

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

November 12, 2019 6:00PM

AGENDA

1. Welcome And Introduction
2. New Business
 - 2.I. Tree Conservation Ordinance Text Amendment
Consideration of a text amendment to Chapter 93 (Zoning), Article 2 (General provisions), Section 93-2-14 (Tree conservation) for the purpose of amending the tree conservation ordinance.
 - Public Comment

Documents:

[CITY OF HAPEVILLE TREE ORDINANCE - DRAFT 11.7.19.PDF](#)
[CITY OF HAPEVILLE TREE ORDINANCE - DRAFT APPENDIX B.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT TREE CONSERVATION PC.PDF](#)

3. Open Discussion
 - 3.I. Meeting Packet Delivery Discussion
Open discussion regarding changing to an electronic meeting packet and discontinuing the delivery of printed copies.
4. Next Meeting Date
Consideration and action to move the December 10, 2019 Planning Commission meeting to December 12, 2019 at 6 p.m.
5. Adjourn



City of Hapeville

Proposed Revisions - Tree Conservation Ordinance

November 7, 2019

TJ Schell with Staff

Section 93-2-14 - TREE CONSERVATION ORDINANCE

GENERAL INFORMATION

The Mayor and Council of the City of Hapeville hereby finds that the protection and preservation of Trees, the planting of new Trees and other landscape material as part of the land development process is a public purpose and provides for the public health and general welfare. This Ordinance is intended to further the City's policy that all development sites where Trees are most commonly removed will achieve upon project completion, a uniform standard related to preserved Tree coverage, planted Tree coverage and Buffers.

A healthy urban forest will increase the fiscal and psychological value of property, reduce the urban heat island effect and contribute to the community's aesthetic quality. These benefits are crucial to the long-term health and welfare of Hapeville's citizens, businesses, workers, and visitors.

Section (1) - Purpose

The purpose of this Ordinance is to firmly establish the value of Trees to the community and to promote the health, safety, and general welfare of the public by recognizing the standards within this Article. Tree canopy preservation and Tree replacement will be promoted as an integral part of the land development and construction process in the City of Hapeville. Specific benefits to our citizens attributed to Trees include:

- Trees facilitate a harmonious community and help to conserve natural resources as well as provide wildlife habitats.
- Trees provide a more attractive place to live and enhance the aesthetic character of the community.
- Trees mitigate harmful vehicle emissions by reducing carbon dioxide levels.
- Trees are recognized for their importance in the production of oxygen, shading and cooling, noise and wind reduction, prevention of soil erosion, dust filtration and fostering improved air quality
- Trees contribute to the economic value of real property.
- Trees help reduce the glare of motor vehicle lights and enhance the appearance of open automobile parking areas and lands used for commercial, public/institutional, office, industrial, and residential purposes.
- Trees can enhance the natural functions of streams and related buffers.

Section (2) - Definitions.

All words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

Basal Area: A forestry industry standard used to describe the cross-sectional area of a Tree expressed in square inches, of a Tree measured at four and one-half (4.5) feet above the ground or diameter at breast height (DBH).

Berm: A mound of soil, either natural or man-made, used to screen one (1) site or property from the view of another.

Boundary Tree: Boundary tree means a tree 20 inches DBH or larger located on any part of a property adjacent to a permitting property with any portion of the root plate extending into the permitting property (see Root plate.) Boundary trees must be in good health as determined from the vantage point of the property to be developed (pre-construction digital photographs required). This provision shall not authorize the trespass on private property abutting the site.

The applicant shall notify the adjoining property owner of a Boundary Tree in writing that the Root Plate of a Boundary Tree is to be disturbed and if the tree should thereafter be damaged or die due to construction impacts, it will be handled as a civil matter between the Applicant and the Boundary Tree owner. The Applicant must provide a copy of any letter and the certificates of mailing prior to permit issuance.

Buffer: If not defined elsewhere in the code, a naturally existing area, a landscaped area or a combination of both designated for screening or around the perimeter of a parcel provided to soften the view of two (2) adjacent lots or parcels from one another.

Buildable Area: Portion of a parcel excluding the required setbacks, easements, planting areas, environmental (streams, wetlands) and areas within the future right-of-way.

Caliper (or Cal.): American Association of Nurseryman standard for trunk measurement of nursery stock. 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.

City Arborist: The City's designee responsible for administering the provisions of the Tree Conservation Ordinance on behalf of the City. The City Arborist shall not provide services to applicants (i.e. Applicants must engage a Qualified Professional to complete Tree Conservation Plans submitted to the City).

Critical Root Zone (CRZ): The minimum area beneath a Tree which must be left undisturbed in order to preserve a sufficient root mass to give a Tree a reasonable chance for survival. For the purpose of this Ordinance, the CRZ of any given Tree on the applicant's property shall be represented by a concentric circle with a radius equal to twelve (12) times the diameter of the Tree trunk. No inches will be given if these minimum criteria are not met.

Deciduous Tree: A Tree which sheds leaves annually.

Density Factor: A unit of measure used to prescribe the calculated Tree coverage on a site. The site density factor for areas within the corporate limits of the City of Hapeville is one hundred (100) inches per acre. Please note: Trees in the one-hundred-year floodplain, wetlands and 50' and 25' stream buffers shall be included in the acreage calculation and shall remain protected and undisturbed on-site during construction.

Diameter at Breast Height (DBH): Means the standard measure of a Tree size for those Trees existing on a site that have a Caliper of at least two (2) inches at a height of four and one half (4.5) feet above the ground. If a Tree has 2 or more trunks below four and one half (4.5) feet above the ground, measure the narrowest point below the split.

Genus Cap: A term used to describe a limit determined by this Ordinance in which the quantity of a particular genus cannot exceed thirty (30) percent of the total number of Replacement Trees on a site. This limit is put in place to prevent the creation of a Monoculture.

Land Disturbance Permit (LDP): A permit necessary to begin land-disturbing activity.

Landmark Tree: Any Tree as defined within *Preservation of Landmark trees - Section 3 (1)*.

Landscape Plan: A scaled plan that clearly delineates buildings, vehicular use areas, and displays and describes all proposed planting as required per zoning conditions and/or the Tree Conservation Ordinance.

Lot: A measured parcel of land having fixed boundaries and designated on a plot or survey.

Monoculture: A plant culture (i.e. vegetation) that results from growing only one (1) type of plant which creates the opposite condition of biodiversity and can sometimes be responsible for the spread of plant diseases.

Opaque Buffer: If not defined elsewhere in the code, a landscaped area planted in such a manner as to be impenetrable to view, or so obscuring to view that features, buildings, structures and uses become visually indistinguishable.

Open Space: Unoccupied portion of a lot or building site that is open to the sky and may contain outdoor structures or recreational facilities.

Overstory Tree: Means those Trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.

Parking Lot Trees: Trees and shrubs required pursuant Requirements - General Plan Requirements Section 1 b.

Pervious Area: Area of a parcel or lot left over after Impervious Areas (see Chapter II definitions) are subtracted.

Replacement Planting: The planting of Trees on a site that before development had more Trees, and after development shall have fewer Trees per acre. (Please note: All properties applying for an LDP must meet the minimum 100 inches per acre whether a site had Trees prior to development).

Replacement Tree: A new Tree planted on a site outside of a Tree Protection Area that is used to meet the required 100 inches per acre.

Residential Lot: A lot shown on a subdivision plat as recorded in the records of Fulton County.

Root Barrier: For the purpose of this Ordinance, a mechanical guide (typically hard plastic) that redirects root down and away from sidewalk driveway or other built structures. Use of root barriers will be at the sole discretion of staff on a case by case basis.

Root Plate: The area of the root zone comprised of pedestal roots, the zone of rapid taper and roots under compression, the directional radius of which based upon the Tree trunk diameter at 4.5 feet above the ground. The root plate will typically be represented by a concentric circle centering on the Trees trunk with a radius equal in feet to one-half times the number of inches of the trunk diameter. (Failure of the Tree could result if roots in this area are damage or destroyed. Example: The root plate radius of a 20-inch diameter Tree is 10 feet.)

Screening: Solid fencing, walls, berms, or dense vegetation used to conceal a Lot or part thereof from view.

Sidewalk Landscape Area: The portion of a sidewalk area, adjacent to the street curb and reserved for the placement of Trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, Tree grates, newspaper boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Note: The following may cross in a perpendicular manner but shall not be located within the Sidewalk Landscape Area: storm drain lines, sanitary sewer lines, water lines, electrical lines and any other utilities not specifically mentioned.

- If existing underground utilities are present, staff may allow alternative proposals on a case by case basis.
- In the event that existing overhead power lines prohibit the planting of required Overstory Trees, an appropriate Understory Tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (See Appendix A).

Site Plan: Site plan required by builder's representative for records/documentation at the time a development permit is applied for/purchased (Single Family, Multi-Family and Commercial).

Tree: Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height (DBH) of at least three (3) inches and typically has one (1) main stem or trunk and many branches and shall be on the approved City of Hapeville Street Tree List (See Appendix A)

Tree Bank: Fund established to purchase, install, and maintain Trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites as directed by the Community Services Director.

Tree Save Area: Means a protected area designated for the purpose of meeting the 100 inches per acre requirements, saving/preserving trees in their natural state.

Tree Protection Fencing: A barrier installed at and around the perimeter of a Tree Protection Area to prevent intrusion of construction-related activities in which fencing is a minimum of four (4) feet in height and is at the CRZ.

Understory Tree: A Tree that, under normal forest conditions, may grow to maturity beneath overstory Trees and will generally reach a mature height of at least ten (10) feet but less than forty (40) feet.

Section (3) - Applicability

The regulations included in this Ordinance shall apply to all properties located within the City of Hapeville unless otherwise noted in this Section.

Single-Family Residential outside of Land Disturbance Permit activities

- The removal of five (5) or fewer Trees, other than Landmark Trees or Trees needed to meet the minimum 100" (inches) per acre, is allowed with a permit (no fee associated with this permit) on any Residential Lot within a single calendar year.
- Exemptions will be allowed to the 5 Tree per year limit by City staff if the property owner must remove Trees in order to build a newly permitted structure, or to build an addition to or to make improvements to an existing structure, or to improve the health of other Trees

in the landscape. The property owner must ensure the minimum 100" per acre standard is achieved.

- Trees under 3" Caliper that were not planted to meet the minimum 100 inches per acre or a condition of zoning or the Architectural Design Standards can be removed without a permit.
- Regarding private property owners and/or Residential Lots not incidental to development, a Tree removal permit is required for Landmark Tree removal. A permit will be granted if the Landmark Tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. The property owner shall be required to provide a letter stating such from a Certified Arborist.
- Unless a tree or portion of a tree threatens the right-of-way or is on public property, the City will not have any responsibility for requiring property owners to remove trees.

Non-Single-Family Residential Outside of LDP activities:

- Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in the Tree Conservation Ordinance. The Tree Conservation Ordinance shall be enforced by the City, designated agent, and/or the Municipal Court of the City of Hapeville.
- Should a shared parking agreement be undertaken so that the parking requirements of a property are provided by a parking lot on a separate parcel, said parking lot must come into compliance with the requirements of the Tree Conservation Ordinance.
- If Landmark Tree removal is requested, refer to the standards set forth in the Tree Conservation Ordinance.
- Trees under 3" Caliper that were not required by Ordinance or conditions of zoning or the Architectural Design Standards can be removed without a permit.
- Trees 3" Caliper and greater that do not meet the Landmark Tree criteria require a tree removal permit. City staff shall determine whether portions of the Tree Conservation Ordinance apply on a case by case basis.
- Unless a tree or portion of a tree threatens the right-of-way or is on public property, the City will not have any responsibility for requiring property owners to remove trees.

REQUIREMENTS

Section 1 - General Plan Requirements

1. A Tree Conservation & Replacement Plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this Ordinance. **No plans shall be accepted by City staff unless Tree Protection and/or Tree Replacement Plans are included in the initial submittal.** All commercial parcels and Residential Lots (if applicable) under development shall comply with Street Tree, Parking Lot Tree and Buffer Tree requirements regardless of whether the

100" per acre has been met with existing trees. Street Tree requirements are subject to the Architectural Design Standards and the Zoning categories identified within the City of Hapeville Zoning Ordinance.

