



LEE COUNTY BOARD OF COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING

102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

Tuesday, February 11, 2025 AT 4:30 PM
KINCHAFOONEE CONFERENCE ROOM

MEETING AGENDA
Special Called

WWW.LEE.GA.US

COUNTY COMMISSIONERS

Luke Singletary, Chairman District 2
Chris Guarnieri, Vice-Chairman District 4
Dennis Roland, Commissioner District 1
Billy Mathis, Commissioner District 3
George Walls, Commissioner District 5

COUNTY STAFF

Christi Dockery, County Manager
Kaitlyn Good, County Clerk
Jimmy Skipper, County Attorney

1. **CALL TO ORDER**

2. **INVOCATION**

3. **PLEDGE OF ALLEGIANCE**

4. **NEW BUSINESS**

A) Discussion of various ordinances in Lee County.

5. **PUBLIC FORUM**

6. **ANNOUNCEMENTS**

7. **ADJOURNMENT**

A) The next meeting of the Lee County Board of Commissioners will be February 11, 2025 at 6:00pm.

AGENDA MAY CHANGE WITHOUT NOTICE

Lee County is a thriving vibrant community celebrated for its value of tradition encompassing a safe family oriented community, schools of excellence, and life long opportunities for prosperity and happiness without sacrificing the rural agricultural tapestry.

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at 229-759-6000 or through the Georgia Relay Service 800-255-0056 (TDD) or 800-355-0135 (voice).

This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9 am and 4 pm, Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven working days. The meeting rooms and buildings are handicap accessible.



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Amanda Nava-Estill
Assistant Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – AGRICULTURE LOTS (SIZES/RESIDENTIAL USES)

Concerns have been raised about AG district lot sizes and residential uses.

Lee County's current ordinance: minimum lot size 25 acres;

- **Permitted Section 70-312(kk):** Single-family dwellings or manufactured homes exceeding one per farm operation if such additional dwellings cannot be allowed under section 70-78 of this chapter. If granted, said dwelling shall be located on a legally subdivided lot on at least ten acres with 250 feet of road frontage. Setback and height requirements shall be the same as are provided for a regular parcel in the applicable zoning district. The farm tract remaining after such a subdivision must meet the minimum requirements for the applicable zoning district.
- **Conditional Use 70-313(a):** Single-family dwellings or manufactured homes exceeding one per farm operation if such additional dwellings cannot be allowed through section 70-78 of this chapter. If granted said dwelling shall be located on a legally subdivided lot on at least three acres with 225 feet of road frontage. Setback and height requirements are the same as for a regular parcel in this district. The farm tract left over after such a subdivision must meet the minimum requirements for this district.

Bartow County: A-1: the minimum lot size is two acres. No new A-1 lot shall be created which is not at least two acres in area and no lot of less than two acres may be split off from existing A-1 zoned property.

Thomas County: has three zoning districts as it relates to AG: AG Agricultural, AG Conservation, and Rural Residential District. Single-family homes in the Rural Residential District must be two acres.

City of Albany/Dougherty County: Agriculture District requires 40 acres. Single-Family uses are permitted in the county only, provided it meets Residential G district requirements and if less than the 10 acres is an existing lot of record and recorded by 1/1/2000.



Marion County: the agricultural district: single-family permitted; Minimum lot size per unit is five acres.

Hiram, GA: A-1 agricultural zoning district: single-family permitted; minimum lot size: five acres.



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Amanda Nava-Estill
Assistant Director

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – MINING

Concerns have been raised about mining uses in the County.

Lee County's current ordinance: does not include mining as a permitted use in any zoning districts.

Bartow County: M-1 mining district. There is a designated mining district with several requirements to include area, yard, height, and buffers. In the agricultural district, only former abandon mines are allowed to continue mining uses under a conditional use.

Thomas County: Agriculture district. Mining is a permitted use. There are requirements as it relates to buffers and setbacks. Mining is also a permitted use in the Agriculture Rural Residential district with the same requirements and in the Industrial district. While they are all permitted uses by the ordinance, a chart in the ordinance indicates they must receive conditional approval.

City of Albany/Dougherty County: Mining, quarrying, excavation and on-site sales. Agricultural and the Heavy Industrial districts permit these uses under conditional approval.

Taylor County: Speaking to the county planner Joe: mining uses are not typically a controversial use for their community. Mining is subject to the Industrial zoning district as a conditional use. Part of their conditions: they require a bond to the county and an agreement that they will pay for road damage due to trucks. These are additional requirements required by the County aside from the EPD requirements.

Crawford County: Speaking to the zoning administrator Jake: Mining is permitted in the Industrial zoning district with a conditional use; No additional requirements (bonds/damage).



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Amanda Nava-Estill
Assistant Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION - ANIMALS IN RESIDENTIAL DISTRICTS (CHICKENS)

Concerns have been raised about chickens in the residential district.

Lee County's current ordinance: Section 70-87(4): Chickens in the residential district require a conditional use permit granted by the BOC.

Thomas County: Allows for non-commercial poultry livestock in the AG-Rural Residential District. They do not set a limit on poultry but do set regulations on structures to house such. No such chicken houses shall be located within three hundred feet of any areas designated as a 100-year flood zone; shall not be located closer than two-thousand feet from any existing property zoned R-1, R-2, or R-3. Ordinance regulates how big and the number of chicken houses allowed.

Byron, GA: Fowl can be kept for non-commercial uses. One fowl per 1,000 sq. feet of ground shall be permitted, maximum number 30. More than 30 shall constitute a poultry farm and must meet zoning and other regulations. Setback requirements: fowl habitats; up to 10 fowl = 25ft, more than 10 birds = 50ft, or a letter from neighbor(s) waiving setback. If neighbor(s) change, a new letter is required.

Tifton, GA: Standards for non-commercial farms. Minimum land = 3 acres, minimum setback for housing = 100 feet from property lines.

Colquitt, GA: Running at large. It should be unlawful for any person to cause or permit hogs, fowl, cattle, and other domestic animals to run at large within the corporate limits of the city.

Camilla, GA: Livestock prohibited in city limits. It shall be unlawful for any person to keep within the corporate limits of the City of Camilla any hog, mule, sheep, goat, cow, poultry, fowl, or other livestock.

Lumpkin County: Livestock running at large or straying, impoundment. All livestock shall properly housed with adequate food and water, confined within fence enclosure. Enclosure shall be maintained in such manner as to keep livestock animal from escaping. Maintenance of enclosures must be maintained by owners.



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Amanda Nava-Estill
Assistant Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – R-1 LOT SIZE REQUIREMENTS

Concerns have been raised about R-1 lot size requirements in the County.

Lee County's current ordinance: Section 70.164: Well and septic = 1 per every 2 acres, water and septic = 1 per every 1 acre, water and sewer = 3 per every 1 acre.

- Each lot shall have, at a minimum, a 30-foot wide access to a public road.
- Lot length shall not be more than four times the lot width.

Marion County: R-1 Single-family residential district. Minimum lot size of one acre.

Jackson County: R-1 Single-family residential district. Well and septic = .666, public water and septic = 1 acre, public water and public sewer = 2.0 acres.

Lumpkin County: has multiple residential district in which they split into classes.

- **Class I subdivision** (no more than three parcels) = one acre requirement;
- **Class II subdivision** (no more than nine parcels) = one acre requirement;
- **Class III subdivision** (10 or more parcels) = one acre requirement.
- **Class IV subdivision** (developer provides public water (or state approved water system) or a state approved sewer and treatment facility, or both to all of the lots) = 0.585 acre requirement.
- **Class V subdivision** (developer is required to provide a state approved public water and state approved sewer with treatment facility to all of the lots) = one-eighth acre with additional development standards.

