

City of Jonesboro

Clayton County

Atlanta MSA

2003 Population Estimate 3,813; -0.2% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

Chapter 82. VEGETATION ARTICLE II. LANDSCAPING

Chapter 86. ZONING

ARTICLE XV. LANDSCAPING AND BUFFERS

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape regulations.

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Survey and contact information not submitted.

ARTICLE II. LANDSCAPING*

***Editor's note:** Ord. No. 03-14, adopted June 16, 2003, provided material for § 82-10. At the discretion of the editor, and with the concurrence of the city, the material as been set out as article II, §§ 82-10--82-21.

Sec. 82-10. Purpose and applicability.

(a) The purpose of this article is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multifamily residential and single-family zoning districts, in order to enrich the urbanized and natural environment of the city. The article also applies to institutional uses such as churches, schools, day care centers, and nursing homes which are allowed in residential zoning districts pursuant to a conditional use permit. It is the intent and purpose of this landscape article to reduce the adverse visual, environmental and aesthetic effects of parking lots, drives, loading areas, and other development through the introduction of trees and other plant materials in order to:

- (1) Minimize the rate of stormwater runoff;
- (2) Maximize the capability of groundwater recharge in urban or suburban areas;
- (3) Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;
- (4) Provide shade and noise attenuation;
- (5) Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;
- (6) Improve the appearance of parking areas and vehicular surface areas; and
- (7) Minimize the visual blight created by large expanses of paved surface area.

(b) *Intent.* This article shall apply to all properties or portions thereof located within the incorporated areas of the City of Jonesboro.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-11. Definitions.

For purposes of this article, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

Buffer shall mean land area consisting of trees, shrubs, grasses, fences or some combination thereof used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to minimize physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

Buffer strip shall mean land area located within the boundary of a lot and required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

Building department or *department* shall mean the city department responsible for the issuance of building permits and inspections of developments.

Building official shall mean the official of the building department or his/her designee.

Canopy tree shall mean any tree that, under normal forest conditions, will compose the top layer or canopy of vegetation and generally will reach a mature height of greater than 40 feet.

Clearing shall mean the removal of vegetation from a property, whether by cutting or other means.

Construction buffer shall mean a type of buffer which is temporary and remains in effect during the construction of a project.

Diameter, tree shall mean the diameter of a tree measured as follows: 1) for existing preserved trees, at a point four and one-half feet above the ground; 2) for new replaced trees, at a point 6 inches above the ground.

Dripline shall mean a line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Floodplain, 100-year shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every 100 years. This definition shall include, without limitation, any land identified on the flood insurance rate map as being within a delineated zone of special flood hazard.

Grading shall mean the placement, removal, or movement of earth by use of mechanical equipment on a property.

Interior landscape area shall mean an area to be landscaped which is located in the interior area of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.

Land distributing permit (LDP) shall mean any permit other than a building permit issued by the city that authorizes clearing or grading activities on a site or portion of a site. This permit may be a clearing, clearing and grubbing, grading, or development permit as defined and authorized by the city.

Landscape plan shall mean a detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval for uses affected by this article.

Landscape strip shall mean land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Modification shall mean a type of administrative appeal that may be granted by the director only where specifically authorized in this ordinance.

Nonresidential landscape planning area shall mean an area to be landscaped in a nonresidential zoning district which is located around the perimeter of each residential structure or in the front yard of a residential structure.

Perimeter landscape area shall mean an area to be landscaped which is located between the buffer area required by article X of this chapter and the interior landscape area, as defined in this article.

Residential landscape planting area shall mean an area to be landscaped in a residential zoning district which is located around the perimeter of each residential structure or in the front yard of a residential structure.

Screening shall mean a method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Shade tree shall mean any tree, evergreen or deciduous, whose mature height can be expected to exceed 35 feet and whose crown spread can be expected to exceed 30 feet. Shade trees existing or planted, shall be at least eight feet in height and two inches in diameter, measured at six inches above grade for new trees and measured at four and one-half feet above grade for existing trees.

Shrub shall mean a woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk,

Tree shall mean any live, self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than four inches at any point and a height of over 12 feet.

Tree diameter shall mean the widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below diameter breast height for new trees or multitrunk species, but in no case less than six inches from the ground.

Understory tree shall mean a tree that, under normal forest conditions grows to maturity beneath overstory trees and will generally reach a mature height of at least ten feet but less than 40 feet.

Vehicular use areas shall mean any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

Zoning buffer shall mean a buffer required by the zoning ordinance or as a condition of zoning, special use or variance approval for a specific property.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-12. Plans.

A buffer and landscape plan shall be prepared for any project wherein buffer areas or other landscaping areas or treatment are required by this ordinance, the zoning ordinances of the city, conditions of zoning, special use or variance approval, or other regulations of the city, and shall be approved prior to issuance of a development permit. While the plan shall cover, at a minimum, the required buffer and landscape areas, the plan can be combined with a general landscaping plan for the entire project at the developers option.

