

City of Tifton

Tift County

Not located in a MSA.

2003 Population Estimate 15,862; +1.1% change from 2000 Census.

Not a Tree City USA.

Tree Board with 5 members; no meeting frequency required by ordinance.

Chapter 54 PLANNING AND ZONING, ARTICLE III. LANDSCAPE REQUIREMENTS FOR CERTAIN VEHICULAR USE AREAS

Chapter 86 VEGETATION

Appendix A ZONING, ARTICLE IV. GENERAL REQUIREMENTS

Year first adopted or last revised unknown.

Addresses public and private property.

Includes buffer and landscape requirements.

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Chapter 54 PLANNING AND ZONING*

***Cross references:** Any zoning ordinance saved from repeal, § 1-6(10); administration, ch. 2; buildings and building regulations, ch. 18; environment, ch. 38; floods, ch. 42; sewers, ch. 62; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; subdivisions, app. B.

State law references: Coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.

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ARTICLE III. LANDSCAPE REQUIREMENTS FOR CERTAIN VEHICULAR USE AREAS*

*Cross references: Vegetation, ch. 86.

Sec. 54-81. Definitions.

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

Architectural planter means a container within which plantings may be placed to meet the requirements of this article.

Bond means a written instrument issued or executed by a bonding, surety, or insurance company licensed to do business in the state, guaranteeing that the person bonded shall faithfully fulfill and satisfy all requirements of this article, made payable to the city for costs and expenses which result from nonperformance or failure of the person bonded to satisfy the requirements of this article.

Commercial property means any real property within the city that is not zoned single-family residential.

Construction means any activity which either:

- (1) Is of a type for which an application for a building permit must be made prior to the commencement of any improvements;
- (2) Involves soil preparation for and pavement of any vehicle use area; or
- (3) Constitutes any activity for which a land disturbance permit is required pursuant to chapter 38, article IV of this Code, and which also involves the installation of any vehicle use area; provided that the installation of any vehicle use area shall not include the resurfacing, repairing or replacing of any existing vehicle use area unaccompanied by land disturbance of adjacent surface areas.

Developed area means that portion of a lot, excluding public rights-of-way, upon which buildings, structures, pavement, landscape materials, and/or their other improvements have been or are to be located.

Encroachment means the protrusion of a vehicle outside of a parking space, display area, storage area, driveway, or access aisle or other vehicle use area into or across a planting area.

Ground cover means natural mulch or low growing plants other than deciduous varieties installed for the purpose of providing a continuous cover over the surface of the ground.

Historic district means that area which is located within the boundaries of the city's historic district as described in subsection 54-131.

Interior area means the total area of a lot which is to be the subject of construction or redevelopment exclusive of the front, rear and side perimeter landscape areas thereof as

provided in section 54-86.

Knowingly means having a knowledge of the existence of facts which bring an act or omission within the provisions of any portion of this article either with or without knowledge of this article, the provisions or requirements hereof or that such act or omission constitutes a violation of any provision of this article.

Landscape means the placement of landscape material in an area in accordance with the requirements of this article including (with respect to trees, shrubs, vines, lawn grasses and other living plant material) the planting in a suitable growing medium, with the proper drainage therefor of a species thereof which will thrive under normal conditions in the city with a list of trees, shrubs, vines, lawn grasses and living ground covers deemed to meet such requirements being maintained by the responsible official and the zoning administrator of the city, provided that such list shall not be considered as exclusive of species which meet such requirement.

Landscape material means material consisting of one or any combination of the following:

- (1) Living plant material, including but not limited to trees, shrubs, vines, lawn grasses, and ground cover;
- (2) Landscape water features; and/or but not limited to rocks pebbles, sand, brick pavers and earthen mounds, but excluding impervious surfaces designed for, or to be utilized for, vehicular use purpose, sidewalks and walkways.

Landscape plan means a plan required by this article.

Lot means a parcel of land described by metes and bounds or by reference to a recorded plat of survey in instrument or instruments recorded in the deed records in the office of the clerk of the county superior court, and which is held in a single ownership by one person or in common ownership by more than one person, and which is either:

- (1) One which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by the zoning ordinance of the city for the zoning district in which the parcel of land is located and for the use proposed for the parcel of land pursuant to such zoning ordinance; or
- (2) A substandard lot of record determined in accordance with the provisions of the zoning ordinance.

Pavement means any cover installed over the surface of land in such a manner as to provide a surface for vehicle use by utilization of impervious materials such as asphalt, concrete, bricks, stone and similar products.

Permit review committee means a committee appointed by the city manager for the purpose of reviewing applications for landscape plan approval. No member of the city council shall be eligible for membership on this committee.

Responsible official means that person who shall from time to time occupy the position which shall from time to time be responsible for the issuance of building permits of the city as designated from time to time by ordinance or resolution of the city council or in the absence thereof by administrative order of the city manager.

Shrub means a woody plant normally characterized by persistent wood stems, low stature and branching near its base. For purpose of this article the word "shrub" also includes all woody plants of all species which have developed (or which under normal conditions in the city will develop) trunks of a caliper diameter of less than two inches at a height of six inches above ground level.

Sight triangle means the areas of a lot on both sides of a driveway formed by the intersection of each side of the driveway and public right-of-way with the two sides of each

triangle being not less than 12 feet in length from the point of intersection and the third side being a straight line connecting the ends of the two other sides.

Tree means a self-supporting woody plant of a species which has developed (or which under normal conditions in the city will develop) a single trunk of a caliper diameter of two inches or more at a height of six inches above ground level and an overall height at maturity of at least 20 feet.

Vehicle use area means any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest, including, but not limited to, driving, parking, loading, unloading, servicing, storage and display, as well as vehicular uses under, on, or within buildings.

Vines means any of a group of woody or herbaceous plants which may climb by twining or which normally require support to reach mature form.

Visual screen means a barrier of living or nonliving landscape material or other inert materials established for the purpose of complying with the zoning ordinance of the city or with the requirements for zoning changes, special exceptions or variances pursuant to the provisions of such zoning ordinance.