Henry County: R-1 Single-family residence zoning district. Minimum lot area 43,560 square feet; minimum heated floor area 1,500 square feet.



Colquitt County: R-1 single-family zoning district. Minimum lot area: 22,00 square feet with a minimum floor area dwelling unit of 1,350 square feet for a site built home.

Ben Hill County: R-1 single-family zoning district. Minimum lot size: one acre.

Sumter County: R-1 single-family zoning district. Minimum lot size per unit:

- **Open ditch road:** 1.25 acres
- **Curb and gutter road:** 1-acre
- **C&Gutter + "public" H2O & sewer:** .75 acre
- **C&G + "public" H2O & sewer:** .50 acre



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Amanda Nava-Estill
Assistant Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – CAR WASHES

Concerns have been raised about car washes in the County. Based on research in surrounding Georgia communities the main concern and standards in place relate to reducing water consumption.

Lee County's current ordinance: The car wash use currently falls under a permitted use in the C-2 district under **Section 70-382(a)**: Any retail or service establishment. There are no other specific requirements placed on car washes in the County.

Macon-Bibb County: C-2 General Commercial District. Car washes uses are permitted by conditional use, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain the number of vehicles (at two hundred square feet per vehicle) equal to one-third of the practical hourly capacity of the washing machines, in addition, that curb breaks be limited to two, each not to exceed thirty feet in width and located no closer than twenty feet to a street intersection.

Villa Rica, GA: Drive-through establishments. Standards are placed on drive-through establishments to include buffers from any abutting residential zoning districts for noise mitigation, development entrances, stacking lanes, etc.

Fulton County: General provisions that apply to car washes. Purpose and intent is to reduce the water consumption from commercial car wash facilities by requiring all new in-bay and conveyor car washes to install operational recycled water systems.

Hiram, GA: Car wash recycling. All new commercial conveyor car washes, permitted and constructed after August 5, 2014 must install operational recycled water systems. A minimum of 50 percent of water utilized must be recycled.



Lee County Planning, Zoning & Engineering Department

Joey Davenport
Interim Director

Kara Hanson
Office Manager/Planning Assistant

Kacee Smith
GIS Manager

Amanda Nava-Estill
Assistant Director

Charles Talley
GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – MINOR SUBDIVISIONS

There has been a request to review and discuss the current minor subdivision ordinance in the County.

Lee County’s current ordinance: Article III. – Minor Subdivision Procedures, Section 58-86 – Approval of minor subdivisions.

Attachments

ARTICLE III. - MINOR SUBDIVISION PROCEDURES

Sec. 58-86. - Approval of minor subdivisions.

- (a) An applicant requesting approval of a proposed minor subdivision shall submit to the planning department ten copies of the plat and legal description, or such other number as the planning director deems necessary, together with a completed application form and the stipulated fee. The plat shall conform to the following requirements:
- (1) All minor subdivision plats shall meet the land development and road and drainage standards of the county as outlined in chapter 70, chapter 38, and this chapter.
 - (2) The minor subdivision plat shall be at a scale no smaller than 200 feet to the inch, unless otherwise approved by the county planner, and prepared by a land surveyor registered in the state.
 - (3) The minor subdivision plat shall be drawn in ink or by computer printer on sheets no larger than 18 inches by 24 inches unless otherwise approved by the planning director.
 - (4) The minor subdivision plat and accompanying documentation shall show all existing conditions and shall show all proposals, including the following:
 - a. Proposed subdivision name or identifying title.
 - b. Name of owner of tract or his authorized agent, if any, and the signature and declaration of ownership of the owner.
 - c. The names of all owners of all adjacent unplatted land.
 - d. Reference to recorded subdivision plats of adjoining platted land by record names.
 - e. Vicinity map at a scale of not less than one inch equals one mile showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown as well as the north arrow of the vicinity map.
 - f. Names and right-of-way width of all roads and other rights-of-way; and similar data for alleys, if any.
 - g. Location, dimensions and purpose of easements.
 - h. Lot lines, lot numbers (consecutively numbered), lot sizes (to the nearest thousandth of an acre), and the area in parks, etc.
 - i. If requested by the planning staff, topographic maps of all land subdivided the scale and contour interval to be determined by the planning staff (separate map from recording plat).
 - j. Minimum building setback lines of all residential lots and all other lots smaller than five acres.

- k. Numerical scale, graphic scale, north arrow, and date of plat.
- l. All elevations based on sea level datum.
- m. Pertinent soil data, if required by the county health department where the subdivision is not to be served by the community sewerage system. (Separate map from recording plat.)
- n. Legal description of the platted area.
- o. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearing and similar data necessary for proper location.
- p. Accurate dimensions, bearings or deflection angles, radii and area and central angle of all curves of all lots, tracts, right-of-way lines of streets, easements or other right-of-way.
- q. Purpose for which sites, other than residential lots, are dedicated or reserved.
- r. Location and description of monuments.
- s. Reference to recorded subdivision plats of adjoining platted land by record names and number.
- t. Certification by a land surveyor registered in the state to the accuracy of the survey and minor subdivision plat.
- u. The location of all areas within the 100-year floodplain as determined by the manager of development services.
- v. Acreage of total area to be subdivided.
- w. A square box 3 by 3 inches shall be placed in the upper left-hand corner of the map or plat.
- x. Location of apparent encroachments and observed evidence of human burials or cemeteries.
- y. A statement of the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat, or the proper notations required by rule 180-7-.09 of the State of Georgia technical standards for property surveys when GPS equipment is used in performing the survey.
- z. The names of adjacent property owners on all lines, along with a notation as to what documents were reviewed for each adjacent property as required by rule 180-7-.02(1)(a) of the Georgia technical standards for property surveys. Such notation may be the deed book and page of the record title description, recorded plats, or other documents or surveys that were obtained through the course of the survey. In cases where the adjacent property is a recorded subdivision, it is sufficient to state the name, phase (if applicable), and recording information of the subdivision plat, along with lot lines and lot numbers. (A title search is not required for this.)

- (5) The minor subdivision plat shall be submitted in paper and one copy to be in digital form with the .dxf the preferred digital format though DRG and DWG will be accepted.
- (b) Review and actions for a minor subdivision may be handled administratively by the planning director or his designee after review of the full staff. Within 14 days of certification that the application is complete, or within such further time as consented to by the developer, the planning director or his designee will either approve, deny, request changes in the plat that are necessary for approval, or request that the developer submit the subdivision application to the planning commission for review and action, either approval or denial, at their next regularly scheduled meeting.
- (c) After the application has been approved through action or inaction by the planning director or his designee or the planning commission, the planning director or his designee shall affix an appropriate stamp and signature to such approved plat and inform the developer in writing that the plat is ready for recording.
- (d) Actions of the planning director may be appealed to the board of commissioners at their next regularly scheduled meeting.
- (e) If a minor subdivision involves the conveyance of a property or easements to the county, the following items shall be required:
- (1) Title opinion
 - (2) Warranty deed conveying the property.
 - (3) Quitclaim deed (if applicable).

(Ord. of 6-23-1994, § 501; Ord. of 1-13-2000(2); Ord. of 9-15-2003(3); Ord. of 1-24-2023(3))

Secs. 58-87—58-120. - Reserved.



