

# **Spalding County**

**Atlanta MSA**

**2003 Population Estimate 60,483; +3.4% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

## **APPENDIX K LANDSCAPE AND TREE PRESERVATION ORDINANCE**

**Year first adopted or last revised unknown.**

**Addresses private property.**

**Includes landscape requirements.**

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**APPENDIX K LANDSCAPE AND TREE PRESERVATION ORDINANCE \***

**\*Editor's note:** A resolution adopted June 16, 1998, amended the Zoning Ordinance by adding provisions to be included as Appendix K to read as herein set out.

**Article 1. General**

§ 101. Short title.

§ 102. Authority.

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**Article 4. Powers and Duties of Various Officials Concerning this Ordinance**

§ 401. Purpose.

§ 402. Powers and duties of the administrative officer.

§ 403. Powers and duties of the planning commission.

§ 404. Powers and duties of the board of appeals.

§ 405. Powers and duties of the board of commissioners.

**Article 5. Legal Status Provisions**

§ 501. Adoption of this ordinance.

§ 502. Effect of repeal.

§ 503. Severability of provisions.

§ 504. Effect of catchlines.

§ 505. Effective date.

## ARTICLE 1. GENERAL

### Sec. 101. Short title.

This document is entitled the Landscape and Tree Preservation Ordinance of Spalding County, Georgia.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### Sec. 102. Authority.

The power of a local government to enact an ordinance such as this, which is intended to protect the public health, safety, and welfare, is provided by the 1983 Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### Sec. 103. Jurisdiction.

This ordinance applies to all land within unincorporated Spalding County, Georgia.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### Sec. 104. Purposes.

The purpose of this ordinance is establish minimum requirements for the landscaping of developments in commercial, industrial, office/institutional, and multi-family zoning districts. The ordinance also applies to institutional uses such as churches, day care centers, and other public uses which are allowed in residential zoning districts pursuant to a special use permit.

It is the intent and purpose of this landscape ordinance 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:

- A. Minimize the rate of stormwater runoff;
- B. Maximize the capability of groundwater recharge in urban or suburban areas;
- C. Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;
- D. Provide shade and noise attenuation;
- E. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;
- F. Improve the appearance of parking areas and vehicular surface areas; and
- G. Minimize the visual blight created by large expanses of paved surface area.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 105. Content.**

This ordinance provides for the following:

- A. Defines certain terms used in this ordinance.
- B. Establishes minimum width requirements for landscape areas, buffers, and tree preservation areas.
- C. Establishes provisions regulating the extent and quality of landscaping for landscape areas, replanted buffers, replanted tributary buffers and tree preservation areas.
- D. Establishes minimum standards for landscaping/tree preservation plans.
- E. Provides procedures for the administration and amendment of this ordinance.
- F. Provides penalties for violation of this ordinance.
- G. Repeals conflicting ordinances.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

## ARTICLE 2. DEFINITIONS OF TERMS.

### Sec. 201. Interpretation of certain common terms.

When used in this ordinance, the following words and phrases have the meanings as defined in this article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the context. The terms *must*, *will*, and *shall* are mandatory in nature, indicating that an action has to be done. The term *may* is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word *developer* includes a *firm, corporation, co-partnership, association, institution, or person*. The word *lot* includes the words *plot* and *parcel*. The word *building* includes the word *structure*. The words *used* or *occupied* as applied to any land or building include the words *intended, arranged, or designed, to be used or occupied*.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### Sec. 202. General definitions.

A. *Buffer*: An area reserved to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. This area may consist of trees, shrubs, grass, fences, or some combination thereof, as defined in and required by Article 4, Section 405 of the Spalding County Unified Development Ordinance for various land uses, or as a condition of zoning approval for a specific property.

B. *Caliper*: American Association of Nurseryman standard for trunk measurement of nursery stock, diameter. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

C. *Critical root zone*: The minimum area beneath a tree which must be left undisturbed in order to preserve sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will equal one and one-half (1.5) times the radius of the dripline. EXAMPLE: a tree with a dripline radius of twenty (20) feet would have a CRZ radius of thirty (30) feet.