- (1) The buffer and landscape plan shall be shown on a site plan or boundary survey drawn to the same or a larger scale as the other plan documents prepared for the development permit application and shall cover the same area.
- (2) The buffer and landscape plan shall contain but need not be limited to the following:
 - a. Project name and land district, land lot, and acreage;
 - b. Developer's name and telephone number;
 - c. The name, address, and telephone number of the registered landscape architect, urban forester, or arborist responsible for preparation of the plan, and the Seal or statement of professional qualifications of

said person (which may be attached separately). The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession;

d. A scale sufficient to clearly indicate all details shall be used, along with a north arrow;

e. Boundary lines of each buffer or other landscape area, appropriately labeled.

f. Depiction of undisturbed buffer areas and protective areas, and any other areas wherein trees are proposed to be retained to meet city requirements, along the driplines of the trees or groups of trees contained therein;

g. Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences;

h. A description of proposed landscaping improvements and plantings, including the species, site, quantity, and location of all trees, shrubs, vines, groundcover and other landscaping materials;

i. Within areas involving or adjacent to land form changes, existing and finish grade topographic lines at an interval of no more than two feet may be required;

j. For new plant materials to be installed, a plant material list including but not limited to:

1. Common and botanical names of all proposed plants.
2. Plant quantities.
3. Size and condition of plants. (Example: one inch diameter, six feet height, balled and burlapped)
4. Spacing.
5. Remarks as necessary to insure proper plant selection upon installation. (Example: specimen, multi-trunked).

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-13. Buffer regulations.

Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special use or variance approval.

(1) *Width of buffers.* Buffers shall meet the minimum width requirements contained in the zoning ordinance, except as required by a condition of zoning, special use, or variance approval.

(2) *Screening requirements.*

a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.

b. Buffers shall be of such nature and density so as to screen activities,

structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

c. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required by the director in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of zoning, special use, or variance approval.

d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this article shall be met outside of the easement area.

(3) *Supplemental plantings.*

a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this article shall be planted with supplemental plantings so as to provide a year-round effective visual screen,

b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a height of at least ten feet at maturity.

c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

(4) *Non-vegetative screening.*

a. Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.

b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen. All walls or fences must be architecturally compatible with existing adjacent structures and at least six feet in height.

(5) *Disturbance or encroachments.*

a. Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. storm water or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

b. Supplemental plantings or replantings of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided their is minimal disturbance of any significant existing vegetation.

c. Land disturbance is authorized in areas of a buffer that are devoid of

significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements contained herein.

d. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs, vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

(6) *Protection during land disturbing activities.*

a. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

b. The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the department.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-14. Standards for construction buffers.

(a) Construction buffers shall only be required where specifically provided as a condition of zoning, special use or variance approval.

(b) *Time constraints.* Construction buffers shall only be in effect during the construction period of a project and shall terminate upon project completion. In the case of a residential subdivision, a construction buffer shall terminate upon each individual lot with the issuance of a certificate of occupancy for the principal dwelling.

(c) *Disturbance or encroachments.*

(1) Construction buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein.

(2) The encroachment of ditches swales stormwater conveyance facilities, stormwater detention ponds, sediment basins, sanitary sewer conveyance facilities, similar facilities, and any associated easements, into a construction buffer shall not be authorized except that necessary access and utility crossings (e.g. storm water or sanitary sewer pipes) and natural bottom detention ponds (sediment basins must be located outside of the construction buffer) and their appurtenant structures which require no grading and removal of trees, may encroach upon the construction buffer.

(3) If the construction buffer on a residential lot is devoid of existing trees and vegetation, and a tree survey is submitted to document this situation prior to conducting land disturbing activities (including clearing) on the lot, then the department may authorize the encroachment of a building or structure into the construction buffer for a distance not to exceed 10 feet.

(d) *Protection during land disturbing activities.*

(1) During authorized land disturbing activities construction buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

(2) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the department.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-15. Landscape regulations.

(a) *Nonresidential and multifamily uses.* Nonresidential and multifamily uses shall provide for and maintain landscape plantings on-site as follows:

- (1) One landscape strip at least ten feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage;
- (2) In areas adjacent to or internal to off-street parking lots that are required by the zoning ordinances to contain more than five off-street parking spaces in accordance with section 86-4;
- (3) As required by a condition of zoning, special use or variance approval;
- (4) One nonresidential landscape planting area at least six feet in width around the perimeter of each structure,
- (5) The remaining ground area shall be sodded, seeded or hydroseeded with grass.
- (6) The building official is hereby authorized to grant a modification of up to 50 percent of the ten foot landscape strip width provided the strip is not required by a condition of zoning, special use, modification variance or waiver approval.

(b) *Residential uses.* Residential uses shall provide for and maintain landscape plantings on-site as follows:

- (1) As required by a condition of zoning, special use, modification, variance or waiver approval,
- (2) A residential landscape planting area on each lot at least six feet in width around the perimeter of each structure; and
- (3) Within the interior of an individual lot, a 150-square-foot interior landscape planting area shall be required for each 5,000 square feet of the lot.

(Ord. No. 03-13, § 1, 6-16-2003)

Sec. 82-16. Landscape strip planting requirements.

(a) *Ten-foot wide landscape strips.* Landscape strips which are required to be ten feet in width shall contain landscaping and plantings within the strip as follows:

- (1) One canopy tree for each 25 linear feet of strip length shall be provided. Deciduous trees shall be at least two inches in diameter and evergreens trees shall be six feet in height at time of planting. Trees shall be a species native or suitable to this region;
- (2) One under canopy tree for each 25 linear feet of strip length shall be provided. Each canopy tree shall be a species native or suitable to this region;
- (3) One shrub for each 25 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region;
- (4) Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the director so long as the total number of plantings is achieved; and

