum	Showy jasmine
Juniperus species	Spreading junipers (see groundcovers)
Lantana x 'new gold'	New gold lantana
Leucothoe axillaries	Coastal leucothoe
Leucothoe fontanesiana	Drooping leucothoe
Ligustrum japonicum var. rotundifolium	Curly leaf ligustrum
Nandina domestica 'atropurpurea nana'	Dwarf nandina
Nandina domestica 'harbor dwarf'	Harbor dwarf nandina
Nandina domestica 'woods dwarf'	Woods dwarf nandina

Osmanthus heterophyllus 'rotundifolius'	Little tea olive
Pittosporum tobira	Wheeler's dwarf pittosporum
Plumbago auriculata	Blue cap plumbago
Prunus laurocerasus	Otto luyken laurel
Prunus laurocerasus 'schipkaensis'	Schip laurel
Raphiolepis indica	Indian hawthorn
Rhodendron 'glen dale'	Glen dale hybrid azaleas
Rhodendron 'gumpo'	Gumpo azaleas
Rhodendron 'kurume'	Kurume azaleas
Rosa (floribunda class)	Floribunda rose
Rosmarinus officinalis	Rosemary
Spiraea bumalda 'anthony waterer'	Anthony Waterer spirea
Spiraea thunbergii	Thunberg spirea
<i>Medium shrubs 5-8'</i>	
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Berberis sargentiana	Sergeant barberry
Buxus sempervirens	Common boxwood
Calycanthus floridus	Sweet shrub
Chaenomeles speciosa	Flowering quince
Forsythia intermedia hybrids	Border forsythia
Gardenia jasminoides	Cape jasmine
Hibiscus syriacus	Shrub althea

Hydrangea macrophylla	Bigleaf hydrangea
Ilex comuta 'dwarf burford'	Dwarf burford holly
Ilex glabra	Gallberry or inkberry
Juniper chinensis 'pfitzerana'	Pfitzer juniper
Kalmia latifolia	Mountain laurel
Ligustrum sinense 'variegatum'	Variegated privet
Mahonia bealei	Leatherleaf mahonia
Nandina domestica	Nandina or Chinese bamboo
Osmanthus heterophyllus 'gulftide'	Gulftide tea olive
Osmanthus heterophyllus 'variegatus'	Variegated false holly
Philadelphus virginialis	Mock orange
Pieris japonica	Japanese pieris
Pyracantha koidzumii 'low dense'	Low dense pyracantha
Rhododendron canescens	Piedmont azalea
Rhododendron austrinum	Florida azalea
Rhododendron 'indian'	Southern Indian azaleas (all varieties)
Spiraea prunifolia var. plena	Bridalwreath spirea
Viburnum burkwoodi	Burkwood viburnum
Viburnum japonicum	Japanese viburnum
Weigela florida	Weigela
<i>Large Shrubs 8' and up</i>	
Aesculus parviflora	Bottlebrush buckeye
Camellia japonica	Camellia

Camellia sasanqua	Sasanqua camellia
Elaeagnus pungens var. fruitlandii	Fruitland elaeagnus
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium x i. Cornuta 'nellie r. stevens'	Nellie R. Stevens holly
Ilex x attenuata 'fosteri'	Foster #2 holly
Ilex cassine myrtifolia	Myrtle holly
Ilex cornuta 'burfordi'	Burford holly
Ilex latifolia	Lusterleaf holly
Ilex vomitoria	Yaupon holly
Illicium anisatum	Japanese anise tree
Leucothoe populifolia	Florida leucothoe
Ligustrum japonicum	Japanese ligustrum
Ligustrum lucidum	Glossy ligustrum
Lonicera fragrantissima	Winter honeysuckle
Loropetalum Chinese	Loropetalum
Myrica cerifera	Southern wax myrtle
Osmanthus fragrans	Sweet osmanthus or tea olive
Osmanthus heterophyllus	Holly osmanthus
Podocarpus macrophyllus	Southern yew
Pyracantha coccinea 'lalandei'	Laland firethorn
Pyracantha koidzumii	Formosa firethorn
Rhodendron hybrids	Rhodendron all #2 and #3 varieties
Syringa vulgaris	Common lilac
Temstroemia gymnanthera (clevera japonica)	Japanese clevera

Viburnum odoratissimum	Sweet viburnum
Viburnum tomentosum 'sterile'	Japanese snowball

