

City of Helen

White County

Not located in a MSA.

2003 Population Estimate 576; +24.3% change from 2000 Census.

Tree City USA for 4 years.

City tree board with 5 members; no meeting frequency required by ordinance.

Chapter 26 ENVIRONMENT

ARTICLE IV. TREE ORDINANCE

Chapter 34 LAND DEVELOPMENT CODE

ARTICLE III. ZONING

ARTICLE IV. LAND DEVELOPMENT ORDINANCE

Year first adopted or last revised unknown.

Addresses public property.

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Survey and contact information not submitted.

Chapter 26 ENVIRONMENT*

***Charter references:** General powers of city, §§ 1.12, 1.13.

Cross references: Land development code, ch. 34; solid waste, ch. 54; sewers and sewage disposal, § 70-101 et seq.

State law references: Constitutional grant of home rule powers, Ga. Const. art. IX, § II; conservation and natural resources, O.C.G.A. § 12-1-1 et seq.; statutory grant of home rule powers, O.C.G.A. § 36-35-1 et seq.

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ARTICLE IV. TREE ORDINANCE

Sec. 26-59. Intent.

The intent of this ordinance is to establish protective regulations for trees in the public areas of the city in order to better control problems with flooding, soil conservation, air pollution and noise in the city, and to regulate trees on private property where necessary to make the city a healthier and safer place in which to live.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-60. Creation and establishment of a city tree board.

There is hereby created and established a city tree board for the city, which shall consist of five members, who shall be appointed by the city commission.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-61. Term of office.

The term of the five persons to be appointed by the city commission shall be three years except that the term of two of the members appointed to the first board shall be only one year and the term of two members of the first board shall be for only two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-62. Compensation.

Members of the board shall serve without compensation.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-63. Duties, responsibilities, and operation.

It shall be the responsibility of the board to study, investigate, and council for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The board, when requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-64. Definitions; kinds of trees.

Crown spread. The distance measured across the greatest diameter of a plant.

Park trees. Either evergreen or deciduous trees or shrubs on land designated as public park land, owned by the city or land to which the public has free access as a park.

Shade trees. Any self-supporting woody plant of a species that is well shaped, well branched and well foliated which normally grows to an overall height of at least 35 feet and normally develops an average mature crown spread greater than 30 feet in the city.

Small tree. Either evergreen or deciduous trees or shrubs, which do not normally exceed 12 feet in height at maturity. No small tree shall be permitted to exceed 12 feet in height.

Street trees. Either evergreen or deciduous trees or shrubs growing on land lying within the public right-of-way on either side of all streets, avenues, or ways within the city.

The city tree board of the city shall maintain a list of street, park, shade and small trees approved by the tree board.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-65. Distance from street corners and fireplugs.

No tree (whether street tree, park tree, shade tree or small tree) shall be planted closer than 35 feet to any street corner, measured from point of nearest intersecting curbs or curb lines. However, shrubs maintained less than three feet in height are permitted. No tree shall be planted closer than ten feet of any fire hydrant. This section shall apply only to the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date this ordinance is adopted.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-66. Utilities.

No street trees other than those species meeting the definitions of small trees as set forth in this article may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, power line, or other utility. This section shall apply only to the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date this ordinance is adopted.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-67. Public tree care.

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

The city shall have the right to remove or cause or order to be removed, any tree or part thereof within a public area or right-of-way which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-68. Tree topping.

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

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-69. Pruning, corner clearance of trees on private property.

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

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-70. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city shall have the authority to take such action whenever necessary in cases of emergencies presenting a clear and immediate danger if irreparable harm to persons or property. otherwise, the city tree board shall initiate action to have the tree removed by the provisions of the nuisance ordinance of the city, as now or hereafter amended.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-71. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-72. Interference with city tree board.

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

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-73. Review by city commission.

The city commission shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal any ruling or order of the city tree board to the city commission, who may hear the matter and make final decision.

(Ord. No. 01-11-02, 11-20-01)

Sec. 26-74. Penalty.

It shall be unlawful for any person or legal entity to violate any provision of this article. Any person violating the terms of this article shall be punished as provided in section 1-7. Each day the violation continues shall be considered a separate offense.