- (5) The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- (b) *Six-foot wide landscaping strips.* Landscape strips which are required to be six feet in width shall contain landscaping and plantings within or adjacent to the strip as follows:
- (1) One canopy tree for each 50 linear feet of strip length shall be provided. Deciduous trees shall be at least two inches in diameter and evergreen trees shall be at least six feet in height at time of planting. Trees shall be a species native or suitable to this region.
 - (2) One shrub for each 50 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
 - (3) One under-canopy tree for each 25 linear feet of strip length shall be provided. Each canopy tree shall be a species native or suitable to this region;
 - (4) Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the director so long as the total number of required plantings is achieved.
 - (5) The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- (c) *Landscape strips wider than ten feet.* Tree and shrub quantities in landscape strips that are required to be wider than ten feet by a condition of zoning, special use, variance or waiver approval shall be proportional to their width (e.g. a 20-foot wide landscape strip would require two trees and two shrubs for each 25 linear feet of strip length).
- (d) *Encroachments into landscape strips.* Landscaped strips shall not be encroached upon by parking spaces, driveway surfaces or storm water detention facilities except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical. Signs may also be located in such strip.
- (e) *Residential or nonresidential landscape planting area.*
- (1) A six foot wide residential or nonresidential landscape planting area shall be required around the perimeter of each structure with the following minimum requirements:
 - a. One interior shrub with a minimum diameter of ten inches for every 15 linear feet with a minimum of six interior shrubs for every dwelling unit or structure;
 - b. One interior shrub with a minimum diameter of five inches for every 15 linear feet with a minimum of six interior shrubs for every dwelling unit or structure;
 - c. One understory tree at least two inches in diameter for every 30 linear feet with a minimum of two trees per dwelling unit or structure; and
 - d. Ground cover shall be placed on all areas within the planting area which are not occupied by other landscape materials.
 - (2) A 150-square-foot residential landscape planting area shall be required for each 5,000 square feet of the lot with the following minimum requirements:
 - a. A minimum of one planting area shall be located in the front yard of the dwelling unit.

- b. One interior shrub with a minimum diameter of 25 inches for every 15 linear feet;
- c. One interior shrub with a minimum diameter of 18 inches for every 15 linear feet;
- d. One canopy tree with a minimum diameter of six inches for every 30 linear feet with a minimum of two trees per dwelling unit; and
- e. Ground cover shall be placed on all areas within the planting area which are not occupied by other landscape materials.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-17. Vehicle use area planting requirements.

Quantity, spacing and planting standards. Vehicle use areas which are required to contain more than five parking spaces shall contain landscaping and plantings as follows:

- (1) Interior landscape areas shall be installed such as islands, peninsulas, and medians, so that no more than ten adjacent parking spaces exist without a landscaped separation at least four feet in width. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicles and pedestrian traffic.
 - a. Trees shall be provided and maintained adjacent to, and in the interior portions of, parking lots in a ratio of one tree for each seven parking spaces. In addition, every parking space shall be within 60 feet of the trunk of a tree.
 - b. Deciduous trees shall be at least two inches in diameter and evergreen trees shall be at least six feet in height. At least one in every three trees shall be a canopy tree.
- (2) Within the interior of a site, 250 square feet of planting areas shall be required for each 5,000 square feet or major portion thereof of vehicular parking area.
- (3) A minimum of one canopy tree shall be provided for every 80 square feet of planting area.
- (4) A minimum of one under-canopy tree shall be provided for every 40 square feet of planting area.
- (5) The minimum planting area or island for each canopy tree shall be at least 200 square feet. If shared with other trees, 80 square feet for each additional tree shall be added.
- (6) The minimum planting area or island for each understory tree shall be 100 square feet. If shared with other trees, 40 square feet for each additional tree shall be added.
- (7) Each planting area or island shall not be less than four feet in width in any direction.
- (8) Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof.
- (9) Paved or striped islands greater than 50 square feet shall not be allowed.

These areas shall contain landscape plantings.

(10) Trees removed or having had their tops cut after compliance with this article shall be replaced with the equivalent inches of removed trees. However, trees removed due to disease or insect infestation upon the written advice and findings of the County Extension Service or the Georgia Forestry Commission shall be replaced in accordance with the minimum standards contained in the article.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-18. No-access easement screening requirements.

No-access easements that are along the line of double frontage lots abutting upon a city road shall be screened as follows:

- (1) Planted with a single line of evergreen trees at least six feet in height and spaced no greater than ten feet apart; or,
- (2) Contain a solid or decorative fence at least four feet in height; or,
- (3) Contain such other landscaping treatments or grade changes that will produce a partial screening effect of at least four feet as authorized by the director.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-19. Compliance.

(a) *Artificial materials prohibited.* All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this article.

(b) *Warranty or maintenance surety.* Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this ordinance, and following acceptance by the department in accordance with the procedures set forth in the development regulations, the owner of the property upon which the landscape material exists shall either provide proof of warranty or post a maintenance bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one year. This article shall not apply to individual residential lot trees. The owner of buffer strips around residential developments shall be the homeowners association.

(c) *Inspection.* The department shall perform an inspection of the plantings and landscape materials required by this ordinance prior to expiration of the one year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this article or conditions of zoning, special use or variance approval. Required landscape material found to be dead or near death shall be replaced prior to release by the department of the warranty or maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the department.

(d) *Performance surety.* In the event that trees or landscape material required to be planted as set forth in the buffer regulations or landscape regulations contained herein, are not installed upon application for a certificate of occupancy or final plat approval as appropriate to the project, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees or landscape material and their installation shall be posted with the department in accordance with the performance

bonding requirements and provisions of the development regulations.

(d) *Continuing maintenance.* The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers, trees and landscape plantings required by this article. The department is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced. Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this article. Replacement, trees and landscaping shall be in accordance with the applicable provisions of this article.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-20. Enforcement, violation and appeals.

(a) *Enforcement.* It shall be the responsibility of the building official to enforce this article. The building official shall have the authority to revoke, suspend, or void any clearing, clearing and grubbing, grading, development or building permit or to withhold issuance of a certificate of occupancy or approval of a final plat, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this article.

