

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HINESVILLE, GEORGIA CHAPTER 17, ARTICLE II (LAND CLEARING AND TREE PROTECTION) IN PERTINENT PART TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WITNESSETH

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is authorized under Article 9, Section 2, of the Constitution of the State of Georgia to enact reasonable ordinances to protect the health, safety and general welfare of the public; and

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is the Mayor and Council thereof;

WHEREAS, the objective of the City of Hinesville is to simplify and amend the current ordinance regulating tree protection, tree planting, and landscaping; and

WHEREAS, Article I Section 6-1 (Title and Amendment) sets forth the standards for review and procedures for amending any provisions of the said Chapter;

WHEREAS, the City of Hinesville is authorized to provide for the health, safety, morals, convenience, order, prosperity, and general welfare of the people of the City of Hinesville, Georgia;

WHEREAS, the objective of the City of Hinesville is to communicate these criteria clearly to the general public;

WHEREAS, the City of Hinesville is committed to establishing a comprehensive Code of Ordinances regulating tree protection and landscaping, and instituting safeguards, permit requirements, and procedures for the same;

WHEREAS, the Mayor and the City Council and the Liberty County Planning Commission held a duly advertised and noticed public hearing on the proposed Land Clearing and Tree Protection Amendment;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Hinesville, and it is hereby ordained by the authority of same, that Chapter 17 (Land Clearing and Tree Protection) of the said Ordinance, hereafter, be amended to read as follows:

Sec. 17-23. Title.

This chapter shall be known and cited as the "Landscape and Tree Protection Ordinance for the City of Hinesville".

Sec. 17-24. Jurisdiction.

The provisions of this chapter shall apply to all lands within the City of Hinesville.

Sec. 17-25. Purpose.

The purposes of this chapter are to:

- (1) Protect and maintain the urban forest by managing the impact of development.
- (2) Preserve the environment and aesthetic assets of the community by requiring tree planting and landscaping for development.
- (3) Provide protection from removal for all trees without a permit within the areas covered by this ordinance unless exempted.
- (4) Maintain where possible a minimum 50 percent canopy tree cover across the City.

Sec. 17-26. Definitions.

For the purposes of this chapter, certain words or terms shall be defined as follows. Words not defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application. Words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Administrator -the Director of the Liberty Consolidated Planning Commission or designee.

Buffer is defined as any visual and physical separation between two parcels of land.

Caliper The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.

Canopy trees are defined as large preferred trees which provide canopy over streets and sidewalks and other paved areas. Upon reaching maturity, a canopy tree will achieve a canopy spread of in excess of forty (40') feet in diameter. Using a radius of twenty (20') feet for calculation purposes, the canopy cover area for one mature tree will be equal to 3.1416×20^2 or 1,257 square feet. Total canopy coverage for one acre of land would be equal to 43,560 divided by 1,257 which equals 35 large canopy trees.

Critical root zone -The minimum area surrounding a tree that is considered essential to support the viability of the tree and is for purposes of this Ordinance equal to the diameter at breast height in inches (DBH) converted into the radius of the circular area in feet around a preserved tree.).

Development. The act, process, or state of erecting buildings or structures, or making improvements to a parcel or tract of land.

Developable Acre(s) is/are the land area(s) that can potentially be developed, i.e. this area does not include environmentally sensitive areas including but not limited to wetlands, stream buffers, marshlands, etc.

Diameter breast height (DBH) -The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

Exceptional tree -Any tree designated, as provided for in this chapter, to be of notable historic interest, aesthetic value, or of unique character because of species, type, age or size.

Fifty percent canopy cover means a canopy expected to be achieved over a 30-year period by the planting of large, preferred trees or the retention of existing canopied trees which result in a minimum of 50 percent cover across the City/County. Fifty percent canopy cover will be approximately 18 large, preferred trees per acre, quantified as 1,600 tree quality points per acre.

Greenspace -Any area retained as permeable unpaved ground and dedicated on the site plan to supporting vegetation.

Greenspace plan -A map and/or supporting documentation which describes for a particular site where vegetation (greenspace) is to be retained or planted in compliance with these regulations. The greenspace plan shall include a tree survey, tree establishment plan, and/or a tree protection plan, and a landscape plan.

Landscape plan A map and supporting documentation which describes for a particular site where vegetation is to be retained or provided in compliance with the requirements of this chapter. The landscape plan shall include any required buffer elements.

Landscape quality point -A unit of measurement which quantifies the relative value of small trees, shrubs, and ground cover which are planted or retained on a given site.

Native tree -Any tree species which occurs naturally and is indigenous within the region.

Plot plan -A map and supporting documentation which describes for a particular site where the building(s), driveway, utility corridors, and easements are to be located and where greenspace is to be retained or planted in compliance with these regulations.

Preliminary plan -A plan which shows the proposed design for a commercial project or subdivision as specified in the subdivision regulations.

Quality points factor -A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the tree quality points for any tree retained on a site.

Set-asides -A piece of land dedicated to open space by the developer or owner. Examples of set-asides include parklands, recreation areas, medians of boulevards, etc.

Sketch plan -A conceptual layout for a subdivision as specified in the subdivision regulations. ..

Species diversity -A planting or retention of diverse tree species on a site or within the community to prevent dominance by any single type of tree. The purpose of this diversity is to prevent the destruction of the entire urban forest in the event of disease or pestilence. For any site of one acre or larger, no more than 45% of trees and shrubs planted shall be of the same species.

Tree easement -An easement not less than ten feet in width and not in conflict with any other planning requirements under the zoning and subdivision regulations for ~~the~~ public planting and/or maintenance of canopy street trees exclusive of utility, drainage, or other easements. Administrative approval is required for easements greater than ten feet in width.

Tree establishment plan -A map and supporting documentation which describes for a particular site where existing trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

Tree fund -The tree protection escrow fund established to receive funds paid in lieu of required tree quality points or for compensation for damage or removal of trees owned by the governing authority.

Tree protection plan -A map and surrounding documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements of these regulations, the types of trees, and their corresponding tree quality points.