D. *Diameter breast height (DBH)*: The standard measure of tree size, is the diameter of a tree trunk measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, then the trunk is measured at its most narrow point beneath the split.

E. *Dripline*: An imaginary 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.

F. *Exterior parking aisle*: A parking aisle which adjoins a property line or a required landscape area or buffer along a property line.

G. *Ground cover*: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

H. *Interior landscape area*: 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.

- I. *Interior parking aisle*: A parking aisle which does not adjoin a property line, a required buffer, or a building wall.
- J. *Island*: In road and parking area design, a raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.
- K. *Landscape plan*: A detailed plan depicting the proposed landscaping which will accompany all site plans submitted for development approval for uses affected by this article.
- L. *Landscaping*: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screening walls, fences, or benches.
- M. *Perimeter landscape area*: An area to be landscaped which is located between the buffer area required by Article 4, Section 405 of the Spalding County Unified Development Ordinance and the interior landscape area, as defined by this section.
- N. *Planned development*: A coordinated development designed and constructed according to a development plan which has been approved by the board of commissioners.
- O. *Shrub*: A woody perennial plant differing from a perennial herb by its persistent and woody stems, and from a tree by its low stature (generally obtaining a height less than eight (8) feet) and its habit of branching from the base.
- P. *Specimen tree or stand*: Any tree or grouping of trees which has been determined to be of a high value by the county because of its species, size, age, form, condition, aesthetic quality, historical background, or other professional criteria. General criteria for the determination of specimen trees or stands of trees are provided in section 302.D.2.c.
- Q. *Tree*: Any live, self-supporting green plant, usually having a single trunk, and at maturity normally attaining a trunk diameter greater than four (4) inches at any point and a height over twelve (12) feet.
- R. *Tree diameter*: 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-trunk species, but in no case less than six (6) inches from the ground.
- S. *Vehicular use areas*: Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**ARTICLE 3. TREE PRESERVATION AND LANDSCAPING PROVISIONS****Sec. 301. Landscape/tree preservation plan submission.**

A. Within the following zoning districts, a landscape plan shall be required in connection with all applications for development or building permits:

1. C-1, Highway Commercial.
2. C-1A, Neighborhood Commercial.
3. C-1B, Heavy Commercial.
4. C-1C, Manufacturing-Light.
5. C-2, Manufacturing.
6. C-3, Used Vehicles Parts Dealers, Automobile and Truck Repair Facilities, Junkyards, and Used Vehicle Processing Facilities.
7. PRRRD, Planned Residential and Recreational Resort Development.
8. R-3, Multiple Family Residential.

B. A landscape plan shall also be required in connection with any application for a development or building permits for a church, school, day care center, or similar use permitted in a single-family residential or agricultural district pursuant to a special use permit.

C. The landscape plan shall be included as a separate plan sheet along with other plan sheets for other site improvements when an application is made for a development permit. The landscape plan shall include information as required by section 302.

D. A minimum of ten (10) per cent of the total developed area in any parcel shall be devoted to landscape development.

E. Landscaped area requirements are in addition to the required buffer areas as indicated in the zoning ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 302. Landscape/tree preservation plan requirements.**

A. *Procedure.*

1. If submitted separately, three (3) copies of a landscape/tree preservation plan (LTPP) must be submitted to Spalding County Planning Department for review to ascertain conformance to the county's landscape and tree preservation ordinance prior to application for a land and vegetation disturbance permit and/or application for development plan and preliminary plat approval.
2. Upon submittal of the LTPP, the county planner shall:
  - a. Conduct a preliminary review of the LTPP.
  - b. Conduct an on-site inspection to determine if there are any trees of exceptional aesthetic or historical value.

c. Return the LTPP either approved or with changes which must be made prior to the issuance of a land and vegetation disturbance permit.

3. After final approval of the LTPP by the county planning department, development plans and subdivision plats can be forwarded for review or the land and vegetation disturbance permit can be issued. Plans will be considered approved if no decision is made by the county within twenty-one (21) business days of the submission of the LTPP.