(b) *Violation and penalty.* Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the city, and upon conviction by municipal court, may be punished either by a fine not less than \$100.00 per day and not to exceed \$1,000.00 per day, or confinement in the county jail not to exceed 60 days, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

(c) *Appeals, modifications and waivers.*

(1) The preservation of trees may be considered as a condition peculiar to a piece of property in support of a request for a variance from the literal application of the provisions of the zoning resolution, under the procedures and requirements contained therein.

(2) Appeals of the interpretation of the requirements of this article by the director shall be filed and processed in accordance with the appeal procedures as set forth in the development regulations.

(3) Waiver requests of the requirements of this article shall be filed and processed in accordance with the waiver procedures as set forth in the development regulations.

(4) Modification requests, where this article specifically authorizes their granting, shall be filed and processed in accordance with the modification procedures established by the development regulations.

(Ord. No. 03-14, § 1, 6-16-2003)

Sec. 82-21. Selected species.

(a) *The following plants are approved landscaping requirements:*

(1) *Large trees (Mature height: 35 feet or greater):*

American Beech
Bald Cypress
Bradford Pear
Chinese Elm
Darlington Oak
Dawn Redwood
Deodar Cedar
English Oak
Gingko (male only)
Japanese Cedar
Japanese Katsura Tree
Japanese Pagoda
Japanese Zelkova
Littleleaf Linden
Loblolly Pine
London Plane-Tree (Sycamore)
Red Maple
Scarlet Oak
Schumard Oak
Sequoia
Southern Magnolia
Sugar Maple
Tulip Poplar
White Oak
Willow Oak

(2) *Medium trees (Mature height: 25 to 35 feet):*

American Holly
Golden Rain Tree
Japanese Black Pine
Kwansan Cherry
Leyland Cypress
Mountain Ash
Mountain Silverbell

Pistachio
Redmond Linden
Saucer Magnolia
Sourwood
Weeping Cherry
Yellowwood
Yoshino Cherry

(3) *Small trees (Mature height: less than 25 feet):*

Amur Maple
Crabapple
Crape Myrtle
Eastern Redbud
Flowering Dogwood
Golden Chain Tree
Japanese Dogwood
Japanese Maple
Star Magnolia
Wax Myrtle
Yaupon Holly

(4) *Large screening shrubs:*

American Holly
Arborvitae
Burford Holly
Eastern Red Cedar
Hetz Juniper
Japanese Black Pine
Leyland Cypress
Ligustrum
Nellie R. Stevens Holly
Osmanthus
Russian Olive
Savannah Holly
Thorny Eleagnus

(5) *Interior shrubs (Mature height: approximately 36 inches):*

Evergreen

Dwarf Burford Holly
 Dwarf Chinese Holly
 Dwarf Nandina
 Dwarf Yaupon Holly
 Japanese Holly
 Juniper
 Leatherleaf Vinburnum
 Mugo Pine
 Nandina
 Oregonholly Grape
 Warty Barberry
 Winter Honeysuckle

Deciduous

Azalea
 Chinese Privet
 Chinese Witchhazel
 Dwarf Burning Bush
 Flowering Jasmine
 Forsythia
 Japanese Flowering Quince
 Oakleaf Hydrangea
 Spirea (all varieties)
 Viburnum
 Weigela
 Winter Jasmine

(6) *Ground cover (planting areas, berms, wall planters):*

Aaronsbeard St. Johnswort
 Creeping Lilyturf (shade)
 Dwarf Roses
 English Ivy (shade)
 Evergreen Candytuft (border)
 Hybrid Daylily
 Lily-Turf
 Ornamental Grasses
 Pachysandra (shade)

Periwinkle (shade)
Purpleleaf Wintercreeper
Rockyspray Cotoneaster
Shore Juniper
Willowleaf Cotoneaster

(7) *Grasses:*

Bermuda
Centipede
Fescue
Zoysia

(b) Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used within 50 feet of all road right-of-ways and in drainage swales or other areas subject to erosion. Lawn grasses shall be planted so as to achieve complete coverage within two calendar years from the time of planting.

(c) Other plant materials with similar growth characteristics may be substituted upon approval of the community development department.

(Ord. No. 03-14, § 1, 6-16-2003)

Chapter 86 ZONING*

***Editor's note:** Ord. No. 05-08, §§ 1 and 2, adopted Aug. 15, 2005, repealed the former Ch. 86, §§ 86-1--86-6, 86-41--86-47, 86-81--86-84, 86-116--86-123, 86-156--86-166, 86-196--86-200, 86-231--86-237, 86-271--86-293, and 86-301--86-304 relative to zoning, and enacted a new Ch. 86 as set out herein. See the various Code Comparative Tables for a complete derivation of these former provisions.

Cross references: Buildings and building regulations, ch. 16; environment, ch. 34; historical preservation, ch. 42; land development, ch. 44; planning, ch. 50; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; vegetation, ch. 82.

State law references: The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.

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ARTICLE XV. LANDSCAPING AND BUFFERS**Sec. 86-451. Purpose and applicability.**

(a) [*Purpose.*] The purpose of this article is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multifamily residential and single-family zoning districts, in order to enrich the urban and natural environment of the city. The article also applies to institutional uses such as places of worship, schools, day care centers, and nursing homes. It is the intent and purpose of this landscape article to reduce the adverse visual, environmental and aesthetic effects of parking lots, drives, loading areas, and other development through introduction of trees and other plant materials in order to:

- (1) Minimize the rate of stormwater runoff;
- (2) Maximize the capability of groundwater recharge in urban or suburban areas;
- (3) Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;
- (4) Provide shade and noise attenuation;
- (5) Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;
- (6) Improve the appearance of parking areas and vehicular surface areas; and
- (7) Minimize the visual blight created by large expanses of paved surface area.