Except to the extent that the context of this article clearly indicates otherwise all other words, terms and phrases utilized in this article shall have the same definitions as provided therefor in the zoning ordinance of the city to the extent applicable thereto.

(Code 1974, § 18-72)

Cross references: Definitions generally, § 1-2.

Sec. 54-82. Exemptions.

(a) The city voluntarily opts to be included and governed under this article and, to the extent possible within the confines of state law, will seek to include all other governmental entities under this article.

(b) This article shall not apply to:

- (1) Any construction which, upon completion, will result in a total square footage of ground level paved vehicle use area below the minimum set forth in section 54-86;
- (2) Any paved vehicle use area existing as of July 1, 1991; or
- (3) Any resurfacing, repair or replacement of any then existing paved vehicle use area unaccompanied by land disturbance of any adjacent surface area.

(Code 1974, § 18-73)

Sec. 54-83. Landscape plan required.

Except in those instances in which compliance with this article is specified exempted pursuant to the provisions of this article, approval of a landscape plan pursuant to this article is required as a precondition for, and prior to, any construction and for the issuance of a building permit by the city.

(Code 1974, § 18-74)

Sec. 54-84. Applications for approval of plan.

A person seeking approval of a landscape plan required pursuant to section 54-83 shall file an application with the city building inspector along with an application for a building permit. At the time of the filing of the application for approval of a landscape plan there shall also be filed therewith five copies of the proposed landscape plan which is the basis of the application and which shall:

- (1) Be a graphic depiction of the lot as well as existing and proposed structures, vehicle use areas, sidewalks and other walkways, landscaped areas and other landscape improvements and the relationships thereof to each other as well as to adjacent public and private streets, adjacent sidewalks and walkways, and adjacent properties;
- (2) Include the square footage of both existing and proposed paved vehicle use areas; and
- (3) Generally provide sufficient information (including location of landscape areas) so as to enable a determination whether the proposed plan complies with the requirements of this article.

(Code 1974, § 18-75)

Sec. 54-85. Landscape standards.

The following landscape standards shall be followed to satisfy the requirements of this article:

- (1) *Landscape area size requirements.*
 - a. Located in whole or in substantial part (i.e., more than 50 percent) within the historic district. If paved vehicle use area exceeds 3,000 square feet, then six percent of such area shall be landscaped.
 - b. Located in whole or in substantial part (i.e., more than 50 percent) outside historic district. If paved vehicle use area exceeds 20,000 square feet, then six percent of such area shall be landscaped.
- (2) *Landscape area location requirements.* Any paved vehicle use area that exceeds 10,000 square feet in the historic district and 40,000 square feet elsewhere shall have at least 50 percent of required landscape area located with interior planting areas.
- (3) *Tree requirements.* One tree shall be planted for each 25 feet of frontage of a subject lot on all public streets, except alleys. Trees may be planted in groups as long as the distance between them ensures proper health and growth of such trees. At least 25 percent of the trees shall be genuine shade trees and not of an ornamental variety.
- (4) *Encroachment limitations.* Vehicle encroachment into landscape areas shall not exceed two feet.
- (5) *Interior planting areas.*
 - a. Interior planting areas shall be located to relieve the large expanses of paving and provide for the orderly flow of vehicular and pedestrian traffic.
 - b. Water facilities to interior planting areas shall be provided.
 - c. If strict application of this section unreasonably interferes with the

function of the vehicle use area, then the interior landscaping required may be located near the perimeter of the vehicle use area.

(6) *Plant material standards.*

a. Trees utilized to comply with the requirements of this article shall, at the time of planting, have a minimum height of five feet and a minimum diameter of two inches at a point one foot above ground line.

b. Shrubs and hedges utilized to comply with the requirements of this article shall not be of noncreditable species. No species of deciduous shrub shall be credited for purposes of the visual screening requirement.

c. Vines, ground cover and lawn grasses shall be of a species and size that under normal conditions in the city will thrive and provide complete ground cover within two years of planting.

d. Architectural planters utilized to comply with the requirements of this article shall have for shrubs, planting area of not less than ten square feet and a depth of not less than 18 inches. Architectural planters for trees shall have a planting area of not less than 12 square feet and a depth of not less than four feet.

e. No credit shall be given toward compliance with the requirements of this article for any synthetic or artificial plant material.

f. The preservation of existing trees of at least four inches caliper diameter and a height of at least 15 feet which are located upon the lot is encouraged and such trees may be substituted on a one for one basis for the trees required to be planted under this article.

g. The construction of additional paved vehicle use areas in a phase development is required to meet the landscape standards only for the most recent additional paved vehicle use areas.

h. Upon satisfactory demonstration by the applicant that a proposed landscape plan for a particular project, notwithstanding variance thereof with any or all of the requirements contained in the above subsections of this section, meets and satisfies the intent and purposes of this article, the proposed landscape plan of the applicant may be approved with such approval as well as building permits issued and landscape plans approved based thereon to all be subject to such conditions, limitations and restrictions as shall be imposed in order to ensure compliance with the intent and purposes of this article.

(7) *Phased developments.* The application of this article and the standards thereof shall apply to any incremental increases in commercial development on the same lot when the aggregate paved vehicle use area exceeds the minimum square footage set forth in this section.

(Code 1974, § 18-76)

Sec. 54-86. Utilities and easements.

Notwithstanding any other provision of this article, any portion of a lot which is the subject of any public utility easement, drainage easement, or public or private right of ingress or egress shall be landscaped, to the extent required or permitted pursuant to this article, consistent with and in such a manner so as to not interfere with the uses, rights, duties, obligations and purposes of such easements and rights.

(Code 1974, § 18-77)

Sec. 54-87. Consideration of applications.

Each application for approval of landscape plans shall promptly following receipt thereof be submitted to the permit review committee for consideration. Should the proposed landscape plan fail to meet the requirements of this article, the applicant, as well as those responsible for issuing building permits, shall be notified in writing of the rejection of the application.