B. *Compliance.* It is the responsibility of the Spalding County Planning Department to review the LTPP to ascertain compliance with the provisions of the landscape and tree preservation ordinance before a land and vegetation disturbance permit will be issued. It is the responsibility of the developer to request a final inspection and the responsibility of the county planning department to conduct a final inspection for compliance to the landscape and tree preservation ordinance before a certificate of occupancy will be granted.

C. *Plan requirements.* The LTPP must include:

1. The location of all existing trees to be retained to meet the tree preservation requirements.
2. The location, size, and species of all replacement trees.
3. The boundaries of all required buffer areas.
4. The boundaries of all existing and proposed landscaped area.
5. The location and type of all plant material to be installed or, if existing, to be used in accordance with the requirements of this ordinance.
6. The boundaries of all existing and proposed buildings.
7. The boundaries of all vehicular and pedestrian use areas.

D. *Development requirements.*

1. *Landscape areas.* Lots zoned under the zoning districts listed below shall provide minimum landscape areas as specified along all property lines unless a buffer or protected zone is required by the ordinance or a condition of zoning or unless lots are being developed with single-family detached dwellings. Landscape areas shall be maintained as required by the landscape ordinance except for approved access and utility crossings. All required landscape areas must be designed with a combination of trees, shrubbery, and ground cover.

a. *Street frontage landscape areas.* A landscape area shall be established along the rights-of-way of all adjoining streets as specified under this section.

b. *Parking lot landscape areas.* Off-street parking lots shall be landscaped in accordance with this section. Exterior and interior parking aisles shall be terminated at both ends by landscape islands (ten (10) feet in width by twenty (20) feet in length, typical). Landscape islands shall also be provided for each one hundred (100) feet of continuous bay length. Should topography prove prohibitive to this design, an alternate plan may be submitted. Such alternate plan must be submitted for approval.

c. *Side yard landscape areas.* A landscape area shall be established along the side property lines of all lots as specified under this section. However, where a side yard buffer is required pursuant to other

provisions of the Spalding County Unified Development Ordinance, a landscape area shall not preclude buffer requirements.

d. *Minimum landscape areas.*

**MINIMUM LANDSCAPE AREAS  
BY  
ZONING DISTRICT**

TABLE INSET:

YARD	AR-1 AR-2	R-1, R-2, R-2A, R-4, R-5, R-6	R-3	O-I	C-1	C-1A	C-1B	C-1C	C-2	C-3
FRONT	40	40	40	10	10	10	10	10	10	10
SIDE CORNER	20	20	30	10	10	10	10	10	10	10
SIDE	10	10	10	10	5/10*	5/10*	5/10*	0/5*	0/5*	0/5*
REAR	10	10	10	10	5/10*	5/10*	5/10*	0/5*	0/5*	0/5*

\* The second number applies when lot line adjoins less intense zoning district other than single-family.

AR-1, AR-2, R-1, R-2, R-2A, R-4, R-5, and R-6 landscape area requirements apply to nonresidential uses permitted in these districts only.

The above stated landscape areas are measured in feet from the corresponding property line. The above stated landscape areas also apply to outparcel development.

2. *Required tree density.*

a. Each development shall maintain and/or implement a tree density factor of fifteen (15) units per acre. Compliance shall be demonstrated on the LTPP. Existing trees or stands of trees used in the density calculation must be indicated on the drawing. In addition, a minimum of four (4) trees for every one hundred (100) feet of road frontage is required. Clumping is permitted.

b. The following shall be used to convert existing trees remaining on site to density factor units:

**Conversion From DBH To Density Factor Units  
for Existing/Replacement Trees**

TABLE INSET:

DBH	UNITS	DBH	UNITS	DBH	UNITS
1-4	.3	22	2.7	37	7.5

5-7	.5	23	2.8	38	7.9
8-9	.7	24	3.1	39	8.3
10	1.0	25	3.4	40	8.7
11	1.2	26	3.7	41	9.2
12	1.4	27	4.0	42	9.6
13	1.6	28	4.3	43	10.1
14	1.8	29	4.6	44	10.6
15	2.0	30	4.9	45	11.0
16	2.1	31	5.2	46	11.5
17	2.2	32	5.6	47	12.0
18	2.3	33	5.9	48	12.6
19	2.4	34	6.3	49	13.1
20	2.5	35	6.7	50	13.6
21	2.6	36	7.1		

c. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees that are successfully saved. Credit for any specimen tree saved will be two (2) times the assigned unit value shown above in the table "Conversion from DBH." The following criteria shall be used in the determination of specimen trees or stands of trees:

1) Specimen tree:

a) Any tree in fair or better condition which equals or exceeds the following diameter sizes:

i. Large hardwoods, e.g., oaks, hickories, yellow poplars, sweetgums, etc., twenty-seven (27) inches dbh.

ii. Large hardwood, beech, twenty-four (24) inches dbh.

iii. Large softwoods, e.g., pines, deodar cedars, etc., twenty-four (24) inches dbh.

iv. Small native flowering, e.g., dogwoods,

redbuds, sourwoods, etc., ten (10) inches dbh.

b) A tree in fair or better condition must meet the following minimum standards:

i. A life expectancy of greater than fifteen (15) years.

ii. A relatively sound and solid trunk with no extensive decay or hollow, and less than twenty (20) per cent radial trunk dieback.

iii. No more than one (1) major and several minor dead limbs (hardwoods only).

iv. No major insect or pathological problem.

c) A lesser-sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or of historical significance.

d) A lesser size tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

2) Specimen tree stands--A contiguous grouping of trees which has been determined to be of high value. Determination is based upon the following criteria:

a) A relatively mature even aged stand.

b) A stand with purity of species composition or of a rare or unusual nature.

c) A stand of historical significance.

d) A stand with exceptional aesthetic quality.

d. Sample tree density calculation.

Required density factor for 2.2 acres

2.2 acres x 15 units/acre = 33 units required

Existing Density Factor (EDF)

TABLE INSET:

Size	Number on Site	Units per Tree	Total Units
2"	4	.3	1.2
10"	2	1.0	2
18"	10	2.3	23
<b>Total EDF</b>			26.2

Replacement Density Factor (RDF)

TABLE INSET:

Size	Number on Site	Units per Tree	Total Units
2"	15	.3	4.5
6"	10	.5	5.0
<b>Total RDF</b>			<b>9.5</b>

EDF + RDF >= Required Density Factor

$26.2 + 9.5 = 35.7$

35.7 >= 33.0 = Required Density Achieved

If the county determines/approves that the required density factor (RDF) cannot be met on site because the project site will not bear the required density of trees, as many trees as possible must be planted on site. The remaining balance of required trees must be provided for planting on public properties or funds must be deposited into the Spalding County Tree Replacement Fund at four hundred dollars (\$400.00) per unit for the balance of the remaining units. Certificates of occupancy will be issued when the installation of these trees is complete and/or the appropriate funds have been received by the county for deposit into the tree replacement fund.

3. *Guidelines for tree preservation.* Listed below are guidelines for tree preservation/protection to be followed during the grading and construction process.

a. All individual stand-alone trees to be retained on site must be marked with orange engineering tape.

b. The tree preservation/protection area (drip line area and critical root zone) of stand-alone trees and stands of trees will be protected. See Figure 1 on the following page. Figures 2, 3, and 4 show *suggested* guidelines for tree preservation/protection.

GRAPHIC LINK (not available): Figure 1

GRAPHIC LINK (not available): Figure 2

GRAPHIC LINK (not available): Figure 3

GRAPHIC LINK (not available): Figure 4

c. If it is determined that irreparable damage has been done to a tree in a tree preservation/protection area during construction, the developer, builder and/or owner shall be responsible for the replacement of that tree in accordance with the required density factor.