Tree protection zone -The area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of these regulations. The minimum tree protection zone required for retained trees is the tree diameter's inches (DBH) converted into feet of radius around the tree. For planted trees, see table .

Tree quality point (TQP) -A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree quality points quantitatively express the desirable qualities of the species with regards to size for each tree that is retained on a site. For planted trees, tree quality points are an expression of species desirability and the expected mature size of each tree.

Tree Survey. A tree survey shall be in the form of a map or site plan prepared and sealed by a registered land surveyor within 2 years of the date of application. The survey shall be at the same scale as the required site development plan and shall include the following information:

The location of all trees 16 inches or greater within the limits of disturbance and 25 ft beyond in each direction or to the property line whichever is less.

Sec. 17-27. General provisions

(1) Chapter administration –The Director of the Liberty Consolidated Planning Commission shall administer the provisions of this chapter.

(2) Permit required for clearing -Except as provided in this chapter, a property owner shall not clear or permit the clearing of property or the removal of any tree without first obtaining a clearing permit as provided for in section 17-29.

(3) Protected trees -The following trees are protected within the jurisdiction of the governing authority and shall not be removed unless a permit has been approved or the requirement waived:

- (a) On undeveloped property, any tree greater than two inches DBH.
- (b) On developed property, any tree greater than 2 (two) inches DBH except for single family residential lots within a common development (subdivision) and exemptions defined in (4) below.
- (c) Any tree retained for the purpose of tree quality points or greenspace requirements.
- (d) Any tree planted for the purpose of tree quality points.
- (e) Any tree in a wetland, except as defined in the exemptions in (4) below.
- (f) Any tree designated as an "exceptional tree."

(4) Exemptions -The following developments are exempted from compliance with the permitting requirements of this chapter:

- (a) Utility easements for power lines, pipelines, or similar facilities, except where such utilities cross tree easements, set-asides, or natural buffers.
- (b) Those portions of airport and heliports which require clear areas for safety purposes, including runways and taxiways, approach and departure clear zones.
- (c) Property zoned C-1. Within the C-1 District as designated on the Official Zoning Map such designated property is exempt.

(5) Tree/landscape quality points required

(a) A total of not less than 1,600 Tree Quality Points per developable acre is required for any parcel of land being developed (with the exception of single family residential lots) and may include existing trees retained and new trees planted.

(b) A total of 400 Landscape Quality Points per developable acre is required for commercial, industrial, institutional, or multifamily developments.

(c) A total of 1,200 Tree Quality Points per acre is required for any parking area included in a commercial, industrial, institutional, or multifamily development.

(d) Any previously developed site that is proposed for redevelopment, building addition or other improvements requiring submittal of a site plan shall comply with the Tree Quality and Landscape Quality Points requirements for that portion of the site affected by the redevelopment, addition, or improvement.

(6) Landscape and tree ordinance manual and implementation guide

The landscape and tree ordinance manual and implementation guide are hereby adopted by reference. All land clearing, tree protection, tree establishment, and landscaping shall be done in a manner consistent with the provisions contained in said manual.

(7) Establishment of a tree fund

There is hereby created a tree protection escrow fund for the purpose of receiving money paid to the Governing Authority in lieu of required tree quality points, or for compensation for damage or removal of trees owned by the governing authority. The fund will be used by the Governing Authority to plant trees or landscaping on public rights-of-way, easements, or other public property.

(8) Designation of an exceptional tree

A tree may be designated as an "exceptional tree" and will thereafter be considered a public landmark and shall not be destroyed or endangered.

(a) *Procedure* A tree may be nominated by written request to the administrator or may be nominated by the administrator. The nomination will be reviewed by the Planning Commission and a recommendation made to the governing authority.

(b) *Criteria* -The designation of an exceptional tree shall be based upon evaluation of the tree in relation to one or more of the following criteria:

i. The tree is demonstrated to have an association with a documented historical event, or is located on a historic site.

ii.. The tree has unusually high aesthetic value.

iii. The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.

iv... The designation of an exceptional tree shall also meet all of the following criteria:

a. the tree is free of disease, pests, and other serious injury;

b. The tree has a life expectancy of more than ten years;

c. The tree is free from structural defects which would present a hazard to the public.

(c) *After designation* -Any tree designated as an "exceptional tree" shall be protected from removal or encroachment on the critical root zone, and may be credited toward tree quality points required by this chapter based on quality points factor of 2.5.

17-28. General standards

(a) Planted trees

- i. All large trees, except for conifers, must be at least 2 ½ (two-and-one-half-inch) caliper to qualify for tree quality points when planted on the site.
- ii. All coniferous trees and all medium trees must be a minimum of 2 (two)-inch caliper to qualify for tree/landscape quality points when planted on the site.
- iii. All small trees must be a minimum of 1 (one)-inch caliper to qualify for tree quality points when planted on the site.
- iv. For palms, two tree quality points will be assigned per foot of stem height up to ten feet, regardless of whether the tree is preserved or planted on the site.
- v. All planting of new trees shall be done in accordance with ANSI A-300-1995 or most recent edition.
- vi. All trees and plant materials shall conform to the most recent edition of the American Standard for Nursery Stock by the American Association Nurserymen.
- vii. A detailed list of qualifying species and their points is provided in landscape and tree ordinance manual.

