COUNTY DEPARTMENT AGENDA REQUEST

Department:	Stormwater Management	Presenter(s):	Vanessa Birrell
Meeting Date:	Thursday, December 9, 2010	Type of Request:	Consent

Wording for the Agenda:

Consideration of adoption of Ordinance 2010-12, proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Articles V.

Background/History/Details:

Proposed amendments to Chapter 8, Fayette County Development Regulations are in conjection with the recently adopted amendments to the Fayette County Subdivision Regulations and reflect county department reorganization made in early 2009 that moved stormwater management and environmental program functions from the Public Works Department to the Stormwater Management Department.

Amendments to Article V, Nonresidential Landscape Requirements, adds a definition section; clarifies when a landscape plan is required; adds wording to reflect current policies; and deletes zoning buffer requirements that are referenced in current zoning regulations .

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2010-12, proposed amendments to Fayette County Code, Chapter 8, Development Regulations, Articles V.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, November 3, 2010
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

ARTICLE V. ~~BUFFER AND~~ NON-RESIDENTIAL DEVELOPMENT LANDSCAPE REQUIREMENTS

Section 8-156. Introduction

It is hereby determined that:

1. *Landscaping preserves the aesthetic character of communities, improves the aesthetic quality of the built environment, and increases property values.*

2. *Trees and landscaping replace vegetative cover lost during land development. Vegetation slows soil erosion, helping to reduce nonpoint source pollution found in stormwater runoff.*

3. *Well-chosen landscaping can improve the compatibility between different types or intensities of land uses by providing a visual buffer.*

4. *Landscaping visually interrupts the barren expanse of large parking lots and provides shade that cools air and surface temperatures helping negate the "heat island" effect of paved parking lots.*

Section 8-157. Definitions

Arterial Road. Defined as Major Arterial or Minor Arterial in Article III of the Fayette County Development Regulations.

Caliper. A method of measuring the diameter of a tree trunk to determine size, grading, and/or classification of nursery stock. Caliper measurement of the trunk shall be taken six inches above the ground up to and including four (4)-inch caliper size. If the caliper at six (6) inches above the ground exceeds four (4) inches, the caliper should be measured at 12 inches above the ground.

Canopy (Overstory) Tree. Any tree that, under normal forest conditions, will compose the top layer or canopy of vegetation and generally will reach a mature height of greater than 40 feet.

Collector Road. Defined as collector road in Article III of the Fayette County Development Regulations.

Deciduous. Plants that annually lose their leaves.

Evergreen. Plants that retain foliage throughout the year.

Exterior Parking Aisle. A parking aisle adjoining a property line, required landscape area, and/or zoning buffer along a property line.

Groundcover. A plant with a low-growing, spreading habit, grown specifically to cover the ground, generally not attaining a height of more than two(2) feet.

Interior Parking Aisle. A parking aisle that does not adjoin a property line, required zoning buffer, or building wall.

Landscape Island. A minimum 10 by 20 foot island placed in parking lots to guide traffic, preserve vegetation, and increase aesthetic quality.

Landscape Plan. A scaled plan that clearly delineates vehicular use areas and displays and describes all landscaping.

Local Road. Defined as County Local or Internal Local in Article III of the Fayette County Development Regulations.

Native Plants. Plants indigenous or naturalized to a given area.

Owner. The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Side-Yard Landscape Area. The landscape area adjacent to a side lot line.

Shrub. A plant with persistent woody stems and a relatively low growth habit, distinguished from a tree by producing several basal stems instead of a single trunk.

Street-Frontage Landscape Area. The landscape area adjacent to street frontage.

Tree. A self-supporting woody perennial plant that, at maturity, has one (1) or more stems or trunks that attain a diameter of at least three (3) inches; a more or less definitely formed crown of foliage; and a height of 10 feet or more.

Zoning Buffer. Defined by the Fayette County Zoning Ordinance.