4. *Landscape installation requirements.* All landscaping shall be installed in accordance with accepted good planting procedures.

a. **New plant materials.** All new living plant materials shall satisfy the requirements of "Number 1" or better as defined in the most current edition of American Standards for Nursery Stock. All separate landscaped areas shall have a minimum variety of two (2) living plant materials other than trees; total landscaping areas required shall include a minimum variety of three (3) landscape materials other than trees.

i. **Trees.** A tree shall attain an average crown spread over fifteen (15) feet at maturity. Trees having an average crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen-foot crown spread. All trees shall be of a species which can be maintained with a minimum of two (2) inches diameter at breast height (DBH) measured four and one-half (4 1/2) feet above the ground and shall be a minimum of six (6) feet in overall height immediately after planting. Figure 5 [following the table of suggested acceptable species] depicts *suggested* standards for planting trees.

The following trees are suggested as acceptable species:

TABLE INSET:

Acer barbatum	Southern sugar maple
Acer buergeranum	Trident maple
Acer leucoderma	Chalkbark maple
Acer palmatum	Japanese maple
Acer rubrum	Red maple
Aesculus pavia	Red buckeye
Amelanchier arborea	Downy serviceberry
Amelanchier grandiflora	Apple service berry
Amelanchier laevis	Allegheny serviceberry
Betula nigra	River birch
Bumelia iycloldes	Buckthorn bumelia
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam, ironwood, musclewood

<i>Carya cordiformis</i>	Bitternut hickory
<i>Carya glabra</i>	Pignut hickory
<i>Carya illinoensis</i>	Pecan
<i>Carya ovata</i>	Shagbark hickory
<i>Carya tomentosa</i>	Mockernut hickory
<i>Cedrus atlantica</i>	Atlas cedar
<i>Cedrus deodara</i>	Deodar cedar
<i>Cedrus libani</i>	Cedar of Lebanon
<i>Celtis laevigata</i>	Sugarberry - South Georgia
<i>Celtis tenuifolia</i>	Georgia hackberry
<i>Cercidiphyllum japonicum</i>	Katsuratree
<i>Cercis canadensis</i>	Redbud
<i>Chamaecyparis thyoides</i>	Atlantic white cedar
<i>Chionanthus virginicus</i>	Fingertree
<i>Cladrastis lutea</i>	Yellowwood
<i>Cornus alternifolia</i>	Pagoda dogwood
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus kousa</i>	Kousa dogwood
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Crataegus viridis</i> "Winter King"	Winter king green hawthorn
x <i>Cupressocyparis leylandii</i>	Leyland cypress
<i>Cryptomeria japonica</i>	Japanese cryptomeria
<i>Diospyros virginiana</i>	Persimmon - ok for groves
<i>Elaeagnus augustifolia</i>	Russian-Olive

<i>Elaeagnus multiflora</i>	Cherry elaeagnus
<i>Elaeagnus umbellata</i>	Autumn-olive
<i>Fagus grandifolia</i>	American beech
<i>Fagus sylvatica</i>	European beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Ginkgo biloba</i>	Ginkgo (purchase male trees)
<i>Ilex decidua</i>	Possumhaw
<i>Ilex opaca</i>	American holly
<i>Ilex verticillata</i>	Winterberry
<i>Ilex vomitoria</i>	Yaupon holly
<i>Juglans nigra</i>	Black walnut
<i>Juniperus chinensis</i>	Chinese juniper
<i>Koelreuteria paniculata</i>	Panicked goldenrain tree
<i>Lagerstroemia indica</i>	Crape myrtle
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip poplar
<i>Magnolia grandiflora</i>	Southern magnolia
<i>Magnolia soulangiana</i>	Saucer magnolia
<i>Magnolia stellata</i>	Star magnolia
<i>Magnolia virginiana</i>	Sweetbay
<i>Magnolia hybrids</i>	
<i>Malus</i>	Flowering crabapple; disease resistant varieties only
<i>Malus angustifolia</i>	Southern crabapple

