

City of Fort Oglethorpe

Catoosa and Walker Counties

Chattanooga MSA

2003 Population Estimate 7,854; +11.3% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

APPENDIX A ZONING

ARTICLE VI. OFF-STREET PARKING AND LOADING

ARTICLE XXVI. STREETScape REGULATION

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

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APPENDIX A ZONING*

***Editor's note:** Printed herein is Ordinance No. 98-55, the city's zoning ordinance, as amended and adopted by the city council on July 30, 1998. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. The terms "chapter" and "resolution" have been replaced by the term "ordinance" throughout this appendix. The building diagrams included as appendix A to the zoning ordinance have not been printed in this volume but are on file in the city offices.

Cross references: Any zoning ordinance saved from repeal, § 1-11(10); buildings and building regulations, ch. 18; environment, ch. 34; floods, ch. 42; historic preservation, ch. 50; planning, ch. 62; signs, ch. 66; streets, sidewalks and other public places, ch. 74; subdivisions, ch. 78.

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ZONING ORDINANCE**FORT OGLETHORPE, GEORGIA****Purpose.**

The zoning ordinance of the City of Fort Oglethorpe, Georgia, regulates the use of land and buildings by dividing the City of Fort Oglethorpe into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings and the use of lands for business, industry, residence, social and other specified purposes; regulating and limiting the height of buildings and open spaces, regulating and limiting the density of population; limiting congestion on the public streets; providing for the gradual elimination of nonconforming uses of land, buildings and structures; establishing the boundaries of districts; and providing the means of enforcing said ordinance and providing a penalty for violation of said ordinance, and repeal conflicting ordinances.

ARTICLE VI. OFF-STREET PARKING AND LOADING*

*Cross references: Parking generally, § 90-101 et seq.

Sec. 6.1. General requirements [for] off-street parking.

- a) Parking spaces for all dwellings shall be located on the same lot with the main building.
- b) Parking spaces for other uses shall be provided on the same lot or not more than 300 feet distance, measured along the nearest pedestrian walkway.
- c) Parking requirements for two or more uses of the same or different types may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the total number of spaces is not less than the sum of the individual requirements and that the requirements of location are complied with.
- d) Parking spaces for dwelling structures shall be located back of the building line.
- e) Areas reserved for off-street parking or loading shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, or unless equivalent parking or loading is provided on another approved site or parking structure to the satisfaction of the board of zoning appeals.
- f) Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- g) Along lot lines of a parking area which abut a residential district, a dense planting of trees and shrubs shall be established on a strip of land not less than eight feet in width adjacent to the districts, and such planting shall not be less than six feet in height and a substantial bumper rail of wood, metal, or concrete shall be installed on the inside of the planting strip except where topography or other conditions would make the bumper rail unnecessary.

Sec. 6.2. Drainage, construction and maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dustfree condition.

Sec. 6.3. Separation from walkways, sidewalks and streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

Sec. 6.4. Parking area design.

Parking stalls shall have a minimum width of nine feet and length of 18 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90 degree angle parking, at least 18 feet wide where used with 60 degree angle parking, at least 13 feet wide where used with 45 degree parking, and at least 12 feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least ten feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Sec. 6.5. Pavement markings and signs.

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travelway, wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

Sec. 6.6. Right-of-way.

No sign, whether permanent or temporary, shall be placed within the public right-of-way. Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

Sec. 6.7. Landscaping.

Landscaping for any parking lot or 20 or more spaces shall provide interior landscaping according to the following standards. For each 20 parking spaces there shall be required adjacent to the parking spaces three canopy trees, two understory trees and six shrubs. Unless otherwise specifically indicated by the planning commission, all plant materials required shall meet the following minimum size standards, when planted.

TABLE INSET:

Canopy tree	12 feet in height
Understory tree	Four feet in height
Shrub	One foot in height

Sec. 6.8. Parking space requirements for all districts.

At the time of erection of any principal building or structure, or at any time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor space or seats, there shall be provided minimum off-street parking space with adequate means in ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following requirements:

TABLE INSET:

ARTICLE XXVI. STREETSCAPE REGULATION

Sec. 26.1. Preamble.

(a) Natural, scenic and historic landscapes are closely tied to the quality of life, community identity, and civic values of the city. These landscapes also play a significant role in the critical first impressions of potential new employers, homeowners, tourists and other visitors, thus affecting the economy of our city.