Lee County Planning, Zoning & Engineering Department

Joey Davenport Interim Director		Amanda Nava-Estill Assistant Director
Kara Hanson Office Manager/Planning Assistant	Kacee Smith GIS Manager	Charles Talley GIS Technician

MEMORANDUM

TO: LEE COUNTY BOARD OF COMMISSIONERS

FROM: AMANDA NAVA-ESTILL, PLANNING

DATE: FEBRUARY 6, 2025

RE: FOR DISCUSSION – LANDSCAPE ORDINANCE

There has been feedback from several developers, engineers, and Lee County staff/consultants on the current Lee County landscape ordinance. The feedback relates to the complexity of interpreting the current ordinance. Our planning consultant (WSP) has recommended the Oconee County landscape ordinance to reference for discussion.

Lee County’s current ordinance: Section 70-86 – Landscaping and screening.

Attachments

Sec. 70-86. - Landscaping and screening.

(a) *Landscape maintenance.*

- (1) All landscape installed in accordance with this section shall be maintained for a two-year period (hereinafter referred to as the "maintenance period" from the issuance date of the certificate of occupancy (CO).
- (2) The procedures for administering the inspections for landscapes are as follows:
 - a. The zoning administrator shall make three inspections of the landscape improvements on a six-month interval basis. If any deficiencies exist, a written report outlining the deficiencies shall be prepared by the zoning administrator and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.
 - b. Forty-five days prior to the expiration date of the maintenance period, the zoning administrator shall make inspections for final landscape approval. If any deficiencies exist, a written report outlining the deficiencies shall be made and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.
- (3) Failure to maintain landscape for the required two-year maintenance period or to make repairs reported by the zoning administrator shall be deemed to be a violation of the Zoning Code and shall subject the owner of the property to the penalties provided for such a violation.

(b) *Purpose and intent.* The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping.

(c) *Submittal of landscape plans.* A landscape plan shall be submitted to the planning and development department together with the site development plan if one is required. If a site development plan is not required by the land development chapter, then landscape plans must still be submitted to the planning and development department before a building permit may be issued. The following information shall be shown on the required landscape plan:

- (1) Calculation of net site area showing all existing and proposed structures, parking and access, other paved areas, and all required buffer yard areas pursuant to this Section;
- (2) Calculation of required landscape area;
- (3) Location and dimensions of areas to be landscaped and total amount of landscaped area;
- (4) Location of all trees larger than 24 inches in caliper.

(d) *Landscape area required.*

- (1) *Calculation of landscape area:* The area to be landscaped shall be calculated using the amount of disturbed area delineated in any type of development.
 - (2) *Commercial or institutional uses:* A minimum of ten percent of net site area shall be landscaped. In addition:
 - a. For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - b. For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
 - (3) *Industrial uses:* A minimum of four percent of net site area, or, at the option of the developer, a landscape area of at least 30 feet in depth along the property frontage on all public rights-of-way adjacent to the property. In addition:
 - a. For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - b. For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
 - (4) *Landscape strip required:* All properties except those containing single-family detached or attached residences, or two-family residences, shall provide landscape strips, as herein defined, of ten feet in width along the developed portion of side and rear property lines. This landscape area may account for up to 25 percent of the landscape area required by subsection (d). It shall be the responsibility of the property owner of a lot to be used or built upon to install the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.
- (e) *Street trees.* Trees shall be required along all parkways and roads built within a development. These trees shall be planted outside the right-of-way.

The street tree requirement shall be one tree with a minimum three-inch caliper for every 30 linear feet of roadway. The trees may be placed in a linear pattern or be clustered to create a more natural effect.

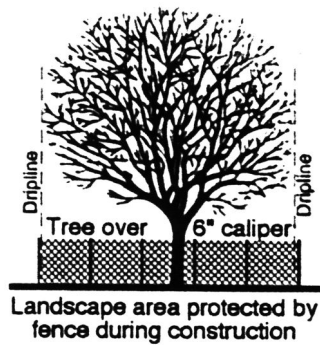
(f)

Parking lot landscape requirements. Landscaping shall be required in all commercial, institutional, or industrial developments. A minimum of five percent of net parking area shall be landscaped. In addition:

- (1) For every 100 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - (2) For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
- (g) *Acceptable material.* If a wall or fence is not used pursuant to this section then the following must apply:
- (1) *Multiple-family residential and non-residential property abutting single-family residential property.* Where non-residential property abuts property zoned for residential use, landscaping shall be provided along the side and rear property lines so that a solid screen five feet in height when planted is formed and will, within a year, grow to six feet. If deemed necessary by the planning director, or his designee, due to topographical changes between the multiple-family residential or non-residential and residential property, the minimum height may be increased to eight feet. At a minimum, materials shall consist of 25 percent evergreen trees a minimum of six feet tall, 25 percent ornamental and/or shade trees with a minimum three-inch caliper or in small groups of ornamental and/or shade trees six feet tall having the same effect of a three-inch caliper ornamental and/or shade tree, and 50 percent evergreen and deciduous shrubs, provided that no more than 25 of the shrubbery may be deciduous. When planted, this landscaping shall form a continuous screen that is at least six feet in height.
 - (2) *Ground cover:* Except where occupied by planting beds, all perimeter-landscaping areas shall be sodden or seeded. If seeded, grass shall be established through proper watering and fertilization as needed.
- (h) *Preservation of trees.* In order to encourage the preservation of existing trees, the area within the drip line of trees of 12 to 24 caliper inches that is protected by fencing during grading and construction and is included in the required landscape area shall receive double credit toward the required landscape area. If the tree is in the buffer area, such credit can be given in the buffer area as long as the desired buffer zone effect is accomplished. Otherwise, the credit shall be given to other areas, not located in the buffer area.

Any tree 24 caliper inches or over shall be preserved, unless approved for removal by the planning director, or his designee where removal of such tree is mandated by development constraints that cannot reasonably be altered. If such tree is approved for removal, the tree must be replaced by a tree, or cluster of trees, that, when planted, has an overall caliper of at least six inches.

Preservation of Trees



- (i) *Exemptions from landscape requirements.* The following are not subject to these landscape requirements:
- (1) Structures that do not create or expand building square footage and temporary structures such as job shacks or trailers associated with construction activities;
 - (2) Change in existing structure, unless the structure is expanded in accordance with subsection (a) above;
 - (3) Temporary buildings in place for a maximum of five years and erected as accessory buildings for elementary and secondary schools and institutions of higher education.
- (j) *Installation and maintenance.* The owner and/or user of the property shall be responsible for installing all required landscaping and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. Where fences or walls are involved, this also includes any and all necessary maintenance and/or repair.

Necessary trimming and maintenance shall be the responsibility of the property owner or user of the property to maintain the health of all plant and landscaping materials, to provide an aesthetically pleasing appearance, and to assure that all screening actually serves the purpose for which it is intended. In cases of noncompliance, the planning director, or his designee, shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

- (k) *Miscellaneous requirements.*
- (1) All required landscape areas adjacent to vehicle use areas shall be protected by wheel stops, curbs, or other physical barriers.
 - (2) All required landscape areas shall be located outside the exterior perimeter of the footprint of a building or structure.
 - (3) With the exception of landscaping required in the side and rear yards, a minimum of 75 percent of all remaining required landscape areas shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, the

minimum percentage to be placed on either frontage shall be determined by the planning director, or his designee.

- (4) No artificial plants, trees, ground cover or other artificial vegetation may be installed.
 - (5) Unless otherwise specified by this section, any walls constructed pursuant to the requirements of this section shall be a minimum of six feet in height and constructed of brick, stone, or concrete block textured or coated with an architectural finish (paint, stucco, etc.). Walls shall be located in a manner that accomplishes the purposes of this section.
 - (6) When fencing is provided pursuant to this section, the finished surface of the fence shall face externally to the project. Fences shall be located in a manner that accomplishes the purposes of this section and shall be constructed of solid wood or other approved material that achieves the desired visual and acoustical screening.
 - (7) Areas reserved for storm water detention/retention are not permitted within buffers of landscape strips. However, exceptions may be granted by the planning director, or his designee, if, after consultation with the manager of development services, no reasonable alternatives are available or undue hardship is shown.
- (l) *Modification of landscape requirements.* The planning director, or his designee, may approve minor variations in the location of required landscape materials due to unusual topographic restraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted and specify the modifications requested and present a justification for such modifications.
- (1) *Acceptable tree types:* The following is a list of example tree types that are indigenous to the area and tend to grow well. This list is not all-inclusive.