(b) Retained trees

- i. All individual preserved trees must be at least four inches DBH, and have a form and structure that will support a viable mature tree to qualify for tree quality points. The TQP credit will at a minimum be equal to the points for a planted tree of the same species.

ii. Quality points from trees retained on the site are directly related to the tree species quality and tree protection zone that must be provided for the tree. Tree quality points are calculated by the formula: $(DBH)^2 \times (\text{Retention Points Factor}) = \text{Tree Quality Points}$

iii. The retention factor for each tree species can be found in the landscape and tree ordinance manual.

iv. Trees located on public rights-of-way which have a significant portion of canopy extending over a commercial property can be applied toward TQP as follows: $\text{TQP value of public trees} \times \text{percentage of canopy encroachment} = \text{point value}$.

v. Tree quality points and landscape quality points for retained stands of trees: The preservation of mature native stands of trees and understory vegetation may have the value of 1,600 tree quality points/developable acre and 400 landscape quality points/acre of developable area.

a. The area proposed for preservation must be approved by the administrator and must have sufficient quantity, size, and quality of mature trees to warrant preservation.

b. All existing vegetation shall be left within the preserved stand with the exception of hazardous trees. Thinning of tree stands will be allowed pursuant to an approved plan created under the supervision of a registered forester or certified arborist. No mechanical clearing of underbrush shall be allowed unless authorized by the Administrator.

c. The area shall be protected during the construction period using the same standards and specifications as required for a tree protection zone.

d. The tree retention area shall be considered a set-aside and shall be shown within a permanent recorded tree conservation easement.

(c) Landscape material

i. Woody ornamental or native shrubs shall be a minimum of three-gallon container size, fully rooted, and appropriately sized to the container. Vines and ground cover material may be full one-gallon size.

ii. Small trees used for LQP shall be a minimum of one-inch caliper. Qualified species and LQP values are listed in the landscape and tree ordinance manual.

(d) Planting restrictions

i. No tree shall be planted closer to a building foundation, underground utility line, or storm drain as follows:

a. Five feet for a small trees.

b. Ten feet for a mature medium tree.

c. Ten feet for a large tree; however, the distance from building foundations shall be 15 ft.

ii. No large or medium tree species shall be planted within any power or utility easements or under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

e. Irrigation -All trees and landscaped areas shall be provided with a means for delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants. A permanent water source shall be installed not less than 100 feet from each Tree Protection Zone, but shall not encroach more than 12 inches into any Tree Protection Zone. The minimum permanent water source permissible under these provisions shall be a hose bib capable of delivering a minimum of three gallons/minute.

- i. In-ground irrigation systems installed which supply water to all newly planted trees and plant material shall result in a 20-percent reduction of the landscape establishment bond.
- ii. A water supply is not required for areas of established trees and other vegetation that are retained for greenspace requirements or tree quality points, provided that site grading or development activities will not result in damage to said areas.

Sec. 17-29. Permit application requirements

(1) Application/or land-clearing activities permits

(a) Submission requirements

i. *Application* -Applications for permits for land-clearing activities shall be submitted by the landowner or an authorized agent on a form provided for this purpose which includes all required information. Such application shall be submitted to the LCPC along with all required attachments. Each land-clearing activity permit application shall include general notes, data items, plans, and other documents as long as clarity is maintained. Complete applications shall be transmitted to the administrator for review and approval. .

ii. *Project description and plans* -Such description shall include:

- a. Purpose of the requested permit;
- b. Plan showing existing and proposed land uses, buildings, parking, and other pertinent elements of development;
- c. A boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries;
- d. Anticipated starting and completion dates for each phase of the project;

e. A location map at a scale of one inch equals 1,500 feet or larger, showing the location of the property within the Governing Authority. Required plans are specified in sections 17-30 and 17-31.

(b) Phasing of a project

If a tract is to be developed in phases, a separate permit shall be required for each phase as appropriate. Requirements for TQP and LQP must be met for each phase.

(c) Time limit on approval

A permit shall be valid for 12 months. In the event that the permittee has not begun the permitted work within 12 months, the permit shall lapse and a new permit must be obtained before work can begin. Once work has begun under a valid permit, the permittee may continue the permitted work until the work is completed. Any permit, including grandfathered projects, will automatically lapse after 12 months of inactivity, unless the developer has obtained an extension from the administrator.

(d) Denial of a permit

If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

(e) Waivers

The administrator may waive the requirement for one or more of the plans listed in subsection upon finding that three or fewer trees are being proposed for removal, no grading is to occur, and such removal will not be contrary to the purpose of these regulations.

(2) Procedures for land-clearing permit for commercial, industrial, institutional, or multifamily development:

(a) A predevelopment site visit shall be scheduled between the owner/agent and the administrator. This meeting may be waived by the administrator at the request of the owner.

(b) The owner or developer shall submit a tree survey, the tree protection, tree establishment, and the landscape plans together with other required drawings for review by the administrator.

(c) All landscape and tree planting plans for sites over one acre shall be prepared by professionals with competency in landscape design.

(d) The preparer of the landscape, tree establishment and tree protection plans, and the land clearing permit applicant shall show evidence of having attended a workshop to review the provisions of these regulations if one is available.

(e) The owner/developer shall coordinate the location of utilities with the utility companies and the administrator prior to the issuance of a land clearing permit. If there is a potential tree and utility conflict, a new tree establishment plan and/or tree protection plan shall be submitted to the administrator, showing the new proposed utility locations or tree locations.

(f) A preconstruction meeting shall be scheduled among the owner, agent, contractors, appropriate LCPC staff, and the administrator prior to issuance of land clearing permits. This meeting shall establish the location of temporary buildings or trailers, temporary utilities, installation of tree protection and erosion control devices, storage of materials, etc. Forty-eight hours notice shall be given to schedule the site visit.

(g) Tree protection shall be installed by the owner/agent and inspected by the administrator prior to issuance of a land clearing permit.

(3) Procedures for land-clearing permit for street rights-of-way, utility and drainage easements, and lots in new single family residential subdivision developments:

(a) A land-clearing permit is required as a prerequisite for clearing rights-of-way, lots, common areas, and drainage and utility easements in a new residential development. In order to obtain a land clearing permit for lots, rights-of-way, and easements, a greenspace plan, incl. a tree survey for all common areas (e.g. park

(b) A predevelopment site visit shall be scheduled between the owner/agent, and the administrator. This meeting may be waived by the administrator.