(b) [*Applicability.*] This article shall apply to all properties or portions thereof located within the incorporated areas of the city.

(Ord. No. 05-08, § 2(15.01), 8-15-05)

Sec. 86-452. Definitions.

For purposes of this article, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

Buffer shall mean land area consisting of trees, shrubs, grasses, fences or combination thereof used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to minimize physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

Buffer strip shall mean land area located within the boundary of a lot and required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

Canopy tree shall mean any tree that, under normal forest conditions, will compose the top layer or canopy of vegetation and generally will reach a mature height of greater than 40 feet.

Clearing shall mean the removal of vegetation from a property, whether by cutting or other means.

Construction buffer shall mean a type of buffer which is temporary and remains in effect during the construction of a project.

Diameter, tree shall mean the diameter of a tree measured as follows: (1) for existing preserved trees, at a point 4 1/2 feet above the ground; (2) for new replaced trees, at a point six inches above the

ground for nursery stock up to four-inch caliper, above that size class the measurement shall be at 12 inches above grade.

Dripline shall mean a line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Floodplain, One-hundred-year shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every 100 years. This definition shall include, without limitation, any land identified on the flood insurance rate map as being within a delineated zone of special flood hazard.

Grading shall mean the placement, removal, or movement of earth by use of mechanical equipment on a property.

Interior landscape area shall mean an area to be landscaped which is located in the interior area of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.

Land distributing permit (LDP) shall mean any permit other than a building permit issued by the city that authorizes clearing or grading activities on a site or portion of a site. This permit may be a clearing, clearing and grubbing, grading, or development permit as defined and authorized by the city.

Landscape plan shall mean a detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval for uses affected by this article.

Landscape strip shall mean land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Modification shall mean a type of administrative appeal that may be granted by the city manager only where specifically authorized in this ordinance.

Nonresidential landscape planning area shall mean an area to be landscaped in a nonresidential zoning district which is located around the perimeter of each nonresidential structure or in the front yard of a nonresidential structure.

Perimeter landscape area shall mean an area to be landscaped which is located between the property boundary and vehicle use area of a property developed in any use other than single family detached dwellings.

Residential landscape planting area shall mean an area to be landscaped in a residential zoning district which is located around the perimeter of each residential structure or in the front yard of a residential structure.

Screening shall mean a method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Shrub shall mean a woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

Tree shall mean any live, self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than four inches at any point and a height of over 12 feet.

Tree diameter shall mean the widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below diameter breast height for new trees or multi-stemmed species, but in no case less than six inches from the ground.

Understory tree shall mean a tree that, under normal forest conditions grows to maturity beneath canopy trees and will generally reach a minimum height at maturity of ten feet, but less than 40 feet.

Vehicular use areas shall mean any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

Zoning buffer shall mean a buffer required by the zoning ordinance or as a condition of zoning, special use or variance approval for a specific property.

(Ord. No. 05-08, § 2(15.02), 8-15-05)

Sec. 86-453. Plans.

A buffer and landscape plan shall be prepared for any project wherein buffer areas or other landscaping areas or treatment are required by this ordinance, the zoning ordinances of the city, conditions of zoning, special use or variance approval, or other regulations of the city, and shall be approved prior to issuance of a development permit. While the plan shall cover, at a minimum, the required buffer and landscape areas, the plan can be combined with a general landscaping plan for the entire project at the developer's option.

(1) The buffer and landscape plan shall be shown on a site plan or boundary survey drawn to the same or a larger scale as the other plan documents prepared for the development permit application and shall cover the same area.

(2) The buffer and landscape plan shall contain but need not be limited to the following:

- a. Project name and land district, land lot, and acreage;
- b. Developer's name and telephone number;
- c. The name, address, and telephone number of the registered landscape architect, urban forester, or arborist responsible for preparation of the plan, and the seal or statement of professional qualifications of said person (which may be attached separately). The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession;
- d. A scale sufficient to clearly indicate all details shall be used, along with a north arrow;
- e. Boundary lines of each buffer or other landscape area, appropriately labeled;
- f. Depiction of undisturbed buffer areas and protective areas, and any other areas wherein trees are proposed to be retained to meet city requirements, along the driplines of the trees or groups of trees contained therein;
- g. Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences;
- h. A description of proposed landscaping improvements and plantings, including the species, site, quantity, and location of all trees, shrubs, vines, groundcover and other landscaping materials;
- i. Within areas involving or adjacent to land form changes, existing and finish grade topographic lines at an interval of no more than two feet may be required;
- j. For new plant materials to be installed, a plant material list including but not limited to:
 1. Common and botanical names of all proposed plants.
 2. Plant quantities.
 3. Size and condition of plants. (Example: one inch diameter, six feet

height, balled and burlapped)

4. Spacing.

5. Remarks as necessary to insure proper plant selection upon installation. (Example: specimen, multi-stemmed).

(Ord. No. 05-08, § 2(15.03), 8-15-05)

Sec. 86-454. Buffer regulations.

Buffers shall be required between dissimilar districts or uses.

(1) *Width of buffers.* Buffers shall meet the minimum width requirements in accordance with the schedule in the table below, except as required by a condition of zoning, special use, or variance approval.