**SUITABLE GROUNDCOVER**  
(selections are not limited to this list)

**TABLE INSET:**

Botanical Name	Common Name
<i>Groundcovers</i>	
Ajuga reptans	Carpet bugle
Cotoneaster species	Groundcover cotoneaster
Euonymus fortunei 'Coloratus'	Purple leaf winter creeper euonymus
Euyonymus fortunei 'Radicans'	Wintercreeper euonymus
Gardenia radicans	Creeping gardenia
Hedera helix	English ivy
Helleborus orientalis	Lenten rose
Hemerocallis species	Daylily
Hypericum calycinum	Aaron's beard
Iberis sempervirens	Evergreen candytuft
Juniperus chinensis	Sergeant juniper
Juniperus conferta	Shore juniper
Juniperus conferta 'blue pacific'	Blue pacific juniper
Juniperus conferta 'emerald sea'	Emerald sea juniper
Juniperus davurica 'expansa'	Parsons juniper
Juniperus horizontalis 'plumosa'	Andorra compacta juniper
Juniperus horizontalis 'wiltoni'	Blue rug juniper

Juniperus procumbens 'nana'	Dwarf garden juniper
Liriope muscari	Liriope
Liriope spicata	Creeping liriope
Lonicera heckrottii	Everblooming honeysuckle
Lonicera sempervirens	Trumpet honeysuckle
Ophiopogon japonicus	Dwarf lilyturf or mondo
Pachysandra terminalis	Pachysandra
Phlox subulata	Moss phlox or thrift
Trachelospermum asiaticum	Asiatic jasmine
Trachelospermum jasminoides	Confederate jasmine
Vinca major	Big leaf periwinkle
Vinca minor	Common periwinkle
Yucca filamentosa	Adam's needle or beargrass

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-76. Compliance and enforcement.**

It is the responsibility of the city engineer, or his/her designees to review the TPP to ascertain compliance with the provisions of this article before a land disturbance or soil erosion and sediment control permit will be issued. It is the responsibility of the city engineer, or his/her designees to conduct a final inspection for compliance with this section before a certificate of occupancy will be granted. The city engineer, or his/her designees have the authority to revoke, suspend, or void any land disturbance permit or soil erosion and sediment control permit, stop all work on-site or any portion thereof, or withhold a certificate of occupancy when there has been a violation of any of the provisions of this article.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-77. Arbitration.**

The tree and landscaping committee (the 'committee') is established for the purpose of reviewing deviations from this article, where such requests are allowed to be approved by the city, and may either approve, deny, or modify such requests. The committee shall be a three-person committee comprised of:

- (1) The planning director, or designee;

- (2) A member of the planning and zoning commission, appointed by the chair of said commission; and
- (3) A member of the area homebuilder's association.

The committee shall meet on an as needed basis, but no more than twice per month.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-78. Bonding.**

In order to insure the survival of required replacement trees and shrubs, said plant materials may, at the discretion of the director of planning and zoning, be bonded under the following circumstances:

(1) *Seasonal planting bond.* When the time of year is inappropriate for installation of required plant materials, a seasonal planting bond may be utilized for a period of up to six months. This bond allows a project to receive a certificate of occupancy once all other requirements have been met. The seasonal planting bond shall be equal to 100 percent of the total cost of materials and installation, and will be released upon final inspection and compliance with the approved landscaping plan. Seasonal planting bonds shall be in the form of cash, check, money order, or letter of credit.

(2) *Landscape survival bond.* All projects that require replacement plant materials shall be required to submit a landscape survival bond, which shall be valid for a period of 24 months from the date of the certificate of occupancy. This bond allows for the replacement of plant materials that fail within the 24-month period. The landscape survival bond shall be equal to 100 percent of the total cost of materials and installation for the first 12 months, and shall be reduced to 50 percent of the total cost of materials and installation for the remainder of the bond period. The landscape survival bond will be released at the end of the 24-month period. Landscape survival bonds shall be in the form of cash, check, money order, or letter of credit. If cash, check, or money order are utilized to secure a bond, the funds will be placed in an interest bearing escrow account.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

### **Sec. 42-79. Penalties.**

The city has the authority to levy both civil and administrative penalties for violations of this article.

(1) *Civil penalty.* Violation of this article constitutes a misdemeanor offense, and is punishable by a fine not to exceed \$1,000.00 per offense. The minimum fine for unauthorized removal of a protected tree is \$750.00. In situations of deforestation, or where attempts have been made to remove evidence of a tree (stump removal, etc.), the maximum fine shall be levied. For the purpose of enforcement, each tree removed shall be treated as a separate offense. Each violation of this article will constitute a separate offense.

(2) *Administrative penalty.* In the event that protected trees and natural vegetation on a site are damaged or destroyed during the development of said site, the city may choose to render an administrative penalty against the developer.