(c) The developer shall submit a tree survey for all common and set-aside areas, including storm water detention/retention ponds and a tree protection plan. In addition, the developer must show how the required amount of 1,600 tree points/developable acreage is to be met for the common areas of the subdivision or phase of subdivision (i.e. areas not subdivided into lots and not part of the street rights-of-way) for which the land clearing permit is sought. This may be shown on a separate greenspace plan or on one of the other construction drawings and shall be submitted to the administrator for review. The greenspace plan shall show the total amount of street trees, and how the amount of tree quality points for set-asides, park areas, storm water detention/retention area, and other common areas are to be met.

(d) Tree protection for set-asides and for trees proposed to be preserved in common areas and for any other tree proposed to be preserved, where clearing is to occur shall be installed by the developer and inspected by the administrator prior to issuance of a land clearing permit.

(4) Procedures for obtaining land-clearing permits for lots:

RESERVED

(5) Procedures for approval of under brushing

The administrator may approve under brushing and removal of trees or other vegetation up to two inches in diameter upon finding that:

(a) Sufficient tree cover exists such that the removal of such trees will not limit or prevent compliance with other requirements of this chapter;

(6) Timber harvesting requirements for property not zoned for agricultural purposes:

(a) *Applicability* -All properties, other than those zoned and used for agricultural activities, which propose timber harvesting or clear cutting shall comply with the following provisions unless exempted by O.C.G.A. 12-7-17.

(b) *Provisions:*

i. *Permits required for timber harvest* -A land clearing permit is required prior to the timber harvest.

ii. *Plans required for timber harvest* -A plan for development of the land and a harvest plan shall be reviewed and approved by ~~the~~ by the Liberty Consolidated Planning Commission (LCPC) prior to the issuance of a timber harvesting/land clearing permit.

iii. *Timber harvest and reforestation plan* -the timber harvest and reforestation plan shall identify areas where trees are to be retained on site along with density, species, and tree quality points.

All required buffers shall be retained or installed per the buffer requirements. The timber harvest and reforestation plan shall be prepared by a registered forester and shall be reviewed by the administrator.

iv. *Reforestation and tree protection standards* -A minimum of 1,600 tree quality points per developable acre shall remain on the parcel after the timber harvest utilizing one or more of the following methods:

a. *Residual stands of trees* -Tree quality points may be given to residual stands of trees which are existing on the site and are protected during the harvesting process.

b. *Buffer areas* -Tree quality points may be given to trees located within buffer areas.

c. *Reforestation areas* -Where the site is to be used for continual timber growth or silviculture, such land shall be considered a reforestation area. In order to comply with the provisions of this section, a tree establishment plan shall be submitted. This shall consist of the establishment of native tree seedlings using traditional forestry methods and best management practices. A minimum of 600 seedlings per acre shall be planted on the site by the end of the first planting season following the timber harvest. A minimum survival rate of 350 trees per acre will be maintained after the first complete growing season.

d. *Tree establishment plan* -If an insufficient number of tree quality points are left on the site following the timber harvest, a tree establishment plan shall be submitted to the administrator showing the location of the trees to be planted, their species, size, and tree quality point listing.

Sec. 17-30. Tree protection requirements

(1) *Protection of preserved or planted trees* Tree protection zones shall be established and maintained on the site for all trees, preserved or planted for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them:

(a) A tree protection plan and details shall accompany all applications for the land-clearing and/or land-disturbing activities identifying where and how existing trees are to be protected during clearing and construction of the project. Such plan and details shall be approved by the administrator upon a finding that the plan adequately addresses the criteria set forth in the landscape and tree ordinance manual.

(b) The minimum dimension of the tree protection zone shall be the area of the critical root zone (see definition). The tree protection zone shall be surrounded at a minimum by four-foot temporary chain link fencing as illustrated in the specifications and standards in the landscape and tree ordinance manual.

(c) If a determination is made by the administrator that 75 percent of the tree quality points for a site are to be provided by one or more mature trees of greater than 30-inch DBH, a contingency planting plan shall be required. The contingency plan will include locations where trees can be planted for TQP credits in the event of the loss of retained trees.

(d) The area within any tree protection zone must remain open and unpaved. The use of perforated pavers or other surface allowing water infiltration may be allowed subject to the approval of the administrator.

(e) No root raking shall be allowed within any tree protection zone at any time during clearing, grading, or construction of the project.

(f) No trenching shall be allowed within any tree protection zone at any time during clearing, grading or construction of the project.

(g) No vehicle shall be parked, or construction material stored or substances poured or disposed of or placed within any tree protection zone at any time during clearing, grading or construction of the project.

(h) No change in grade within the tree protection zone shall be allowed around existing trees except for a maximum addition of two inches of mulch unless approved by the administrator.

a. To the extent possible, all site work shall be planned and conducted in a manner that will minimize damage to protected trees from environmental changes such as lowered water table, altered site drainage, or any other land disturbance within or immediately adjacent to the critical root zone of the trees. Tree wells or tree walls (islands) shall be constructed as needed to protect preserved trees from grade changes which result in changes of water supply to the tree protection zone. Adequate means for drainage of excess moisture from the tree protection zone shall be provided if tree wells or tree walls are constructed.

(i) For planted trees, the following tree protection standards and requirements shall apply:

Minimum Tree Protection Zone

Mature Tree Size	Square	Rectangular	Circular Diameter
Small (less than 25')	5' x 5'	N/A	7'
Medium (25'-40')	10' x 10'	8' x 12.5'	12'
Large (40+)	20' x 20'	16' x 25'	22.5'

(2) Protection of public trees adjacent to land-development activities

(a) A property owner responsible for any land-disturbing activity within proximity to the critical root zone of a tree located on city property shall provide for the protection of such tree to the standards described in these regulations. All work on rights-of-way requires a permit.

(b) A property owner responsible for a land-disturbing activity that causes damage to a tree which affects the health or growth of such tree, or requires removal of a tree, shall compensate the Governing Authority for such tree loss or damage as set forth below:

(c) The administrator shall establish the tree quality points for the removed or damaged tree. The property owner responsible for the land-disturbing activity which caused the removal or damage to such tree shall compensate the Governing Authority for such tree loss or damage under the following options, subject to the approval of the administrator .