(Code 1974, § 18-78)

Sec. 54-88. Modified landscape plan.

The permit review committee may (but need not), in lieu of rejection of a landscape plan, approve a landscape plan which varies from the proposed landscape plan of the applicant conditioned upon the adoption and implementation of such modified landscape plan by the applicants. An applicant desiring to accept such a modified plan shall, within seven calendar days after written notice of such action, file a written notice of acceptance with the city clerk. If the applicant fails to file such a written notice of acceptance within such time period, the application shall be deemed to have been rejected effective as of the date of written notice to the applicant of the modified plan. Modified landscape plans shall conform to the requirements of this article and shall constitute approved landscape plans under this article upon acceptance thereof by the applicant.

(Code 1974, § 18-79)

Sec. 54-89. Appeal procedure.

Any person aggrieved by a decision of the permit review committee in connection with an application for a landscape plan shall have the right to appeal such decision to the city council. Any such appeal must be filed in writing with the city clerk within 15 calendar days after written notice of the adverse decision in issue is published in the official minutes of the permit review committee. The minutes of such committee shall be open for public inspection at the city hall during normal business hours and, further, the city shall comply in all respects with the state open records act, as amended.

(Code 1974, § 18-80)

Sec. 54-90. Revocation and suspension of building permits.

Upon determination by the city manager that either: (i) a building permit for which approval of a landscape plan is required has been issued in error or based upon incorrect or misleading information; or (ii) any landscape work, construction or redevelopment is not being carried out in accordance with a required landscape plan or the provisions of this article; then in any and all such events the city manager may suspend or revoke the applicable building permit.

(Code 1974, § 18-81)

Sec. 54-91. Rules and regulations for administration and enforcement.

The city manager is authorized to adopt and implement rules and regulations for the administration and enforcement of the provisions of this article which are not inconsistent with the provisions of this article or the intent and purpose thereof, subject to the right of the city council to vacate any such rule or regulation within 60 days following submission thereof to the city council. If the provisions of this article are not met, the city manager (or his designee) shall not issue to the applicant a certificate of occupancy or a business license.

(Code 1974, § 18-82)

Sec. 54-92. Mandatory time period.

The provisions of this article shall be mandatory upon all covered property owners for a period of three years from the time of initial issuance of a certificate of occupancy and shall be voluntary thereafter.

(Code 1974, § 18-83)

Sec. 54-93. Relationship to permits.

(a) No building permit shall be issued with respect to any work to be performed upon any lot unless and until a landscape plan, if required pursuant to this article, has been approved pursuant to this article.

(b) If a landscape plan is required pursuant to this article, then no land disturbance permit, if required pursuant to chapter 38, article IV of this Code, or other applicable law or ordinance, shall be issued with respect to any work to be performed upon the lot unless and until a landscape plan has been so approved.

(c) If a landscape plan is required pursuant to this article, then no certificate of occupancy with respect to any work performed upon the lot shall be issued unless and until it has been determined after final inspection that the requirements of this article have been completed in accordance with the building permit, the landscape plan and the provisions of this article. Notwithstanding the foregoing, in lieu of withholding the issuance of a certificate of occupancy, the city manager may require a performance bond or other security for an amount equal to 110 percent of the cost of materials, labor and other attendant matters, including costs of the city, incidental to the completion of the landscape work required under this article and pursuant to the applicable landscape plan as estimated by the city manager and may further require as condition therefor that the required landscape work be satisfactorily completed within a specified period of time; provided that the amount of such bond or other security shall not be less than \$1,000.00. Any such bond or security shall be of such form and substance as shall be determined to be satisfactory by the city manager and shall provide for the time for completion of the landscaping requirements of this article and the applicable landscape plan with the time for completion thereof to not exceed six months duration subject to such extensions as may be granted by the city manager from time to time for good cause shown.

(Code 1974, § 18-84)

Sec. 54-94. Suspension of permits.

Upon determination by the city manager that reasonable grounds exist to believe that:

- (1) Any construction upon any lot is being conducted without a required landscape plan for the lot having been approved in accordance with this article;

- (2) Any construction or landscape work upon any lot is being conducted in violation of any landscape plan for the lot or any provision of this article;
- (3) Any construction upon any lot is being conducted during the suspension of any building permit for the lot; or
- (4) Landscape work required pursuant to a landscape plan is not being conducted in such a manner that completion thereof can reasonably be anticipated prior to the termination date of the building permit;

then the city manager may suspend, or cause to be suspended, any and all building permits and/or land disturbance permits issued by the city with respect to the lot until such time as the condition or situation giving rise to the suspension has been remedied and to issue, or cause to be issued, stop work orders with respect to activities permitted under the permits.

(Code 1974, § 18-85)

Sec. 54-95. Maintenance, replacement and use requirements.

(a) *Maintenance.* The owner of each lot which is subject to the landscape requirements of this article shall at all times following installation thereof for a period of two years following the date of the certificate of occupancy with respect to construction permitted by the applicable building permit (or the scheduled date for completion of work as specified in the building permit in the absence of a certificate of occupancy) utilize, or cause to be utilized, reasonable efforts to maintain all living plant materials planted pursuant hereto in a healthy state and to maintain, or cause to be maintained, all nonliving landscape material installed pursuant hereto in essentially the same state of repair and condition as at the time of the installation thereof.

(b) *Replacement.* The owner of each lot which is subject to the landscape requirements of this article shall replace, or cause to be replaced, within a time period appropriate to the growing season of the species involved, not exceeding 90 days' duration, all dead and diseased plants which are planted in accordance with the provisions of this article or are preserved trees pursuant to the provisions hereof and die or become diseased within two years following the date of the certificate of occupancy with respect to construction permitted by the applicable building permit, or the scheduled date for completion of work as specified in the building permit in the absence of a certificate of occupancy. Extensions of time for replacement may be granted by the tree board upon written application therefor due to material unavailability, seasonal requirements or other undue hardship.