- (a) Any areas with Trees required between the sidewalk and back of curb shall be designed so that required Street Trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each Street Tree shall have a minimum area suitable for root growth of two hundred square feet provided.
 - In addition to or in conjunction with the Tree Protection Areas, each single-family residential lot 7,500 sf or greater shall contain a minimum of (2) two 2" Caliper overstory Trees, at least one of which must be located in the front yard.
 - In addition to or in conjunction with the Tree Protection Areas, each single-family residential lot less than 7,500 sf shall contain a minimum of (2) two 2" Caliper Trees (1 overstory and 1 understory), at least one of which must be located in the front yard.
- (b) Parking Lot Trees shall be provided in landscape islands in parking areas proposing ten (10) or more spaces. Parking areas with fewer than 5 spaces and multi-level parking decks are exempt.
- (c) A sufficient number of (minimum) 3" Caliper Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree. Show a fifty-foot radius dashed circle for each Parking Lot Tree on Tree Replacement Plan to verify graphically. Up to 20% of Parking Lot Trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with Trees shall provide a minimum of 200 square feet per Tree. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20' from any planted Tree (See Appendix B for Typical Details).
- (d) All parking areas directly adjacent to public Rights of Way shall have a minimum of one (1) row of shrubs to create a visual screen. The shrubs shall be installed at 24" height minimum and shall be maintained between 30- 48" height. (See Appendix B for Typical Detail).
- (e) The Tree Replacement Plan shall be designed so that all Parking Lot Trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each Parking Lot Tree shall have a minimum area suitable for root growth of two hundred (200) square feet provided; however, if this minimum square footage is not provided, subsurface soil cells shall be incorporated into the Tree Replacement Plan. All applicable details to show an industry standard subsurface soil cell design shall be attached as part of the Tree Replacement Plan. (See Appendix C).

TREE REPLACEMENT AND PROTECTION

Section 1 - Tree Density Requirements

The applicant shall provide a development plan demonstrating both responsible canopy preservation and Tree replacement inches on sites submitted for development. Any Trees saved (with undisturbed CRZ's) will receive appropriate inches. Please note: All properties applying for an LDP must meet the minimum 100 inches per acre whether or not a site had Trees prior to development.

All Trees designated for replacement shall be on an inch for inch basis. The density of 100 inches per acre may be achieved as follows:

- counting existing Trees (inches measured at DBH) to be preserved with no impact to CRZ
- planting new Trees (minimum 2" Caliper) for lots that do not have the required 100 inches per acre

Formula:

Acreage x 100 Inches = Required Inches per Acre

Example: 3.2 Acres x 100 Inches = 320 Inches Required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the Tree Preservation and Replacement Plan. All applicable sites brought in for land development must maintain a minimum of 100 inches per acre. Street Trees and/or parking lot Trees planted after the minimum required inches per acre for the site has been satisfied can be counted toward Landmark Tree recompense.

- For planted evergreen trees, the following conversions shall apply:

Evergreen Tree Inches:	Evergreen Tree Sold by Height:
2"	6' Minimum
3"	8' Minimum
4"	12' Minimum
5"	16' Minimum
6"	18' Minimum

- For multi trunk trees; measure the narrowest point below the split
- Tree form shrubs shall not be given credit.

Section 2 - Preservation of Existing Trees

An emphasis of this Ordinance is the preservation of as many existing Trees as possible. Thus, inch for inch credit will be given for preserving existing Trees. No credit will be allowed for shrubs or for Trees with impact to their CRZ. Please note: Administrative variances for encroachment into CRZ shall not be considered.

1. All Trees to be counted toward meeting the required 100 inches per acre must be inventoried. Existing Tree inventory information (caliper at DBH and Genus) must be shown on the Tree

Protection Plan and must be provided by an ISA certified arborist, forester, surveyor or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear to City Staff, a Tree survey shall be required. Please note: Landmark Trees must have a surveyed location.

2. Tree Protection Fencing is required to be placed at the CRZ for all Trees to be saved and locations shall be clearly delineated on the Tree Protection Plan. All Tree Protection Fencing shall be installed prior to and maintained throughout the land disturbing and construction process and should not be removed until final landscaping is installed, inspected and final approval granted by the City.
3. Credit inches will be given for Trees preserved in mandatory stream buffers (City and State as applicable). Stream Buffers shall remain undisturbed. The area (measured in acres) of the undisturbed stream buffers shall be included in the total site acreage when calculating required inches per acre.
4. To aid preservation efforts, landowners shall have the option of moving existing Trees to prevent their damage or destruction by development activities. To receive credit for transplanted Trees, the following standards must be adhered to:
 - (a) Trees must be less than ten (10) inches Caliper measured six (6) inches above grade;
 - (b) Trees must remain within the planting areas of the parcel;
 - (c) Trees shall not be moved to or from stream buffers or wetlands
5. Tree Protection Areas for subdivisions should be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If Tree Protection Areas must be located on individual lots, the lots must be of sufficient size to reasonably expect the Trees to be preserved at the completion of the building process. *Please Note: Staff shall have sole discretion over whether the lot is of sufficient size.*
6. With regard to subdivision developments, the City shall require that improvements be located so as to result in minimal disturbance to the natural topography of the lots and the protection of a maximum number of mature Trees on the lot. Damage to mature Trees located within setback and required yard areas be minimized as much as possible under the particular circumstances, as determined by City staff.
7. Every lot in a subdivision shall have Trees, either preserved or planted for which an LDP is obtained after the adoption of this Ordinance. These Trees can be counted as part of the required 100 inches per acre for the development. All planted Trees must be a minimum of two-inch Caliper and must be shown on the required Site Plan. This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the Certificate of Occupancy for the individual lot.

Section 3 - Preservation, Replacement and Removal of Landmark Trees

A Landmark Tree is any Tree which qualifies for special consideration for preservation due to its size, type and condition. The following criteria are used by the City to identify Landmark Trees. Both the size and condition criteria must be met for a Tree to qualify.

1. Minimum Size Criteria:

a. 27-inch Caliper at DBH - Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood

b. 30-inch Caliper at DBH - Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine

c. 10-inch Caliper at DBH- American Holly, Dogwood, Redbud or another genus as determined by the City Arborist such as Bigleaf magnolia

2. Condition Criteria:

a. Life expectancy greater than 15 years;

b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies;

c. No more than two major and several minor dead limbs (excluding pine for minor limbs); and

d. A radial trunk dieback of no more than 20% or a canopy dieback of no more than 30%.

3. Small Trees can be classified as Landmark if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small Trees may also qualify as Landmark if used in a landscape as a focal point of the design. In order to claim this credit, the applicant must submit a letter from a certified Arborist stating that the Tree(s) meet these qualifications (See #5 this Section).

4. An Arborist report for each Landmark Tree that is shown to be impacted by a proposed development requiring an LDP must be submitted to the City to determine whether that Tree meets the condition criteria for Landmark status. The report must be prepared and signed by a Certified Arborist or a registered forester. The report must contain the following information:

- Site plan showing an accurate surveyed location of the Tree;
- Identification/verification of the Tree's size, genus and species;
- Description of the surrounding site conditions;
- Detailed description of the Tree's condition; and
- Digital photographs to illustrate any defects which would disqualify the Tree from Landmark status.

The final determination of Landmark Tree status will be made by City staff after reviewing the report.

(a) If a Landmark Tree is proposed for removal without an associated LDP either by a single family homeowner or a business, a plan or written documentation indicating the reason for removal must be submitted to the City. The final approval for removal will be made by City staff on a case by case basis.

(b) The removal of any Landmark Tree impacted by a proposed development must be mitigated by replacing the removed Landmark Tree with minimum four-inch Caliper Trees of comparable species on an inch for inch replacement basis

Example: 32" Oak would require replanting six (8) 4" Caliper Trees $[32 / 4 = 8]$. These recompense Trees are in addition to the minimum 100 inches per acre for a particular site.

- (c) Any person who removes a Landmark Tree in violation of this Ordinance shall be assessed a fine (See Section #5). Regarding Landmark Trees removed after being designated for preservation on an approved plan, the removed Tree must also be replaced on an inch-for-inch basis x 2 with Tree species with potential for comparable size and quality, regardless of the 100 inches per acre requirement. If a Tree is removed without approval and there is no evidence of its condition, size alone will be the determining factor for replacement. Regarding Landmark Trees removed on a Residential Lot that is not currently being developed, the fine shall be paid as referenced, however there shall be no requirement for replacement of the Landmark Tree.
- 5. In order to encourage the preservation of Landmark Trees and the incorporation of these Trees into the design of new development projects, the following incentive is offered.
 - (a) Preserved Landmark Trees with undisturbed CRZ will receive 1.5 x inches DBH. (30" oak x 1.5 = 45" Inches)

Under no circumstance will this incentive allow the requirements of the Tree Conservation Ordinance to be reduced administratively.

Section 4 - Tree Protection Standards.

Allowing enough space for a Tree's root system is a critical factor in Tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a Tree's chances for survival. In order to protect Trees, the following standards shall apply:

1. The CRZ for each Tree or group of Trees shall be represented on the plan by a circle the size of the CRZ (see definition Critical Root Zone).
2. Site layout should be designed to accommodate Tree Protection Areas.
3. Construction activities shall be arranged to prevent encroachment into Tree Protection Areas.
4. No disturbance whatsoever shall occur within Tree Protection Areas without prior written approval by the City. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e.: removal of dead Trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the Tree Protection Area.
5. Active protective Tree fencing shall be installed along the outer edge of and surrounding the CRZs of all Landmark Trees or stands of Trees designated for preservation prior to land disturbance.
6. Tree Protection Fencing shall be minimum four (4) feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.
8. All protection zones should include signage in English and Spanish that identifies the areas as Tree protection and preservation zones and include the name and phone number of the developer or designated agent.
9. All Tree save fencing must be installed prior to any clearing, grubbing, or grading and must be maintained in functioning condition throughout all phases of development and construction.

10. Once Tree Protection Areas are established and approved, any changes are subject to review and approval by the City.
11. Developer shall notify any adjacent property owner a minimum of 14 days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance (See root plate definition). Any and all subsequent tree matters shall be a civil matter between the property owner and the developer.

Section 5 - Tree Replacement Standards.

1. The replacement of Trees shall occur within the required yards, Buffers, Open Space, parking lots, and landscape areas, as specified in the Zoning Ordinance and Tree Conservation Ordinance. The following standards for replacement will be used to evaluate proposed Tree planting plans:
 - Existing Tree coverage, size, and type;
 - Number of Trees to be removed from the lot or parcel;
 - Area to be covered with structures, parking, and driveways;
 - Grading plan and drainage requirements;
 - Character of the site and its environs.
2. Replacement Trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the overall aesthetic quality of the City.
3. The spacing of Replacement Trees must be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for Overstory / Street Trees is thirty (30) feet on center, with no overstory Tree being planted less than twenty-five (25) feet on center from any other Tree. Spacing of Understory Trees and/or Trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.
4. If existing overhead power lines prohibit the planting of required Overstory Trees, an appropriate Understory Tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (See Appendix A).
5. Trees selected for planting may be a species from the recommended Tree species lists shown in the appendices. Use of a species not shown on these lists is subject to approval of the City, according to accepted horticultural standards (See Appendix A).
6. Replacement Trees shall be a minimum two-inch Caliper measured six (6) inches above grade and be protected by a twelve-month guaranteed maintenance surety. (110% of installed amount) beginning at the date of planting.
7. Planting of Replacement Trees within utility, storm drainage, or sanitary sewer easements is not acceptable and no credit will be allowed toward the required inches per acre. City Staff shall determine whether or not the applicant will be required to install Root Barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.
8. Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).

9. Tree planting may be delayed up to six (6) months in the case of unfavorable climate conditions (drought, flood, extreme heat or cold). Property owners must provide the City with a performance bond (See #6 this Section) that identifies a target date for when the required numbers, sizes, and species of Trees will be planted to meet the requirements of this Ordinance.
10. Each development site (parcel) should contain Trees of sufficient number, size, and type to achieve the minimum required 100 inches per acre, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units should be gathered by using as diverse a palette of species of Trees as possible. However, a minimum of fifty (50) percent of the total replacement units required for any parcel must be achieved in the form of Overstory Trees. When fewer than ten (10) Trees are shown to be planted on a project, one (1) species may be specified. When ten (10) to fifty (50) Trees are shown, a minimum of three (3) species of Trees are required. When more than fifty (50) Trees are shown, a minimum of five (5) species of Trees are required.
11. When ten (10) or more Trees are to be planted, no single genus shall represent more than thirty (30) percent of the required inches per acre.
12. Buffer Planting Standards are as follows:

An Opaque Buffer is a designated area along a property line that is required to be planted for the purpose of Screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e. commercial adjacent to residential).