(b) A respect and appreciation for natural green spaces from our stream courses and wooded ridges to neighborhood parks and street trees is evident among our residential and business communities alike. It is increasingly important to improve the quality and character of commercial, retail, office, and industrial areas to ensure economic vitality in the future.

(c) Landscaping provides important environmental benefits such as reducing air pollution and stormwater run-off, improving water quality, and creating wildlife habitat. Citizens feel strongly about protecting the things they value and personal mobility is among those values. Pedestrian-friendly streets require such things as sidewalks, appropriately sized, placed and spaced trees, adequate lighting and other amenities such as benches, shelters and trash receptacles. Streetscaping and landscaping requirements serve as a tool for improving the convenience and aesthetics of personal mobility and protecting and enhancing the natural, scenic and historic character of our community.

(d) In the interest of these broader community concerns, the purpose and intent of this article is as follows:

- (1) To promote the natural, scenic and historic character of the community;
- (2) To improve the appearance of prominent thoroughfares, parking areas and property abutting public rights-of-way;
- (3) To protect property values;
- (4) To reduce stormwater runoff and improve water quality;
- (5) To provide for suitable transition between incompatible land uses; and
- (6) To provide relief from traffic, noise, heat, glare, dust, and debris.

(Ord. No. 2000-18, 8-28-00)

Sec. 26.2. Streetscaping enhancement assessment general provisions.

(a) *Specific streetscaping enhancement routes and blocks.* The specific routes and blocks on which streetscaping enhancements shall be implemented include, but are not limited to the portions of the opened rights-of-way adjacent to any property falling within the following zoning categories:

- (1) R-4 manufactured home district.
- (2) R-5 multi-family residential district.
- (3) C-N neighborhood commercial district.

- (4) C-1 commercial district.
- (5) C-2 commercial district.
- (6) O-1 office commercial district.
- (7) I-1 industrial district.
- (8) I-2 heavy industrial district.

(b) *Timetable for streetscaping enhancements.* The city may commence actual implementation of proposed streetscaping enhancements along the specific frontage of properties on which streetscaping enhancement assessments have been made within a period of 24 months of receipt of the assessment amount.

(c) *Establishment of the streetscaping enhancement assessment.*

- (1) The city council shall establish a usual rate at which affected applicants are to be assessed for proposed streetscaping enhancements.
- (2) The rate shall be applied on a basis of per frontage foot or portion thereof and shall be applied equitably.

(d) *Applicability.* The requirements of this section shall apply to:

- (1) All new private development except as outlined below in (e)(1) and (2);
- (2) Existing private developments;

For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger streetscaping requirements based on the scope of work proposed as established below.

a. Where a building expansion increases GFA at least ten percent but no more than 25 percent, the applicant will be assessed 25 percent of the usual streetscaping enhancement assessment rate.

b. Where a building expansion increases GFA more than 25 percent but no more than 50 percent, the applicant will be assessed 50 percent of the usual streetscaping enhancement assessment rate.

c. Where a building expansion increases GFA more than 50 percent, the applicant will be assessed 100 percent of the usual streetscaping enhancement assessment rate.

d. Where a parking lot expansion of at least ten spaces increases the total number of parking spaces by no more than 25 percent, the applicant will be assessed 25 percent of the usual streetscaping enhancement assessment rate.

e. Where a parking lot expansion of at least ten spaces increases the total number of parking spaces more than 25 percent but no more than 50 percent, the applicant will be assessed 50 percent of the usual streetscaping enhancement assessment rate.

f. Where a parking lot expansion of at least ten spaces increases the total number of parking spaces more than 50 percent, the applicant will be assessed 100 percent of the usual streetscaping enhancement assessment rate.

(e) *Exemptions.*

- (1) Single-family detached, two-family, and three-family residential structures on their own lots as well as publicly owned buildings, and governmental facilities

are specifically exempted from any streetscaping enhancement assessments contained in this article. Although places of worship are not specifically exempted from any streetscaping enhancement requirements, they can be exempted from assessments should they be willing to take all necessary action to streetscape as required by the city at their own expense.

(2) Properties which have already had streetscaping easements acquired by the city without cost to the city shall be specifically exempted from any streetscaping enhancement assessments contained in this article.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.3. Landscaping general provisions.