(c) *Protection of landscaped area.* To the extent determined to be necessary in order to prevent vehicular encroachment, if any portion of required landscape area both:

- (1) Contains landscape plant materials other than lawn grass; and
- (2) Is located within three linear feet of any paved vehicle use area, the required landscape area shall be protected from vehicular encroachment by the use of wheel stops, curbing or other appropriate methods.

(d) *Use of landscape areas.* No required landscape area shall be used for parking (except encroachment to the extent permitted in this article), for driveways, for garbage or trash storage or collection purposes or for any other functional use which is contrary to the intent and purposes of this article.

(Code 1974, § 18-86)

Sec. 54-96. Variances.

(a) Upon written application by any party at interest filed either in conjunction with an application for approval of a landscape plan or following the approval thereof, the tree board may grant a written variance from any of the requirements of this article upon determination that:

(1) The granting of the requested variance will not impair the attainment of the intent and purpose of this article; and

(2) The literal enforcement of this article would result in undue hardship.

(b) Applications for variances shall be in writing and shall be filed with the zoning administrator, or such other official as the city manager may designate, not less than ten calendar days prior to the meeting at which the application for the variance in issue will be heard designating the reasons for the requested variance. Applications for variances shall be considered at the next meeting of the tree board.

(Code 1974, § 18-87)

Sec. 54-97. Post permit modifications.

Upon written application therefor, the provisions of building permits relative to landscape plans and such landscape plans may be modified following review and approval thereof by the permit review committee; provided that any and all such modified permits and modified landscape plans shall conform to the requirements of this article as well as the intent and purpose of this article.

(Code 1974, § 18-88)

Sec. 54-98. Certificate of occupancy.

Upon completion of landscape work required pursuant to the landscape plan and the requirements of this article, the responsible official shall upon request of the applicant inspect the landscape work to determine if the work is in compliance therewith. If following inspection it is determined that compliance has been had with the landscape plan and requirements of this article then a certificate of occupancy shall be issued therefor by the responsible official upon compliance with all other requirements relative to the building permit.

(Code 1974, § 18-89)

Sec. 54-99. Enforcement.

Upon determination by the city manager that reasonable grounds exist to believe that there exists any violation of any provision of this article, the building permit or a landscape plan, the city manager shall be entitled to take any, all or any combination of the following actions, or to cause such actions to be taken, as the city manager in his sole discretion shall determine to be appropriate:

(1) Give written notice to the applicant, owner, contractor, landscape contractor and/or other appropriate persons of the existence of such violations, the nature and extent of the violations, the actions necessary to correct the violations, and the time limit within which remedial actions must be taken;

- (2) Suspend or revoke any or all building permits and approval of all landscape plans for the subject lot as well as any or all land disturbance permits issued relative to the lot by the city;
- (3) Issue stop work orders in connection with any or all construction, work or other activity then being conducted upon the lot pursuant to any building or construction license or permit, any landscape plan or any land disturbance permit which has been issued or approved by the city;
- (4) Declare any bond or security given pursuant to this article forfeited in the event of circumstances authorizing the forfeiture following the giving of written notice to the principal and any surety thereon of intention to so do and the failure of the circumstances giving rise thereto to be remedied within 60 days thereafter, to take all actions necessary to collect the proceeds thereof, and to proceed to remedy the circumstances giving rise to the forfeiture upon collection of the proceeds of the bond or security;
- (5) Institute civil proceedings to effectuate remedy of the circumstances giving rise to the violations; and
- (6) Take such other actions as are appropriate under the circumstances in order to obtain compliance with the provisions of this article consistent with applicable law and available resources of the city.

(Code 1974, § 18-90)

Sec. 54-100. Offenses.

- (a) No person shall knowingly engage, participate or assist in any construction for which approval of a landscape plan is required pursuant to this article unless a landscape plan shall have been approved in accordance with the provisions of this article except when such activity is exempted pursuant to provisions of this article.
- (b) No owner or developer of any lot shall knowingly authorize or allow any construction for which approval of a landscape plan is required pursuant to this article to be conducted upon the lot unless a landscape plan shall have been approved in accordance with the provisions of this article except when such activity is exempted pursuant to provisions of this article.
- (c) No person shall knowingly continue to engage, participate or assist in any construction upon any lot following the suspension or revocation of a building permit issued with respect to the lot or of a landscape plan approved with respect to the lot unless and until the building permit and landscape plan are reinstated or another issued and approved.
- (d) No owner or developer of any lot shall knowingly authorize or allow any construction to continue upon a lot following the suspension or revocation of a building permit issued with respect to the lot or of a landscape plan approved with respect to the lot unless and until the building permit and landscape plan are reinstated or another issued and approved.
- (e) No person shall knowingly conduct, allow or permit any construction upon any lot which is at variance with or is not in compliance with a landscape plan approved with respect to the lot except solely to the extent permitted pursuant to a variance granted pursuant to provisions of this article.
- (f) No person shall knowingly conduct, allow or permit any landscape work which is at variance with or is not in compliance with landscape plan therefor except solely to the

extent permitted pursuant to a variance granted pursuant to provisions of this article.

(g) No owner or developer of any lot shall knowingly allow or permit the use of any landscape area required pursuant to this article to be used for any use prohibited pursuant to the provisions of subsection 54-95(d).

(h) No owner or developer of any lot shall fail to cause any required landscape area to be protected as required pursuant to the provisions of 54-95.

(i) No owner or developer of any lot or any contractor for any construction, redevelopment or landscape work shall fail to cause any tree or preservation landscape area to be protected as required pursuant to the provisions of subsection (h) of this section.

(j) No owner or developer of any lot or any contractor charged with responsibility for implementation of any landscape plan shall without justification therefor fail to cause to be completed landscape work required pursuant to this article for such lot.

(k) No person shall knowingly violate any provision of this article.

(Code 1974, § 18-91)

Sec. 54-101. Violations.

Any person who shall violate the provisions of this article shall be punished as provided in section 1-11 of this Code.

(Code 1974, § 18-92)

Sec. 54-102. Conditions constituting nuisances.