The Opaque Buffer shall consist of evergreen plant materials that must form an eighty (80) percent visual barrier within two (2) years and a one hundred (100) percent visual barrier within five (5) years. Trees must be minimum six (6) feet height at installation, and shrubs must be minimum twenty-four-inch height at installation.

- Existing Buffer to remain undisturbed: Sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above;
- Buffer width twenty (20) feet or less: This buffer shall consist of a minimum of one (1) row of Evergreen Trees and one (1) row of evergreen shrubs (See Appendix B);
- Buffer width twenty-one (21) to thirty-five (35) feet: This buffer shall consist of a minimum of two (2) rows of Evergreen Trees and one (1) row of evergreen shrubs (See Appendix B);
- Buffer width +35': This buffer design shall be subject to approval by the City of Hapeville
Evergreen Trees planted within buffer areas may be counted for inches per acre credit

Section 6 - Tree Removal.

Tree removal should be considered a secondary option for meeting the requirements of this Ordinance and should be pursued only if all avenues to preservation have been exhausted.

1. The Tree is in the buildable area or street right-of-way of a parcel or lot on which improvement is to be made and the Tree unreasonably restricts the permitted use of the property;
2. The Tree is diseased, injured beyond restoration, in danger of falling, or interferes with utility services.

Section 7 - Tree Species

A diversity of Tree species facilitates the long-term health of the urban forest. Lists of Tree species deemed acceptable by the City of Hapeville for use in meeting the requirements of this Ordinance are found in Appendix A (City of Hapeville Tree List)

IMPLEMENTATION, ENFORCEMENT AND PENALTIES

Section 1 - Public Trees

No person shall remove, destroy, break, cut, or deface any Tree or shrub growing in any public right-of-way, easement or city park under any circumstances. No person shall directly or indirectly place stone or cement or similar substances about any Tree growing in the public right-of-way which impedes the entrance of water and air to the roots of the Tree. No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any Tree or shrub growing in any public right-of-way or city park. In the case of erection, demolition, or repair of any structure, the developer/ owner shall implement best management practices per accepted industry standards around all nearby Trees in a public right-of-way to prevent harm or injury.

Section 2 - Tree Preservation Trust Fund

This Ordinance hereby establishes the Hapeville Tree Bank. The Tree Bank will be used exclusively to purchase, install, and maintain Trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites and, at the direction of the Community Services Director to improve the City's parks and/or green spaces.

1. Occasionally a project site does not have the capacity or will not bear the required 100" per acre of Trees. If a property owner or developer cannot meet the minimum site density requirement for Tree replacement and/or Landmark Tree recompense, and with Planning Commission approval, a mitigation fee for each Tree required by this Ordinance but not planted will be paid to the Tree Bank. A schedule of mitigation fees is presented below:

Replacement:	Mitigation Fee
Non-Recompense (Inches Per Acre)	\$150.00 per inch
Recompense (Landmark Tree Inches)	\$200.00 per inch

Example for Non-Recompense Mitigation Fee:

.5 Acres x 100 Inches = 50 Inches Required

45 Inches planted or preserved

5 Remaining inches Paid to Tree Bank

5 x \$150.00 = \$750.00 Paid to Tree Bank

Example for Landmark Tree Recompense Mitigation Fee:

(2) 30" Specimen Trees in Good Condition Removed (Assume Inches per Acre is met)

20 Inches - (5) 4" caliper Trees planted

10 remaining inches Paid to Tree Bank

10 x \$200.00 = \$2,000.00 Paid to Tree Bank

2. A fine for each protected tree or Landmark Tree removed without a permit issued by the City will be paid to the Tree Bank. Fine amounts will be based on the Fee Schedule shown above.

*From time to time the mitigation fees shown above may be updated based on market values.

Section 3 - Easements

The City is hereby authorized to enter into agreements with the owners of private property located within the City for the purpose of acquiring easements to plant Trees. Private property owners shall acquire ownership of Trees after planting provided agreement to maintain the Trees is reached and the City is absolved of any liability attributable to the planting or presence of the Trees. No agreement may be longer than two (2) years and all shall limit the City's interest to an area sufficient to allow planting of Trees.

Section 4 - Inspection

1. Every development within the City shall be required to undergo landscape inspection by the City's designated agent prior to the issuance of a certificate of occupancy. The inspection will determine whether the Tree preservation and/or replacement plan has been implemented as required by this Ordinance. At the time of inspection, the City shall collect an inspection fee not to exceed \$150.00 for single family residential development and \$350.00 for commercial or multi-family development. This fee will be determined by the City Council and will be used to cover the cost of labor and materials for performing Tree and/or landscape inspections.
2. Once completed, a written report will be prepared outlining the findings of the inspection and transmitted to the property owner or developer. If the inspection shows that Tree planting has been implemented according to plan, and all other departments have signed off on final inspections, a certificate of occupancy will be issued. If the inspection reveals deficiencies between the approved Tree protection and replacement plan and the condition of the development site, the property owner or developer will be notified of the nature and extent of the problems uncovered during inspection.

Upon issuance of the report, all deficiencies must be corrected before a certificate of occupancy can be issued.

Section 5 - Violation and Penalty.

It shall be unlawful for any person, firm, organization, or society to violate the provisions of this Ordinance. The removal or destruction of each Tree shall constitute a separate offense. Violation of this Ordinance shall constitute grounds for revoking or suspending any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel. Upon revocation or suspension of Permit, no new Permit for construction, demolition, or renovation of any structure on the site shall be issued for a period of one (1) month; and a civil penalty of five hundred dollars (\$500.00) shall be levied for violating the requirements of this Ordinance.

Section 6 - Appeals

In the event an applicant disputes the decision of the City regarding Tree removal and/or replanting, applicant may file a written appeal with the Board of Zoning Appeals. The written appeal should detail the reasons why the decision of the City staff should be vacated. Upon receiving the written appeal, the Board of Zoning Appeals shall hear arguments and decide whether to uphold the administrative decision, modify the administrative decision, or negate the administrative decision. The decision of the Board of Zoning Appeals shall be final. A written copy of the findings and decision of the Board of Zoning Appeals shall be transmitted to the applicant and City.

Section 7 - Validity

Should any section of this provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared invalid.

Section 8 - Repeal of Conflicting Provision

The provisions of any part of Resolutions in conflict herewith are repealed.

Section 9 - Effective Date

This Ordinance shall become effective upon approval by the Mayor and Council of the City of Hapeville on date of adoption of this Ordinance.