(a) *Applicability.* The requirements of this section shall apply to:

- (1) All new public and/or private development;
- (2) Existing public and/or private developments;

For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.

a. Where a building expansion increases GFA at least ten percent but no more than 25 percent, the applicant can choose to either comply with the street yard or parking lot landscaping requirements for the entire property.

b. Where a building expansions increases GFA more than 25 percent but no more than 50 percent:

1. The entire property shall comply with the street yard requirements;
2. Fifty percent of the existing parking lot and all of any expanded portions of the parking lot shall comply with the parking lot landscaping requirements; and
3. The entire property shall comply with the screening requirements.

c. Where a building expansion increases GFA more than 50 percent, the entire property shall comply with all of the provisions of this article.

d. Where is a parking lot expansion of at least ten spaces increases the total number of parking spaces by no more than 25 percent, the expanded portion of the parking lot shall comply with the parking lot landscaping provisions.

e. Where a parking lot expansion of at least ten percent spaces increases the total number of parking spaces more than 25 percent but no more than 50 percent, the entire expanded parking lot portion and 50 percent of the existing parking lot shall comply with the parking lot landscaping provisions.

f. Where a parking lot expansion of at least ten spaces increases the total number of parking spaces more than 25 percent but no more than 50 percent, the entire property including the expanded parking lot portion shall comply with the parking lot landscaping provisions.

(b) *Exemptions.* Single-family detached, two-family, and three-family residential structures on their own lot are exempt from landscaping requirements. All other residential, commercial, public and/or private facilities are required to comply with the provisions of this article.

(c) *Landscape plan submittal.* Proposed developments subject to the provisions of this article, shall file for a land disturbing permit and submit a landscape development site plan. This plan may be incorporated into a parking/paving plan, provided the scale is not less than one inch equals 40 feet. The following elements shall be shown on the landscape site plan:

- (1) Zoning of site and adjoining properties;
- (2) Existing and proposed contours at five feet intervals or less;
- (3) Boundary lines and lot dimensions;
- (4) Date, graphic scale, north arrow, titles and name of owner, and the phone number of the person or firm responsible for the landscape plan;
- (5) Location of all proposed structures and storage areas;
- (6) Drainage features and 100-year floodplain, if applicable;
- (7) Parking lot layout including parking stalls, bays, and driving lanes;
- (8) Existing and proposed utility lines, and easements;
- (9) All paved surfaces and curbs;
- (10) Existing trees or natural areas to be retained; and
- (11) The location of all required landscaped areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers.)

(d) *Plant installation plan.* Prior to receiving a certificate of occupancy, a plant installation plan shall be submitted and approved containing the following information:

- (1) Location, installation size, quantity, and scientific and common names of landscaping to be installed; and
- (2) The spacing between trees and shrubs used for screening.

The applicant has the option of submitting both the landscape plan and plant installation plan at the same time.

(e) *Hardships.* This article does not intend to create undue hardship on affected properties. The required landscaping should not exceed 15 percent of the total lot area. For existing developments where the GFA or parking areas are being increased, the loss of off street parking spaces (required elsewhere by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent.

(f) *Special administrative remedies.*

- (1) Lots with a depth of 150 feet or less, or an area of 15,000 square feet or less have the following special remedies:
 - a. An automatic 50 percent reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
 - b. A 25 percent reduction in planting requirements for all sections except, for the required evergreen plantings for screening.
- (2) Lots that front on more than one street have the following special

exceptions:

- a. All street frontages other than the primary street frontage may have a street yard with a minimum depth of four feet.
- b. No adjacent unopened street or opened or unopened alley will be considered a street for purposes of this article.

(3) In situations where the landscape requirements of this article would result in the demolition of an existing building, a loss of more than ten percent of the gross required off-street parking for an existing development, or a loss of greater than 15 percent of the lot area, the following administrative remedies may be applied:

- a. Reduce the required minimum landscaped area widths by up to 50 percent.
- b. Reduce the tree planting requirements by up to 25 percent.
- c. Remedy guidelines.
 1. Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
 2. The first priority is to provide for trees along the street frontage, even if by means of a streetscaping easement.
 3. The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
 4. A screen should always be provided if it is required by this article. Where there are space limitations, the landscape yard may need to be reduced, however, if the planting area is less than five feet in width, a wood or composite fence or masonry wall, six feet in height shall be required.