(Ord. No. 01-11-02, 11-20-01)

Secs. 26-75. Reserved.

Chapter 34 LAND DEVELOPMENT CODE*

***Cross references:** Environment, ch. 26.

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ARTICLE III. ZONING*

*State law references: Zoning authorized, Ga. Const. art. IX, § II, par. IV.

DIVISION 1. GENERALLY

Sec. 34-101. Short title.

This article shall be known as the "Helen zoning ordinance."

(Ord. No. 90-3, § 1, 6-19-90)

Sec. 34-102. 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. The word "person" includes a firm, partnership, company, corporation or association. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory and not merely directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be "used" or "occupied."

Accessory building means a detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

Alley means a private or public thoroughfare which affords only a secondary means of access to a building or property and is not intended for general traffic circulation.

Alteration means any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, or any change in use or movement of a building from one location to another.

Apartment means a dwelling unit in a multifamily or mixed use building.

Apartment building means a residential building, other than a townhouse or condominium, containing three or more dwelling units.

Bed and breakfast inn means a place which furnishes lodging or lodging and meals for at least four but not more than 12 transient persons in return for compensation.

Buffer means a landscaped strip of land, enhanced to ensure proper screening between noncompatible zoning or commercial business uses. Items permitted to be utilized in the buffer strip include but are not limited to plantings, planters, fences, walls or earth berms.

Buildable area means the portion of a lot which remains after the required setbacks have been taken into consideration and other applicable criteria (i.e., flood hazard area, easements, etc.).

- (1) Construction offices and yards
 - (2) Ministorage facilities.
 - (3) Exhibition halls, museums, and collateral and support facilities therefor, including food service.
 - (4) General offices.
 - (5) Commercial entertainment and recreation.
- (d) *Development standards.*
- (1) Minimum lot width: 250 feet.
 - (2) Minimum road frontage: 100 feet.
 - (3) Front setback: 100 feet along a state highway, 50 feet from all others.
 - (4) Rear setback: 50 feet.
 - (5) Side setback: 25 feet.
 - (6) Side setback along street: 25 feet.
 - (7) Maximum height: 30 feet.
- (e) *Buffer and tree protection requirements:* See division 4.

(Ord. No. 90-3, § 5, 6-19-90; Ord. No. 00-12-01, 1-16-01; Ord. No. 01-06-02, 6-19-01)

Sec. 34-187. Floodplain (FP).

The intent of the FP floodplain zone is to regulate the use of lands which lie in the floodways and floodplain within the city in conformance with applicable EPA and FEMA guidelines.

(Ord. No. 90-3, § 5, 6-19-90)

Sec. 34-188. State park and national forest (SP/NF).

The intent of the SP/NF state park and national forest classification is to identify those land areas which are part of either Unicoi State Park or the Chattahoochee National Forest that exist within the city limits.

(Ord. No. 90-3, § 5, 6-19-90)

Secs. 34-189--34-250. Reserved.

DIVISION 4. SUPPLEMENTAL REGULATIONS

Sec. 34-251. Yard requirements.

- (a) *Front yard:* No parking areas, structures, fences or patios shall be allowed in the first ten feet of a front yard, measured from the street or highway right-of-way. A five-foot wide sidewalk shall be constructed in this area parallel to the street or highway when it is not feasible to construct a five-foot wide sidewalk parallel to the street or highway within

the street or highway right-of-way. The design of the remaining area of this ten-foot strip shall follow the criteria found under the definition of a yard. The remainder of the front yard can have parking and/or drive through and walk to the building entrance, if a three-foot landscape strip can be placed next to the building. The parking and drive area layout must follow the parking criteria in section 34-254. A patio can be constructed between the ten-foot strip and the building. No fences can be constructed between the ten-foot strip and the building except if the project is allowed a buffer along the side property line in conformance with the buffer criteria defined in this section. Should buildings on the property be existing, and be located on the property that will not allow this criteria to be complied with, the planning design and review board shall review a submitted design of the front yard, and make a recommendation to the city council for granting a variance, based on the best interest of the community and the property owner.