APPENDIX A – Tree Species List

City of Hapeville Tree Species List

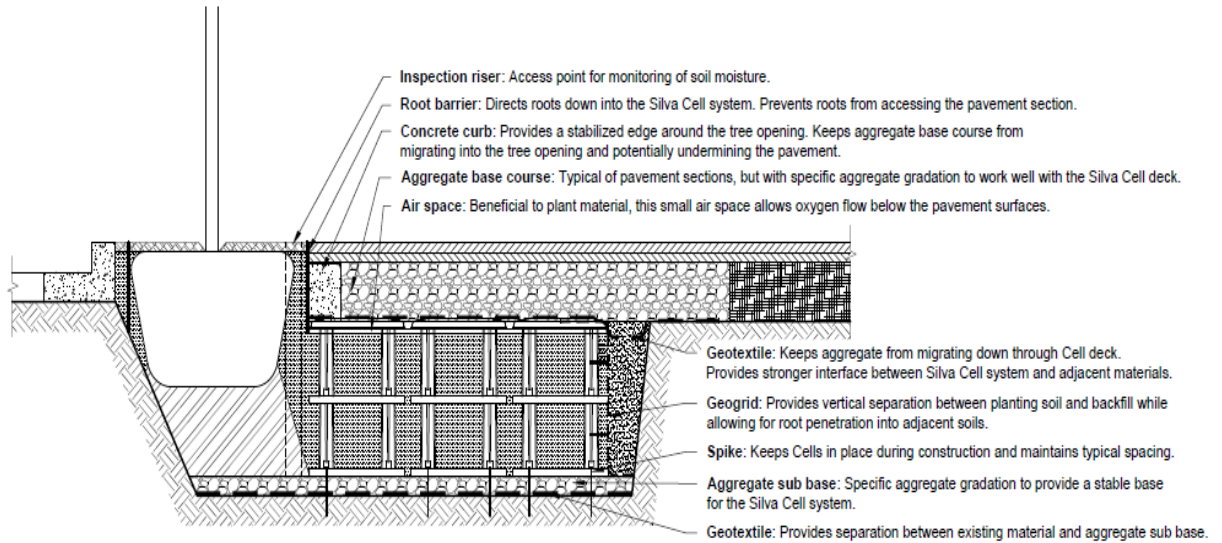
SPECIES COMMON NAME		ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES																
NAME	LATIN NAME	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Native Tree to Metro Area	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Light Requirement	Construction Tolerance/Limitation	Urban Tolerant Tree
Maple, Norway	Acer platanoides									N								
Maple, Red	Acer rubrum	XX	XX	XX	XX	XX	XX	XX	0	Y	F	L	0.084	M	L	FS	G/	
Maple, Silver	Acer saccharinum	0	x	0	0					N	F	S	0.084	M	H	FS	P/A	
Maple, Southern Sugar (Florida Sugar)	Acer barbatum	XX	x	XX	x	XX	XX	x		Y	M	M	n/a	M	H	FS	M/IS	
Maple, Sugar	Acer saccharum	XX	XX	XX				x	0	Y	M	L	0.100	M	M	PS	pm	
Maple, Sugar 'Green Mountain'	Acer saccharum 'Green Mountain'	XX	XX	XX					0	Y	F	L	0.100	M	M	PS	n/a	
Maple, Sugar 'Legacy'	Acer saccharum 'Legacy'	XX	XX	XX					0	Y	F	L	0.100	M	M	PS	n/a	
Maple, Trident	Acer buergeranum	0	XX	XX	XX	XX	XX		x	N	F	M	n/a	M	M	FS	n/a	X
Mimosa	Albizia julibrissin									N								
Mulberry, Red	Morus rubra	x	0	0	0	0	x			Y	F	S	0.099	M	H	FS	G/	
Oak, Black	Quercus velutina	x	x					x		Y	M	L	-0.253	D	H	FS	G/	
Oak, Cherrybark	Quercus falcata var. pagodifolia	x	x					x		Y	M	L	n/a	M	M	FS	G/	
Oak, Chestnut	Quercus prinus	x	0	XX	0	0	0	0		Y	S	L	-0.342	D	H	FS	GM/S	
Oak, Diamond Leaf (Laurel)	Quercus laurifolia	x	x	x						N	M	L	n/a	M	M	FS	G/	
Oak, English	Quercus robur	x	x							N	S	M	-0.275	M	M	FS	n/a	
Oak, Georgia	Quercus georgiana	x	x							Y	M	M	n/a	D	H	FS	n/a	
Oak, Laurel	Quercus hemisphaerica	x	x	x						N	F	M	-0.314	D	H	FS	n/a	
Oak, Laurel 'Darlington'	Quercus hemisphaerica 'Darlington'	x	XX	XX						N	F	M	n/a	D	H	FS	n/a	
Oak, Live	Quercus virginiana									N								
Oak, Northern Red	Quercus rubra	XX	x	XX						Y	F	L	-0.503	M	M	FS	GM/SC	
Oak, Nuttall	Quercus nuttali	x	x	x						Y	M	L	n/a	M	M	FS	n/a	
Oak, Oglethorpe	Quercus oglethorpensis	x	x	x						Y	S	M	n/a	W	M	FS	n/a	
Oak, Overcup	Quercus lyrata	XX	XX	XX				x		Y	M	L	-0.159	W	M	FS	G/	
Oak, Pin	Quercus palustris	0	x	x	0	0	0	0		N	M	M	-0.483	M	M	FS	mg	
Oak, Post	Quercus stellata	x	x	XX						Y	M	L	-0.327	D	H	FS	G/	
Oak, Sawtooth	Quercus acutissima	0	0	x	0	0	0	0		N	F	M	-0.159	M	M	FS	n/a	
Oak, Scarlet	Quercus coccinea	XX	XX	XX	x	x				Y	M	L	-0.592	D	H	FS	G/	
Oak, Shumard	Quercus shumardii	XX	XX	XX	XX	XX				Y	F	L	-0.265	M	H	FS	G/	
Oak, Southern Red	Quercus falcata	XX	x	XX				x		Y	M	L	-0.576	M	H	FS	G/	
Oak, Swamp Chestnut	Quercus michauxii	x	0	x	0	0	x			Y	M	L	-0.544	M	M	FS	G/	
Oak, Swamp White	Quercus bicolor	x	x	x				x		Y	M	L	-0.457	M	M	FS	G/	
Oak, Water	Quercus nigra	XX	x	XX				XX	0	Y	F	M	-0.451	M	M	FS	G/	
Oak, White	Quercus alba	XX	x	XX						Y	S	L	-0.348	M	M	FS	GM/S	
Oak, Willow	Quercus phellos	XX	XX	XX	XX	XX	0	XX	0	Y	F	L	-0.314	M	H	FS	GM/S	X
Orange, Osage	Maclura pomifera	x	0	x	0	0	0	0		N	F	L	0.000	D	H	FS	n/a	X
Parrotia	Parrotia persica	x	x					x		N	F	S	n/a	M	M		n/a	
Pear, Callery	Pyrus calleryana									N								
Pear, Common	Pyrus communis	x	0	x	0	0	0	0		N	F	M		M	L	FS	M/S	
Pecan	Carya illinoensis	x	0	x	0	0	0			N	S	M	0.088	M	L	FS	mg	
Persimmon, Common	Diospyros virginiana	x	0	x	0	0	x			Y	M	S	0.058	M	H	FS	G/P	X
Pine, Eastern White	Pinus strobus									N								
Pine, Loblolly	Pinus taeda	XX	x	x	XX	XX	x	0		Y	F	M	0.016	M	M	FS	G/	
Pine, Longleaf	Pinus palustris		x	x			x	0		N	M	L	0.010	M	H	FS	GM/C	
Pine, Shortleaf	Pinus echinata	XX	x	x	x		x	x	0	Y	M	L	0.008	M	H	PS	GM/P	
Pine, Slash	Pinus ellioti			x	x		x	0		N	F	M	0.010	M	M	FS	G/	
Pine, Virginia	Pinus virginiana	x	x	x	x	XX	x			Y	F	S	0.003	M	H	FS	G/	X
Pistache, Chinese	Pistacia chinensis		x	XX	x	x	x	0		N	M	M	n/a	M	H	FS	n/a	X
Planetree, London	Platanus x acerifolia	x	XX	XX	XX	x				N	F	M	-0.415	M	H	FS	pg	X
Plum, Chickasaw	Prunus angustifolia	x	0	x			x	x		Y	M	S	n/a	M	H	FS	M/IS	
Plum, Purpleleaf	Prunus cerasifera	x	x			XX	x			N	M	S	0.014	M	M	FS	mg	
Poplar, Lombardy	Populus nigra var. italica									N								
Poplar, White	Populus alba									N	F	M	-0.417	M	H	FS	n/a	
Poplar, Yellow (Tuliptree)	Liriodendron tulipifera	XX		x				XX	0	Y	M	L	0.171	M	L	FS	P/IS	
Redbud, Eastern	Cercis canadensis	XX	XX	XX	XX	XX	x	XX		Y	F	S	0.012	M	M	PS	M/S	
Redbud, Eastern White	Cercis canadensis var. alba	x	XX	XX	XX	x	x	XX		Y	F	S	n/a	M	M	PS	n/a	
Redbud, 'Forest Pansy'	Cercis canadensis 'Forest Pansy'	x	XX	XX	XX	x	x	XX		Y	F	S	n/a	M	L	PS	n/a	
Redbud, 'Oklahoma'	Cercis reniformis 'Oklahoma'		XX	XX	x	XX		XX		N	M	S	n/a	D	H	FS	n/a	X
Redbud, 'Texas White'	Cercis reniformis 'Texas White'		XX	XX	x	XX		XX		N	M	S	n/a	D	H	FS	n/a	
Redcedar, Eastern	Juniperus virginiana	x		XX	x		XX	x	0	Y	S	M	-0.010	M	H	FS	M/IS	
Redwood, Dawn	Metasequoia glyptostroboides	x		XX	x		XX			N	F	L	0.163	M	M	FS	n/a	X
Royal Paulownia (Princess-Tree)	Paulownia tomentosa		0	x	0	0	0			N	F	S	0.022	M	M	FS	g	
Sassafras	Sassafras albidum	x	x				x	x		Y	M	M	0.069	M	H	FS	G/	
Serviceberry, Downy	Amelanchier arborea	XX	XX	XX		XX	XX	x	x	Y	S	M	0.004	M	M	PS	M/IS	
Silverbell, Carolina	Halesia tetraptera	XX	x	x				x		Y	M	M	n/a	M	L	PS	M/ISC	
Silverbell, Two-Winged	Halesia diptera	XX	x	x				x	XX	N	M	M	n/a	M	M	PS	M/SC	
Smoketree, American	Cotinus obovatus									Y	M	S	n/a	D	H	PS	n/a	X
Smoketree, Common	Cotinus coggygia			x				x		N	M	S	n/a	D	H	FS	n/a	X
Sourwood	Oxydendrum arboreum	XX		x						Y	M	S	0.018	M	M	FS	P/A	
Sparkleberry, Tree	Vaccinium arboreum			x				x	x	Y	S	S	n/a	M	M	S	M/A	
Spruce Varieties	Picea species									N								
Sugarberry	Celtis laevigata	x	x				0	x		Y	M	M	0.118	M	M	FS	G/	
Sweetgum	Liquidambar styraciflua	x	0	x	0	0		x		Y	F	L	-0.488	M	L	FS	G/	
Sycamore	Platanus occidentalis	x	x					x	0	Y	F	M	-0.789	M	M	FS	G/	
Tallowtree, Chinese	Sapium sebiferum									N								
Tree-of-Heaven (Ailanthus)	Ailanthus altissima									N								
Walnut, Black	Juglans nigra	x	0	x	0	0		x	0	Y	M	L	0.086	M	L	FS	P/IS	
Waxmyrtle, Southern	Myrica cerifera			x	x		x	0	x	N	M	S	n/a	M	M	FS	G/	
Willow, Black	Salix nigra	x	0	0	0	0		x	0	Y	F	S	-0.177	W	L	FS	G/	
Willow, Weeping	Salix babylonica	x	0	x	0	0		0		N	F	M	-0.096	W	M	FS	mg	
Winterberry, Common	Ilex verticillata	x	x	x			x	x	x	Y	M	S	n/a	M	L	FS	G/	
Witchhazel, Common	Hamamelis virginiana	x	x	x		x	x	x		Y	M	M	-0.009	M	M	PS	M/IS	
Yellowwood, American	Cladrastis kentukea	x	x							N	M	M	0.013	M	M	PS	P/A	
Zelkova, Japanese	Zelkova serrata			x	x		0	0		N	M	M	0.084	M	H	FS	n/a	X
F Do Not Plant																		

* Do Not Plant

APPENDIX B – Parking Lot, Light Pole, Buffer, and Planting Details

See Attached

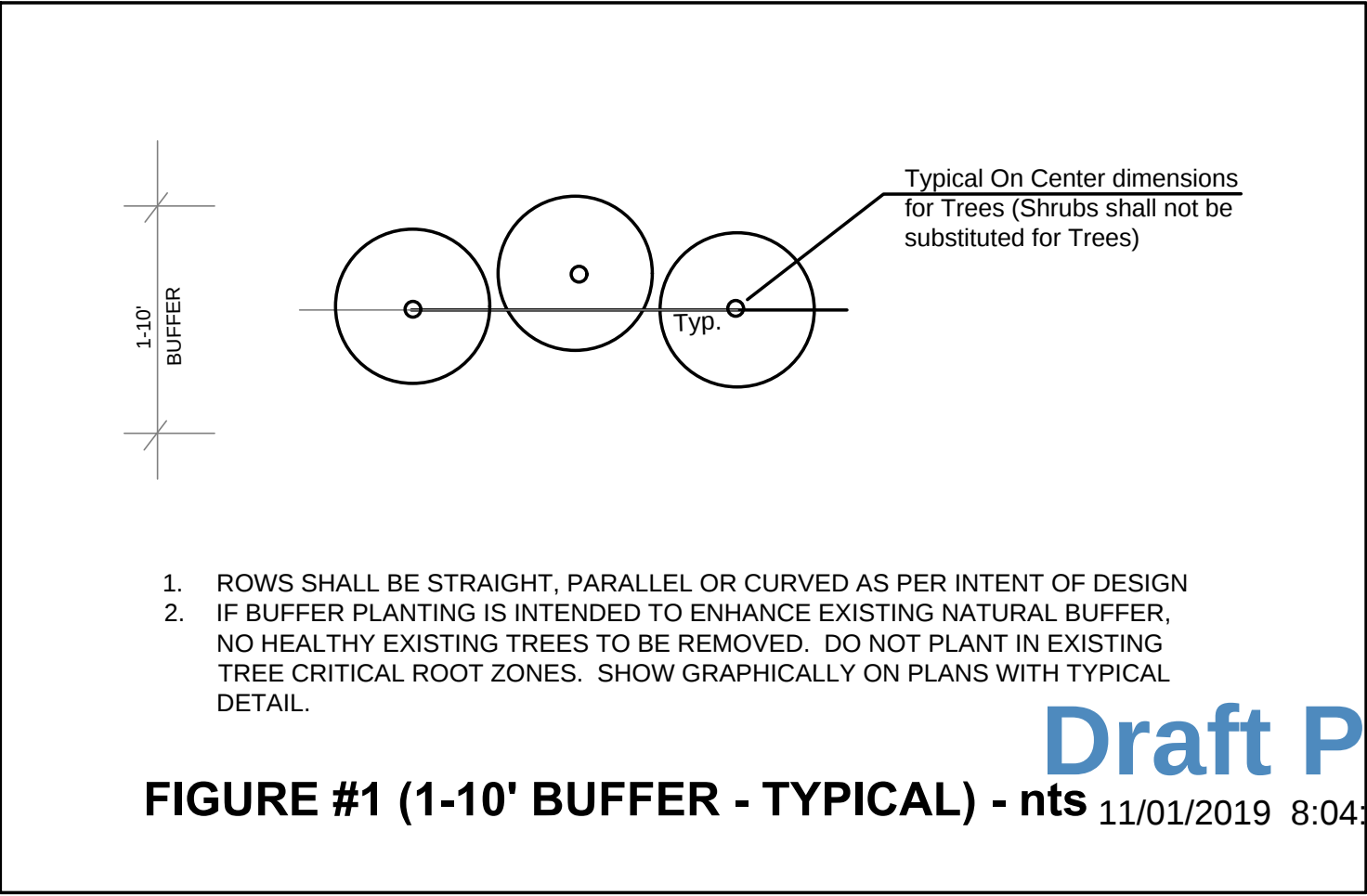
APPENDIX C – Subsurface Structural Cells - SILVA CELL OR OTHER



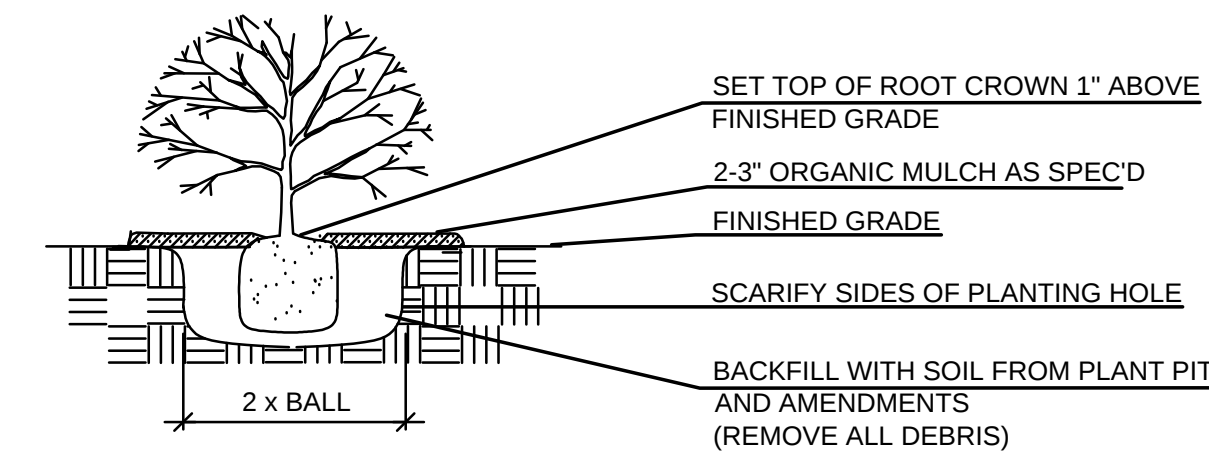
NOTES:

1. Installation to be completed in accordance with manufacturer's specifications.
2. Do not scale drawings.

Disclaimer: Conditions that vary from drawings must be evaluated by a qualified Engineer and appropriate adjustments made.