Conditions and circumstances existing or arising from the failure of those responsible therefor to comply with the provisions of this article shall constitute a nuisance which shall both authorize the abatement of such nuisance by the city pursuant to this Code and, in connection therewith, to the assessment of a lien against such persons and the lot in issue for the cost of the abatement of such nuisance.

(Code 1974, § 18-93)

Secs. 54-103--54-130. Reserved.

Chapter 86 VEGETATION*

***Cross references:** Buildings and building regulations, ch. 18; vegetation a nuisance, § 38-141 et seq.; parks and recreation, ch. 50; damaging vegetation generally, § 50-10; reckless driving destroying vegetation in parks, § 50-11; landscape requirements for certain vehicular use areas, § 54-81 et seq.; streets, sidewalks and other public places, ch. 70; zoning, app. A; subdivisions, app. B.

Article I. In General

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- Sec. 86-2. Location of shade trees.
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- Sec. 86-4. Street trees and public utilities.
- Sec. 86-5. Care of public trees.
- Sec. 86-6. Topping of public trees.
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Article II. Tree Board

- Sec. 86-31. Creation.
- Sec. 86-32. Purpose.
- Sec. 86-33. Membership.
- Sec. 86-34. Term of office.
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- Sec. 86-39. Rules and regulations.
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- Sec. 86-43. Authority of tree board.
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ARTICLE I. IN GENERAL

Sec. 86-1. Definitions.

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

Crown means the main point of branching or foliage of a tree or shrub, or if none then the upper portion of a tree or shrub.

Crown spread means the horizontal width of a tree or shrub measured across the tree or shrub at its greatest diameter.

Danger tree means any tree or shrub:

(1) Which because of its condition constitutes a reasonable potential hazard to:

- a. Improvements or utilities located within the right-of-way of any street;
- b. Vehicular or pedestrian traffic within the right-of-way of any street; or

(2) Which harbors any insect, fungus, pest or disease which constitutes a potential hazard to other trees located within the city which is not eliminated by treatment thereof within 30 calendar days following written notification thereof to the owner of the property upon which such tree is located.

Park tree means any tree or shrub trunk of which is located within any public area and which is other than a street tree.

Public area means any real property owned by the city or which is utilized by the city for public purposes.

Public tree means any tree or shrub the trunk of which is located within a public area.

Shrub means a woody plant normally characterized by persistent woody stems, low stature and branching near its base. For purpose of this article the word shrub also includes all woody plants of all species which have developed (or which under normal conditions in the city will develop) trunks of a caliper diameter of less than two inches at a height of six inches above ground level.

Small tree means a self-supporting woody plant of a species which under normal conditions in the city will develop a single trunk of a caliper diameter of at least two inches at a height of six inches above ground level and a maximum height at normal maturity in the city of 25 feet or less.

Street means any and all public rights-of-way located within the city which are utilized for public vehicular or pedestrian right-of-way purposes including streets, alleys and other ways.

Street tree means any tree or shrub the trunk of which is located within the right-of-way of a street.

Topping means the act of cutting back the limbs or branches in the crown of a tree or shrub to stubs thereof which are larger than three inches in caliper diameter at the point of such cut.

Tree means a self-supporting woody plant of a species which has developed (or which

under normal conditions in the city will develop) a single trunk of a caliper diameter of two inches or more at a height of six inches above ground level.

(Code 1974, § 23-63)

Cross references: Definitions generally, § 1-2.

Sec. 86-2. Location of shade trees.

(a) All shade trees in the city shall be planted no closer than ten feet from the property lines, so that vision at intersections will not be obstructed.

(b) Any person being notified of this section by the chief of police and failing to comply with the this section, shall be guilty of an offense.

(Code 1974, § 23-8)

Sec. 86-3. Location of street trees.

No street tree shall be planted closer than 35 feet to any street corner as measured from the point of nearest intersecting curb or curbline provided that shrubs maintained at less than 18 inches in height may be planted and maintained within such distances. No street tree shall be planted closer than ten feet to any fire hydrant.

(Code 1974, § 23-64)

Cross references: Streets, sidewalks and other public places, ch. 70.

Sec. 86-4. Street trees and public utilities.

No street tree other than a small tree shall be planted under or within ten lateral feet of any overhead public utility wire or over or within five lateral feet of any underground water line, sewer line, power line or other public utility.

(Code 1974, § 23-65)

Cross references: Streets, sidewalks and other public places, ch. 70; utilities, ch. 82.

Sec. 86-5. Care of public trees.

(a) Notwithstanding any other provision of this article the city shall have the right to plant, prune, cut, maintain and remove, or to cause to be planted, pruned, cut, maintained and removed, any public tree to the extent necessary to ensure public safety, to provide for public utilities, to ensure convenient utilization of streets, or to preserve or enhance the symmetry or beauty of public properties.

(b) Notwithstanding any other provision of this article the city shall have the right to prune, cut or remove, or cause to be pruned, cut or removed, any public tree which is a danger tree or any portion of a public tree which:

- (1) Is in an unsafe condition;
- (2) Interferes with public utilities or other public improvements convenient utilization of streets; or
- (3) Is affected with any injurious fungus, insect, pest, or disease.

(Code 1974, § 23-66)

Sec. 86-6. Topping of public trees.

Except to the extent otherwise permitted under this article, no person or entity shall engage in any act or conduct involving the topping of any public tree except to the extent necessary due to damage by storms or other such casualty or due to its location relative to utility wires where other pruning practices are impractical.

(Code 1974, § 23-67)

Sec. 86-7. Maintenance by owners of private trees.

(a) The owner of each tree or shrub any portion of which shall overhang into or over any street shall prune, and to the extent necessary remove, such tree or shrub to the extent that the tree or shrub shall:

- (1) Not obstruct the light from any street light or obstruct the view of any street intersection; and
- (2) Be maintained so as to provide a clear space of eight vertical feet above the surface of both the paving of such street and any sidewalk located within the right-of-way of such street.

(b) The owner of each tree or shrub which is located upon property which is located within the city shall promptly remove all danger trees and all broken or decayed limbs which may constitute a menace to the safety of the public while utilizing any street.