(b) *Side yard:* No structures shall be allowed in a side yard. Parking and/or a drive through and/or walk to the building entrance is permitted in a side yard, if a six-foot landscaped strip can be placed between the side property line and the parking and/or drive through and/or walk area, and a three-foot landscaped strip can be placed between the parking and/or drive through and/or walk and the building. The parking and drive area layout must follow the parking criteria in section 34-254. A patio can be constructed in the area from the six-foot strip to the building. No fences can be constructed in the side yard except if the project is allowed a buffer along the side property line in conformance with the buffer criteria defined in this section. Should buildings on the property be existing, and be located on the property that will not allow this criteria to be complied with, the planning design and review board shall review a submitted design of the side yard, and make a recommendation to the city council for granting a variance, based on the best interest of the community and the property owner.

(c) *Rear yard:* No parking areas, structures, fences, or patios shall be allowed in the first ten feet of a rear yard measured from the rear property line, if this line is common to another parcel of land.

If the rear property line is common to a street or highway right-of-way, no parking areas, structures, fences, or patios shall be allowed in the first ten feet of a rear yard, measured from the street or highway right-of-way. A five-foot wide sidewalk shall be constructed in this area parallel to the street or highway when it is not feasible to construct a five-foot wide sidewalk parallel to the street or highway within the street or highway right-of-way. The design of the remaining area of this ten-foot strip shall follow the criteria found under the definition of a yard.

In either of the above situations, the remainder of the rear yard can have parking and/or a drive through and/or walk to the building entrance, if a three-foot landscape strip can be placed next to the building. The parking and drive area layout must follow the parking criteria in section 34-254. A patio can be constructed between the ten-foot strip and the building. No fences can be constructed between the ten-foot strip and the building except if the project is allowed a buffer along the side property line or rear property line in conformance with the buffer criteria defined in this section.

Should buildings on the property be existing, and be located on the property that will not allow this criteria to be complied with, the planning design and review board shall review a submitted design of the rear yard, and make a recommendation to the city council for granting a variance, based on the best interest of the community and the property owner.

(Ord. No. 90-3, § 6(A), 6-19-90; Ord. No. 96-07-02, 8-19-96)

Sec. 34-252. Buffers.

(a) *Generally.* A buffer is a landscaped strip of land, enhanced to ensure proper screening between noncompatible zoning or business uses. Items permitted to be utilized in the buffer strip include but are not limited to plantings, planters, fences, walls, or earth berms.

(b) *Requirements:*

(1) A buffer shall be planted or erected between noncompatible zoning or business land uses as may be determined by the planning design and review board.

(2) The buffer requirements of this section shall be placed on the considered projects side of the property line.

(3) The location of all undisturbed buffer shall be determined by the enforcement officer or the city commission, with the advice and consent of the planning and design review board.

(4) The buffer, as required in this section, shall be established and maintained by the owner of the property on which the buffer exists.

(5) The undisturbed buffer area shall be shown, and designated as a permanent easement, on each plat prior to approval.

(6) Existing vegetation shall be utilized, or supplemented with additional plantings, where required.

(7) There shall be no structures erected within the buffer except those specified or used for drainage purposes.

(8) The buffer area shall be in place in accordance with the approved plan prior to the issuance of a certificate of occupancy.

(c) *Buffer requirements between dissimilar zoning districts or commercial businesses:*

TABLE INSET:

	Zoning	Buffer required (in addition to setback requirements) (feet)
(1)	Single-family/multifamily	10
(2)	Single-family/commercial	15
(3)	Single-family/industrial	20
(4)	Multifamily/commercial	15
(5)	Multifamily/industrial	20
(6)	Commercial/industrial	20

TABLE INSET:

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	Commercial Businesses	Buffer required (in addition to setback requirements) (feet)
(1)	Restaurants	0-6 (buffer width equals side setback requirement; see zoning district regulations for side setbacks)
(2)	Hotel/motel	
(3)	Shopping areas	
(4)	Utilities	
(5)	Package liquor stores	
(6)	Day care centers	
(7)	Service stations	
(8)	Amusement parks	
(9)	Automotive repair	
(10)	Banks and financial offices	
(11)	Grocery stores	
(12)	Public housing	
(13)	Car washes	
(14)	Mini-warehouses	
(15)	Small animal facilities	