- i. Plant or preserve additional trees on the development site that equal or exceed the value of tree quality points that were assessed for the removed or damaged tree.
- ii. Plant trees on adjacent rights-of-way to equal or exceed the value of tree quality points that were assessed for the removed or damaged tree.
- iii. Make payment to the tree fund that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.
- iv. Meet any equivalent combination of the above as approved

(d). Upon approval by the administrator of the method for compensating the Governing Authority for the subject tree loss, the owner shall submit a revised tree protection and tree establishment plan which incorporated the approved tree compensation plan to the administrator for approval.

(3) General protection of trees on city rights-of-way

(a) Unless otherwise permitted by an applicable city permit or license, no person shall trim, prune, or remove any tree on public property without procuring the written approval of the administrator.

(b) No person shall plant any tree or shrub on the right-of-way without written approval or without meeting the requirements for such planting published by the administrator.

(c) No person shall cause damage to trees on rights-of-way or other public property. Damage is defined as cutting, carving, attaching any rope, wires, nails, signs or other object to any such tree or allowing any harmful gas, liquid, or solid substance to contact any tree or to set fire or permit any fire to burn which may injure any portion of any tree or causing unnecessary harm to tree roots through construction activities, vehicle parking, or material storage.

- (d) Any removal or damage to trees on rights-of-way is subject to compensation as provided in subsection (2)(c).

Sec17-31. Design requirements

(1) Commercial, industrial, institutional, and multifamily development

(a) *Applicability* -Except as provided in this chapter, a greenspace plan shall be submitted for all proposed commercial, industrial, or multifamily development. Such plan shall include a tree survey, tree protection, tree establishment and landscape plan. Such plans shall conform to the standards and requirements of these regulations.

(b) Greenspace standards

- i. A minimum of 20 percent of the total land area of the development shall be devoted to greenspace.
- ii. Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace shall not count towards the 20-percent minimum greenspace requirement.
- iii. For all sites of one acre or larger, no more than 45 percent of trees planted shall be of the same species in order to increase species diversity.
- iv. Existing groups of trees shall be retained wherever possible.

(c) Locations for planting/preserving trees and landscaping.

- i. *Street trees.* Street trees may be planted or preserved within the front yard development setback; provided, they can be placed within a tree easement established pursuant to the provisions of the subdivision regulations, and such tree does not conflict with any existing utility, drainage or other easements.
- ii. *Front yard development setback.* Understory and canopy trees may be preserved and/or planted in this area. A portion of the 400 landscape quality points/acre may be planted in this area.

(c) Parking areas

i. A minimum of 1,200 tree quality points per acre of the parking area in canopy trees shall be planted and/or preserved within landscaped islands and medians located between parking bays. Landscape quality points may also be planted in these areas.

ii. Canopy trees planted in parking islands shall have 400 square feet of unpaved soil for root development. The standard tree island shall be 20 feet by 20 feet; provided, however, that where the islands are an extension of a ten-foot wide landscape median, the islands may be reduced in width to 16 feet. Islands shall not be separated by more than 12 parking spaces, including the landscaped ends of the drive aisles. Islands shall be designated so as to minimize foot traffic across them.

iii. The parking island requirement may be altered to minimize conflicts with lighting or to accommodate innovative design provided that total area of unpaved area and number of trees is maintained.

(d) Buffers -Existing and/or planted canopy, understory trees, and planted evergreen shrubs may be incorporated into buffer areas. Such planting shall be credited for quality points provided that other standards and requirements of the chapter are met.

(e) Landscaping standards

i. *Landscape quality points requirement* -The required 400 landscape quality points per acre shall be provided through the planting of small/medium trees, shrubs, vines, and/or groundcover

ii. *Locations for landscape quality points* -Such plantings may be located in the following areas:

- a. Front yard development setback
- b. Parking areas, islands, and medians

- c. Buffers
- d. Areas adjacent to buildings

(f) Special cases

i. *Insufficient space for trees on site* –If the required tree quality points cannot be met on site due to lot size and allowable building setback, trees shall be planted off site or payment made to the tree fund. Off-site planting location or payment must be approved by the administrator.

ii. *Insufficient space for landscaping on site* If the required landscape quality points cannot be met on site due to lot size and allowable building setback, payment shall be made to the tree fund.

iii. *Car/boat/trailer sales lots* -The requirement of canopy cover in the outdoor display, sales and storage areas may be waived for such uses only if the requirements have been met elsewhere on the site. The required 400 landscape quality points per acre, however, shall be provided in this area to break up large expanses of pavement. .

a. Employee and customer parking areas shall be clearly delineated to separate them from outdoor display, sales and storage areas. Such parking areas shall provide 1,200 tree quality points per acre in canopy trees and 400 landscape quality points per acre in landscaping.

b. Porous paving may be used within outdoor display, sales and parking areas to provide root growth area for new and existing trees.

iv. Cellular phone towers. Due to the size and location of many cellular tower sites, it is often impracticable to plant the required landscaping on the site; therefore, the administrator may approve any of the following three alternatives:

- a. Planting large canopy trees within the front yard setback along the roadways if there are no conflicting utility locations. The required tree and landscape quality points may be combined together to provide tree quality points for the site;
- b. When utilities or site constraints do not allow planting within the front yard setback, plantings may be approved off-site at other locations within the immediate neighborhood. Trees may be planted either in the street right-of-way where there are no utilities or in street tree easements on private property; or
- c. When there are no viable locations either on site or within the immediate vicinity, a contribution may be made to the tree fund.