(Code 1974, § 23-68)

Sec. 86-8. Removal of stumps.

All stumps of public trees shall, as soon as practicable, be removed below the surface of the ground by the persons or entity responsible for creation of such condition so that the top of the stump shall not project above the surface of the ground and such persons or entities shall promptly thereafter render the premises to a clean, safe and sanitary condition.

(Code 1974, § 23-69)

Sec. 86-9. Conditions constituting nuisances.

Conditions and circumstances existing or arising from the failure of those responsible therefor to comply with the provisions of either section 86-7 or section 86-8 shall constitute a nuisance which shall both authorize the abatement of such nuisance by the city pursuant to the provisions of this Code with respect thereto and, in connection therewith, to the assessment of a lien against such person, such entity and the premises for the cost of the abatement of such nuisance.

(Code 1974, § 23-72)

Secs. 86-10--86-30. Reserved.

ARTICLE II. TREE BOARD*

*Cross references: Administration, ch. 2.

Sec. 86-31. Creation.

There is hereby created and established a tree board in and for the city.

(Code 1974, § 23-50)

Sec. 86-32. Purpose.

The purpose of the tree board shall be to perform the duties specified in this chapter and to perform such other duties as shall be provided from time to time by ordinance adopted by the city council.

(Code 1974, § 23-51)

Sec. 86-33. Membership.

The tree board shall consist of five members appointed and removable by the council by majority vote thereof. Members of the tree board shall be residents of the county, but need not be residents of the city.

(Code 1974, § 23-52)

Sec. 86-34. Term of office.

The term of office of each member of the tree board shall be on a calendar year basis for a two-year period with members subject to removal either with or without cause by the council prior to the end of their term of office; provided that in the appointment of the first board two members shall be appointed for an initial one-year term and three members shall be appointed for an initial two-year term.

(Code 1974, § 23-52)

Sec. 86-35. Compensation, expenses.

Members of the tree board shall receive no compensation for their services except that they may be reimbursed for any out-of-pocket expenses incurred by them in direct connection with the performances of their services and duties subject to approval thereof by the city council by resolution thereof in accordance with such requirements as shall be imposed by the city council.

(Code 1974, § 23-53)

Sec. 86-36. Meetings.

Meetings of the tree board shall be held from time to time as necessary for the board to perform its duties and responsibilities. All meetings of the tree board shall be open to the public and shall be held in accordance with the requirements of state law relative to meetings of local governmental entities.

(Code 1974, § 23-54)

Sec. 86-37. Disqualification of members of board.

(a) Should any member of the tree board have any personal or financial interest or relationship with respect to any person, matter or issue pending before the board or otherwise be closely associated with any person, matter or issue pending before the board, then such member shall be disqualified to participate in connection with such matter or issue.

(b) Any member of the tree board shall be entitled to raise a question of a potential disqualification of any other member who has not disqualified himself whereupon, following such consideration as the board shall deem appropriate, the tree board shall determine by majority vote of those members who are not subject to potential disqualification in connection with such matter or issue whether each such member is or is not disqualified.

(Code 1974, § 23-55)

Sec. 86-38. Duties and responsibilities.

(a) The tree board shall generally investigate and advise officials of the city regarding the care, preservation, pruning, planting, replanting, removal and disposition of trees and shrubs located within public areas in the city.

(b) The tree board shall develop lists of trees, small trees, shrubs and vines recommended for planting in the city.

(c) The tree board shall, upon the request of the city manager, investigate and advise city officials, regarding specific matters relative to trees and shrubs located within the city.

(d) The tree board shall hear and determine such issues and matters as it shall be authorized to determine from time to time by ordinance of the city.

(e) The tree board shall have such additional duties, responsibilities and powers as shall be specifically provided from time to time by ordinance of the city.

(Code 1974, § 23-56)

Sec. 86-39. Rules and regulations.

The tree board shall adopt such rules, policies, procedures and regulations for the transactions of its business and for consideration and determination of issues and matters

before the board as it deems necessary, subject to the prior approval thereof by the city council.

(Code 1974, § 23-57)

Sec. 86-40. Chair and vice-chair.

The tree board shall select from among its members a chair who shall preside at meetings and hearings of the board and a vice-chair who shall preside at meetings and hearings of the board in the absence of the chair or the disqualification of the chair.

(Code 1974, § 23-58)

Sec. 86-41. Secretary designated.

The secretary of the tree board shall be the city clerk or such other person as shall from time to time be so designated by the city manager to perform the functions of secretary of the tree board.

(Code 1974, § 23-59)

Sec. 86-42. Duties of secretary.

The secretary of the tree board shall provide administrative assistance to the board and shall perform such duties on behalf of the board as the city manager shall from time to time direct.

(Code 1974, § 23-60)

Sec. 86-43. Authority of tree board.

The tree board shall have no authority or power other than as specifically provided from time to time by ordinance of the city. Without limiting the generality of the foregoing the board shall have no authority, right or power to expend any funds, to direct the activities of any employee or official of the city or to contract for or on behalf of either itself or the city.

(Code 1974, § 23-61)

Sec. 86-44. Legal assistance.

The city attorney shall be the legal advisor and legal representative of the tree board and shall render such legal assistance to the board as shall be necessary.

(Code 1974, § 23-62)

Appendix A ZONING*

***Editor's note:** Printed herein is the zoning ordinance of the county, as adopted by the board of commissioners on July 1, 2000. Subsequent amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Article I. [In General]

- Sec. 1.01. Authority for enactment.
- Sec. 1.02. Jurisdiction.
- Sec. 1.03. Application, interpretation and conflict.
- Sec. 1.04. Purpose.
- Sec. 1.05. Violations and penalties.

Article II. Definitions

- Sec. 2.01. Interpretation.
- Sec. 2.02. Definitions.

Article III. Establishment of Zoning Districts

- Sec. 3.01. Districts.
- Sec. 3.02. District boundaries.
- Sec. 3.03. District boundary lines dividing a lot.
- Sec. 3.04. Limited use (L.U.) provision.