(d) **Composition.** A fence, by definition, constructed one foot off the property line, may be substituted for the buffer widths listed above, if the following requirements are met:

- (1) The fence must be erected to a height of at least four feet.
- (2) The fence shall be constructed of wood, stone, brick, concrete, or concrete masonry units. If the material is wood, it shall be painted or stained with one of the approved Helen colors. If the material is concrete masonry units, all exposed surfaces shall be stuccoed with a heavy textured stucco and painted with one of the approved Helen colors.
- (3) Unfinished fences shall not be permitted.
- (4) Where existing natural vegetation and site topography are insufficient to accomplish the purpose of the required undisturbed buffer area, existing vegetation will be supplemented. Such additional plantings shall consist of evergreen trees and shrubs not less than four feet in height, or trees and shrubs

that will attain a height of four feet within three years in the course of normal growth.

The use of native vegetation is encouraged whenever possible.

(Ord. No. 90-3, § 6(B), 6-19-90; Ord. No. 96-07-02, 8-19-96)

Sec. 34-253. Trees.

(a) The purpose and intent of this section is to preserve and/or create as much natural vegetative environment as possible; therefore, all zones must have a coverage of tree dripline area of no less than 25 percent of the total property area (excluding the area of the building footprint plus 15 feet around the building perimeter). The following requirements shall be met:

(1) In areas where substantial tree coverage exist as many trees as possible shall be preserved; however, any individual tree with an eight-inch caliper or larger shall not be removed without prior approval of the planning and design review board regardless of its location on the property.

Exemption: Pine trees are exempt from this requirement; however, for each three pines (with an eight-inch caliper or larger) that are removed one hardwood tree must be planted, or the provisions of subsection (a) above must be met, whichever provides for the greater tree coverage.

(2) In areas where no trees exist, hardwood trees of at least eight feet in height, indigenous to the area must be planted, and which upon maturity will provide the minimum coverage in subsection (a) above. Placement of trees to be planted must be clearly shown on the landscaping plan.

(b) Meeting the initial minimum requirements of subsection (a) also requires the proper treatment and protection of trees used to meet this requirement. This means that if any tree used to meet the requirement dies within five years of the approval for development, it must be replaced by a tree of at least eight feet in height and the new tree must meet the same five-year requirement.

(c) Not to exclude the use of others which might be approved subject to their meeting the height or growth requirements stated herein, the following plants are approved for this purpose:

TABLE INSET:

Common name	Botanical name
<i>Trees:</i>	
<i>Southern Magnolia</i>	<i>Magnolia grandiflora</i>
<i>Eastern Red Cedar</i>	<i>Juniperus virginiana</i>
<i>Maple family</i>	<i>Acer spp.</i>
<i>Oak family</i>	<i>Quercus spp.</i>

	River Birch	Betula nigra
	Tulip Poplar	Liriodendron tulipifera
	Eastern Redbud	Cercis canadensis
	Dogwood	Cornus florida
Shrubs:		
	Cleyera	Cleyera japonica
	American Holly	Ilex opaca
	Hybrid Rhododendron	Rhododendron hybrida
	Mountain Laurel	Kalmia latifolia
	Flame Azalea	Rhododendron calendula ceum
Ground cover:		
	Shore Juniper	Junipers conferta
	Honeysuckle	Lonicera sonipervirens
	Periwinkle	Vinca minor
	English Ivy	Hedera helix
	Daylilies	Hemerocallis spp.
	Cherokee Rose	Rosa laevigata
	Hickory	Carya

(Ord. No. 90-3, § 6(C), 6-19-90; Ord. No. 91-3, 4-16-91; Ord. No. 96-07-02, 8-19-96)

Sec. 34-254. Parking regulations.

(a) *Purpose.* The purpose of parking regulations is to ensure enough off-street parking area so that the street traffic is not impaired, while providing for the orderly flow of traffic.