(v) *Stormwater detention areas.* Where planting within a stormwater detention area will help it function more efficiently and make the detention area more visually attractive, such plantings are permitted subject to the following conditions:

- a. The centerline of the swale of a storm drainage easement shall remain free of debris and plantings with the exception of grasses or ground cover material which stabilizes the bare soil. This area shall be maintained so that the flow of water is not impeded. Plantings of shrubbery and trees shall be maintained at a distance of a minimum of ten feet or as approved by the administrator from the centerline of the swale so as to keep the area clear for water flow;
- b. The area immediately surrounding drainage structures including but not limited to grates, inlets, and weirs shall be kept free from plantings and mulch to keep debris from clogging the structures and impeding the flow of water. All trees and shrubs shall be maintained at a distance of a minimum of ten feet from such structures;

- c. all trees in the immediately surrounding area of a storm water detention area shall be kept a minimum distance of ten feet from the centerline of the basin, or one-third the width of the basin floor, whichever is greater;
- d. Shrubbery shall be excluded from the basin floor and banks. Shrubs may be planted at the top of the basin where there is no likelihood of the rootballs lifting out of the ground when the basin is filled with water;
- e. Species of vegetation to be planted in or near detention basins and drainage ways are to be reviewed and approved by the administrator.

(2) Single-family residential subdivisions

(a) *Trees required.* Canopy street trees shall be planted within the rights-of-way or in tree easements if sufficient right-of-way space is not available. Trees shall be planted an average of 50 ft apart, along all street frontages within the subdivision. Each street tree shall have a value of 90 tree quality points. For new arterial and collector streets that are within the overall development but do not have any lots abut onto them, a plan must be submitted providing for the planting of canopy trees on both sides of the street spaced an average of 75 feet apart.

In addition, trees retained or planted to amount to 1,600 tree quality points/developable acreage in all common areas and all other areas not occupied by lots (not incl. street rights-of-way).

(b) Plans required

- i. In order to obtain a land clearing permit for lots, rights-of-way, and easements, a greenspace plan, incl. a tree survey for all common areas (e.g. park areas, detention areas, etc.) shall accompany each preliminary plan for review. Such plan shall conform to the standards and requirements of these regulations.

ii. *For individual lots -*

RESERVED.

(c) *Requirements for utilities crossing in the tree easement* -Utilities crossing the tree easement shall be located outside of the critical root zone of trees unless otherwise approved by the administrator. Utility locations shall allow for the unobstructed planting of street trees at an average of 50 feet apart (ranging between 40 to 60 feet apart).

(d) *Tree requirements within new single-family subdivisions*

i. Planted street trees and 1,600 TQPs in retained and/or planted trees in common areas

a. Canopy street trees shall be planted within the right-of-way or in tree easements if sufficient right-of-way space is not available. Such trees shall be no less than 2 ½ (two and one-half inches) in caliper at time of installation. Trees shall be planted an average of 50 feet apart, along all street frontages within the subdivision. Each planted street tree shall have a value of 90 tree quality points. For new arterial and collector streets that are within the overall development but do not have residential lots abut onto them, a plan must be submitted providing for the planting of canopy trees on both sides of the street spaced at an average of 75 ft.

b. The tree species for each street must be approved by the administrator.

c. 1,600 tree quality points per developable acreage shall also be retained and/or planted in all areas outside of the street right-of-way that are not developed as lots (e.g. storm water detention/retention areas, recreational areas, parks, other set-aside areas, etc.)

d. Upon approval, the developer may pay to the tree fund an amount equal to the cost of purchase and installation of required trees and the trees will be planted by the Governing Authority after completion of the subdivision or enter into a contract to plant the trees secured by an appropriate bond. The amount of the tree fund is based on the number and species of trees needed to meet the required tree quality points, the commercial price and installation cost for such trees or enter into a contract to plant the trees secured by an appropriate bond.

e. *Existing trees* -Existing trees for which tree quality point are sought shall be protected (and may be counted towards tree quality points), , within set-aside areas, in common areas, in buffers, or elsewhere as approved by the administrator provided that they be protected prior to clearing.

f. Trees within set aside areas. Existing and/or planted trees within set-aside as defined by this chapter may count towards the 1,600 tree quality points/developable acreage requirement if they meet all other requirements of this section.

17. 32 Visual buffers, screening, and fences.

(1) Generally

Buffers shall be provided as set forth herein to effectively protect all property from the adverse effects of adjacent land use activity of a more intensive (dissimilar) nature where such activity may result in nuisance, including visual blight, threat to safety, or noise or odor encroachment to an adjacent parcel or one located across a public right-of-way.

(2) Buffer plan required

A buffer plan shall be submitted with all applications for building permits, occupancy permits, or site plan approvals for development of a site for which a buffer element is required hereunder. The buffer plan shall show in detail the layout of the proposed development, including the

arrangement of buildings, parking areas, and permanent open spaces. The plan shall also show the location of proposed buffers, including a detailed description or sketch of such buffer materials to be used, including a provision for a water source within 50 feet of the buffer and landscaping areas.

(3) *Required buffers*

Buffers shall be provided as follows:

(a) *One-family buffer requirements.* Buffers shall be provided as described below to protect one family detached residential property (including one-family developed and undeveloped property zoned for residential use). The buffer types indicated for each circumstance are described in section "Buffer Types".

i. A type "A" buffer shall be required where one-family detached residential property is adjoined by multifamily residential or by semidetached or end row dwellings or manufactured homes.

ii. A type "B" buffer shall be required where one-family detached residential property is adjoined by institutional or nonretail commercial activity, including religious facilities, hospitals, care homes, public and private schools, day cares and kindergartens, banks, professional offices, and other uses of a like nature as determined by the Administrator.

iii. A type "C" buffer shall be required where one-family detached residential property is adjoined by lodging facilities or convenience or general retail commercial activity not accompanied by outside storage of goods or products or the service/ repair of vehicles.

Examples of uses within this category include motels, clothing stores, specialty shops, restaurants, food and drug stores, laundromats, furniture stores, department stores, auto parts stores, auto filling, and other uses of like nature as determined by the Administrator.

iv. A type "D" buffer shall be required where one-family detached residential property is adjoined by uses such as auto repair and paint shops, motorcycle sales and service, auto upholstery shops, sale or rental

of autos, trucks, boats or trailers, mini-warehouses, drive-in restaurants, cocktail lounges, nightclubs, package stores and uses of a like nature.