Article IV. General Requirements

- Sec. 4.01. Conflicting regulations.
- Sec. 4.02. Scope.
- Sec. 4.03. Only one principal building per lot.
- Sec. 4.04. Maximum building height.
- Sec. 4.05. Substandard lots.
- Sec. 4.06. Substandard lots resulting from public dedication or condemnation.
- Sec. 4.07. Lot frontage.
- Sec. 4.08. Site distance at intersections.
- Sec. 4.09. Reduction of lot area prohibited.
- Sec. 4.10. Accessory buildings.
- Sec. 4.11. Prohibited uses in residential districts.
- Sec. 4.12. Protective screening.
- Sec. 4.13. Animals in residential districts.
- Sec. 4.14. Conditional uses.
- Sec. 4.15. Variances.
- Sec. 4.16. Special exceptions.
- Sec. 4.17. Site plan review.

Article V. R-1 Single-Family Residential District

- Sec. 5.01. Statement of purpose.
- Sec. 5.02. Permitted uses.
- Sec. 5.03. Conditional uses.
- Sec. 5.04. Area, bulk, and placement requirements.

Article VI. R-2 Mixed Use, Single-Family Residential District

- Sec. 6.01. Statement of purpose.
- Sec. 6.02. Permitted uses.
- Sec. 6.03. Conditional uses.
- Sec. 6.04. Area, bulk, and placement requirements.

Article VII. R-3 Multifamily Residential District

- Sec. 7.01. Statement of purpose.
- Sec. 7.02. Permitted uses.
- Sec. 7.03. Conditional uses.

- Sec. 7.04. Single-family and duplex development requirements.
- Sec. 7.05. Townhouse, condominium, and apartment development requirements.
- Sec. 7.06. Residential planned unit development design standards.
- Sec. 7.07. Open space requirement (for multifamily or PUD only).
- Sec. 7.08. Private access drives for multifamily or PUD only.
- Sec. 7.09. Off-street parking and loading for multifamily or PUD only.
- Sec. 7.10. Procedures for rezoning for multifamily or PUD only.
- Sec. 7.11. Procedure for subdivision approval.

Article VIII. RR Rural Residential

- Sec. 8.01. Statement of purpose.
- Sec. 8.02. Permitted uses.
- Sec. 8.03. Conditional uses.
- Sec. 8.04. Area, bulk, and placement requirements.

Article IX. MHP Manufactured Home Park District

- Sec. 9.01. Statement of purpose.
- Sec. 9.02. Permitted uses.
- Sec. 9.03. Conditional uses.
- Sec. 9.04. Development standards.

Article X. RVP Recreational Vehicle Park

- Sec. 10.01. Area requirements, minimum.
- Sec. 10.02. Yard requirements.
- Sec. 10.03. Minimum requirements.
- Sec. 10.04. General requirements.

Article XI. AG Agriculture District

- Sec. 11.01. Statement of purpose.
- Sec. 11.02. Permitted uses.
- Sec. 11.03. Conditional uses.
- Sec. 11.04. Conflicts.
- Sec. 11.05. Low density farm animal operations and row crop operations.
- Sec. 11.06. High density farm animal operations.
- Sec. 11.07. Area, and placement requirements.

Article XII. C-1 Local Business District

- Sec. 12.01. Statement of purpose.
- Sec. 12.02. Permitted uses.
- Sec. 12.03. Conditional uses.
- Sec. 12.04. Protective screening.
- Sec. 12.05. Area, bulk and placement requirements.
- Sec. 12.06. Restrictions.

Article XIII. C-2 General Business District

- Sec. 13.01. Statement of purpose.
- Sec. 13.02. Permitted uses.
- Sec. 13.03. Conditional uses.
- Sec. 13.04. Area, bulk and placement requirements.

Article XIV. C-PUD Commercial Planned Unit Development Regulations

- Sec. 14.01. Commercial planned unit development.
- Sec. 14.02. Uses permitted.
- Sec. 14.03. Procedure for project approval.
- Sec. 14.04. Procedure for preliminary and final approval.

Article XV. C-3 Commercial Recreation District

- Sec. 15.01. Statement of purpose.
- Sec. 15.02. Permitted uses.
- Sec. 15.03. Conditional uses.
- Sec. 15.04. Area, bulk and placement requirements.

Article XVI. I-1 Light Industrial District

- Sec. 16.01. Statement of purpose.
- Sec. 16.02. Permitted uses.
- Sec. 16.03. Area and placement requirements.

Article XVII. I-2 Heavy Industrial District

- Sec. 17.01. Statement of purpose.
- Sec. 17.02. Permitted uses.
- Sec. 17.03. Conditional uses.
- Sec. 17.04. Area and placement requirements.

Article XVIII. FH Flood Hazard District

- Sec. 18.01. Statement of purpose.
- Sec. 18.02. District boundaries.
- Sec. 18.03. Objectives.
- Sec. 18.04. Requirements.
- Sec. 18.05. Warning of disclaimer liability.

Article XIX. Nonconforming Buildings and Uses

- Sec. 19.01. Nonconforming residence.
- Sec. 19.02. Nonconforming use of land, continuation of use.
- Sec. 19.03. Restorations.
- Sec. 19.04. Discontinuance or abandonment.
- Sec. 19.05. Change of tenancy or ownership.

Article XX. Off-Street Parking and Loading Requirements

- Sec. 20.01. Scope of provisions.

Article XXI. Sign Regulations

- Sec. 21.01. Statement of purpose.
- Sec. 21.02. Signs shall meet requirements of this section.
- Sec. 21.03. No signs shall hamper traffic safety.
- Sec. 21.04. Locations prohibited.
- Sec. 21.05. Illumination not to be a nuisance.
- Sec. 21.06. Signs not requiring a permit.
- Sec. 21.07. Maximum area of signs.
- Sec. 21.08. Standards for off-site advertising signs (billboards).
- Sec. 21.09. Issuance of permits, administration, and filing procedure.