(b) *Requirements.*

(1) The parking area shall be paved according to the following design standards:

a. Asphalt.

Light duty (auto):

1. 6 inches of graded aggregate base.
2. 2 inches of type E or F asphalt.

Heavy duty (trucks):

1. 6 inches of graded aggregate base.
2. 2 inches of type B asphalt or plant mix base.
3. 1 1/2 inches of type E or F asphalt surface.

All materials and workmanship shall conform to current state DOT specifications.

b. Concrete.

1. Light duty (auto): 5 inches 3000 # strength.
2. Heavy duty (trucks): 8 inches 3000 # strength.

All materials and workmanship shall conform to current state DOT specifications.

c. Alternative paving material will be considered by the planning and design review board, including brick pavers, cobblestones and other suitable materials.

(2) Parking space dimensions shall be equal to or greater than:

- a. Standard space: 9 feet by 19 feet.
- b. Parallel space: 9 feet by 23 feet.
- c. Handicapped space: 13 feet by 20 feet.
- d. Loading space: 10 feet by 50 feet.

(3) The width of the interior driveways shall be measured from the back of curb to the back of curb according to the following standards:

- a. One-way traffic: 12 feet.
- b. Two-way traffic: 24 feet.

(c) *Minimum space requirements.*

(1) Amusement park: one space per hole for miniature golf, one space per every five seats on carnival type rides, and one space per two employees; with a minimum total of 20.

(2) Automobile sales and service: one space per every 300 square feet of gross floor area.

(3) Apartments (garden or multi): one space per bedroom; minimum two spaces per unit.

(4) Churches: one space per four seats in the main assembly area.

(5) Clubhouses: one space per 200 square feet of floor area.

(6) Commercial entertainment and recreation: one space per 100 square feet of gross floor area. One per every four seats for places of assembly containing fixed seats.

ARTICLE IV. LAND DEVELOPMENT ORDINANCE

DIVISION 1. GENERALLY

Sec. 34-501. Title.

This article shall be known and may be cited as the "Land Development Ordinance of the City of Helen, Georgia."

(Code 1987, § 14-101)

Sec. 34-502. 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. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Other words are defined as follows:

Alley means a private or public thoroughfare which affords only a secondary means of access to a building or property and is not intended for general traffic circulation.

Alteration means any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use or movement of a building from one location to another.

Building means any structure, either temporary or permanent, above- or belowground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, property of any kind, including tents, awnings or vehicles used for purposes of a building.

Building line means a line formed by the face of a building, and for the purposes of this article, a minimum building line is the same as a front setback line.

Building, principal means a building in which is conducted the main use of the property on which the structure is located.

Centerline of street means that line surveyed and monumented by the governing body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs or ditches of such street.

Commercial development means any development intended for other than exclusive use as a detached one-family dwelling or accessory building thereto, including but not limited to the following uses: retail, wholesale, general service, public service, manufacturing and any other industrial, agricultural and multifamily dwelling.

Design standards means criteria that must be followed and implemented as an integral part of a building permit application regarding exterior and interior design characteristics regarding public use facilities, e.g., restaurants, retail shops, motels, etc. These criteria comprise written standards that may be in a textual, graphically illustrated, or photographed format for use in explanation to the applicant of the requirements.

Enforcement officer means as provided in section 34-26.

completion in instances involving dire hazard to the public safety. The cost of such restoration shall be paid by the developer.

- (d) *Sidewalk required.* All streets shall provide sidewalk a minimum of six feet wide, constructed of precast concrete.

(Code 1987, § 14-406)

Sec. 34-707. Guarantee against faulty material.

Final approval of street improvements shall be granted and streets accepted for maintenance by the city only in accordance with one of the following provisions:

(1) If the state department of transportation inspects subdivision roads at the time of construction and finds they are built to state specifications, the city may accept them immediately.

(2) The street improvements shall have been completed and in place for a period of one year and, upon inspection following such period of time, shall be found to be free from defective workmanship or material and free from sinkholes or other settling.