(g) *Conflict with other ordinances and/or existing zoning conditions.* Where any requirement of this section conflicts with the requirement of another article or existing zoning conditions in the zoning ordinance, the provisions of this article shall control.

(Ord. No. 2000-18, 8-28-00)

Sec. 26.4. Street yard requirements.

(a) *Intent.* The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

(b) *Dimensions.*

- (1) Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way, unopened streets and opened or unopened alleys being specifically exempt from this requirement.
- (2) The street yard shall have a minimum depth of six feet as measured from the edge of the public right-of-way towards the interior of the property.
- (3) The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.
- (4) Where street yards are adjacent to a paved parking lot, allowance will be

granted for vehicular overhangs to extend across the street yard, provided a suitable curb or wheel stop is provided outside and adjacent to the yard to prevent actual vehicular trespass.

(c) *Plantings.*

(1) Trees shall be planted within the street yard at a minimum ratio of one tree per 25 linear feet of total right-of-way frontage. Trees do not have to be evenly spaced in 25 feet increments. Fractions of trees shall be rounded up to the nearest whole number.

(2) The minimum spacing between trees is 15 feet measured trunk to trunk. The maximum spacing is 40 feet measured trunk to trunk.

(3) The trees referred to in this section shall have a minimum expected maturity height of at least 20 feet and a minimum expected canopy spread of ten feet (see plant installation specifications section: Class II shade trees).

(4) Unless otherwise noted, larger-species trees can be used in street yards as an acceptable substitute for Class II shade trees (see plant installation specifications section: Class I shade trees).

(d) *Existing woodlands.* Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

(1) Existing woodlands to be set aside shall have a minimum depth of 20 feet as measured from the public street right-of-way;

(2) The number of woodland trees (not including prohibited trees) having a minimum caliper of six inches shall equal or exceed the minimum street tree planting ratio of one tree per 25 linear feet;

(3) No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and

(4) No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

(e) *Exemptions/special situations.*

(1) Properties adjoining rights-of-way that have either already received adequate streetscaping or are of sufficient width to allow for the placement of a street yard within the right-of-way, have the following street yard options:

a. Plant approved street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;

b. If permission can not be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated elsewhere within the site in an area highly visible from the street. These trees can not be used to meet requirements in other sections;

(2) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the city can be used to meet the street yard requirements.

(3) Where overhead power and communications lines encroach into the street yard, Class I shade trees can not be planted or substituted for Class II shade trees (see plant installations specifications section: Class I shade trees).

(4) Stormwater management facilities may be located within the street yard subject to the following conditions:

- a. No rip-rap, crushed stone, concrete, or other pervious materials are exposed to view; and
 - b. Trees and other living organic materials can be planted along the stormwater management facility.
- (5) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements as provided above.
- (6) No trees shall be located within the traffic safety sight triangle as defined by the city zoning ordinance or other regulations as defined by the owner of the right-of-way, whichever traffic safety sight triangle is larger.

(Ord. No. 2000-18, 8-28-00)

Sec. 26.5. Parking lot requirements.

- (a) *Intent.* The intent of this section is to provide for interruptions in large expanses of asphalt, to improve aesthetics, to provide shade, and to reduce the glare from parked cars and loading docks.
- (b) *Design criteria.*
- (1) No parking space can be more than 60 feet from a tree.
 - (2) A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten continuous parking spaces.
 - (3) A landscaped peninsula shall border ends of perimeter bays.
 - (4) Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way.
- (c) *Dimensions/planting criteria.*
- (1) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of six feet and a minimum landscaped area of 180 square feet.
 - (2) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one tree.
 - (3) The trees referred to in this section shall have a minimum expected maturity height of at least 35 feet and a minimum expected canopy spread of 20 feet (see plant installation specifications section: Class I shade trees). In the special situations specified below, smaller Class II shade trees may be substituted for Class I shade trees:
 - a. An overhead obstacle such as a canopy or utility line limits the tree height; or
 - b. The tree is located within 20 feet of a building.
 - (4) All landscaped islands and peninsulas shall be bordered by a curb or concrete wheel stop.
 - (5) The screening material for loading docks and delivery stalls shall consist of the following:
 - a. One row of evergreen shrubs spaced a maximum of five feet on-center or a row of evergreen trees spaced a maximum of ten feet on-

center (see plant installation specifications section for a list of recommended plantings); and

b. Provide a landscaped yard with a minimum depth of six feet for the planted screen.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.6. Screening requirements.