Shade trees: Black Tupelo, Bald Cypress, Florida or Southern Sugar Maple, Gingko or Maiden Tree, Live Oak, Overcup Oak, Scarlet Oak, Swamp Chestnut Oak, White Oak, American Beech, American Holly, Chinafir, Dawn Redwood, Deodar Cedar, Green Ash, Japanese Cryptomeria, Japanese Pagodatree, Laurel or Darlington Oak, Loblolly Pine, Longleaf Pine, Red Cedar, Red Maple, River Birch, Sawtooth Oak, Shumar Oak, Slash Pine, Southern Magnolia, Sweetgum, Tulip Tree or Yellow Poplar, Water Oak, White Ash, Willow Oak.

Ornamental Trees: Bradford Pear, Cabbage Palmetto, Carolina Laurel Cherry, Cassine Holly, Caste Tree, Chinese Pistache or Pistachio, Chinese Tallowtree, Crepe Myrtle, Croonenburg Holly, Dogwood, Fringe-Tree or Grancy Graybeard, Goldenrain Tree, Hybrid Holly, Japanese Evergreen Oak, Japanese Flowering Apricot, Japanese Maple, Japanese or Saucer Magnolia,

Leyland Cypress, Lost Gordonia, Nellie R. Stevens Holly, Purpleleaf Plum, Redbay Persea, Redbud or Judas Tree, Savannah Holly, Sassafras, Sweetbay Magnolia, Trident Maple, Virginia Pine, Yaupon Holly, Weeping Yaupon Holly, Weeping Willow.

Shrubbery: Clayeria, Euonymus, Japanese Privet, California Privet, European Privet, Southern Waxmyrtle, Northern Bayberry, Pittsporum, Japan Yew, and Red Tip Photinia.

(Ord. of 12-2-2002, § 70-86; Ord. of 1-3-2005(2); Res. No. Z05-037, 9-23-2005)

Article 8.

Landscaping and Buffers

Table of Contents

page

Sec. 801. Purpose of Article 8. 8-1

Sec. 802. Definitions related to landscaping and buffers. 8-1

DIVISION I. VEHICLE USE AREA LANDSCAPING. 8-4

Sec. 803. Vehicle Use Area Plantings. 8-4

Sec. 803.01. Landscape planting and maintenance plan required. 8-4

Sec. 803.02. Vehicle use area screening. 8-4

Sec. 803.03. Vehicle use area planting requirements. 8-5

Sec. 804. Obstructions to sight distance. 8-6

DIVISION II. LANDSCAPE STRIPS 8-7

Sec. 805. Landscape Strips. 8-7

DIVISION III. LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE LAND USES..... 8-8

Sec. 806. Buffers; where required..... 8-8

Table 8.1: Situations Where Buffer Required 8-8

Sec. 807. Buffers; timing of installation. 8-8

Sec. 808. Buffer design standards..... 8-8

Sec. 808.01. General. 8-8

Sec. 808.02. Width of buffer. 8-9

Sec. 808.03. Minimum required screening..... 8-9

Sec. 808.04. Types of buffers allowed. 8-9

Sec. 809. Maintenance of buffers. 8-11

Sec. 810. Waiver or reduction for unnecessary buffers..... 8-11

DIVISION IV. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE. 8-12

Sec. 811. Site landscaping plans. 8-12

Sec. 811.01. Site landscaping plans; when required. 8-12

Sec. 811.02. Site landscaping plans; criteria. 8-12

Sec. 811.03. Exemptions from site landscaping plan requirements..... 8-12

Sec. 812. Plant materials; standards..... 8-12

Sec. 812.01. Acceptable plant materials..... 8-12

Sec. 812.02. Approval of plant materials..... 8-13

Sec. 812.03. Prohibited Species: 8-18

Sec. 813. Installation and maintenance of plant materials..... 8-18

Sec. 813.01. Installation of plant materials. 8-18

Sec. 813.02. Maintenance of required plant materials. 8-19

BLANK PAGE

Article 8. Landscaping and Buffers

Sec. 801. Purpose of Article 8.

The purpose of this Article is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- a. Providing for quality and consistency in the design of landscaping and screening; and
- b. Providing for the separation of incompatible types of land use.
- c. Providing a landscape appearance in keeping with the existing natural and rural farmland environment of Oconee County.

Sec. 802. Definitions related to landscaping and buffers.

Buffer, Landscape: A landscape buffer is an area of natural/planted vegetation and/or man-made construction that is intended to provide a visual and dimensional separation between dissimilar land uses. In contrast, see "Buffer, Stream" in Article 11.

1. *Natural Buffer:* A visual screen created by undisturbed vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
2. *Structural Buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with existing or planted vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Caliper: The diameter of a tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Common Open Space: See "Open Space."

Dead Tree or Plant: Any living plant material that has lost 33% or more of its branches or leaves, as determined by the Planning Director or other qualified designee, shall be considered dead.

Diameter Breast Height (Dbh): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Heavily Landscaped Area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf (seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), flowering trees (2 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2½ inch pot minimum). All plant materials shall be mulched.

Landscape Buffer: See "Buffer, Landscape."

Landscape Materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Development Review Committee may also be used.

Mulch: Pine straw, pine bark, pebbles, lava rock, or processed cypress trees acceptable to the Planning Director may be used. By products of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

Natural Buffer: See under "Buffer, Landscape."

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment. Open space can be defined as:

1. *Common Open Space:* Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public or private rights-of-way, or yard areas or landscape areas located on private property.
2. *Public Open Space:* Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.
3. *Greenspace:* Permanently protected areas of a site that are preserved in a natural state.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Structural Buffer: See under "Buffer, Landscape."

Structural Soil: Highly porous engineered aggregate mix designed to be used under asphalt and concrete pavements as the load-bearing and leveling layer as a means to providing a soil component beneath impervious surfaces to facilitate the root growth of trees.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree, Large: A shade tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Medium: A medium tree has a single trunk and which will reach at least 25 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Small: A small tree may have single or multiple trunks and which will reach at least 15 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Vehicle Use Area: Vehicle use areas include any areas designated as automobile, truck, or van parking spaces, including access aisles and driveways. Vehicle use areas also include the driveways and access aisles associated with mini storage warehouses, truck loading and unloading spaces, and impoundment yards.

Visual Screen: Vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following,

as approved by the Planning Director: Fencing constructed of cedar, redwood, treated wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; planted or natural vegetation; or earthen berms.

DIVISION I. VEHICLE USE AREA LANDSCAPING.

Sec. 803. Vehicle Use Area Plantings.

Any vehicle use area designed or intended as a parking lot to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential zoning district or located adjacent to a public or private street, must provide visual screening from such street in accordance with the requirements of this Section. Landscaped planting areas are also required throughout the vehicle use area under the requirements of this Section.

Sec. 803.01. Landscape planting and maintenance plan required.

A Landscape Planting and Maintenance Plan including provisions for watering, maintenance and replacements is to be submitted to the Planning Director and approved prior to the issuance of a building permit. Installation of plant materials shall have been completed or bonded prior to the issuance of a certificate of occupancy. If bonded, such plant materials shall be installed within 30 days of the bond date.