Article XXII. Administration and Enforcement

- Sec. 22.01. Administration and enforcement.
- Sec. 22.02. Fees.

Article XXIII. Policies and Procedures

- Sec. 23.01. General conditions.
- Sec. 23.02. Planning commission.
- Sec. 23.03. Notice of public hearing.
- Sec. 23.04. Public hearing process.
- Sec. 23.05. Standards for exercise of zoning powers.
- Sec. 23.06. Board of appeals.
- Sec. 23.07. Duties of zoning administrator, board of appeals, county commission and courts on matters of appeal.

Article XXIV. Interpretation, Application, Violations, Validity, Conflict and Effective Date

- Sec. 24.01. Interpretation, purpose and conflict.
- Sec. 24.02. Violations and penalties.
- Sec. 24.03. Validity.
- Sec. 24.04. Conflicting provisions repealed.
- Sec. 24.05. Effective date.

Sec. 4.12. Protective screening.

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

A. *Purpose and intent:* The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by eliminating/reducing conflicts between incompatible uses of land, providing for a more attractive environment, assuring adequate open space, and reducing noise, night lighting, odor, objectionable views, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping.

B. *Buffer required:*

1. Property zoned for office, commercial or industrial uses shall provide a buffer, as herein defined, along any rear or side property lines abutting a residential district or abutting an alley across from a residential district.
2. If the consensus of the planning commission is that the buffer would serve no good purpose, the buffer requirement may be waived.

C. *Buffer specifications:*

1. Where determined appropriate by the zoning administrator, existing vegetation may constitute all of the required buffer, or be supplemented with approved, additional planting.
2. Vegetation, except for ground cover, shall be of such type as to be a height of not less than four feet when planted; provided that such plant materials can form a hardy screen, dense enough and high enough both to interrupt vision and to reduce the transmission of sound and be of a type that will grow to a height of at least six feet.

D. *Landscape strip required:*

1. The owner/developer of any:
 - a) Property zoned R-3.
 - b) Commercial zoned property which abuts an industrial zone.
 - c) Industrial zoned property which abuts a commercial zone.
 - d) Commercial or industrial zoned property which abuts a residential zone.
 - e) Conditional use commercial or conditional use industrial property shall provide landscape strips, as herein defined, ten feet deep along the full length of the developed portion abutting any public road, and five [feet] deep along the developed portion of side and rear property lines.
2. Acceptable plant material. In those instances where the natural vegetation and topography is insufficient to achieve the desired level of screening as required by this chapter [appendix], a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. The following plants (excluding dwarf varieties) are approved for use in required buffers and landscape strips:
 - a) *Trees.* Trees used for screening purposes should be native to the region and shall not be deciduous. They shall be of a type that will grow to at least six feet. Acceptable types of trees include,

but are not limited to, the following:

- American Holly
- Arizona Cypress Redbay
- Cherry Laurel
- Eastern Red Cedar
- Leyland Cypress
- Little Gem Magnolia
- Loblolly Pine
- Loquat
- Virginia Pine
- White Pine
- Yaupon Holly

b) *Shrubs.* Shrubs used to form hedges shall not be deciduous. They shall be at least two feet above ground level when planted. They shall be spaced in such a way that, when mature, they will form a continuous visual screen (hedge) that is at least six feet in height. Acceptable types of shrubs include, but are not limited to, the following:

- Burford Holly
- California Privet
- Cleyera
- European Privet
- Euonymus
- Japan Yew
- Japanese Privet
- Northern Bayberry
- Pittsporum
- Sasanqua Camellia
- Southern Waxmyrtle
- Tea Olive

c) *Other materials.* Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval of the zoning administrator prior to installation. Planting of kudzu is prohibited. A grassed, earthen berm may be substituted, provided a continuous visual screen, with or without acceptable shrub or hedge material, is formed at least six feet in height. This option shall not create a drainage problem for the adjoining property, whether publicly or privately owned.

E. *Maintenance of buffers and landscape strips:* The owner/developer of the property shall be responsible for: (1) installing the trees and shrubs and

maintaining them in a neat and orderly appearance, (2) providing an aesthetically pleasing appearance, and (3) assuring that the buffer actually serves the purpose for which it is intended. In cases of noncompliance, the zoning administrator shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

F. *Administration and enforcement:* All site plans, plot plans, construction plans, and grading and drainage plans shall indicate all required buffers and landscape strips. Required buffers and landscape strips shall be installed in accordance with approved plans prior to issuance of a certificate of occupancy.

G. *General provisions:*

1. Landscaping, fencing or walls shall be used to screen objectionable views or nuisances such as service areas, refuse containers, air conditioning units, transformers, private water system tanks and wells, etc.

2. The exact location for walls and fences constructed pursuant to the requirements of this section shall be determined on a case by case basis subject to approval of the zoning administrator. Such improvements shall be a minimum of six feet high above grade elevation and constructed of materials approved by the zoning administrator: walls of brick, stone or concrete block textured or coated with an architectural finish (paint, stucco, etc.); fences of wood or other material that achieves the desired visual and acoustical screening with finished surface facing externally to the project.

Sec. 4.13. Animals in residential districts.

A. It is the intent of this section to permit certain uses in R-1, R-2 and RR districts which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character. This section is further intended to minimize problems which may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential districts from indiscriminate raising of animals.

B. *Uses permitted:*

1. Permitted use provisions for animals in residential districts are meant to apply only outside of the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.

2. The keeping of livestock, fowl or domestic pets shall not be allowed to become a nuisance.

3. Domestic pets such as cats, dogs, rabbits or other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment. The keeping of swine is specifically prohibited.

4. Livestock and fowl kept in any residential district shall be maintained at least 25 feet from any property line.

C. *Conditional uses permitted:* The following uses are allowed upon a conditional use permit granted by the board of commissioners:

1. *Livestock.* Horses, cows, ponies, donkeys and other, similar domestic livestock may be kept, raised or bred for home use and enjoyment; provided only one such animal shall be permitted for each two acres, exclusive of the front and