Malus floribunda only	Japanese flowering crabapple; disease resistant var
Malus hupehensis	Tea crabapple
Malus sargentii	Sargent crabapple
Malus sieboldii var. zumi "Calocarpa"	
Malus cultivars	
Metasequoia glyptostroboides	Dawn redwood
Myrica cerifera	Southern bayberry
Nyssa sylvatica	Blackgum, black tupelo
Ostrya virginiana	Hophornbeam, ironwood
Oxydendrum arboreum	Sourwood
Pinus echinata	Shortleaf pine
Pinus sylestris	Scotch pine
Pinus taeda	Loblolly pine
Pinus virginiana	Virginia or scrub pine
Pistacia chinensis	Chinese pistache
Platanus acerifolia	London planetree, ok but messy
Platanus occidentallis	American sycamore
Prunus americana	American plum
Prunus angustifolia	Chickasaw plum
Prunus persica	Peach; including flowering
Prunus serotina	Black cherry
Prunus subhirtella	Flowering cherry
Prunus rerrulata	Flowering cherry
Ptelea trifoliata	Hoptree

Quercus acutissima	Sawtooth oak
Quercus alba	White oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus laurifolia	Laurel oak
Quercus marilandica	Blackjack oak
Quercus muehlenbergii	Chickapin oak
Quercus nigra	Water oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Northern red oak
Quercus shumardii	Shumard oak
Quercus stellata	Post oak
Quercus velutina	Black oak
Sassafras albidum	Sassaflar
Symplocos tinctoria	Sweetleaf
Taxodium distichum	Baldcypress
Tilia caroliniana	Carolina basswood
Ulmus alata	Winged elm
Ulmus parvifolia	Chinese elm
Ulmus rubra	Slippery elm
Zelkova serrata	Japanese zelkova

**GRAPHIC LINK (not available): Figure 5**

- ii. *Shrubs.* Shrubs shall be a minimum of one (1) foot in height

when measured at the time of planting, except where they are to act as screening for residential uses or districts, in which case they shall be a minimum of three (3) feet in height at the time of planting and maintained at a minimum height of six (6) feet at maturity. Shrubs should be of species which are adaptable to the area.

iii. *Lawn grass and ground covers.* Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant materials other than solid sod or grass are used, a fast growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod should be clean and reasonably free of weeds and noxious pests or disease. Ground covers, which represent a finished appearance and reasonably complete coverage at the time of planting, may be used in lieu of grass sod.

b. *Existing plant materials.* Existing living plant materials to be preserved shall be in accordance with the county's tree preservation guidelines.

c. *Encroachment.* Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brickwork, and/or other devices. Placement of these devices shall be located at least two and one-half (2 1/2) feet from walks, walls and structures and may be placed one (1) foot from landscaped areas to prevent a vehicular overhang of no more than one and one-half (1 1/2) feet of landscaping area which may be counted as part of the required depth of each parking space.

d. *Maintenance.* The owner or his agent shall be responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept from refuse and debris. All landscaped areas shall be provided with a sprinkler system or readily available water supply. The business owner/developer shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one (1) year of the final approval of the installation. The business owner/developer is thereafter responsible to maintain the landscaping in a healthy manner.

e. *Plant bed.* Planting bed for all landscaping materials shall be free of weeds, debris and noxious material and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrient for the plants and thus may require incorporation of sand, peat, and/or topsoil into the soil. Such planting soil shall be placed throughout the planting hole for each plant, and this hole shall be at least twice as wide as the width of the plant ball and as deep as the depth of the plant ball.

6. *Other requirements.*

a. Groundcovers, flowers, stones, and mulch may be utilized as needed to meet coverage requirements.

b. Islands shall be required at ends of interior parking aisles and per each one hundred fifty (150) feet of continuous aisle length.

c. Flowering ornamental replacement trees will be given one-half ( 1/2)

credit for meeting density requirements.

d. Replacement trees must be ecologically compatible with the intended growing site.

e. Buffers and landscape areas fronting on county maintained roads shall be measured from the right-of-way.

f. All disturbed areas not otherwise addressed in this ordinance shall have a ground cover for erosion control purposes.

g. No vegetation at driveways or entrances should be higher than two (2) feet within ten (10) feet of the entrance/exit.

