

ORDINANCE NO. 2014-8

AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE CITY OF LAWRECEVILLE, GEORGIA TO PROVIDE FOR THE PRESERVATION AND REGULATION OF TREES AND OTHER LANDSCAPE MATERIAL AND TO PROVIDE FOR BUFFER AREAS

The Council of the City of Lawrenceville, Georgia hereby ordains that the Development Regulations of the City of Lawrenceville, Georgia are hereby amended by inserting the following as Article VIII, The Buffer, Landscape and Tree Ordinance of Lawrenceville, Georgia:

ARTICLE VIII

BUFFER, LANDSCAPE AND TREE ORDINANCE

8.1 Intent, Purpose and Title

8.1.1 Intent

This ordinance shall apply to all properties or portions thereof located within the incorporated areas of Lawrenceville, Georgia, to the extent the provisions contained herein. The City Council of the City of Lawrenceville hereby finds the protection and preservation of trees, the planting of new trees and other landscape material, and the provision of buffers between dissimilar uses as part of the development process is a public purpose and provides for the public health and general welfare.

8.1.2 Purpose

(A) The purpose of this article is to cultivate and encourage a higher level of tree preservation and to enhance the city's natural environment through replacement of tree and landscape material without denying the reasonable, highest and best use and enjoyment of real property. The intent of the following administrative guidelines is to provide standards for the preservation, removal and replacement of trees as part of the land development and building construction processes.

(B) Benefits to City of Lawrenceville citizens derived from tree preservation and replanting include but are not limited to:

1. Improved control of soil erosion
2. Moderation of storm water runoff and improved water quality
3. Interception of airborne particulate matter and the reduction of some air pollutants

4. Enhanced habitat for desirable wildlife
5. Reduction of noise and glare
6. Climate moderation
7. Aesthetics and scenic amenity
8. Increased property value

8.1.3 Title

This ordinance shall be known as “The Buffer, Landscape and Tree Ordinance of the City of Lawrenceville, Georgia” and may be referred to generally as “The Buffer Ordinance,” or “The Landscape Ordinance,” or “The Tree Ordinance,” or, as used herein, “this ordinance.”

8.2 Definitions

- 8.2.1 **Buffer:** Land area used to visibly separate one use from another through screening and distance to shield or block noise, light, glare, visual or other conditions, minimize physical passage to dissimilar uses or to reduce air pollution, dust, dirt and litter. Buffer widths vary depending upon the zoning district and the adjacent zoning district and conditions of zoning. Specific types of buffers include:
- (A) **Natural/Undisturbed Buffer:** Land area in which there is no disturbance including but not limited to removal of understory trees or vegetation, and no grading allowed except for maintenance or removal of hazardous trees, approved perpendicular access and utility crossings.
 - (B) **Enhanced Natural Buffer:** Land area where an existing natural buffer is found to be inadequate and therefore requires additional vegetative screening. No disturbance is allowed except for maintenance or removal of hazardous trees, approved perpendicular access, utility crossings and the initial addition of vegetative screening.
 - (C) **Maintained Landscape Buffer:** Land area in which grading is allowed and re-vegetation to a buffer is required specific to zoning case. Buffer must be replanted but also maintained per approved landscape plan and not allowed to revert to a Natural/Undisturbed Buffer.
 - (D) **Stream Buffer (State):** “The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.” The definition of stream buffer is governed by Georgia Law, O.C.G.A. § 12-17-3(2).

(E) **Stream Buffer (Local):** With respect to a stream, a natural or enhanced vegetated area (established by Section 19.5.1 (1)), lying adjacent to the stream.

All land development activity subject to this ordinance shall meet the following requirements:

1. An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
2. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

8.2.2 **City:** The City of Lawrenceville, Georgia.

8.2.3 **Clearing:** The removal of vegetation from a property, whether by cutting or other means.

8.2.4 **Clear Cutting:** The broad removal of all trees and/or vegetation from a particular area.

8.2.5 **Critical Root Zone:** An area represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter.

8.2.6 **Deciduous Tree:** A tree that drops foliage at one season of the year, generally in autumn.

8.2.7 **Development Activity:** Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

8.2.8 **Development Permit:** A permit that is issued by the City that authorizes development activity, and includes but is not limited to, a land disturbance permit or building permit.

8.2.9 **Development Regulations:** The adopted regulations providing for the subdivision and development of real property within the City, as amended from time to time by the City Council.