(a) *Intent.* To provide transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

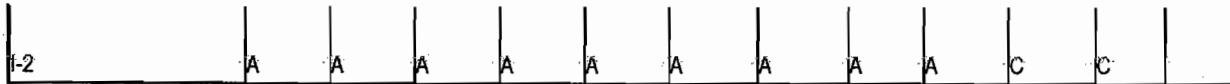
(b) *Procedure.* Refer to the matrix attached hereto and incorporated herein by reference to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (in the left hand column of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided herein.

When classifying a zoning district for the screen matrix, if the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less-intensive zone may be applied. For example, a proposed commercial use within a manufacturing zone may be classified as a commercial zone for the purpose of using the screening matrix.

(c) *Screen matrix.*

TABLE INSET:

Zone for Proposed Development	Zone of Adjoining Property											
	R-1	R-2	R-3	R-4	R-5	R-A	C-N	C-1	C-2	O-1	I-1	I-2
R-4	A	A	A		A	A	B	B	B	A	B	C
R-5	B	B	B	C		B	C	C	C	B	C	C
C-N	B	B	B	C	C	B		C	C	B	C	C
C-1	B	B	B	C	C	B	C		C	B	C	C
C-2	A	A	B	B	B	A	B	C		B	C	C
O-1	B	B	C	C	C	B	C	C	C		C	C
I-1	A	A	A	B	B	A	B	B	B	B		C



- (1) Screening type A: Provide a 30 feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
- a. Evergreen trees spaced a maximum of ten feet on center or two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center; and two rows of shade trees spaced a maximum of 35 feet on-center.
 - b. All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section.
- (2) Screening type B: Provide a 20 feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
- a. Evergreen trees spaced a maximum of ten feet on-center or two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center, and one row of shade trees spaced a maximum of 35 feet on-center.
 - b. All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section.
- (3) Screening type C: Provide a ten feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
- a. Evergreen trees spaced a maximum of ten feet on center or two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center.
 - b. All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section.
- (d) *Screening of dumpsters.* Dumpsters shall be screened in the manner described below:
- (1) Screening shall be a minimum height of six feet;
 - (2) All four sides of the dumpster shall be screened;
 - (3) The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;
 - (4) Screening materials can be any combination of evergreen plantings, wood, or masonry material.
- (e) *Location of stormwater management facilities in screen areas.* Stormwater management facilities may be located in the landscaped yard subject to the following conditions:
- (1) No rip-rap, crushed stone, concrete or other impervious materials are exposed to view; and
 - (2) Trees and other living organic materials can be planted along the stormwater management facility.
- (f) *Stormwater credits (applicable whenever a fee is required).*

- (1) Credits for landscaping and stormwater fee reduction are available for leaving natural buffers along perennial streams. All credits and buffer designs are subject to the review and approval of the building inspector. A maximum stormwater fee reduction of 25 percent is available subject to the review and approval of the building inspector.
- (2) A natural buffer with a minimum width equal to three times the stream width shall be provided on each side of the stream:
 - a. The required width per side shall be no less than 25 feet and no more than 100 feet; and
 - b. The width of the buffer shall be measured from the edge of the stream bank.
- (3) No vegetation within the natural buffer shall be removed or disturbed except for poisonous or non-native plant species.
- (4) No fill or cutting activities, including the storage of materials or equipment shall be permitted in the natural buffer area.
- (5) No impervious surfaces are permitted in the buffer.
- (6) Trees located within the buffer area with a minimum six-inch caliper can be used to meet the landscaping requirements.
- (7) The maximum landscaping credit allowance is 25 percent of the landscaping requirements for trees.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.7. Plant installation specifications.

- (a) *Intent.* All landscaping material shall be installed in a professional manner, and according to accepted planting procedures specified in the arboricultural specifications manual available from the city building inspector or urban forester.
- (b) *Class I shade trees.* These trees are used to meet the canopy tree planting requirements specified in the street yard and parking lot sections. All Class I shade trees shall be installed at a minimum caliper of two inches as measured from 2 1/2 feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

Recommended Species

TABLE INSET:

Common Name	Scientific Name
River Birch	Betula nigra
Princeton American Elm	Umlauts americans