(3) Following otherwise satisfactory completion of such work, the developer shall post with the city a guaranty bond or other surety, as approved by the city commission, in an amount equal to ten percent of the value of the street for which acceptance is sought. The bond will guarantee to the city that the street has been installed in a workmanlike manner, that such street is free from defects caused by faulty material or workmanship, and that the street will remain in acceptable condition for a period of at least one year. The guaranty bond shall be effective for a period of one year. If, before the end of the one-year period, the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, the defective street shall be repaired at the cost of the developer up to the amount of the guaranty bond, and upon failure or refusal to do so within 90 days after demand is made by the city commission, the city shall make such repairs as are reasonably necessary and recover the cost thereof.

(Code 1987, § 14-407)

Sec. 34-708. Landscaping.

The following landscaping requirements established by this section are the minimum design standards for all development:

(1) *Landscaping plan required.* A landscaping plan shall be submitted at the preliminary review stage and shall conform to the following design standards:

a. Landscape design and planning shall be integrated with the overall design concept for any project; therefore, the planning and design review board shall evaluate the landscaping proposed as to its relationship to the existing natural landscape; developed and other proposed landscape, including on adjacent properties and public right-of-way; and the building or buildings existing and/or proposed.

b. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation.

c. Landscaping shall be used whenever possible to screen objectional

views or nuisances, such as parking and service areas, refuse containers, air conditioning units, transformers, etc.

d. Grass areas should be sodded; however, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage.

e. No artificial plants, trees or other vegetation shall be installed.

f. All existing, healthy deciduous and hardwood trees with a caliper of eight or more inches at a point three feet above the ground shall be retained, whenever feasible; if not feasible, the tree shall be replaced with the same or similar type of tree.

g. All planted trees shall be native to this region and when planted, shall be a minimum height of eight feet with a height at maturity of at least 20 feet.

(2) *Landscaping coverage.*

a. The minimum total lot area in landscaped open space shall be the sum of the areas required to meet perimeter, frontage, interior parking lot, and buffer strip landscaping requirements.

b. Existing onsite plant materials may be credited as landscaped open space, if in the opinion of the planning and design review board, such plant materials achieve the purposes of this section; however, no more than 25 percent of any lot area in water or floodplain shall be credited as landscaped open space.

(3) *Frontage and perimeter landscaping requirements.*

a. A landscaping strip of at least ten feet in width shall be required along all public rights-of-way, except where driveways or other openings may be required.

b. A landscaping strip of at least five feet in width shall be required along any side lot that abuts adjoining property that is not a public right-of-way, except where driveways or other openings may be required.

(4) *Parking area landscaping requirements.* Interior landscaping for parking areas shall be required for all parking lots designed for 20 or more spaces and shall comply with the following design criteria:

a. Not less than ten percent of the interior of a parking lot shall be landscaped.

b. No parking space shall be located more than 90 feet from any interior landscaped open space required by this section.

c. The required landscaped area need not be contiguous, but there shall be at least one tree in each separate area; and each separate area shall have an area of at least 50 square feet with a minimum width or diameter of five feet.

(5) *Tree requirements.*

a. A minimum of one tree shall be required for each 500 square feet of the total minimum required open space. For the purpose of meeting this requirement, all existing or replaced trees as defined in subsection (1)f. above, planted trees as defined in subsection (1)g. above, and all other existing trees of at least 20 feet in height shall be counted.

b. Trees shall be planted and/or retained in areas of the site to enhance the overall project design and provide such amenities as visual attractiveness, natural resources preservation, energy conservation, etc.

c. All retained or planted trees shall be protected or situated as to prevent damage from environmental changes resulting from any building or other improvements.

(6) *Agreement and bond required.* Prior to receiving a certificate of occupancy, the owner shall post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two years after approval or acceptance thereof, in a sum established by the planning and design review board. The bond shall be in the amount of 100 percent of the estimated cost of replacing all of the landscaping approved or accepted. At the end of two years, the city inspector shall make an inspection and notify the owner and the bonding company of any corrections to be made. If no corrections are required, the bond shall be released.

(7) *Maintenance required.* The owner, occupant, tenant and representative of each, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping.

(Code 1987, § 14-408)

Secs. 34-709--34-800. Reserved.