Sec. 803.02. Vehicle use area screening.

a. Required vehicle use area screening.

- (1) Any vehicle use area which is visible from a public or private street, must provide a landscaped visual screen that meets the requirements of this Section. Any vehicle use areas planned as a parking lot designed or intended to accommodate less than 5 cars for any purpose is exempt from this code section.
- (2) Decorative visual screening shall be provided to a height of 3 feet above the elevation of the vehicle use area (measured at the edge or top of curb nearest the adjacent street) or the adjacent street (measured at the right-of-way line), whichever is highest.
- (3) The screening may be included within any frontage landscape strip required by this Development Code, but in no case shall be less than 10 feet wide.

b. Screening alternatives.

The decorative visual screening may be provided in any of (or any combination of) the following ways that achieves a total height of 3 feet:

- (1) *Planted only.* A planting consisting of shrubs spaced appropriately for their width at maturity but not exceeding six feet on center that will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 24 inches tall at the time of planting, be of a species that will exceed 3 feet in height at maturity and be adapted for vehicle use area conditions. Where space allows, plants shall be planted in multiple, staggered rows. A maximum of 20% of these shrubs may be deciduous. Plantings must be set back at least 4 feet from the street right-of-way line. See chart for allowable species and varieties.
- (2) *Recessed Vehicle Use Area.* If grading permits such that the proposed parking lot pavement, excluding curb and gutter, will sit 3 feet or more below the adjacent road grade, then recessed parking is allowed in lieu of planted material as a screening alternative.
- (3) *Wall.* A wall of brick, stone or finished and textured concrete, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Planning Director. The wall must be set back at least 4 feet from the street right-of-way line.
- (4) *Decorative Fence.* A fence constructed of imitation-wood vinyl pickets, or of wrought iron with masonry columns, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Planning Director. "Open design" decorative fencing of wood or imitation-wood vinyl, such as split rail or slat

fencing, are allowed with supplemental plantings to achieve the required screening effect. Fences must be set back at least 4 feet from the street right-of-way line.

- (5) *Combination.* Any combination of hedge, recessed parking, wall or fence that effectively provides a visual screen of the parking lot or loading area to a height of 3 feet and achieves a decorative effect through appropriate use of landscaping and plant material.

Sec. 803.03. **Vehicle use area planting requirements.**

a. Trees required.

An average of at least one large tree (as defined in this Development Code), occupying a planting area of at least 300 square feet is required per each 3600 square feet of vehicle use area. Trees located in any required buffer and/or landscape strip that is within 20' of a vehicle use area may be counted toward this requirement.

- (1) Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a large tree. The 50-foot distance is measured from the center of the tree to any point within the parking space. However, in no case shall any large tree be placed within 25 feet of any other large tree.
- (2) New large trees shall have a caliper of no less than 2 inches and a height of no less than 10 feet upon planting, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.

b. Standards for vehicle use area plantings.

- (1) Landscape islands, strips, or other planting areas shall be landscaped with any combination of such plant materials as large, medium, or small trees, shrubs, grass, and groundcover. Such planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
- (2) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall extend the length of the parking bay and shall be no less than nine feet wide from the face of curb to the face of curb for at least one-half the length of the adjacent parking space.

c. Landscape islands between side-by-side parking spaces shall be no less than nine feet in width from the face of curb to the face of curb and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 8 feet in width face of curb to face of curb without wheel stops, or 5 feet in width when provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

d. Reduction to vehicle use area planting requirements.

- (a) Permeable or porous pavements may be used within a parking lot or paved access in which case the required vehicle use area planting requirement may be reduced by up to 20 percent. Reduction shall be a 1:1 ratio of percentage of porous pavement in the overall lot to percentage of vehicle use area planting reduction. A plan shall be submitted demonstrating the required landscaping without the reduction and shall be the starting point for the potential 20% reduction.
- (b) The required planting area may be reduced by up to 50 percent if an approved structural soil mix containing 80 percent rock aggregate, 15 percent mineral soil and a sticking agent is used. At least 700 cubic feet of total rooting volume for small and medium trees shall be required as listed in the Suggested Species List in Table 8-2.

Sec. 804. Obstructions to sight distance.

All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding visibility clearance.

DIVISION II. LANDSCAPE STRIPS

Sec. 805. Landscape Strips.

Landscape strips shall be required along any developed portion of the property adjacent to private or public streets or rights-of-way.

- a. Plant materials shall consist of at least one large tree (as defined in this Development Code) for each 40 linear feet of landscape strip. These large trees are not required to be planted in a uniformly spaced single row, but may be clustered and/or staggered as space allows within the landscape strip as long as the total number of trees required is met and no large tree is within 25 feet of any other large tree. For purposes of this section, such tree may be any large tree which, when planted, is a minimum height of 10 feet. When approved by the Planning Director, medium or small trees may be substituted when permanent obstructions are present that prevent a large tree from growing to its natural size or where a visual hazard is created by a large tree and not by a medium or small tree. Existing trees which are preserved within the landscape strips and properly protected during construction by keeping 75% of the tree's existing dripline undisturbed may be counted toward tree planting requirements.
- b. Plant materials shall not be planted any closer than 4 feet to the public right-of-way.

DIVISION III. LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE LAND USES.

Sec. 806. Buffers; where required.

A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Situations Where Buffer Required					
	① Provide a buffer on the lot of this use ↓ ↓ ↓ ↓ ↓				
② Along a side or rear lot line next to this less intense use or zoning ↓	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
AG Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	25 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None

¹ See separation requirements for certain uses in Article 3.
² Includes any land zoned AR-3, AR, R-1 or R-2, and any 1- or 2-Family Residential use zoned AG or R-3.

- a. A buffer must be provided between any multi-family use (townhouses, apartments or mobile home park) and any agricultural zoning district or single-family or two-family use or zoning district;
- b. A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district; and
- c. A buffer must be provided between any industrial use and any agricultural zoning district or any single-family, two-family, or multi-family use or zoning district.

Sec. 807. Buffers; timing of installation.

Buffers are required to be created at the time of construction of any infrastructure or new development of a building or site.

Sec. 808. Buffer design standards.

Sec. 808.01. General.

- a. Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence,

wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Ordinance.

- b. Underground utilities including closed storm drains are permitted to cross a buffer if the screening standards of this Ordinance will be subsequently achieved.
- c. Vehicular access through a buffer may be allowed only as a condition of rezoning, Special Use or Master Planned Development approval by the Board of Commissioners.

Sec. 808.02. **Width of buffer.**

- a. Buffers required along any lot line shall be no less than the minimum required width as shown on Table 8.1, or as may be reduced under 808.04.c.3.
- b. When a proposed development adjoins an existing development of a higher intensity, but the full width of the required buffer does not exist on the existing development, the new development shall provide a buffer of adequate width to meet the full width required on Table 8.1 when considered in combination with any existing buffer on the property of the adjoining existing development.

Sec. 808.03. **Minimum required screening.**

- a. A buffer shall be provided that creates a barrier between differing land uses or adjoining properties which substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light between said differing land uses or adjoining properties including all components of said differing land uses or adjoining properties.
- b. A buffer, as defined herein, shall also incorporate optimal placement of the foregoing components on the property and in relationship to the adjoining property, so as to provide the most effective barrier described above. This shall include particular consideration to the vertical relationship, lines of sight and resulting view angles between differing land uses and adjoining properties and may involve the grading design, building heights, architectural styles, and placement of design elements on the property being developed.