Section 8-158. General Provisions

(a) **Purpose and Intent** The purpose of this ordinance is to establish minimum requirements for landscape areas and buffers in Fayette County.~~'s commercial, industrial, office-institutional (including churches), and multi-family zoning districts. Said requirements are designed to:~~

This ordinance seeks to meet that purpose through the following objectives:

1. Improve the appearance of Fayette County's ***non-residential properties*** ~~commercial and industrial corridors~~;

2. Minimize noise, glare, and erosion;

3. Provide a visual separation between incompatible uses; ~~and~~

4. Establish measures for water conservation; ***and,***

5. ***Reduce the adverse environmental effects of impervious parking areas.***

~~E.g., in a C-C, C-H, M-1 and M-2 Zoning District where a lot abuts any residential or A-R Zoning District, a buffer shall be provided as specified in the following sections of the Fayette County Zoning Ordinance: 6-14 (D)(6) for C-C; 6-15 (D)(6) for C-H; 6-17(D)(6) for M-1 and 6-18(D)(6) for M-2. Off street parking associated with such uses shall be governed by such requirements within these Development Regulations.~~

(b) **Applicability**. This ordinance shall be applicable to **all** ***non-residential zoning districts; all non-residential uses allowed within residential zoning districts; and all existing non-paved parking areas that are to be developed into paved parking areas.***

(c) ***Exemptions: Existing parking areas where additional parking spaces are not required.***

(d) ***Designation of Ordinance. Administrator: The Fayette County Stormwater Management Department shall administer this ordinance.***

(e) ***Compatibility with Other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or toher provision of law, and where any provision of this ordinance imposes restrictions different from thos imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environmental shall control.***

(f) ***Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.***

(g) ***Effective Date: December 25, 2010***

(h) ***Technical Standards. Standards for plant selection and installation listed below are incorporated by reference:***

1. ***"American Standard for Nursery Stock" (ANSI Z60.1-2004)***

2. ***"Manual for Woody Landscape Plants" (Michael Dirr, 2009, Stipes)"***

3. ***Principles and Practices of Planting Trees and Shrubs"(Watson and Himelick, 1997, ISA)***

Section 8-159. ~~Landscape and Buffer Categories.~~ **Landscape Requirements And Submittals**

(a) ***Submittals: Unless specifically exempted by this ordinance, any owner or developer proposing any land development activity as defined in Sec. 8-157.b, above, shall submit a Landscape Plan with the Grading Plan to the Stormwater Management Department.***

1. ***The Stormwater Management Department shall have a maximum of 14 calendar days from the submittal date, or each re-submittal date, for plan review. If the plan is not approved a deficiency checklist will be submitted back to the applicant.***

2. ***Landscape plans shall be prepared by a professional landscape architect, or other licensed professional of similar design discipline.***

3. ***Any deviations from the approved Landscape Plan must be approved by the Fayette County Stormwater Management Department prior to installation.***

4. ***A final inspection and approval by the Fayette County Stormwater Management Department is required prior to the issuance of a Certificate of Occupancy.***

5. ***Trees shall have minimum caliper requirements of two and one half (2 1/2) inches measures at six(6) inches above ground at time of planting.***

6. **~~No~~ *P*lants with vigorous root systems shall *not* be planted *within the drip line area of said plant next to* any *nitrification field,* sanitary sewer, or public water easement. ~~Such plants~~ include*ing but not limited to* ~~the following~~:Eastern Cottonwood,Willow, and Lombardy Poplar.**

7. ***Allow at least 200 square feet of contiguous soil space per overstory tree.***

8. ***No parking space shall be more than 40 feet from a tree.***

9. ***Groundcovers, flowers, stones, and mulch shall be utilized as needed to meet vegetative ground cover requirements.***

(b) Landscape Plan Requirements. ~~At a minimum,~~ ***The Landscape Plan shall include:***

1. Project name and design professional's name, and ~~telephone number~~ ***contact information.***

2. ~~The~~ ***Property*** boundary lines ~~of the property and,~~ all ***zoning*** buffer and landscape areas, and ***entire septic systems.***

3. Locations of existing plant materials to be retained and/or new plant materials to be installed, with all details drawn at a scale of one (1) inch to 100 feet or greater.