Allee Elm	<i>Ulmus parvifolia</i>
Athena Elm	<i>Ulmus parvifolia</i>
Drake Elm	<i>Ulmus parvifolia</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Black Gum	<i>Nyssa sylvatica</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Seedless Honey Locust	<i>Gleditsia triacanthos</i> cultivars
American Hophornbeam	<i>Ostrya virginiana</i>
American Hornbeam	<i>Caprinus caroliniana</i>
European Hornbeam	<i>Carpinus betulus</i> and cultivars
Katsura Tree	<i>Cercidophyllum japonicum</i>
Littleleaf Linden	<i>Tilia cordata</i>
Silver Linden	<i>Tilia tomentosa</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Red Maple	<i>Acer rubrum</i> and cultivars
Southern Sugar Maple	<i>Acer barbatum</i>
Sugar Maple	<i>Acer saccharum</i> and cultivars
English Oak	<i>Quercus robur</i>
Northern Red Oak	<i>Quercus borealis</i>
Overcup Oak	<i>Quercus lyrata</i>
Pin Oak	<i>Quercus palustris</i>
Red Oak	<i>Quercus rubra</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Scarlet Oak	<i>Quercus coccinea</i>

Shumard Oak	Quercus shumardii
Swamp White Oak	Quercus nigra
White Oak	Quercus alba
Willow Oak	Quercus phellos
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'
Chinese Pistache	Pistacia chinensis
Japanese Pogodatree	Sophora japonica
Dawn Redwood	Metasequoia glyptostroboides
Japanese Zelkova	Zelkova serrata
Yellowwood	Cladrastis kentukea

(c) *Class II shade trees.* These trees are intended to be used where understory trees area appropriate and for planting under overhead power lines where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of 1 1/2 inches as measured at 2 1/2 feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of 20 feet and a minimum canopy spread of ten feet.

Recommended Species

TABLE INSET:

Common Name	Scientific Name
Autumn Flowering Cherry	Prunus subhirtella variant autumnalis
Okame Cherry	Prunus campanulata
Yoshino Cherry	Prunus yedoensis
Carolina Cherry/laurel	Prunus carolina
Crapemyrtle	Lagerstroemia indica cultivars
Flowering Dogwood	Cornus florida and cultivars

Kousa Dogwood	Cornus kousa and cultivars
Thornless Cockspur	Crataegus crusgalli variant Hawthorne inermis
Winter King Hawthorne	Crataegus viridis 'Winter King'
Savannah Holly	Ilex xattenvata 'Savannah'
Sweetbay Magnolia	Magnolia virginiana
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Trident Maple	Acer buergeranum
Golden Raintree	Koelreuteria paniculata
Redbud	Cercis canadensis
Serviceberry	Amelanchier species

(d) **Screening trees.** Screening trees are used to meet the tree planting requirements of the screening section. All screening trees shall be installed at a minimum height of five to six feet and have a minimum expected mature spread of eight feet.

Recommended Species

TABLE INSET:

Common Name	Scientific Name
Atlas Cedar	Cedrus atlantica
Deodar Cedar	Cedrus deodara
Eastern Red Cedar	Juniperus virginiana
Leyland Cypress	Cupressocyparis leylandii
Carolina Hemlock	Tsuga caroliniana
Canadian Hemlock	Tsuga canadensis
American Holly	Ilex opaca
Foster Holly	Ilex attenuate 'Fosteri'

Southern Magnolia	Magnolia grandiflora
Loblolly Pine	Pinus taeda
Virginia Pine	Pinus virginiana
White Pine	Pinus strobus

(e) **Screening shrubs.** All screening shrubs shall be installed at a minimum size of three gallons and have an expected maturity height of at least eight feet and a mature spread of at least five feet.

Recommended Species

TABLE INSET:

Common Name	Scientific Name
Burford Holly	Ilex comuta 'Burfordii'
English Holly	Ilex aquifolium
Nellie R. Stevens Holly	Ilex comuta 'Nellie Stevens'
Cherry Laurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Fragrant Olive	Eleagnus pungens
Leatherleaf Viburnum	Viburnum rhytidophyllum
Wax Myrtle	Myrica cerifera

(f) **Prohibited plants.** The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

TABLE INSET:

Kudzu Vine	Garlic Mustard
Purple Loosestrife	Paulownia
Japanese Honeysuckle	Multiflora Rose
Shrub Honeysuckle	Siberian Elm
Autumn Olive	Silver Poplar

Common Privet	Mimosa
Tree of Heaven	Mulberry
Lespedeza	Silver Maple

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.8. Utility easement policy.