(b) *Multifamily buffer requirements.* Buffers shall be provided as described below to protect multifamily residential property (including multifamily developed and undeveloped property zoned for multifamily residential use). The buffer types indicated for each circumstance are described in section, "Buffer Types".

i. A type "B" buffer shall be required where multifamily residential property is adjoined by institutional or nonretail commercial activity, including religious facilities, hospital and care homes, and public and private schools, day cares, and kindergartens, banks and professional offices, and activities of a like nature as determined by the Administrator.

ii. A type "C" buffer shall be required where multifamily residential property is adjoined by lodging facilities or convenience/ general retail commercial activity not accompanied by outdoor storage of goods, products, or the service or repair of vehicles. Examples of uses within this category include motels, clothing stores, specialty shops, restaurants, food and drug stores, laundromats, furniture stores, department stores, auto parts stores, auto filling stations, and other uses of a like nature.

iii. A type "D" buffer shall be required where multifamily residential property is adjoined by uses such as auto repair and paint shops, motorcycle sales and service, auto upholstery shops, sale or rental of autos, trucks, boats, or trailers, mini-warehouses, drive-in restaurants, cocktail lounges, nightclubs, package stores, and other uses of a like nature.

(c) *Nonresidential service and storage area buffer requirements*

i. A type "E" buffer shall be provided where outdoor storage and salvage yards, outdoor vehicle repair and service areas, wrecker storage compounds, and uses of a similar nature, both principal and accessory, adjoin other properties with a dissimilar land use classification or where such uses abut a public right-of-way. Trees planted with a type "E" buffer shall be staggered to achieve a degree of opacity that prevents clear recognition of the use. All trees and shrubs within the buffer shall be of evergreen variety. Supplemental

planting of evergreen vegetation may be required within preserved buffers so that the use is not clearly distinguishable through the buffer.

(d) *Manufacturing and industrial buffer requirements.*

i. A type "F" buffer shall be required where any type of manufacturing or industrial use adjoins other properties with a dissimilar land use classification or where such use abuts a public road right-of-way. Trees planted within a type "F" buffer shall be staggered to achieve a degree of opacity that prevents clear recognition of the use. All trees and shrubs within the buffer shall be of the evergreen variety. Supplemental planting of evergreen vegetation may be required within preserved buffers so that the use is not clearly distinguishable through the buffer.

(e) *Off-street parking lot buffer requirements.*

i. A type "G" buffer shall be required where a parking lot containing four or more parking spaces adjoins other properties or where a parking lot abuts a public or private road right-of-way.

(5) *Buffer types.*

(a) *Minimum standards.* The following table contains the minimum standards for the various buffer types. Under each major type are options available to a developer. Some options include more than one element (e.g. according to the table below a type "A" buffer may be a six-foot high fence with a five-foot planted buffer or a six foot high hedge in a ten-foot wide planted buffer or a 20-foot wide preserved buffer.

(b)

<i>Buffer Type</i>	<i>Fence height (feet) *</i>	<i>Hedge height (feet) *</i>	<i>Planted Width (feet)</i>	<i>Preserved Width (feet)</i>
A	6	-	5	-
	-	6	10	
	-	-	-	20

B	6	-	15	-
	6	-	-	15
C	6	-	20	-
	6		-	20
D	8	-	25	-
	6	-	-	25
E	8	-	30	-
	6	-	-	25
F	8	-	30	-
	6	-	-	40
G	3	-	-	-
	-	3	3	-

(6) Design standards.

(a) Fences and walls in buffers. The design of a fence or wall shall be a similar architectural style and materials as the principal building or buildings on the lot.

Except where otherwise allowed by these regulations, any fence or wall shall be opaque so as to prevent the passage of light and debris, and shall be constructed of textured or split-faced block, brick, stone, stucco over concrete block, architectural tile, decay-resistant wood, or similar opaque materials. Decay-resistant wood includes wood that is naturally decay resistant (e.g., cedar, cypress, redwood) or wood that has been chemically and/or mechanically treated (e.g., chromate copper arsenate [CCA]) to a retention rate such that the manufacturer provides a guarantee against decay for 40 years.

Unfinished concrete block shall not be permitted. Chainlink or wire fences shall be permitted within nonresidential zoning districts to buffer similar uses provided that plant material is planted immediately behind or in front of the fence.

The height of a fence or wall shall not exceed eight feet. Fences and walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns or by various species of plants that are at least as tall as the fence or wall or taller.

The fence or wall shall be set back not less than five feet from the property line unless otherwise approved by the LCPC. The height of a fence or wall shall be measured from the finished grade at the base of the fence or wall to the top of the fence or wall, but shall not include columns or posts.

(b) Hedges.

For newly established hedges, plants shall be a minimum of three feet in height. The area between the property line and the hedge shall be grassed and well maintained.

(c) Vegetative buffers.

In general, the purpose of a vegetative buffer is to achieve a degree of opacity that prevents clear recognition of the use being buffered. There shall be no encroachment of structures or paving within the area designated as a buffer.

i. Trees. Trees shall be planted in conformance with requirements of this ordinance. Standards for the size, planting, protection, and care of trees planted within a required buffer shall conform to the requirements of this ordinance regardless of whether tree quality points are requested for the trees.

ii. Shrubs. Shrubs shall be planted in conformance with the requirements of the land disturbing and tree protection ordinance. Standards for the size, planting, protection, and care of shrubs planted within a required buffer shall conform to the requirements of this ordinance or the landscape and tree ordinance manual regardless of whether landscape quality points are requested for the shrubs.

iii. Preserved stands of vegetation within buffers. Preserved stands of mature trees within buffers shall also conform to the requirements of this ordinance. The acceptability of mature stands of trees as a buffer shall be determined by the administrator in conformance with the provisions of said ordinance regardless of whether tree or landscape quality points are requested for the stands. Provided however; that selective hand clearing of underbrushing may be permitted if approved.

d. Other fences. In general, a wall or fence shall not exceed 6 ft unless specifically

permitted or unless specifically requested by this Ordinance. Under no circumstances shall a fence in the front yard be located parallel to the right-of-way that is higher than 4 ft.