Buffer Width between Dissimilar Uses

TABLE INSET:

Existing Use to be Buffered	Detached Residential	Proposed Use must provide the Buffer		
		Attached Residential	Commercial	Industrial
Detached Residential	No Buffer	25-foot Buffer	50-foot Buffer	75-foot Buffer
Attached Residential	No Buffer	No Buffer	25-foot Buffer	50-foot Buffer
Office Commercial	No Buffer	No Buffer	No Buffer	25-foot Buffer
Industrial	No Buffer	No Buffer	No Buffer	No Buffer

(2) *Screening requirements.*

a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.

b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

c. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required by the city manager in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of zoning, special use, or variance approval.

d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this article shall be met outside of the easement area.

(3) *Supplemental plantings.*

a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this article shall be planted with supplemental plantings so as to provide a year-round effective visual screen,

b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a minimum height of 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a minimum height of ten feet at maturity.

c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

(4) *Non-vegetative screening.*

a. Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.

b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen. All walls or fences must be architecturally compatible with existing adjacent structures and have a minimum height of six feet.

(5) *Disturbance or encroachments.*

a. Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. storm water or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

b. Supplemental plantings or replantings of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided their is minimal disturbance of any significant existing vegetation.

c. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements contained herein.

d. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs, vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

(6) *Protection during land disturbing activities.*

a. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

b. The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the city manager.

(Ord. No. 05-08, § 2(15.04), 8-15-05)

Sec. 86-455. Standards for construction buffers.

(a) [*Generally.*] Construction buffers shall only be required where specifically provided as a condition of zoning, special use or variance approval.

(b) *Time constraints.* Construction buffers shall only be in effect during the construction period of a project and shall terminate upon project completion. In the case of a residential subdivision, a construction buffer shall terminate upon each individual lot with the issuance of a certificate of occupancy for the principal dwelling.

(c) *Disturbance or encroachments.*

(1) Construction buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein.

(2) The encroachment of ditches swales stormwater conveyance facilities, stormwater detention ponds, sediment basins, sanitary sewer conveyance facilities, similar facilities, and any associated easements, into a construction buffer shall not be authorized except that necessary access and utility crossings (e.g. storm water or sanitary sewer pipes) and natural bottom detention ponds (sediment basins must be located outside of the construction buffer) and their appurtenant structures which require no grading and removal of trees, may encroach upon the construction buffer.

(3) If the construction buffer on a residential lot is devoid of existing trees and vegetation, and a tree survey is submitted to document this situation prior to conducting land disturbing activities (including clearing) on the lot, then the city manager may authorize the encroachment of a building or structure into the construction buffer for a distance not to exceed ten feet.

(d) *Protection during land disturbing activities.*

(1) During authorized land disturbing activities construction buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

(2) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the city manager.

(Ord. No. 05-08, § 2(15.05), 8-15-05)

Sec. 86-456. Landscape regulations.

(a) *Nonresidential and multifamily uses.* Nonresidential and multifamily uses shall provide for and maintain landscape plantings on-site as follows:

(1) One landscape strip having a minimum width of ten feet adjacent to any street right-of-way abutting the property and running the length of the entire property frontage, with exception of approved driveways or pedestrian access;

(2) In areas adjacent to or internal to off-street parking lots that are required by the zoning ordinances to contain more than five off-street parking spaces in accordance with section 86-4; a five-foot perimeter landscaped area shall be required, perhaps even between adjoining parking lots;

(3) As required by a condition of zoning, special use or variance approval;

(4) One nonresidential landscape planting area having a minimum width of six feet around the perimeter of each structure; landscaping of the rear face of nonresidential structures shall be at the owner's option;

(5) The remaining ground area shall be sodded, seeded or hydroseeded with grass;

(6) The city manager is hereby authorized to grant a modification of up to 50 percent of the ten-foot landscape strip width provided the strip is not required by a condition of zoning, special use, modification variance or waiver approval.

(b) *Residential uses.* Residential uses shall provide for and maintain landscape plantings on-site as follows:

- (1) As required by a condition of zoning, special use, modification, variance or waiver approval,
- (2) A residential landscape planting area on each lot having a minimum width of six feet around the perimeter of each structure; and
- (3) Within the interior of an individual lot, a 150-square-foot interior landscaped area shall be required for each 5,000 square feet of the lot.

(Ord. No. 05-08, § 2(15.06), 8-15-05)

Sec. 86-457. Landscape strip planting requirements.

(a) *Ten-foot-wide landscape strips.* Landscape strips which are required to be ten feet in width shall contain landscaping and plantings within the strip as follows:

- (1) One canopy tree for each 25 linear feet of strip length shall be provided. Deciduous trees shall be a minimum of two inches and evergreens trees shall be a minimum of six feet in height at time of planting. Trees shall be a species native or suitable to this region;
- (2) One understory tree for each 25 linear feet of strip length shall be provided. Each canopy tree shall be a species native or suitable to this region;
- (3) One shrub for each 25 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region;
- (4) Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the city manager so long as the total number of plantings is achieved; and
- (5) The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

(b) *Six-foot-wide landscaping strips.* Landscape strips which are required to be six feet in width shall contain landscaping and plantings within or adjacent to the strip as follows:

- (1) One canopy tree for each 50 linear feet of strip length shall be provided. Deciduous trees shall be a minimum of two inches in caliper and evergreen trees shall have a minimum height of six feet at time of planting. Trees shall be a species native or suitable to this region.
- (2) One shrub for each 50 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
- (3) One understory tree for each 25 linear feet of strip length shall be provided. Each canopy tree shall be a species native or suitable to this region;
- (4) Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the city manager so long as the total number of required plantings is achieved.
- (5) The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping

material, or any combination thereof.