(a) *Intent.* Any tree or shrub used to meet the requirements of this article shall not be located within existing or proposed utility easements unless it meets one of the special exceptions as defined below.

(b) *Special exceptions.*

(1) Written permission has been obtained from the holder of the utility easement.

(2) Where overhead power or communications lines cross an area required by the article to be planted with shade trees, smaller understory shade trees (listed in the plant installation specifications section as Class II shade trees) may be substituted.

(c) *If none of the special exceptions apply, the following options shall be considered in order of priority.*

(1) Priority #1: Plant the tree as close to the easement as possible.

(2) Priority #2: For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

(d) *Utility easements can be used to meet the street yard and landscape yard requirements.* The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.9. Maintenance.

The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Ordinance.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.10. Scenic heritage large-specimen tree protection.

(a) *Intent.* The presence in and around the city, both within the historic district and elsewhere, of historic, large-specimen canopy trees represents a valuable resource to the city and its citizens. Appropriate levels of protection will preserve this resource for future generations. The protection of such trees located on city-owned property and

rights-of-way can be addressed more simply than can be readily applied to those on private property or public property that is not city-owned. The intent of this section is to provide for a mechanism to monitor, maintain, preserve and protect large specimen trees located on both privately owned, city-owned and other public agency-owned property located within and adjacent to the boundaries of the city.

(b) *Designation criteria for scenic heritage trees.*

(1) To be classified as a city-protected tree, an individual tree must be registered as a "scenic heritage large-specimen tree" by the city council.

a. City-owned and protected trees shall be registered by number, located on a city-maintained map and database, designated "protected-city", assigned an "active" status and regularly monitored, maintained, preserved and protected by the city.

b. Publicly owned and city-protected trees shall be so designated by mutual agreement of both the city and the affected public agency owner of the property on which the subject tree is located. Such trees shall be registered by number, located on a city-maintained map and database, designated "protected-public", assigned an "active" status and regularly monitored, maintained, preserved and protected by the city.

c. Privately owned and city-protected trees shall be so designated by mutual agreement of both the city and the affected private property owner. Such trees shall be registered by number, located on a city-maintained map and database, designated "protected-private", assigned an "active" status and regularly monitored, maintained, preserved and protected by the city.

d. Jointly-owned and city-protected trees shall be so designated by mutual agreement of both the city and all affected property owners. Such trees shall be registered by number, located on a city-maintained map and database, designated "protected-joint", assigned an "active" status and regularly monitored, maintained, preserved and protected by the city.

e. Registration of an individual tree as either a city owned and protected, publicly owned and city-protected or privately owned and city-protected tree is intended to result in the perpetual maintenance, preservation and protection of that tree by the city until it is removed by the city, if ever.

f. Removal of a city-protected tree may only be done by city-authorization. Such authorization must be accompanied by a certified justification for such removal. Among the certifiable justifications for the removal of a protected tree are such things as protection of life, limb and property, necessary displacement for city services, irreversibly poor and declining health of the subject tree and etc.

g. Any unauthorized defacing, damaging, destruction or removal of a city-protected tree (including, but not limited to excavation, filling, paving or otherwise disturbing the affected root area of the subject tree) shall be considered as damage to city property and may result in fines and other punishments accorded such activity.

h. Although a city-protected tree may be removed, the registration number and location of the previously protected tree shall be maintained on the city map and database with its status re-assigned as "removed".

i. Whenever a city-protected tree has been removed, no continuing

restrictions or responsibilities under this article will accompany the site where the protected tree once stood.

- (2) City-owned scenic heritage large-specimen tree:
 - a. Any large-specimen tree on city property or right-of-way is classified as a city-owned and protected tree.
 - b. Any large-specimen tree on private or other property whose trunk is determined to be at least partially on city property or right-of-way is classified as a city owned and protected tree.
- (3) Publicly-owned scenic heritage large-specimen trees:
 - a. Any large-specimen tree whose-trunk is located entirely on property owned by a public agency (other than the city) within the city limits and is highly visible from any adjacent city property or right-of-way is eligible to be listed locally as a publicly owned and city-protected tree.
 - b. Any large-specimen tree whose trunk is located entirely on property outside the city limits owned by a public agency (other than the city) but is highly visible from adjacent city property or right-of-way is eligible to be listed locally as a privately owned and city-protected tree by means of a city conservation easement.
- (4) Privately-owned scenic heritage large-specimen trees:
 - a. Any large-specimen tree whose trunk is located entirely on private property within the city limits and is highly visible from any adjacent city property or right-of-way is eligible to be listed locally as a privately owned and city-protected tree.
 - b. Any large-specimen tree whose trunk is located entirely on private property outside the city limits and is highly visible from any adjacent city property or right-of-way is eligible to be listed locally as a privately owned and city-protected tree by means of a city conservation easement.
- (5) Jointly owned scenic heritage large-specimen trees:

Any large-specimen tree whose trunk is located on more than one piece of public or private property and not also partially located on either city property or city right-of-way shall require the mutual consent of all affected property owners to be registered as a city-protected tree.

(c) *Special provisions.*

- (1) Presence of a city-protected tree on any property affected by either the streetscaping or landscaping section of this article shall be exempted from provisions of those sections as follows:
 - a. Streetscaping - Fifty linear feet of frontage will be subtracted from streetscaping enhancement assessment calculations for each city-protected tree.
 - b. Landscaping - An area equivalent to 2,000 square feet will be subtracted from the street yard or landscape yard requirements of a property for each city protected tree.
- (2) Presence of a city-protected tree on any property affected by a stormwater fee (whenever one is required) shall be eligible to receive a stormwater credit toward the amount normally assessed against the subject property. This credit is in addition to the landscaping, screening and buffer credit addressed elsewhere

in this article. The actual credit amount is subject to the review and approval of the building inspector. A maximum stormwater fee reduction of 25 percent is available subject to the review and approval of the building inspector.

(d) *Exceptions.*

(1) Any registered city-protected tree can have its protected status suspended by mutual agreement of both the city and the affected property owner(s) of the tree (if other than the city).

(2) Although a registered city-protected tree may have its protected status released, the registration number and location of the previously protected tree shall be maintained on the city map and database and its status shall be re-assigned as "released".

(3) When the protected status of a registered city-protected tree has been released, no continuing restrictions or responsibilities under this article will accompany the previously protected tree.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.11. Certificate of occupancy/bonding.

(a) If the landscaping has not been installed and inspected for proper installation prior to receiving a certificate of occupancy, a certificate of occupancy may be granted provided the following conditions are met.

(1) Property owner posts a performance bond or irrevocable letter of credit with the city treasurer;

(2) The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a 20 percent contingency cost, as shown on the submitted landscape plan; and

(3) The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site plan reviewer (option of applicant).

(b) After receiving the certificate of occupancy, the remaining landscape material shall be installed within six months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six month period and the funds applied to complete the landscaping work.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.12. Appeals.

Any person aggrieved by the administration, interpretation, or enforcement of this article may appeal to the board of appeals within 60 days of the decision. The hearing shall be a de novo hearing. Decisions of the board of appeals may be appealed to the mayor and council for an additional de novo hearing. Decisions of the board of appeals may be appealed to the mayor and council for additional de novo hearing within 30 days of the decision of the board of appeals. Appeals from the mayor and council may be to the superior court. All such appeals to the superior court must be based upon legal error.

(Ord. No. 2000-18, § 2, 8-28-00)

Sec. 26.13. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Caliper: A measurement of the tree trunk diameter measured six inches above grade level.

Class I shade tree: Any plant having a central trunk, an expected maturity height of at least 35 feet, and an expected minimum mature canopy spread of at least 15 feet.

Class II shade tree: any plant having a central trunk and a maximum expected maturity height of 25 feet.

Gross floor area (GFA): Total interior space as defined by the Southern Building Code.

Impervious surface: Includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior bay: All parking bays that do not qualify as a perimeter bay.

Landscape area/landscaped yard: An area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped island: A landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped peninsula: A landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped median: A landscaped area bordering two adjoining parking bays.

Natural buffer: An area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

New development: Construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

Parking space/parking bay: Includes spaces and areas for all vehicles except tractor trailers.

Perimeter bay: All parking bays that are adjacent to the perimeter of a development.

Screening shrubs: Evergreen shrubs that maintain their foliage year-round.

Screening tree: Evergreen trees that maintain their foliage year-round.

Street yard: A designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

(Ord. No. 2000-18, § 2, 8-28-00)