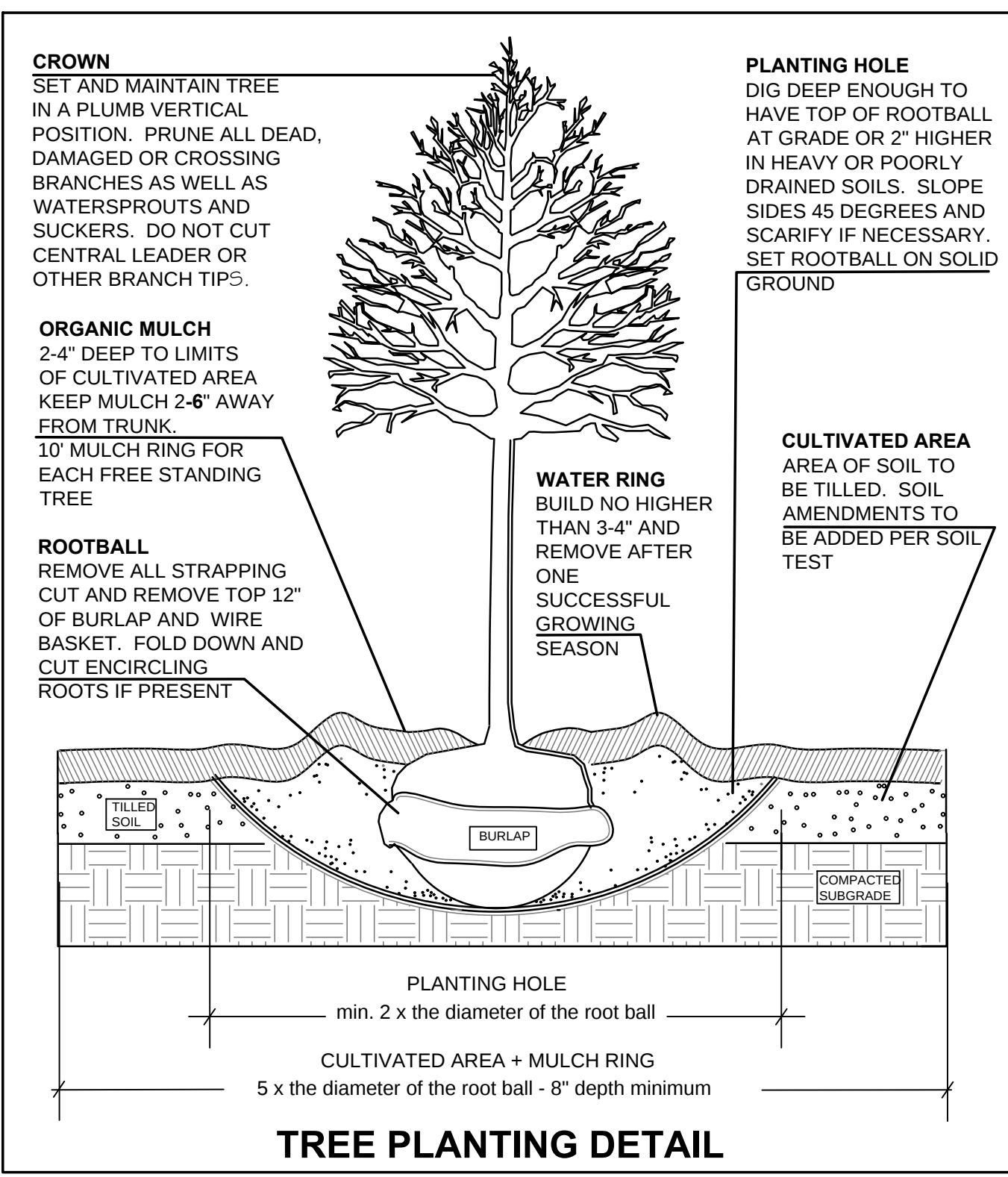
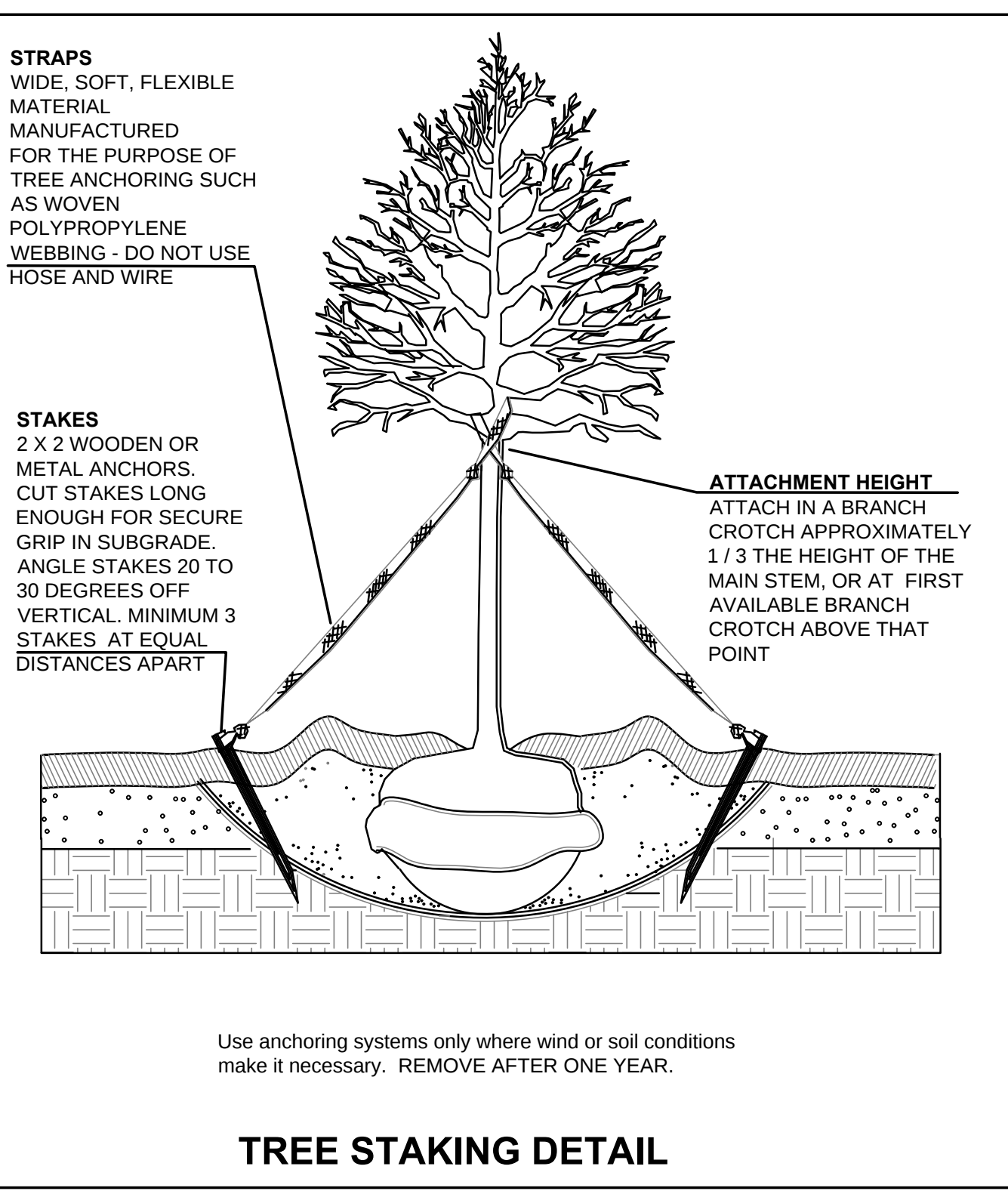
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GENERAL NOTES:

1. PRUNE ROOTS IF BALL IS ROOTBOUND. REMOVE ALL CONTAINERS AND NON-BIODEGRADABLE BURLAP.
2. WHEN BACKFILLING PLANT PIT, INCORPORATE SOIL IN WITH WATER TO REMOVE ALL AIR POCKETS AND FILL AS SHOWN.

BUFFER SHRUB PLANTING DETAIL - nts



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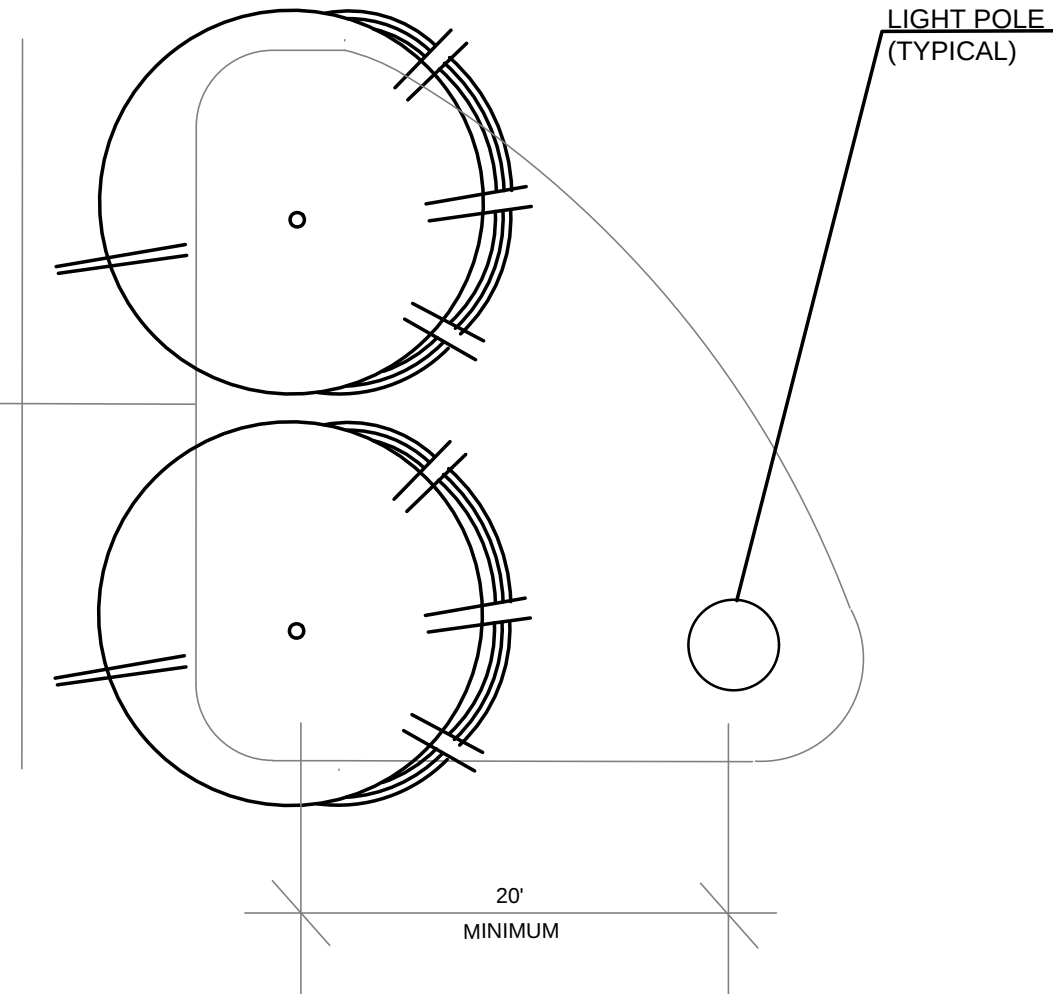
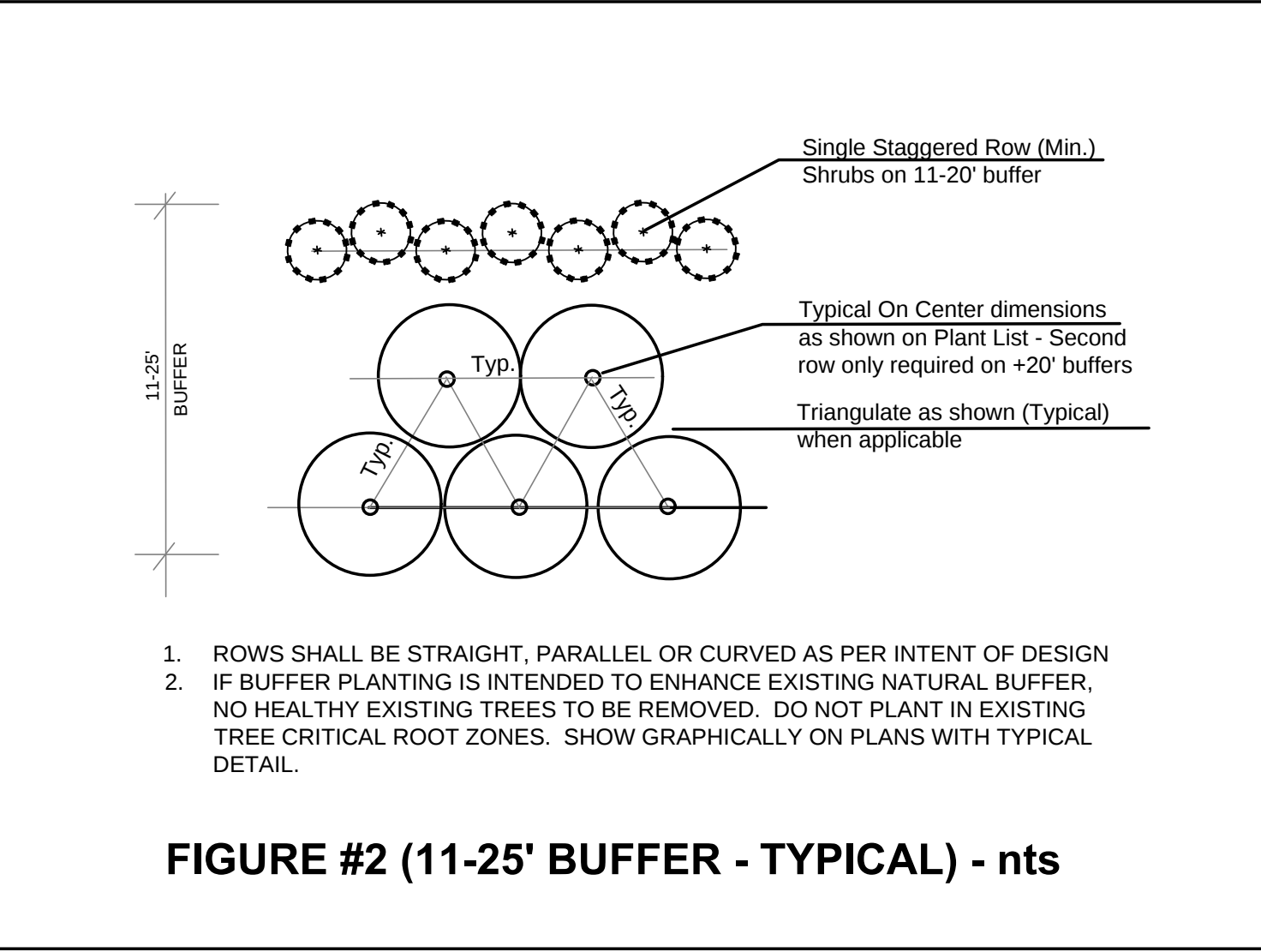