8.2.10 **Diameter:** The diameter of a tree is to be measured by one of the following methods:

- (A) For Existing Trees: The standard measure for existing trees on site is Diameter at Breast Height (DBH). The tree trunk diameter is measured at a height of four and one half (4½) feet above ground level on the uphill side of the tree. If a tree splits into multiple trunks below four and one half (4½) feet, the measurement will be taken at the most narrow point beneath the split.
- (B) For Newly Planted Trees: The standard measure for newly planted trees will be the diameter of the trunk six (6) inches above the ground level.

- 8.2.11 **Director:** The Director of the Department of Planning and Zoning or his/her designee.
- 8.2.12 **Evergreen Tree:** A tree that maintains foliage throughout the entire year.
- 8.2.13 **Grading:** The placement, removal or movement of earth.
- 8.2.14 **Grubbing:** The removal of stumps or roots from a site.
- 8.2.15 **Impervious Surface:** A surface that does not permit the absorption of fluids particularly pertaining to stormwater runoff.
- 8.2.16 **Landscape Strip:** Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.
- 8.2.17 **Pervious Surface:** A surface that permits the absorption of fluids particularly pertaining to stormwater runoff.
- 8.2.18 **Saved Tree:** A tree in which the critical root zone has not been disturbed by more than twenty-five (25) percent.
- 8.2.19 **Shrub:** A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.
- 8.2.20 **Tree:** Any living, self-supporting woody or fibrous plant which normally obtains a diameter at breast height of at least three (3) inches.
- 8.2.21 **Tree Removal:** Any act which causes a tree to die within two (2) years after commission of the act.
- 8.2.22 **Tree Replacement/Protection Plan:** A plan that identifies tree protection areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

8.2.23 **Tree Planting List:** The recommended species of replacement trees listed in Appendix “A” of this ordinance.

8.2.24 **Tree Protection Area:** Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this article. The Tree Protection Area shall include no less than an area defined by this ordinance as the minimum critical root zone disturbed to be considered a saved tree.

8.2.25 **Zoning Ordinance:** The adopted zoning ordinance of the City of Lawrenceville, as amended from time to time by the City Council.

8.3 **Buffer Regulations**

Adherence to the following requirements must be shown on an approved Tree Protection/Tree Replacement Plan prior to the issuance of a Development Permit.

8.3.1 **Applicability**

Where office, commercial or industrial districts are contiguous with residential districts, the Planning Commission or City Council will require a side/or rear yard in excess of the dimensions specified in the district regulations. The Commission or Council reserves the right to require a similar buffer area between other districts and uses deemed incompatible or marginally compatible. Buffers shall be in accordance with the requirements and provisions of the Zoning Ordinance of the City of Lawrenceville or as a condition of zoning, special use or variance approval.

8.3.2 **Standards for Permanent Buffers**

(A) **Width of Buffers:** As different types of land uses generate varying degrees of incompatibility, it follows that a rigid width for a buffer area could in some instances create an undue hardship on the property owner. Therefore, the amount and type of planting required to accomplish adequate screening and insulation shall be variable, and in each instance be determined by the intensity and extent of the incompatible zoning district. The following minimum buffer area widths will be used by the Planning Commission to recommend buffer requirements.

1. Where a LM (Light Manufacturing) or HM (Heavy Manufacturing) zoning district directly abuts a single-family residential zoning district, the width of the required buffer shall not be less than fifty (50) feet.
2. Where a LM (Light Manufacturing) or HM (Heavy Manufacturing) zoning district directly abuts a multi-family residential zoning district, the width of the required buffer shall not be less than thirty (30) feet.

3. Where a LM (Light Manufacturing) or HM (Heavy Manufacturing) zoning district directly abuts any other commercial zoning district, the width of the required buffer shall not be less than twenty (20) feet.
4. Where a BN (Business Neighborhood), BG (Business General), BGC (Business General Central) or HSB (Highway Service Business) zoning district directly abuts a residential zoning district, the width of the required buffer shall not be less than thirty (30) feet.
5. Where a ON (Office Neighborhood) or OI (Office Institution) zoning district directly abuts a residential zoning district, the width of the required buffer shall not be less than fifteen (15) feet.
6. Where a multi-family zoning district directly abuts a single family zoning district, the width of the required buffer shall not be less than twenty-five (25) feet.
7. In all instances where either the creation of new zoning districts, adoption of a land use plan, or rezoning, results in "down zoning" and as such creates additional buffer requirements for remaining abutting property owners, such increased buffer requirements shall be placed on the parcel so down zoned.

Example: If you have adjoining industrially zoned parcels and one parcel is down zoned to residential, thus creating buffer requirements on the remaining industrial parcel, the residential buffer requirements shall be increased to include what would have been imposed on the industrial parcel.