7. *Performance surety.*

a. No occupancy permit shall be issued prior to complying with the specifications of this ordinance and all conditions of zoning. In the event that the requirements of this section have not been met at the time that a certificate of occupancy could otherwise be granted, the owner or his agent shall post a landscape performance bond or other county approved surety in an amount equal to one hundred ten (110) per cent of the landscaping costs.

b. Said surety shall:

i. Be drawn in favor of the board of commissioners.

ii. Be in a form satisfactory to the county attorney.

iii. Specify the time for the completion of the landscaping requirements of this section which shall not be longer than six (6) months following the issuance of a temporary certificate of occupancy.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 303. Appeals and variances.**

Provisions for appeals and variances are set forth in Article 4, Sections 410 and 411 of the Spalding County Unified Development Ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 304. Penalties.**

Any person who violates any provision of this ordinance or any amendment to this ordinance, or who fails to perform any act required hereunder or commits any prohibited act shall be guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars (\$1,000.00) for each offense. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 305. Remedies.**

If any building or land is used or maintained in violation of this ordinance, anyone, including the county, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

## **ARTICLE 4. POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS ORDINANCE**

### **Sec. 401. Purpose.**

This article formalizes the powers and duties of the administrative officer, the planning commission, the board of appeals, and the board of commissioners where this ordinance is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### **Sec. 402. Powers and duties of the administrative officer.**

The administrative officer has the power and duty to provide the following services related to this ordinance:

- A. Provide initial information about this ordinance upon request.
- B. Advise how to contact members of the planning commission, the board of appeals, and the board of commissioners for services provided by those bodies.
- C. Offer practical suggestions on how to comply with the requirements of this ordinance.
- D. Maintain complete records concerning this ordinance and related matters, and make such records available to the public upon request.
- E. Propose amendments to this ordinance.
- F. Approve landscape plans as specified in this ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

### **Sec. 403. Powers and duties of the planning commission.**

The planning commission has the power and duty to provide the following services related to this ordinance:

- A. Advise the board of commissioners on applications for amendment to this ordinance by examining amendment applications and providing written recommendations with reasons for the recommendations to the board of commissioners as specified in Article 4, Section 414 of the Spalding County Unified Development Ordinance.
- B. Dispense general information about this ordinance to the public upon request.
- C. Propose amendments to this ordinance.
- D. Maintain and update the Spalding County Comprehensive Plan so that it may provide a current database with which decisions on proposed amendments to this ordinance may be made that utilize sound planning principles.

E. Carry out an ongoing comprehensive planning program that will provide current data on which decisions regarding this ordinance may be based that utilize sound planning principles.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 404. Powers and duties of the board of appeals.**

The board of appeals has the power and duty to provide the following services:

A. Accept applications for appeal of an action of the administrative officer or the planning commission and render official decisions on them according to procedures specified in Article 4, section 410 of the Spalding County Unified Development Ordinance.

B. Authorize variances according to procedures specified in Article 4, section 411 of the Spalding County Unified Development Ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 405. Powers and duties of the board of commissioners.**

The board of commissioners has the power and duty to provide the following services related to this ordinance:

A. Accept applications for amendment of this ordinance and render official decisions on them after referring them to the planning commission for review and recommendations as specified in Article 4, section 414 of the Spalding County Unified Development Ordinance.

B. Propose amendments to this ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

<b>ARTICLE 5. LEGAL STATUS PROVISIONS</b>
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**Sec. 501. Adoption of this ordinance.**

The adoption of this ordinance shall operate as a repeal of any ordinances in conflict with this ordinance.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 502. Effect of repeal.**

The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 503. Severability of provisions.**

It is hereby declared to be the intention of the county that the sections, paragraphs, sentences, clauses and phrases of this ordinance hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, this unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance hereby adopted.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 504. Effect of catchlines.**

The catchlines of the several sections of this ordinance printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of the sections nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)

**Sec. 505. Effective date.**

This ordinance shall be effective June 15, 1999, the date of its adoption.

(Res. of 6-16-98, § 1; Res. of 1-5-99, § 1; Res. of 4-6-99, § 1; Res. of 6-15-99, § 1)