FIGURE #3 (TYPICAL DETAIL) - nts

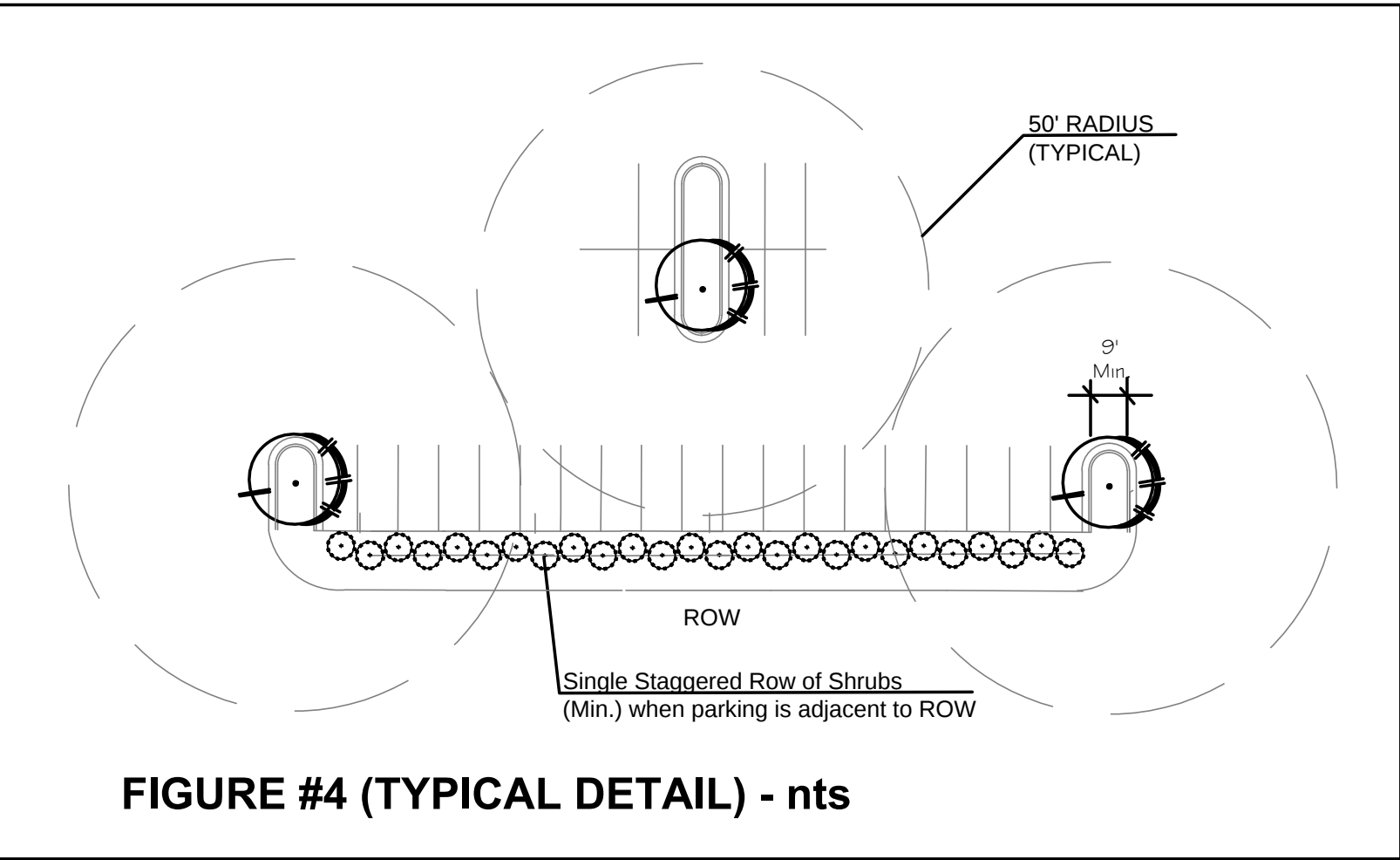


FIGURE #4 (TYPICAL DETAIL) - nts

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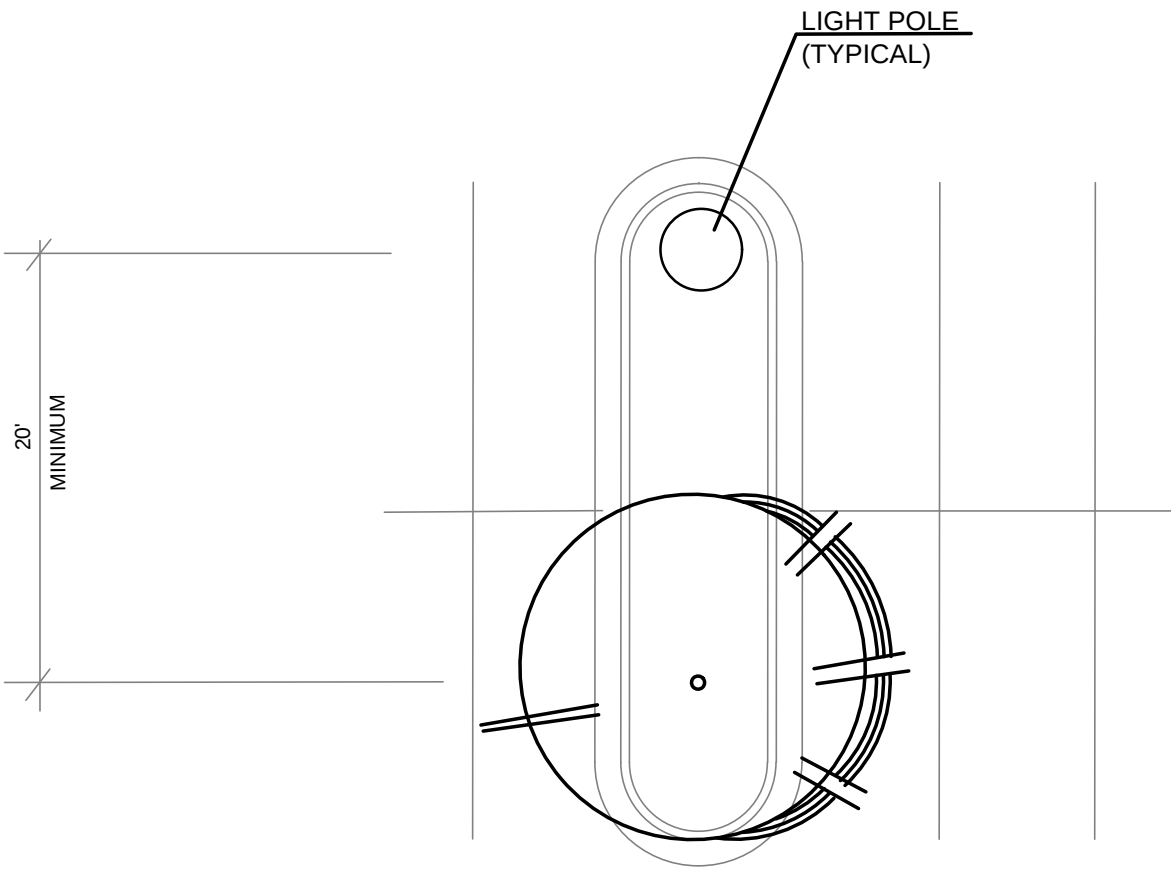