(c) *Landscape strips wider than ten feet.* Tree and shrub quantities in landscape strips that are required to be wider than ten feet by a condition of zoning, special use, variance or waiver approval shall be proportional to their width (e.g. a 20-foot wide landscape strip would require two trees and two shrubs for each 25 linear feet of strip length).

(d) *Encroachments into landscape strips.* Landscaped strips shall not be encroached upon by parking spaces, driveway surfaces or storm water detention facilities except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical. Signs may also be located in such strip.

(e) *Residential or nonresidential landscape planting area.*

(1) A six-foot-wide residential or nonresidential landscape planting area shall be required around the perimeter of each structure with the following minimum requirements:

- a. One interior shrub with a minimum diameter of ten inches for every 15 linear feet with a minimum of six interior shrubs for every dwelling unit or structure;
- b. One interior shrub with a minimum diameter of five inches for every 15 linear feet with a minimum of six interior shrubs for every dwelling unit or structure;
- c. One understory tree having a minimum caliper of two inches for every 30 linear feet with a minimum of two trees per dwelling unit or structure; and
- d. Ground cover shall be placed on all areas within the planting area wthat are not occupied by other landscape materials.
- e. Landscaping of the rear face of nonresidential structures shall be at the owner's option.

(2) A 150-square-foot residential landscape planting area shall be required for each 5,000 square feet of the lot with the following minimum requirements:

- a. A minimum of one planting area shall be located in the front yard of the dwelling unit.
- b. One interior shrub with a minimum diameter of 25 inches for every 15 linear feet;
- c. One interior shrub with a minimum diameter of 18 inches for every 15 linear feet;
- d. One canopy tree with a minimum diameter of two caliper inches for every 30 linear feet with a minimum of two trees per dwelling unit; and
- e. Ground cover shall be placed on all areas within the planting area which are not occupied by other landscape materials.

{Ord. No. 05-08, § 2(15.07), 8-15-05}

Sec. 86-458. Vehicle use area planting requirements.

Quantity, spacing and planting standards. Vehicle use areas which are required to contain more than five parking spaces shall contain landscaping and plantings as follows:

(1) Perimeter landscaping shall be installed along the property boundary having a minimum width of five feet. Such perimeter landscaping shall comply with the landscaping requirements as to plant materials of this section.

(2) Interior landscape areas shall be installed such as islands, peninsulas, and medians, so that no more than ten adjacent parking spaces exist without a landscaped island having a minimum width of six feet and extending the depth of the parking space. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicles and pedestrian traffic.

a. Trees shall be provided and maintained adjacent to, and in the interior portions of, parking lots in a ratio of one tree for each seven parking spaces. In addition, every parking space shall be within 60 feet of the trunk of a tree.

b. Deciduous trees shall be a minimum of two inches in caliper and evergreen trees shall be a minimum of six feet in height. A minimum of one in every three trees shall be a canopy tree.

(3) Within the interior of a site, 500 square feet of planting areas shall be required for each 5,000 square feet or major portion thereof of vehicular parking area.

(4) A minimum of one canopy tree shall be provided for every 80 square feet of planting area.

(5) A minimum of one understory tree shall be provided for every 40 square feet of planting area.

(6) The minimum planting area or island for each canopy tree shall be a minimum of 200 square feet. If shared with other trees, 80 square feet for each additional tree shall be added.

(7) The minimum planting area or island for each understory tree shall be 100 square feet. If shared with other trees, 40 square feet for each additional tree shall be added.

(8) Each planting area or island shall not be less than six feet in width in any direction.

(9) Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof.

(10) Paved or striped islands greater than 50 square feet shall not be allowed. These areas shall contain landscape plantings.

(11) Trees removed or having had their tops cut after compliance with this article shall be replaced with the equivalent inches of removed trees. However, trees removed due to disease or insect infestation upon the written advice and findings of the county extension service or the Georgia Forestry Commission shall be replaced in accordance with the minimum standards contained in the article.

(Ord. No. 05-08, § 2(15.08), 8-15-05)

Sec. 86-459. No-access easement screening requirements.

No-access easements that are along the line of double frontage lots abutting upon a city road shall be screened as follows:

(1) Planted with a single line of evergreen trees having a minimum height of six feet and spaced no greater than ten feet apart; or,

(2) Contain a solid or decorative fence having a minimum height of four feet; or,

(3) Contain such other landscaping treatments or grade changes that will produce a partial screening effect of achieve a minimum height of four feet as authorized by the city

manager.

(Ord. No. 05-08, § 2(15.09), 8-15-05)

Sec. 86-460. Compliance.

(a) *Artificial materials prohibited.* All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this article.

(b) *Warranty or maintenance surety.* Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this ordinance, and following acceptance by the city manager in accordance with the procedures set forth in the development regulations, the owner of the property upon which the landscape material exists shall either provide proof of warranty or post a maintenance bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one year. This article shall not apply to individual residential lot trees. The owner of buffer strips around residential developments shall be the homeowners association.

(c) *Inspection.* The code enforcement office shall perform an inspection of the plantings and landscape materials required by this ordinance prior to expiration of the one-year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this article or conditions of zoning, special use or variance approval. Required landscape material found to be dead or near death shall be replaced prior to release by the city manager of the warranty or maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the city clerk.

(d) *Performance surety.* In the event that trees or landscape material required to be planted as set forth in the buffer regulations or landscape regulations contained herein, are not installed upon application for a certificate of occupancy or final plat approval as appropriate to the project, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees or landscape material and their installation shall be posted with the city clerk in accordance with the performance bonding requirements and provisions of the development regulations.