Sec. 17-33. Requirements for certificate of occupancy, maintenance, perpetual compliance and continuing obligation for maintenance

(1) Requirements for certificate of occupancy

(a) Final inspection -The administrator shall make a final inspection of trees and landscaping for completeness prior to issuance of the certificate of occupancy. The total required tree quality points and landscape quality points shall match the approved plan. Any changes must be shown on an as-built plan.

(b) Temporary tree and landscape bond

i. The owner shall post a temporary tree and landscape bond for tree and/or landscape installation which cannot be planted because of continued construction, weather, plant availability, or other approved delay. The bond shall be posted. At the same time, a deadline for the completion of work shall be scheduled with the administrator.

ii. The administrator shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the temporary tree and landscape bond shall be refunded. If the landscaping is not complete at the scheduled deadline, the temporary tree and landscape bond shall be withheld based on the amount of work incomplete.

(c) Two-year tree and landscape establishment bond

i. A two (2) year tree and landscape establishment bond equal to the value of 50% of the tree quality points shall be posted with LCPC after the administrator gives an approval of the trees and landscaping at the final inspection and prior to the issuance of the certificate of occupancy.

ii. Two (2) years after the date of the bond, the administrator will inspect

the site and make a determination of whether the required trees and landscaping are viable, in which case the bond will be released. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the city shall use the bond to the extent necessary to bring the property into compliance with the provisions of this chapter.

(d) Continuing Obligation for Maintenance -All trees and landscaping credited toward tree quality points or landscaping quality points shall be maintained according to industry standards.

i. Any damage or injury occurring to a preserved tree by determination of the Administrator sufficient to cause the tree to die within five years or develop into an irreparable hazard tree shall be removed and shall lose tree quality points. Any tree so removed from the site shall be replaced with a tree of equal or greater tree quality points.

ii. Damage not considered to be fatal to a preserved tree by the Administrator but considered hazardous to the public shall immediately be repaired and shall result in a proportional decrease in tree quality points where applicable. Assessment of damage and repair shall be made by the Administrator. The property owner shall be solely responsible for watering and fertilizing trees and landscaping to maintain plants health and vigor. Failure to maintain the required points on the property shall be a violation of this ordinance.

(e) Perpetual compliance -All sites are required to remain in compliance with the total TQP and LQP required for development and are subject to inspection by the city for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the city will seek administrative or judicial relief as appropriate.

Sec.17-34. Variance and appeal procedure

(1) Appeals from decisions of the administrator or requests for variances from the provisions of this chapter shall be made to the LCPC Board of Commissioners. They shall formulate a recommendation to the governing authority.

(2) A variance shall only be granted

(a) upon a determination that the request is the minimum necessary to afford relief and that the overall intent and purpose of this chapter will not be adversely impacted

(b) And upon showing of good and sufficient cause.

Sec.17-35. Notice of violation; remediation and stop work

(1) *Notice of violation*

Whenever it is determined that a violation of this chapter has occurred, the Administrator shall immediately issue a written notice to the person in violation identifying the nature and location of the violation and specifying the remedial action that is necessary to bring the violation into compliance. The person in violation shall immediately commence remedial action and shall have seven calendar days after the receipt of the notice or such longer time as may be specified in the notice to complete the remedial actions required to bring the activity into compliance with this order.

(2) *Stop-work order* -The Administrator shall have the authority to immediately issue a stop-work order in any of the following circumstances:

(a) When clearing or other development of land is being implemented without an approved permit.

(b) When ongoing non-complying work is not immediately and permanently stopped upon receipt of a written notice of violation.

(c) When tree protection measures have not been implemented or maintained and danger to protected trees exists or appears imminent.

(d) When remedial work required by notice of violation is not completed within the time period specified.

Sec.17-36. Penalties for violation

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished in accordance with the Code of the Governing Authority and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this chapter shall prevent the Governing Authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec.17-37. Abrogation and greater restrictions; severability

(a) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(b) If any provision of this ordinance is declared to be invalid, such declaration shall not affect, impair or invalidate the remaining provisions of this ordinance.

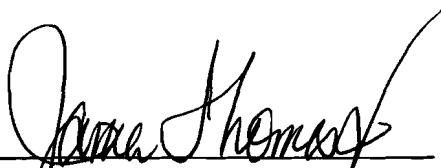
Sec. 17-38. Repealer


All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

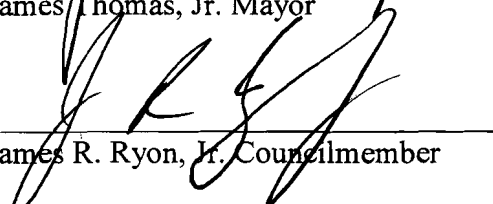
Sec. 17-39 Effective Date

This Ordinance shall become effective on the 17th day of June, 2010.

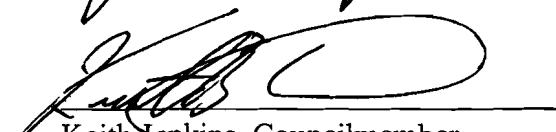
APPROVED this 17th day of June, 2010, by the Mayor and Council of the City of Hinesville.

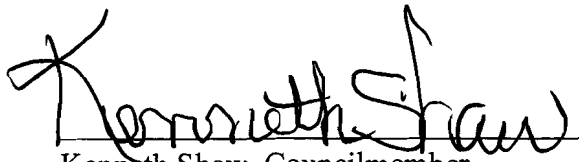

James Thomas, Jr. Mayor


Charles Frasier, Mayor Pro Tem

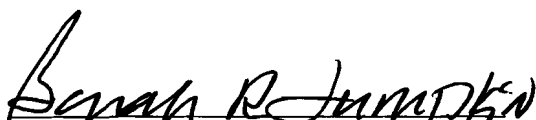

James R. Ryon, Jr. Councilmember


David Anderson, Sr. Councilmember


Keith Jenkins, Councilmember


Kenneth Shaw, Councilmember

ATTEST:


Sarah R. Lumpkin, City Clerk

SEAL