FIGURE #5 (TYPICAL DETAIL) - nts

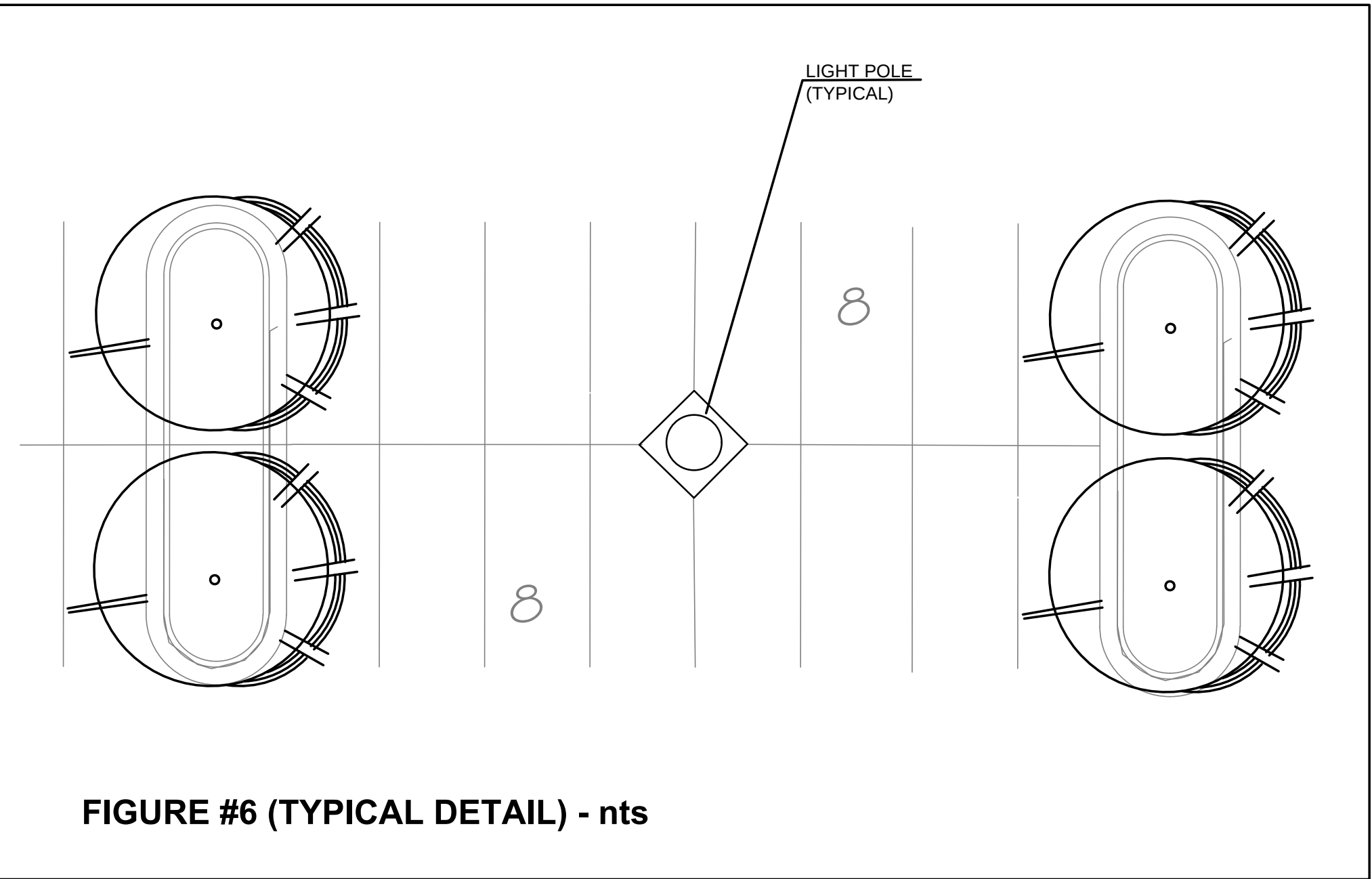
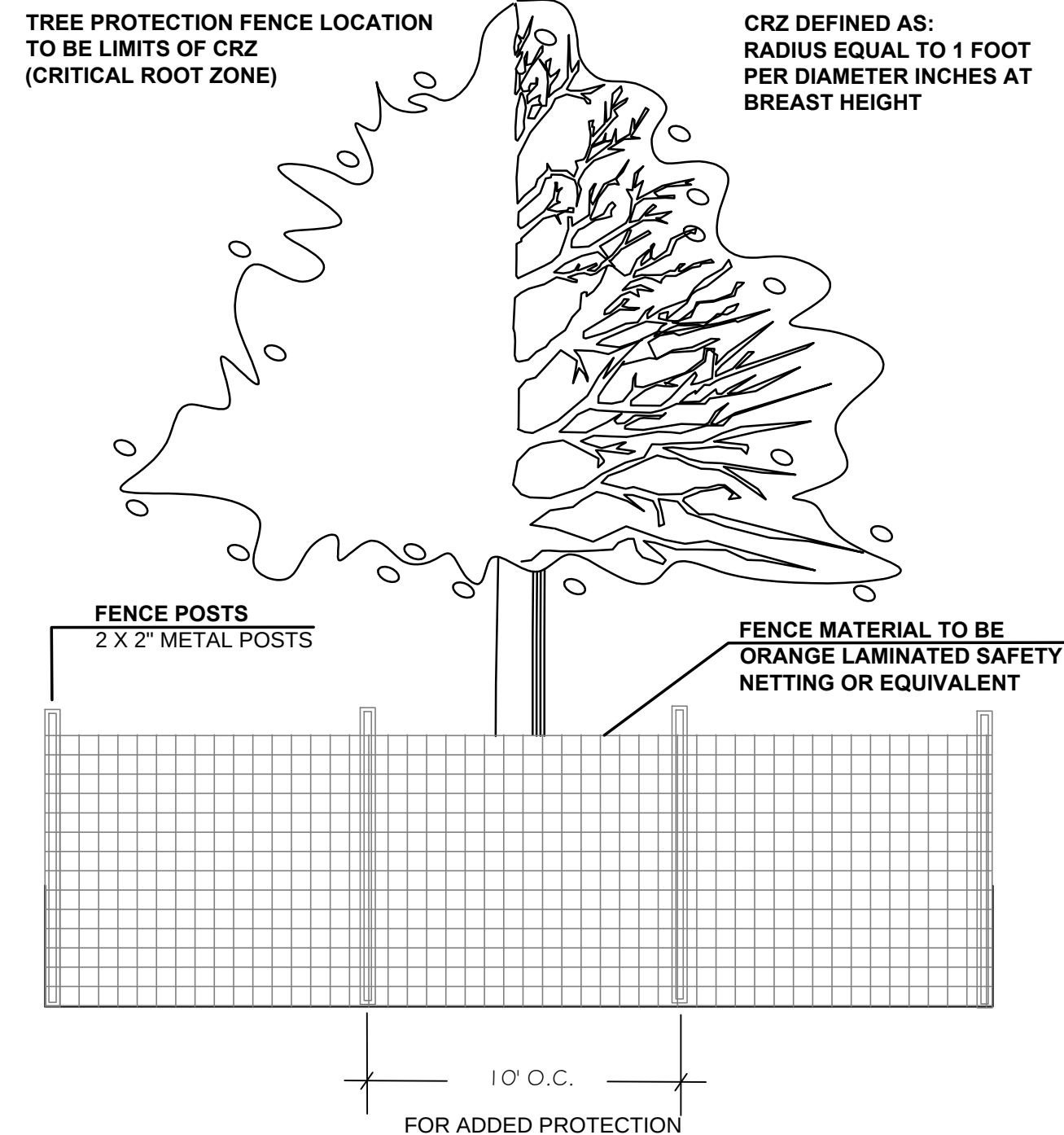


FIGURE #6 (TYPICAL DETAIL) - nts

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- Provide 2" deep layer of mulch containing mycorrhizae fungi over CRZ
- Make clean cuts on roots exposed by grading and backfill immediately
- Provide temporary irrigation where practical and feasible

TREE PROTECTION FENCE DETAIL



**Department of Planning and Zoning
Planner's Report**

DATE: November 6, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Tree Conservation Ordinance Update**

BACKGROUND

The City of Hapeville has identified a need to promote tree conservation, increase the tree canopy, and offer protection of existing trees within the City. To that end, the City has established a Tree Conservation ordinance with the intent of preserving and expanding Hapeville's urban forest. Staff, in conjunction with a consulting arborist, has prepared a new tree conservation ordinance to replace the existing ordinance in its entirety. Unclear regulations have proven difficult for property owners to follow and for City staff to enforce, rendering the current ordinance less effective at meeting the goals as intended. The ordinance has been carefully designed to simplify compliance and enforcement while applying stricter standards for development that are consistent with other Atlanta-area tree conservation ordinances.

The proposed ordinance and its appendices are attached. Below are changes to other portions of the code made necessary by the new ordinance, and/or where Staff identified opportunities to bring existing code closer to the intent of the ordinance.

SUMMARY

1. All properties in the City of Hapeville shall be required to provide a minimum number of trees on-site measured as 100" of tree caliper per acre. The caliper of new trees planted to meet this requirement shall be measured at time of planting.
2. Properties that are unable to meet the 100" per acre requirement may, with the approval of the Planning Commission, pay into the City's Tree Bank in lieu of planting required trees. Funds from the Bank will be used by the Community Services Department for tree plantings on City property and maintenance of City owned trees.
3. Landmark trees are defined based on species and caliper diameter at breast height. Landmark trees may only be removed with the permission of Staff and with proper justification.
4. The plan includes guidelines for tree planting, replacement, protection, and permitted species depending on the type of project

5. Parking lot trees shall be provided so that no parking space is more than 50' away from a tree.
6. Landscape buffers shall be required to provide necessary evergreen trees and shrubs.
7. To assist staff in determining compliance, Tree Protection and/or Tree Replacement plans shall be provided for all applicable projects.
8. All activities requiring a Land Disturbance Permit or resulting in an expansion of any commercial property will be required to comply with the entirety of the Tree Conservation Ordinance. Exceptions to full compliance will be provided to single-family residential properties removing five or fewer trees, trees required to meet the minimum 100" per acre requirement, or landmark trees.
9. Trees under 3" caliper may be removed without a permit.

AMENDMENTS TO CODE

Chapter 81 - ARCHITECTURAL DESIGN STANDARDS

(UNDER PURVIEW OF DESIGN REVIEW COMMITTEE)

Sec. 81-1-6. - Commercial/mixed-use area.

(a) Site development standards.

11. Sidewalks shall be located along all public and private streets. Sidewalks shall be of the widths indicated on the "Commercial/Mixed-use Area Sidewalk Table" and shall consist of two areas: a landscape area and a clear area.

Replace:

- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of two and one-half inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet and shall have a minimum mature height of 40 feet. Variations to this may be reviewed as approved by the city planning commission.

With:

- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas. ***Street trees shall be planted on average 30 feet on center,*** spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees ***shall comply with the requirements of [the Tree Conservation Ordinance],*** shall be limbed up to a minimum height of seven feet and ***shall be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List].***

(c) Supplemental area and fence standards.

Replace:

5. "Common yard, porch and fence, terrace or light court," or "forecourt" treatments identified in Figure 3, the supplemental area shall be landscaped and shall include a minimum of one tree every 50 feet of frontage. See list of allowed trees on in section 93-2-14.

With:

5. "Common yard, porch and fence, terrace or light court," or "forecourt" treatments identified in Figure 3, the supplemental area shall be landscaped and shall include a minimum of one tree every 50 feet of frontage. ***Each tree shall be of an appropriate Yard Tree species found in the [City of Hapeville Tree Species List].***
8. Where a development adjoins the neighborhood conservation area, the development shall provide a physical barrier between the two to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential area. A smooth transition to the adjacent neighborhood conservation area shall be ensured by providing:

Replace:

- a. A minimum 20-foot landscaped buffer located within the development site along the boundary with the neighborhood conservation area. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to a minimum height of four feet to visually screen new development and provide an attractive boundary that encourages continued investment in adjacent residential zones.

With:

- a. A minimum 20-foot landscaped buffer located within the development site along the boundary with the neighborhood conservation area, ***any single-family detached, or any two-family detached residential use***. Said buffer ***shall comply with the buffer requirements of [the tree conservation ordinance]***. Shrubs, flowers or grasses shall also be provided and maintained to a minimum height of four feet to visually screen new development and provide an attractive boundary that encourages continued investment in adjacent residential zones.

Sec. 81-1-7. - Neighborhood conservation area.

(a) Site development standards.

7. Sidewalks shall be located along all public and private streets. Sidewalks shall consist of two areas: a landscape area and a clear area.

Replace:

- c. The above notwithstanding, multifamily developments and all developments along Dogwood Drive shall provide a minimum five-foot landscape zone and a minimum six-foot clear zone.

With:

- c. The above notwithstanding, multifamily developments and all developments along Dogwood Drive shall provide a minimum five-foot landscape zone and a minimum six-foot clear zone. ***The landscape zone shall comply with the Street Tree requirements of Sec. 81-1-6.11.***

(b) *Supplemental area and fence standards.*

Replace:

1. Developments shall locate landscape supplemental areas adjacent to first-story residential uses and place a minimum of one tree every 50 feet in the supplemental area. See list of allowed trees in section 93-2-14.

With:

1. Developments shall locate landscape supplemental areas adjacent to first-story residential uses and place a minimum of one tree every 50 feet in the supplemental area. ***Each tree shall be of an appropriate Yard Tree species found in the [City of Hapeville Tree Species List].***

Chapter 90 - SUBDIVISIONS

Sec. 90-1-4. - Development prerequisite to final approval.

(b) *Recommended improvements.* The planting of street trees and installation of street name signs is considered a duty of the subdivider as well as good business practice.