4. A plant material list, ~~which~~ *that* shall include:

a. Common and/or botanical names of all proposed plants;

b. Plant quantities;

c. Spacing;

d. Remarks, as necessary, to proper plant selection upon installation; and,

e. ~~S~~ ***Caliper*** , height, ~~size~~ and condition of plants.

- ~~Trees shall have a minimum caliper of two and one-half inches (2 ½") measured at six inches (6") above ground at time of planting.~~

~~f. Buffers and landscape areas fronting on County maintained roads shall be measured from the right-of-way.~~

~~g. All zoning buffers shall be labeled as "Zoning Buffer" on Landscape Plan.~~

~~h. There will be at least 200 square feet of contiguous soil space per overstory tree.~~

~~i. No parking space shall be more than 40 feet from a tree.~~

~~j. All disturbed areas not otherwise addressed in this Ordinance shall have a vegetative ground cover for erosion control purposes.~~

~~k. Groundcovers, flowers, stones, and mulch shall be utilized as needed to meet coverage requirements.~~

Section 8-160. Landscape And Buffer Categories

(a) **Street Frontage Landscape Areas.** ***Landscape areas fronting on county maintained roads shall be measured from the right-of-way, or from where county maintenances stops on prescriptive easements.*** ~~A landscape area shall be established along the rights of way of adjoining streets. as specified under this Article. A developer or property owner may substitute a planted buffer (greenbelt) as specified under this Article in lieu of a landscape area.~~ ***Trees/shrubs may be planted in groups provided that the required number of trees/shrubs are distributed along the entire length of the area to be landscaped.***

(b) Parking Lot Landscape Areas. ~~Off-street parking lots shall be landscaped in accordance with this Article.~~ Landscape ~~strips~~ ***areas*** shall be provided for every other interior parking aisle. Exterior and interior parking aisles shall be terminated at both ends by a landscape island ~~(three (3) 10 feet in width by 20 feet in length, typical).~~ Landscape islands shall be provided for each 150 feet of continuous ~~bay~~ ***parking*** length. ***All trees planted in parking lot landscape areas shall be canopy trees.***

(c) Side-Yard Landscape Areas. A landscape area shall be established along the side property lines of all lots ~~as specified under this Article.~~ ~~A developer or property owner~~

~~may substitute a planted buffer (greenbelt) as specified under this section in lieu of a landscape area. However, where a side yard buffer is required pursuant to other provisions of this Ordinance,~~ ***A side-yard*** landscape area may not be substituted ~~therefore~~. when a ***zoning*** buffer landscape area is required.

(d) ***Zoning*** Buffer Areas ~~(Greenbelt)~~. ***Zoning*** buffer areas ~~required by this Ordinance~~ shall be established and maintained ~~by the property owner~~ subject to the requirements listed below ~~and those specified under this Article~~.

1. ***Zoning*** buffer areas ~~may~~ ***shall consist of*** ~~include hardwood or perennial~~ ***evergreen*** plant material ~~s.Although it is not required that buffer areas be totally planted,~~ ***planted in staggered double rows that will*** provide a ~~n evergreen visual~~ screen ***for the purpose of visual privacy.*** ~~from the ground to a height of four (4) feet upon planting, or supplemental planting, and when so planted must include evergreen trees which will provide at least 60% evergreen crown cover within three (3) years, assuming normal weather conditions. Where required buffers adjoin undeveloped property, the Zoning Administrator may specify less mature plantings than those specified above.~~ ***If existing vegetation is requested to count toward the Zoning Buffer Area landscaping requirements, all such information shall be indicated on the landscape plan, as required by the Stormwater Management Department.***

2. Listed below are suggested evergreen plant combinations characteristic of buffer area plantings. ~~New undercanopy shrubs required in buffer areas shall provide a visual screen to a minimum height of four (4) feet upon planting, singularly or in combination with various plant types.~~ Additional plant choices can be found at the Fayette County ~~Engineer~~ ***Stormwater Management*** Department's website.