Sec. 808.04. **Types of buffers allowed.**

- a. Natural buffers
 - (1) An existing natural buffer may be incorporated into the required buffer area. When necessary, as determined by the Planning Director or their designee, supplemental evergreen plant materials shall be installed within the natural buffer area to create an effective barrier between incompatible land uses.
 - (2) Natural buffers may contain deciduous, evergreen or perennial vegetation, but shall contain shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year. To protect existing natural buffers, retaining walls will be allowed to be installed to maintain the natural grade for the health of these trees and shrubs, however, the retaining walls cannot obstruct utility elements within this barrier.
 - (3) Additional buffer width may be provided, if necessary, to achieve the visual screen.
- b. Structural buffers
 - (1) Structural buffers shall meet the following criteria:

- (a) Structural buffers shall be vegetated throughout the minimum area required for the buffer including around any fences, walls and upon any earthen berms. This vegetation may include ground covers, grasses, shrubs and trees.
 - (b) Trees shall be located or planted within all structural buffers at a density of no less than one large tree for each 40 feet of buffer length or portion thereof. Exclusions to this include areas where topographical, geotechnical, soil constraints, or utility corridors (above or below ground) exist that would prohibit material to be installed or newly planted material to become established. Examples of such locations include rocky outcrops, floodplains, wetlands/low lying areas. Newly planted deciduous large trees shall have a caliper of no less than two inches upon planting and newly planted evergreen trees grown full to the ground shall be at least six feet tall and a minimum of 1 inch caliper when planted. In no case shall any large tree be placed within 25 feet of any other large tree.
- (2) A structural buffer, as defined herein, shall incorporate all of the following components:
- (a) The required width as shown in Table 8.1
 - (b) Trees as specified in 808.04.b.1.b.
 - (c) At least one of the following components:
 - (i) Fence
 - (ii) Berm
 - (iii) Free-standing wall
 - (iv) Evergreen plant material
- (3) Requirements as they relate to the specific structural buffer components.
- (a) Fences
 - i. Fences shall present a finished and decorative appearance to the abutting property and shall be located no closer to the property line than three feet.
 - ii. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
 - iii. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.
 - iv. Fences may not be woven wire mesh (chain link).
 - v. Fences shall be a minimum of 6 feet tall.
 - (b) Berms
 - i. All earthen berms shall have a maximum side slope of 50 percent [one foot of vertical rise to two feet of horizontal run].
 - ii. Earthen berms shall be 2-6 feet tall and varying in height, except where the berm tapers and in areas necessary for drainage purposes.
 - iii. Berms may be tapered and offset to create a visual aesthetic. In the gaps created, 6 foot tall evergreen shrubs are required to create a visual screen.
 - iv. Berms are required to be vegetated throughout. The combination of the berm and the density of the planting are to be determined by the natural growth pattern of the different species and required to be staggered to create a 6-foot

tall opaque visual screen within two years of installation. All shrubs must be evergreen with the exception of a maximum of 20% flowering, deciduous plants.

(c) Free-standing walls

- i. Freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than three feet.
- ii. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
- iii. Walls shall be a minimum of 6 feet tall

(d) Evergreen plant material

- i. All large shrubs must be evergreen with the exception of a maximum of 20% flowering, deciduous plants.
 - ii. All large shrubs must have a minimum install height of 3.5 feet.
 - iii. The density of the planting is to be determined by the natural growth pattern of the different species.
 - iv. Large shrubs shall be staggered to create a 6 feet tall opaque visual screen within 2 years of planting.
- c. The required width of a buffer may be reduced by a maximum of 20% by utilizing two or more of the structural buffer components listed in Sec. 808.04.b.2.c.i-iii along with evergreen plant material. Any plan submitted for a reduction shall be subject to review of the Planning Director.

Sec. 809. Maintenance of buffers.

Every buffer required under this Division II shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis. Dead or dying plants or trees must be replaced immediately with the same or an equivalent species.

Sec. 810. Waiver or reduction for unnecessary buffers.

- a. Following a review and recommendation by the Planning Department, the Board of Commissioners may waive a landscape buffer otherwise required by this Section, or reduce its extent to an appropriate dimension, upon a finding that all of the following are met:
 - (1) The proposed buffers are adequate to protect the health, safety or general welfare of the public;
 - (2) All reasonable objections from adjoining property owners have been considered in making such waiver or reduction; and
 - (3) The comprehensive plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required by this Development Code once the adjoining property is rezoned or developed.
- b. Removal of established zoning buffers between two compatible land uses may be approved by the planning department on a case-by-case basis upon the finding that all of the following are met:
 - (1) Such removal shall provide an adequate balance between the protection of the health, safety, and welfare of the general public and the right to unfettered use of private property; and
 - (2) Such removal shall foster beneficial development of the County in the public interest.

DIVISION IV. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE.

Sec. 811. Site landscaping plans.

Sec. 811.01. Site landscaping plans; when required.

- a. Site landscaping plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening or buffer requirements apply.
- b. The location and detail of all zoning buffers and screening shall be depicted on the required site landscaping plan.

Sec. 811.02. Site landscaping plans; criteria.

The technical specifications for site landscaping plans are found under the Procedures and Permits Article of this Code.

Sec. 811.03. Exemptions from site landscaping plan requirements.

- a. The provisions of this Section shall not apply to structures for which site landscaping plans previously have been submitted and approved.
- b. Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 812. Plant materials; standards.

Sec. 812.01. Acceptable plant materials.

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Article. Acceptable plant materials for landscaping, screening and zoning buffers shall be as approved by a Georgia registered Landscape Architect.

- a. New plant materials.
 - (1) Parking lot screening plants: must primarily be evergreen, however a maximum of 20% of these shrubs may be deciduous, minimum of 24 inches tall at the time of planting and must mature to 3 feet within 2 years of planting. 18 x 24 inch balled and burlapped or 2-gallon container plant material is acceptable.
 - (2) Shrubs for buffers between incompatible uses: minimum of 3½ feet tall at the time of planting and must mature to 6 feet within two years of planting. 24 x 30 inch balled and burlapped or 3-gallon container plant material is acceptable. See chart for allowable species and varieties.
 - (3) Ground cover, 4 inch pot.
 - (4) Large Trees: minimum 2-inch caliper and 10 feet in height. Large evergreen trees grown full to the ground: minimum 6 feet tall and minimum 1inch caliper. See chart for allowable species and varieties.
 - (5) Small to Medium Trees: minimum one inch caliper and 6 to 8 feet in height. See chart for allowable species and varieties.
 - (6) No more than 40 percent of any one tree species shall be planted on a lot site.
- b. The *American Standard for Nursery Stock*, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.
- c. Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:
 - (1) Trees shall be free from mechanical and natural injuries, insect infestations and disease.

- (2) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to ensure tree vigor upon completion of construction.

Sec. 812.02. Approval of plant materials.

Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by the Planning Director that the proposed material is the most appropriate for:

- a. The specific location, given surrounding land uses and the type of screening used on nearby properties, and
- b. The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.
- c. The following table includes allowable plant materials that may be appropriate for various applications. The planning department may be consulted if clarification is required.