8. In all other instances, the width of the buffer area shall be required by the City Council, but shall not be less than ten (10) feet.
 9. It is recognized that in some instances, particularly in the case of large scale or planned center developments, the minimum width of prescribed buffer areas will be inadequate. In these instances, the City Council shall determine the width of required buffers. The required buffer area may include the required minimum yard area.
- (B) Screening Requirements: Buffer areas required in this section shall be established and maintained by the owner of the commercial, industrial or otherwise incompatible use. Buffer areas must:
1. Be shown on each plat or plan prior to final approval and be designated as a permanent easement.

2. Not be temporarily or permanently disturbed by grading, property improvements or construction activities and free of encroachment, unless allowed by a condition of zoning, special use or variance approval.
3. Utilize existing vegetation and classified as a Natural/Undisturbed Buffer as defined herein, unless existing vegetation is deemed insufficient, in which case an Enhanced Buffer will be required.
4. Retain its natural topography, except when a portion must be cleared and graded as required by zoning conditions or the installation of utilities.
5. Shall be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy or approval of final subdivision plat.
6. Not be used for temporary or permanent parking, outdoor storage, for a structure other than a fence, or for provision of utility improvements as approved by the Planning and Zoning Director.
7. Unless specifically designated at time of zoning, as a Maintained Landscape Buffer as defined herein, all required buffers shall be treated as Natural/Undisturbed Buffers.
8. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
9. Buffers required along a street right-of-way line shall not obstruct the sight distance requirements contained in the Development Regulations.
10. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this Ordinance shall be met outside of the easement area, unless said easement is at or near perpendicular crossing.

(C) Composition of Enhanced Buffer: Where existing natural vegetation and site topography are insufficient to accomplish the purpose of the required buffer area, existing vegetation will be supplemented.

These additional plantings shall consist of evergreen trees not less than six (6) feet in height at time of planting and evergreen shrubs not less than three (3) gallon containers at time of planting.

All supplemental plantings in buffers shall be limited to 33% of one genus of a tree. Calculations shall be required on the Tree Preservation/Tree Replacement Plan. The following types of vegetation are approved for this purpose, but not to the exclusion of others which might be approved subject to meeting the growth requirements stated herein:

1. Trees:
 - Southern Magnolia (*Magnolia grandiflora*)
 - Sweetbay Magnolia (*Magnolia virginiana*)
 - Eastern Red Cedar (*Juniperus virginiana*)
 - Tree Form Holly (*Ilex opaca*)
 - Cherry Laurel (*Prunus caroliniana*)
 - Arborvitae Green Giant (*Thuja standishii* x *plicata* Green Giant)
 - Japanese Cryptomeria (*Cryptomeria japonica*)
 - Camellia (*Camellia japonica*)
 - Deodar Cedar (*Cedrus deodara*)

2. Shrubs:
 - Glossy Ligustrum (*Ligustrum Lucidium*)
 - Cleyera (*Cleyera Japonica*)
 - All Holly varieties
 - Southern Waxmyrtle (*Myrica Cerifera*)
 - Glossy Abelia (*Abelia x grandiflora*)
 - Gardenia (*Gardenia jasminoides*)

(D) Disturbance or Encroachments: It is deemed that in certain instances some level of disturbance or encroachment into required buffers may be necessary. The following measures shall be utilized in order to ensure a minimal impact on required buffers.

1. Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a required buffer except that necessary access and utility crossings (e.g. storm water or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
2. Supplemental plantings or replantings of vegetation shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.
3. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements herein.
4. Diseased or dead trees shall be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

(E) Protection During Land Disturbing Activities:

1. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during construction.
2. The method of demarcation and protection shall be by orange netting tree protection fence.

8.4 **Landscape Regulations**

Adherence to the following requirements must be shown on an approved Tree Protection/Tree Replacement Plan prior to the issuance of a Development Permit.

8.4.1 **Applicability**

- (A) Nonresidential and multi-family zoning districts shall provide for and maintain landscape plantings pursuant to this ordinance.
- (B) Existing single family residential zoning districts shall not be required to provide for and maintain landscape plantings pursuant to this ordinance. Although not required, owners of real property located in existing single family subdivisions are encouraged to provide supplemental tree plantings.
- (C) New construction of single family residential properties shall be required to plant deciduous trees at least three (3) inches in diameter at time of planting along the Landscape Strip. One (1) tree for each twenty-five (25) linear feet of Landscape Strip length shall be provided.
- (D) This ordinance is not intended to supersede any existing zoning requirements and as such, the development of property must adhere to any and all zoning requirements.