(e) *Continuing maintenance.* The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers, trees and landscape plantings required by this article. The code enforcement officer is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced. Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this article. Replacement, trees and landscaping shall be in accordance with the applicable provisions of this article.

(Ord. No. 05-08, § 2(15.10), 8-15-05)

Sec. 86-461. Enforcement and appeals.

(a) *Enforcement.* It shall be the responsibility of the code enforcement office to enforce this article. The code enforcement office shall have the authority to revoke, suspend, or void any clearing, clearing and grubbing, grading, development or building permit or to withhold issuance of a certificate of occupancy or approval of a final plat, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this article.

(b) *Violation and penalty.* Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the city, and upon conviction by municipal court, may be

punished either by a fine not less than \$100.00 per day and not to exceed \$1,000.00 per day, or confinement in the county jail not to exceed 60 days, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

(c) *Appeals, modifications and waivers.*

(1) The preservation of trees may be considered as a condition peculiar to a piece of property in support of a request for a variance from the literal application of the provisions of the zoning resolution, under the procedures and requirements contained therein.

(2) Appeals of the interpretation of the requirements of this article by the city manager shall be filed and processed in accordance with the appeal procedures as set forth in the in article XI.

(3) Waiver requests of the requirements of this article shall be filed and processed in accordance with the waiver procedures as set forth in the development regulations.

(4) Modification requests, where this article specifically authorizes their granting, shall be filed and processed in accordance with the modification procedures established by the development regulations.

(Ord. No. 05-08, § 2(15.11), 8-15-05)

Sec. 86-462. Selected species.

(a) The following plants are approved landscaping requirements:

(1) *Canopy.*

American Beech
 Bald Cypress
 Black Locust
 Chinese Elm
 Darlington Oak
 Dawn Redwood
 Deodar Cedar
 English Oak
 Ginkgo (male only)
 Japanese Cedar
 Japanese Katsura Tree
 Japanese Pagoda
 Japanese Zelkova
 Littleleaf Linden
 Virginia Pine
 London Plane-Tree (Sycamore)
 Red Maple
 River Birch
 Scarlet Oak
 Schumard Oak
 Sequoia
 Southern Magnolia
 Sweet Gum

Tulip Poplar
White Oak
Willow Oak
Winged Elm

(2) *Understory trees.*

American Holly
American Hornbeam
Fringe Tree
Golden Rain Tree
Japanese Black Pine
Japanese Cryptomeria
Kwansan Cherry
Leyland Cypress
Mountain Ash
Mountain Silverbell
Pistachio
Redmond Linden
Saucer Magnolia
Serviceberry
Sourwood
Trident Maple
Washington Hawthorn
Weeping Cherry
Yellowwood
Yoshino Cherry
Amur Maple
Crabapple
Crape Myrtle
Deciduous Holly
Eastern Redbud
Flowering Crabapple
Flowering Dogwood
Golden Chain Tree
Ironwood
Japanese Maple
Saucer Magnolia
Star Magnolia
Sweetberry Magnolia
Wax Myrtle
Yaupon Holly

(3) *Large screening shrubs.*

American Holly
Arborea
Burford Holly
Eastern Red Cedar
Hetz Juniper
Japanese Black Pine
Leyland Cypress
Japanese Ligustrum
Nellie R. Stevens Holly
Osmanthus
Russian Olive
Savannah Holly

(4) Interior shrubs (Mature height: approximately 36 inches):

Evergreen
 Dwarf Burford Holly
 Dwarf Chinese Holly
 Dwarf Nandina
 Dwarf Yaupon Holly
 Japanese Holly
 Juniper
 Leatherleaf Vinburnum
 Mugo Pine
 Nandina
 Oregonholly Grape
 Warty Barberry
 Winter Honeysuckle
 Deciduous
 Azalea
 Chinese Witchhazel
 Dwarf Burning Bush
 Flowering Jasmine
 Forsythia
 Japanese Flowering Quince
 Oakleaf Hydrangea
 Spirea (all varieties)
 Viburnum
 Weigela
 Winter Jasmine

(5) Ground cover (planting areas, berms, wall planters):

Aaronsbeard St. Johnswort
 Creeping Lilyturf (shade)
 Dwarf Roses
 English Ivy (shade)
 Evergreen Candytuft (border)
 Hybrid Daylily
 Lily-Turf
 Ornamental Grasses
 Pachysandra (shade)
 Periwinkle (shade)
 Purpleleaf Wintercreeper
 Rockyspray Cotoneaster
 Shore Juniper
 Willowleaf Cotoneaster

(6) Grasses:

Bermuda
 Centipede
 Fescue
 Zoysia

(b) Grasses may be sodded, sprigged, plugged or seeded, except that solid sod shall be used within 50 feet of all road right-of-ways and in drainage swales or other areas subject to erosion. Lawn grasses shall be planted so as to achieve complete coverage within two calendar years from the time of planting.

(c) Other plant materials with similar growth characteristics may be substituted upon approval

of the city manager.

(Ord. No. 05-08, § 2(15.12), 8-15-05)

Planting Strips and Street Trees

Planting strips, located between the curb and sidewalk, parallel with the street, shall be six feet or more in width. Small street trees may be planted within three feet of the back of curb and should generally be planted along the centerline of the planting strip along streets with design speeds of 20 mph or less, or along streets with on-street parking. In commercial areas with high pedestrian volumes, planted tree wells may be used in lieu of planting strips. Trees and other objects should be restricted from corners for distances of 30 feet on all sides to maintain sight lines. Along all planting strips, the area between two feet and seven feet above ground shall be maintained as a clear zone to preserve sight lines and accommodate pedestrians.