Table 8.2 Allowable Species List for Proposed New Trees and Shrubs

Large Trees (35' in height by 35' in width):

Scientific Name	Common Name	Example Cultivars
<i>Acer barbatum</i>	Southern (Florida) Sugar Maple	
<i>Acer x freemanii</i>	Freeman Maple	Autumn Blaze
<i>Acer leucoderme</i>	Chalkbark Maple/Chalk Maple	
<i>Acer rubrum</i>	Red Maple	Brandywine, Florida Flame, Summer Red, October Glory, Red Sunset
<i>Acer saccharum</i>	Sugar Maple	Green Mountain, Legacy
<i>Betula nigra</i>	River Birch:	Dura-Heat, Heritage
<i>Carpinus betulus</i>	European Hornbeam	Fastigiata
<i>Carpinus caroliniana</i>	American Hornbeam	
<i>Cladrastis kentukea</i>	American Yellowwood	
<i>Fagus grandifolia</i>	American Beech	
<i>Fraxinus pennsylvanica</i>	Green Ash	Oconee
<i>Ginkgo biloba</i> (male only)	Gingko	Golden Globe, Princeton Sentry
<i>Liriodendron tulipifera</i>	Tulip Poplar	
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	
<i>Nyssa sylvatica</i>	Black Gum, Water Tupelo	Wildfire
<i>Ostrya virginiana</i>	Iron wood, Musclewood	
<i>Oxydendrum arboretum</i>	Sourwood	
<i>Pistacia chinensis</i>	Chinese Pistache	
<i>Quercus acutissima</i>	Sawtooth Oak	
<i>Quercus alba</i>	White Oak	
<i>Quercus bicolor</i>	Swamp White Oak	
<i>Quercus coccinea</i>	Scarlet Oak	
<i>Quercus lyrata</i>	Overcup Oak	
<i>Quercus michauxii</i>	Swamp Chestnut Oak	
<i>Quercus myrsinifolia</i>	Chinese Evergreen Oak	
<i>Quercus nigra</i>	Water Oak	
<i>Quercus nuttallii</i>	Nuttall Oak	
<i>Quercus palustris</i>	Pin Oak	
<i>Quercus phellos</i>	Willow Oak	Hightower, Upperton
<i>Quercus rubra</i>	Red Oak	
<i>Quercus shumardii</i>	Shumard Oak	
<i>Quercus virginiana</i>	Live Oak	

Sophora japonica	Japanese Pagodatree	
Taxodium ascendens	Pond Cypress	
Taxodium distichum	Bald Cypress	
	American Elm	Princeton
Ulmus parvifolia	Elm:	Allee, Everclear, Bosque, Drake
Zelkova serrata	Japanese Zelkova	Green Vase

Additional Large Trees for Buffer Zones:

Scientific Name	Common Name	Example Cultivars
Magnolia macrophylla,	Big Leaf Magnolia	Ashei, Fraseri
Platanus occidentalis	Sycamore	
Salix alba	White Willow	Tristis
Salix babylonica	Weeping Willow	

Additional Large Trees (evergreen, full to the ground):

Scientific Name	Common Name	Example Cultivars
Cedrus deodara	Deodar Cedar	Bill's Blue Ice, Montana Verdea
Cryptomeria japonica	Japanese Cedar	Radicans, Yoshino
Cupressocyparis leylandii	Leyland Cypress	Murray, Good Hedges
Cupresso glabra	Cypress:	Silver Smoke
Cupressus arizonica	Arizona Cypress	Blue Ice, Carolina Sapphire
Ilex attenuata	Foster's Holly	East Palatka, Foster No. 2, Savannah
Ilex cornuta	Chinese Holly	Burford
Ilex x Emily Brunner	Emily Brunner Holly	
Ilex x Mary Nell	Mary Nell Holly	
Ilex x Nellie R Stevens	Nellie R Stevens Holly	
Ilex koehneana	Wirt L. Winn Holly	
Ilex vomitoria	Pendula	
Juniperus chinensis	Chinese Juniper	Hetz Column, Robusta Green, Hollywood
Magnolia grandiflora	Southern Magnolia	DD Blanchard, Claudia Wannamaker, Little Gem, Bracken's Brown Beauty, Alta
Pinus thunbergil	Japanese Black Pine	
Thuja plicata	Western Red Cedar	Green Giant
Thuja x Steeplechase	Steeplechase Arbovitae	
Thuja occidentalis	Eastern Arbovitae/American Arbovitae	DeGrout Spire, Emerald, Malonyana

Small Trees to Medium Trees (15' to 25' in height):

Scientific Name	Common Name	Example Cultivars
Acer barbatum	Southern Sugar Maple	
Acer buergerianum	Trident Maple	
Acer japonica	Large Leaf Japanese Maple	
Acer palmatum	Japanese Maple	Osakazuki, Bloodgood, Coral Bark
Amelanchier grandiflora	Downy Serviceberry	Autumn Brilliance

<i>Carpinus betulus</i>	European Hornbeam	Fastigiata
<i>Carpinus caroliniana</i>	American Hornbeam Ironwood, Musclewood	
<i>Cercis canadensis</i>	Redbud	Forest Pansy, Hearts of Gold
<i>Cercis reniformis</i>	Redbud	Oklahoma
<i>Chionanthus retusus</i>	Chinese Fringe Tree	
<i>Chionanthus virginicus</i>	Fringe Tree	Grancy Gray Beard
<i>Cornus x Rutacan</i>	Dogwood	Constellation
<i>Cornus florida</i>	Dogwood	
<i>Cornus kousa</i>	Kousa Dogwood	
<i>Cupressus sempervirens</i>	Italian Cypress	
<i>Ilex opaca</i>	American Holly	
<i>Ilex attenuata</i>	Foster Holly	East Palatka, Savannah
<i>Ilex vomitoria</i>	Yaupon Holly	Shadow's Female
<i>Juniperus virginiana</i>	Eastern Red Cedar:	Brodie, Burkii, High Shoals
<i>Koelreuteria panicula</i>	Golden Rain Tree	
<i>Lagerstroemia indica</i>	Crape Myrtle	Acoma, Catawba, Tonto, Dynamite, Natchez, Muskogee
<i>Magnolia liliiflora</i>	Woody Orchid, Lily Magnolia, Japanese Magnolia	Little Girl Hybrids, Jane, Betty
<i>Magnolia loebneri</i>	Loebner Magnolia	Leonard Messel, Alexandrina, Dr. Merrill
<i>Magnolia soulangiana</i>	Saucer Magnolia	
<i>Magnolia virginiana</i>	Sweetbay Magnolia	Moonglow
<i>Malus</i> - many cultivars	Crabapple	
<i>Osmanthus fragrans</i> - tree form	Fragrant Tea Olive	
<i>Parrotia persica</i>	Persian Ironwood	
<i>Prunus campanulate</i>	Okame Cherry	
<i>Prunus caroliniana</i>	Cherry Laurel:	Bright & Tight
<i>Prunus yedoensis</i>	Yoshino Cherry	
<i>Stewartia koreana</i> , <i>monodelpha</i> , <i>pseudocamellia</i>	Koreana, Tall Stewartia, Japanese Stewartia	
<i>Quercus georgiana</i>	Georgia Oak	
<i>Vitex agnus-castus</i>	Vitex Tree	Shoal Creek

Shrubs and Trees for Buffers Between Incompatible Land Uses (6' minimum height at maturity):

Scientific Name	Common Name	Example Cultivars
Evergreen		
<i>Abelia chinensis</i>	Chinese Abelia	
<i>Agarista populifolia</i>	Leucothoe	
<i>Camellia sasanqua</i>	Sasanqua	
<i>Chamaecyparis pisifera</i>	False Cypress	Gold Mop, Crippsii, Well's Special, Gold Spangle
<i>Cryptomeria japonica</i>	Japanese Cedar	Radicans, Yoshino