8.4.2 **Landscape Strip**

Required Landscape Strips shall contain landscaping and plantings within the Landscape Strip and shall meet the following minimum requirements:

- (A) Shall be a minimum ten (10) feet in width located on private property adjacent to the right-of-way.
- (B) Shall contain no encroachments of impervious surfaces except for perpendicular ingress and egress access and signs.

- (C) One (1) tree for each twenty-five (25) linear feet of Landscape Strip length shall be provided. Deciduous trees shall be at least three (3) inches in diameter and evergreen trees shall be at least six (6) feet in height at time of planting. Genus and species of required Landscape Strip trees are encouraged to be found in Appendix “A”; however, alteration from Appendix “A” shall be permitted as authorized by the Director.
- (D) Three (3) evergreen shrubs for each twenty-five (25) linear feet of Landscape Strip length shall be provided. Evergreen shrubs shall be a minimum size of three (3) gallon container at time of planting and must be of a species with a minimum mature height of three (3) feet.
- (E) Trees and shrubs required herein may be planted and spaced singularly or in groups as authorized by the Director so long as the total number of plantings is achieved. The spacing of trees along the Landscape Strip is encouraged to be uniform in order to create consistency. Shrubs are encouraged to be grouped together in an intentional design.
- (F) The remaining ground area shall be sodded, seeded or hydroseeded with grass, and / or planted with groundcover species and / or provided with other landscaping material, seasonal flower beds or any combination thereof.

8.4.3 Off-Street Surface Parking Lot Planting Requirements

Off-street parking lots which are required to contain more than five (5) parking spaces shall contain landscaping and plantings as follows:

- (A) Trees shall be provided and maintained adjacent to, and in the interior portions of, parking lots in a ratio of one (1) tree for then (10) parking spaces.
- (B) Every parking space shall be within sixty (60) feet of the trunk of a tree and verification of adherence to this requirement shall be depicted on a Tree Replacement Plan by a sixty (60) foot diameter symbol around each parking lot tree. Genus and species of required Parking Lot trees are encouraged to be found in Appendix “A”; however, alteration from Appendix “A” shall be permitted as authorized by the Director.
- (C) Deciduous trees shall be at least three (3) inches in diameter and evergreen trees must be at least six (6) feet in height at time of planting.
- (D) Off-street surface parking lot trees must be selected from Appendix “A” or approved by the Director.

- (E) The minimum planting area or island for each off-street surface parking lot tree shall be at least one hundred eighty (180) square feet. If multiple trees are planted on a single island, 80 square feet for each additional tree shall be added.
- (F) Trees shall be planted in areas surrounding the perimeter of the parking lot and/or shall be planted in planting areas or islands internal to the parking lot. Trees may be planted and spaced singularly or in groups. Each planting area or island shall not be less than four (4) feet in width in any direction.
- (G) Ground areas shall be sodded, seeded or hydroseeded with grass, and / or planted with groundcover species and / or provided with other landscaping material, or any combination thereof.
- (H) Topping trees is not allowed. Trees removed or having had their tops cut after compliance with this section shall be replaced with an equivalent number of trees.
- (I) No more than thirty-three percent (33%) of all proposed trees to be planted may be of any one genus.
- (J) Trees that are required to be planted beneath overhead utility lines shall only be species with a mature height no greater than 20’.

8.5 **Compliance**

8.5.1 **Artificial Materials Prohibited**

All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this ordinance.

8.5.2 **Warranty or Maintenance Surety**

Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this ordinance, and following acceptance by the department in accordance with the procedures set forth in the Development Regulations, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one (1) calendar year from the date of final acceptance by the City. This section shall not apply to individual residential lot trees.

8.5.3 **Inspections**

- (A) The Department shall perform an inspection of the plantings and landscape materials required by this ordinance prior to expiration of the one (1) year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this ordinance or conditions of zoning, special use or variance approval.
- (B) Required landscape material found to be dead or near death shall be replaced prior to release by the department of the warranty or maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the department.
- (C) Periodic inspection of required landscape material may take place after the expiration of the one (1) year warranty or maintenance period. If any plantings or landscape materials required by this ordinance are found to be diseased, dying or dead, the department may require that new plantings or landscape materials be installed in order to meet the minimum standards herein.

8.6 **Enforcement**

Inspections and enforcement of the Tree Ordinance will be the responsibility of the Director of the Department of Planning and Zoning or his designee and shall follow the procedures outlined in Article XI of the Zoning Ordinance of the City of Lawrenceville.

IT IS SO ORDAINED, this ____ day of March, 2014.

Mayor Judy Jordan Johnson

Attest: _____
City Clerk