- (1) *Street trees.*

Replace:

- a. Street trees are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. The planning commission will assist the subdivider in location of trees and species to use under varying conditions.
- b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the planning commission's approval since the public inherits the care and maintenance of such trees.

With:

- a. ***Trees adjacent to the sidewalk, in supplemental areas and in landscape strips between the sidewalk and the curb***, are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. ***All tree plantings shall conform to the requirements of [the Tree Conservation Ordinance].***
- b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the ***Community Services Department's*** approval since the public inherits the care and maintenance of such trees.

Chapter 93 - ZONING

ARTICLE 2. - GENERAL PROVISIONS

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

(3) Materials and landscaping.

Replace:

- a. Fences in the C-1 and C-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and contain specimen trees with a minimum three-inch caliper and set no less than 35 feet on center. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

With:

- c. Fences in the C-1 and C-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide ***and comply with the requirements of [the buffer requirements of the tree conservation ordinance].*** Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

Replace:

- d. Fences in the I-1 and I-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and contain specimen trees with a minimum three-inch caliper and set no less than 35 feet on center. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

With:

- d. Fences in the I-1 and I-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide ***and comply with the requirements of [the buffer requirements of the tree conservation ordinance].*** Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

Sec. 93-2-14. - Tree conservation.

Strike in entirety

Sec. 93-2-16. - Site plan review.

(c) *Submission requirements.* Applications for site plan review shall contain the following information and any additional information the planning commission may prescribe by officially adopted administrative regulations; ten copies of the application shall be submitted:

- (1) *Site and landscape plan.* Maps and site plans shall be submitted (minimum scale of 1" = 50' or larger, e.g., 1" = 40', 1" = 30', etc.) indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn, showing:

Remove:

- e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.

Add new (2):

- (2) *Tree Conservation and/or Replacement Plan.* A plan describing all trees over three (3) inch caliper on the site to be retained as well as those to be planted, as required by [the Tree Conservation Ordinance]. When feasible, this plan may be incorporated into the site and landscape plans so long as all required information is present.

And renumber

ARTICLE 3.2 - CONDITIONAL USES

Sec. 93-3.2-6. - Special use permit criteria and standards.

(c) *Car rental agency standards.*

Replace:

3. Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.

With:

3. Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of ***[the Tree Conservation Ordinance buffer section]***.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

Insert indicated text into:

- (6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs ***in compliance with [the Tree conservation Ordinance buffer section]*** to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

Replace:

- (8) *Residential buffer.* Where this district adjoins a residential zone, specifically when a commercial or mixed use in the U-V district abuts the residential district, all new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

With:

- (8) *Residential buffer.* ***Where any use other than a single-family detached use in this district adjoins a residential zone,*** all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer ***shall comply with the requirements of [the Tree Conservation Ordinance buffer section].*** Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.

- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

Sec. 93-11.2-8. - Supplemental area requirements.

- (3) Adjacent to ground floor dwelling units, excluding live-work dwellings, the supplemental area:

Replace:

- b. Shall be planted with one canopy tree, as established in [section 93-2-14\(k\)\(11\)](#), an average of 40 feet on-center as measured parallel to the front lot line.

With:

- b. Shall be planted with one canopy tree, as established in **[the Tree Conservation Ordinance]**, an average of 30 feet on-center as measured parallel to the front lot line.

Sec. 93-11.2-9. - Sidewalk requirements.

- (1) *Sidewalk landscape area requirements.*

Replace:

- c. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of 3½ inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet and shall have a minimum mature height of 40 feet. Trees shall have a minimum planting area of 40 square feet. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

With:

- a. Street trees shall be planted **on average 30 feet on center**, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees **shall comply with the requirements of [the Tree Conservation Ordinance]**, shall be limbed up to a minimum height of seven feet and **shall be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List]**. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

ARTICLE 11.5. - RMU ZONE (RESIDENTIAL MIXED USE)

Sec. 93-11.5-6. - Area, placement, and buffering requirements.

Replace:

- (9) *Residential buffer.* Where this district adjoins a residential zone without an intervening street, new development shall provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall be planted with a minimum of one tree per 30 linear feet. Evergreen shrubs, flowers or grasses shall also be provided and maintained to visually screen nonresidential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

With:

- (9) *Residential buffer. **Where any use other than a single-family detached use in this district adjoins a residential zone***, all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall ***comply with the requirements of [the Tree Conservation Ordinance buffer section]***. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

Sec. 93-11.5-7. - Supplemental area requirements.

- (4) Adjacent to ground-floor dwelling units, excluding live-work dwellings, the supplemental area:

Replace:

- b. Shall be planted with canopy trees, as established in subsection 93-2-14(k)(11), at a minimum of one tree per 30 linear feet on-center as measured parallel to the front lot line.

With:

- b. Shall be planted with canopy trees, as established in **[the Tree Conservation Ordinance]**, **an average of 30 feet on-center** as measured parallel to the front lot line.

Sec. 93-11.5-8. - Sidewalk requirements.

(1) Sidewalk landscape area requirements

Replace:

- c. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of two and one-half inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet, and shall have a minimum mature height of 40 feet. Trees shall have a minimum planting area of 40 square feet. The city planning commission may approve an alternate street tree plan subject to constraints such as overhead or underground utilities or underground utility easements.

With:

- C. Street trees shall be planted **on average 30 feet on center**, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall **comply with the requirements of [the Tree Conservation Ordinance]**, shall be limbed up to a minimum height of seven feet, and shall **be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List]**. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

Sec. 93-11.5-10. - Greenspace and open space requirements.

Replace:

In addition to the requirements of sections 93-2-14, Tree preservation, and 93-23-18, Landscape requirements for vehicular use areas, of the Hapeville Code of Ordinances, master planned developments in excess of two acres shall be required to provide and maintain a minimum of 20 percent greenspace/open space. Calculations for greenspace/open space shall exclude required sidewalks and landscape strips along streets, but may include the following...

With:

In addition to the requirements of **[the Tree Conservation Ordinance]**, **the Tree conservation ordinance**, and 93-23-18, Landscape requirements for vehicular use areas, of the Hapeville Code of Ordinances, master planned developments in excess of two acres shall be required to provide and maintain a minimum of 20 percent greenspace/open space. Calculations for greenspace/open space shall exclude required sidewalks and landscape strips along streets, but may include the following...

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-12. - Location

Replace:

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway.

With:

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway. ***If the property providing the additional parking contains more than ten (10) parking spaces, the parking area of that property shall be brought into compliance with the requirements of Sec. 93-23-18 and [the tree conservation ordinance].***

Sec. 93-23-18. - Landscape requirements for vehicular use areas.

Replace section with the following:

- (a) *Intent.* The objective of this section is to provide space for the use of landscape beautification and natural plant growth for developments where off-street parking and open lot sales, displays, and service areas are provided. The intent is to improve and protect the appearance, environmental and ecological condition, character, design, and value of the total urban area, thereby promoting the public health, safety, and welfare.
- (b) *Areas subject to the requirements of this section.* Vehicular use areas, except those less than 10 parking spaces, parking garages, and public rights-of-way shall conform to the minimum landscaping requirements hereinafter provided.
- (c) *Procedure for the development of vehicular use areas.*
 - (1) *Permit requirements.* No building grading, or tree removal permit shall be issued until approval of a required landscape plan for vehicular use areas. Prior to submission of building plans, the requirements of this section must be met. In cases where a vehicular use area is located on a lot other than that of the principal building, building plans may be submitted for review.
 - (2) *Submission of a required survey and proposed landscape plan.*
 - a. The applicant or his authorized agent shall submit to the Planning & Zoning Department three copies of each survey and landscape plan at a scale no greater than one inch equals 50 feet. The proposed landscaping may be superimposed on the proposed site plan or on a separate sheet, provided all drawing are the same scale.
 - b. Each survey and landscape plan shall include the following:
 - 1. Name, signature, address, and telephone number of property owner, surveyor, and or designer;
 - 2. North arrow and scale;
 - 3. All dimensions; and

4. All required information and data listed on drawings.
- (3) *Survey.* The required survey shall include the following information:
 - a. Legal description of the property.
 - b. All trees and survey data as defined in this chapter.
 - c. Existing structures, buildings, parking spaces, accessways, and public streets.
 - d. Aboveground and belowground utility lines and easements.
 - e. Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.
 - (4) *Landscape plan.* The proposed landscape plan shall include the following information:
 - a. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
 - b. All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size, and name of proposed landscape materials shall be listed on the plan.
 - c. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan in accordance with [the Tree Conservation Ordinance].
 - d. Required plans shall identify all vehicular use areas, aisles, driveways, sidewalks, wheel stops, and or curbs and other vehicular use controls. The location of the curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, proposed planting areas, decorative and or screening walls, and related buildings shall be shown.
- (d) *Landscape requirements.* All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:
- (1) *Tree requirements.* Interior and exterior tree plantings are to be provided in accordance with the [Tree Conservation Ordinance]. Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree.
 - (2) *Perimeter landscape requirements.*
 - a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the [buffer requirements of the tree conservation ordinance], and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.
 - b. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.

1.
 - i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension of ten feet from the right-of-way line to the vehicular use area.
 - ii. In addition, the requirements of section 93-2-7, "Vision clearance at corners," shall be met.
 2. When abutting adjacent properties. Required perimeter landscaped areas which would abut adjacent, existing nonresidential properties may be allocated as additional interior or other additional perimeter landscaping.
- (3) *Permitted modification to the landscaping requirements.*
- a. In cases where the landscaped area requirements of subsection (d)(2) may exceed 20 percent of the vehicular use area, the applicant may be allowed to reduce dimensions of landscaped areas other than those abutting a public street right-of-way or adjacent to the residential uses or zones to equal a 20 percent maximum provided a method of vegetative and or masonry screening is maintained and is approved by the Planning & Zoning Department.
 - b. In instances where proposed innovative designs, landscaping techniques, and site amenities are believed to fulfill the intent of subsection (a) above, the strict requirements of this section may be waived by the planning commission.
 - c. In instances where healthy plant material exists, the requirements outlined in subsections (d)(2) of this article may be adjusted thereby allowing credit for the preservation of existing plant material. The planning commission may make such adjustments so long as the intent of this section is preserved.
 - d. Open lot sales of vehicles may be excluded from the perimeter screening requirements adjacent to public rights-of-way by the planning commission, provided the tree requirements and area requirements are met.
- (4) *Landscape installation requirements.* All landscaping shall be installed in accordance with accepted good planting procedures.
- a. *New plant materials.*
 1. All separate landscaped areas shall have a minimum variety of two living plant materials other than trees; total landscaping areas required shall include a minimum variety of three landscape materials other than trees.
 2. Paving (other than walks) and artificial plants shall not be permitted within landscaping areas.
 3. Trees, hedges, and shrubs must meet the requirements of the [Tree Conservation Ordinance]
- hall
5. 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 is used, a fast-growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers which

present a finished appearance and reasonable complete coverage at 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 of this chapter and the [Tree Conservation Ordinance]
 - c. *Earthwork.* Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for onsite retention of stormwater provided they are approved by the city's Planning & Zoning Department.
 - d. *Encroachment.* Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brick-work, and/or other devices. Placement of these devices shall be located at least 2½ feet from walks, walks, and structures and may be placed one foot from landscaped areas to prevent a vehicular overhang of no more than 1½; feet of landscaping area may be counted as part of the required depth of each parking space.
 - e. *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 free from refuse and debris. The owner shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one year of the final approval of the installation. The owner is thereafter responsible to maintain the landscaping in a healthy manner.
 - f. *Planting bed.* The 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 nutrients for the plants and thus may require the 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 1½ as deep as the depth of the plant ball.
- (e) *City review of landscape plan.* The Planning & Zoning Department shall approve or reject the required landscape plan. The decision of the Planning & Zoning Department shall be deemed final administrative action, but may be appealed to the Board of Appeals provided such appeal is made in writing at least thirty days prior to the next regular Board of Appeals meeting. Developments which require site plan approval by the The Planning Commission shall be reviewed and approved by the planning commission for compliance to this section.
- (f) *Certification of compliance.* Upon completion of the landscape improvements, the site shall be inspected for compliance to the approved landscape plant. A certificate of compliance must be issued before a certificate of occupancy can be issued for any related structures. When occupancy of a related building is desired prior to completion of the required landscaping, a temporary certificate of occupancy may be issued if a financial guarantee in the amount equal to 100 percent of the cost for landscaping improvements is provided and acceptable in form to the city attorney.