**Course of action for administrative penalty:**

- a. The building inspections department shall issue an immediate stop work order.
- b. The planning director, or designee, shall review the damage and determine the resulting effect upon the approved landscape plan, the site, adjoining properties, and the city in general.
- c. A moratorium may be placed upon the development. Based upon the severity of the actions, the moratorium will last for a period of up to six months, at the discretion of the city manager.
- d. Upon request, the developer shall submit a revised tree protection and landscaping plan for review and approval by the planning and zoning commission.
- e. Once the moratorium has been lifted, the revised tree protection and landscaping plan must be adhered to, in order to avoid further penalty.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

**Sec. 42-80. Appeals.**

Any applicant for a land disturbance permit, a soil erosion and sediment control permit, or a certificate of occupancy who is aggrieved by any decision of the city engineer, or the tree and landscaping committee, relating to the application of this article shall have the right to appeal as provided under Article II of the City of Fayetteville zoning ordinance.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

**Sec. 42-81. Landscaping and reforestation fund.**

(a) One of the goals and purposes of the landscaping ordinance is to have each development site offset the impact on the environment of such development by means of providing the required landscaping and pervious surface on the site where such impact occurs. Where minimum tree density cannot be met due to natural site constraints or pre-existing development, and not site design or size of the property, the developer/builder may seek permission to donate to the City of Fayetteville landscaping and reforestation fund to compensate for not meeting the requirements of the landscaping ordinance. Unless a variance has been granted by the planning and zoning commission to reduce the size of a buffer, there is no relief from the required landscaping in all buffer zones. Contribution to the landscaping and reforestation fund must be authorized by the planning director and is contingent upon meeting the following criteria:

- (1) Natural site constraints and / or pre-existing development prevent the planting of required trees and not development design or the size of the property.
- (2) A maximum of 50 percent of required TDUs for a development can be compensated for.
- (3) Regardless of pre-existing development or variance status, impervious surface of a candidate site outside of the Main Street Architectural Overlay District may not exceed 75 percent. Regardless of pre-existing development or variance status, impervious surface of a candidate site inside the Main Street Architectural Overlay District may not exceed 85 percent impervious surface.

(b) Authorization process. To receive authorization, a submittal must be made that includes a completed landscaping and reforestation contribution form and the landscaping plan for the site. Review will be conducted within 30 days.

If approved, donation is to be collected at the time of a mutually established date between the planning director and the applicant.

(c) Landscaping and reforestation fund contribution form.

(1) The landscaping and reforestation fund contribution form must be completed and submitted along with other required materials to the planning director for review.

(2) The form shall include the following information:

Project name, project description, project address, contact name, company name, telephone number, fax number, email address, date of planning and zoning commission development plan approval, conditions of approval, reason for which contribution is necessary, amount of contribution, all contribution calculations and requirements, acres of site, impervious surface calculation, required TDU's, TDU's to be contributed for, area of impervious surface (in square feet) above 60 percent or 75 percent on sites within the Main Street District, supporting documentation list, director of planning and zoning recommendation and signature, city manager signature, and the date the check is to be received.

(3) The submission must also include the following:

- a. Tree protection and landscaping plan
- b. Any supporting documents requested by the planning and zoning department.

(d) Assessing cost. In order to compensate for the lack of required landscaping on a given site, land must be obtained by the city, dedicated to open space, planted with the balance of required TDU's, and maintained. In addition, a fixed fee for administrative and consultation services will be incurred. The total cost will be assessed as follows:

(1) Trees.

a. To calculate the cost required for the required TDU's which are lacking from the site, the following rules shall apply. Three different tree types must be used with no more than 50 percent of the trees being of the same species. The provided trees are given credit for each caliper inch at a rate of 50 percent per required TDU. Price quotes from three different landscapers shall be averaged to determine the total cost for the following:

1. Cost of each tree.
2. Installation for all trees.
3. Maintenance cost per tree for two years.

(2) Administrative cost is \$150.00.

(3) Any incurred consultation fees.

(e) Uses for fund. Donations to this fund serve to offset the lack of pervious surface and landscaping on the site for which a contribution was made. The planning director and his/her designee(s) will establish and assign priority to all projects for use of funds. In addition to providing landscaping, the city may also initiate and administer such

projects that include, but are not limited to the following:

- (1) Purchase land or easements where either specimen trees are located or where a suitable site exists for parkland or the planting of trees.
- (2) Seek out local, state, federal, and private funds for the purpose of landscaping, reforestation, open space, and green space.
- (3) Plant trees and increase landscaping on existing city owned property, including right of way as part of a streetscape project.
- (4) Promote the observance of National Arbor Day.
- (5) Further the awareness and the goals of the landscaping ordinance.

(f) Limitations. The fund cannot be used for the construction of recreational facilities.

(Ord. No. 0-33-04, §§ 1, 2, 10-21-04)

Secs. 42-82--42-100. Reserved.