Cupressocyparis leylandii	Leyland Cypress	Murray, Good Hedges
Cupressus arizonica	Arizona Cypress	Blue Ice, Carolina Sapphire
Eriobotrya japonica	Japanese Loquat	
Ilex cornuta	Chinese Holly	Dwarf Burford Holly
Ilex glabra	Inkberry Holly	
Ilex latifolia	Lusterleaf Holly	
Ilex x	Holly	Mary Nell, Nellie R. Stevens, Emily Brunner
Ilex attenuata	Foster Holly	Savannah, E. Palatka Holly
Illicium flويدانum	Florida Anise	
Illicium parviflorum	Anise	
Lorapetulum chinensis	Chinese Fringe:	Zhuzhou Fuchsia [tall var.]
Magnolia grandiflora	Southern Magnolia	DD Blanchard, Claudia Wannamaker,
Myrica cerifera	Southern Wax Myrtle	
Osmanthus fortunei	Fortune's Tea Olive	
Osmanthus fragrans	Fragrant Tea Olive	
Podocarpus macrophyllus maki	Podocarpus	
Raphiolepis minor	Indian Hawthorn – tall variety	
Rhododendron	Rhododendron, Azalea	Southern Indica cultivars
Ternstroemia gymnanthera	Japanese Cleyera	
Thuja plicata 'Green Giant'	Green Giant Arbovitae	
Thuja x Steeplechase	Steeplechase Arbovitae	
Viburnum awabuki	Awabuki Viburnum	
Viburnum pragense	Pragense Viburnum	
Viburnum rhytidophyllum	Leatherleaf Viburnum	
Deciduous:		
Calycanthus floridus	Sweet Shrub	
Chimonanthus praecox	Winter Sweet	
Cotinus coggygria	Smoke Tree	Grace
Exochorda racemosa	Common Pearl bush	
Forsythia intermedia	Forsythia	Lynwood
Hamamelis virginiana	Witch Hazel	
Hydrangea paniculata	Panical Hydrangea	Limelight
Hydrangea quercifolia	Oakleaf Hydrangea: large cultivars	
Lonicera fragrantissima	Winter Honeysuckle	

Magnolia liliiflora	Woody Orchid, Lily Magnolia, Japanese Magnolia	Little Girl Hybrids: Jane, Betty
Magnolia loebneri cultivars	Loebneri Magnolia	Leonard Messel
Magnolia stellata	Star Magnolia	
Magnolia virginiana	Sweet Bay Magnolia	
Miscanthus sinensis and other grasses	Gracillimus, Variegatus, Zebrinus Strictus	
Philadelphus coronaries	Sweet Mockorange	
Punica granatum	Pomegranate – tall cultivars	
Spiraea vanhouttei	Vanhoutte Spirea	
Viburnum delatatum ‘Michael Dodge’	Michael Dodge Viburnum	
Viburnum macrocephalum	Chinese Snowball Viburnum	
Viburnum plicatum var tor. Double File V	Shasta Viburnum	
Viburnum plicatum var tor. Double File V	Popcorn Viburnum	
Viburnum trilobum	American Cranberry Viburnum	

Shrubs for Vehicle Use Area Screening:

Scientific Name	Common Name	Example Cultivars
EVERGREEN		
Abelia grandiflora	Azalea	Rose Creek
Buxus microphylla		Winter Green
Buxus sempervirens	American Boxwood	
Chamaecyparis pisifera	Sawara Cypress	Golden Mop
Cryptomeria japonica	Japanese Cedar	Globosa Nana
Distylium genus	Distylium	Vintage Jade, Cinnamon Girl
Gardenia jasminoides	Cape Jasmine	August Beauty, First Frost
Ilex crenata	Japanese Holly	Helleri, Soft Touch, Compacta
Ilex cornuta	Chinese Holly	Carissa, Burford Nana Holly
Ilex glabra	Inkberry Holly	Compacta
Ilex vomitoria	Dwarf Yaupon Holly	Schillings
Juniperus chinensis [on 2’ berm]	Chinese Juniper	Sargents
Juniperus conferta [on 2’ berm]	Shore Juniper	Blue Pacific
Juniperus davurica		Parsonii
Juniperus virginiana	Eastern Red Cedar	Gray Owl
Lorapetalum chinense	Chinese Fringe Flower	Everred, Ruby, Crimson Fare
Pittosporum tobira	Japanese Cheesewood	Variegata
Rhamphiolepis umbellate	Indian Hawthorn	
DECIDUOUS		
Hibiscus syriacus	Althea	Blue Angel
Camellia japonica	Camellia	Endless Summer Snow
Chaenomeles speciosa	Flowering Quince	
Euonymus alatus	Burning Bush	Compactus
Forsythia	Forsythia	Lynnwood Gold
Fothergilla gardenii	Dwarf Fothergilla	Mount Airy
Hydrangea arborescens		Annabelle
Hydrangea macrophylla	Bigleaf Hydrangea	Endless Summer

Hydrangea paniculata	Panicle Hydrangea	Little Lime
Itea virginica	Virginia Sweetsspire	
Jasminum nudiflorum	Winter Jasmine	
Miscanthus sinensis	Eulalia	Adagio, Rigaletto, Gracillimus, Morning Light, Zebrinis, Strictus
Mullenbergia capillaris	Pink Muhlygrass	
Rosa 'Radrazz'	Knock Out Rose	
Rosa 'Meijocos' [on 2 foot berm]	Drift Rose	
Spiraeanipponica, spiraea thunbergii, spiraea arguta	Spirea	Snowmound, Fujino pink, Ogon

Sec. 812.03. Prohibited Species:

- a. English Ivy, Chinese Wisteria, Bamboo, Empress Tree, Chinaberry, Chinese Privet, Eleagnus, Nandina, non-native Mimosa, Bradford Pear, Chinese Tallow Tree, Cocoyam, Leatherleaf Mahonia, Tussock paspalum.

Sec. 812.04. Alternate species may be approved by the Planning Director provided they meet the required growth criteria and the plans area stamped by a Georgia registered Landscape Architect.

Sec. 813. Installation and maintenance of plant materials.

Sec. 813.01. Installation of plant materials.

- a. Plant materials, as required by the provisions of this Article, shall be installed prior to issuance of a Certificate of Occupancy. The Planning Director may allow one planting season in a twelve month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.
- b. Performance surety.
 - (1) In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to 6 months; provided that performance security is posted with Oconee County in accordance with the following criteria:
 - (a) Security shall be in cash held in escrow or an irrevocable letter of credit submitted to the Planning Department, with the appropriate documentation.
 - (b) Security shall be provided in an amount equal to 110 percent of the cost of materials, installation and 2-year guarantee as demonstrated by a signed contract between the owner and a qualified landscape contractor, and as approved by the Planning Director.
 - (2) An inspection shall be made by the Planning Department of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Oconee County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 6-month extension may be permitted with documented justification acceptable to the Planning Director. Any inspections performed after the final inspection (for project release) are subject to re-inspection fee schedules.
- c. Maintenance bond.
 - (1) Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, or prior to release of a performance surety provided under this Section (whichever last occurs), a maintenance bond, letter of credit or escrow account in a form acceptable to the Planning Director is required for all plant materials installed as a result of the requirements of this Article. The developer shall be responsible for

maintenance of all such plant materials for 2 years from the date of acceptance of the maintenance bond.

- (2) The value of the Maintenance Bond shall be equal to 25 percent of the actual cost of installation of the plant materials. The cost of installation shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Planning Director in accordance with generally established costs for the industry.

Sec. 813.02. **Maintenance of required plant materials.**

- a. The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum landscaping and buffer requirements of this Article. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer.
- b. Plants that are diseased, unsurvivalably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivar, as acceptable to the Planning Director.
- c. Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.
- d. Existing buffer plantings, street tree plantings, or other landscaping installed under previous codes may be thinned or removed if any plant materials are found to be in a dangerous situation or horticulturally distressed, diseased, or dying because of the inherent site situations or incorrect spacing as long as the provisions of the applicable code sections contained herein are met and maintained.