Trees	**Shrubs**	**Groundcovers**
Virginia Pine	~~Southern Waxmyrtle~~	Liriope
Red Cedar	Burfordi Holly	Euonymus
Nellie R.	Cleyera	Wintercreeper
Stevens Holly	Abelia	Asiatic Jasmine
Cryptomeria	Pfitzer Juniper	
Lusterleaf Holly	Hetzi Juniper	Creeping Raspberry
Loblolly Pine	Cherry Laurel	Vinca
Evergreen Dogwood	Leucothoe	Mondo Grass
Laurel Oak	Pragense Viburnum	Asiatic Jasmine
Chinese Evergreen Oak	Wax Myrtle	Evergreen Ferns
	Osmanthus	
Leyland Cypress	~~Wax Myrtle~~	
Green Giant	Loropetalum	
Arborbvitae	Yaupon Holly	
~~Osmanthus~~		
~~Western~~		
~~Red Cedar~~		
Southern Magnolia		
Eastern Red Cedar		

Table 1. Landscape ~~And Buffer~~ Requirements.

TYPE	SIZE OF AREA TO BE LANDSCAPED	REQUIRED TREES* Number	Height	REQUIRED SHRUBS Number	Height
Street Frontage	Arterials: 20' Collectors: 15' Locals: 10'	1 per 20' 1 per 20' 1 per 20'	10' 10' 10'	7 per tree 7 per tree 7 per tree	2' 2' 2'
Parking Lot	Exterior Aisles 10'	1 per 30'	6'	5 per tree	2'
	Interior Aisles 7'	1 per 30'	6'	5 per tree	2'
	Buildings or Walls 5' (Excluding walls not visible from the street)			5 per 25 linear feet of building wall.	2'
	Landscape Islands ~~3'~~ ***10'*** x 20'	1 per island	***6'***	5 per island	2'
Side Yard	Side Property Lines 6'	1 per 40'	6'	3 per tree	2'
Zoning **Buffer ~~(Greenbelt)~~**	~~O-I: 20'~~	1 per 10'	6'	As needed to provide visual screen	4'
	~~C-C, C-H, L-B: 30'~~	~~1 per 10'~~	~~6'~~		~~4'~~
	~~L-I 50'~~	~~1 per 10'~~	~~6'~~		~~4'~~
	~~M-1, M-2 75'~~	~~1 per 10'~~	~~6'~~		~~4'~~
	SEE APPLICABLE ZONING DISTRICT REGULATIONS FOR BUFFER WIDTH REQUIREMENTS				

~~*Trees shall be distributed along the entire length of the area to be landscaped.~~
~~(ORD. No. 98-01, § 1, 1-14-98)~~
~~: Sec. 8-160. Other Requirements~~

~~B. Grass coverage shall not exceed 25 percent (25%) of required street frontage, parking lot, and side yard landscape areas.~~

~~F. Buffers are required where property adjoins residential or A-R Zoning Districts. Evergreen trees are required in required buffers. Berms, and/or opaque fences may be used to supplement required buffers. Existing vegetation shall not be removed.~~

Section 8-161. ~~Xeriscape Requirements and Planting Materials.~~

(a) ~~**Xeriscape Requirements.** All street frontage, parking lot, and side yard landscape areas shall be planted with water-conserving groundcover and vegetation. Other conservation xeriscape measures are encouraged, including:~~

~~1. Irrigation systems which are electronically set for night and/or early morning irrigation;~~

~~2. Designs which collect and recycle water and minimize overspray onto non-landscaped areas to avoid wasting water.~~

Section 8-162. Suggested Planting Materials.

Native Plants

Trees	Small Shrubs (1-8 feet)	Large Shrubs (8ft. & up)
Redbud	Sweet Shrub	Oakleaf Hydrangea
Dogwood	Flame Azalea	Yaupon Holly
Red Maple	Florida Azalea	Spanish Dagger Yucca
Sugar Maple	Yucca	Bottlebrush Buckeye
Southern Magnolia	Virgina Sweetspire	Devilwood Osmanthus
Fringe Tree	Dwarf Yaupon Holly	Southern Wax Myrtle
Overcup Oak	Inkberry Holly	Small Anise-Tree
Bald Cypress	Clethra	Cherry Laurel
Tulip Poplar	Deciduous Holly	
Willow Oak		
River Birch		
Swamp Chestnut Oak		
Nuttal Oak		
Serviceberry		
Bigleaf Magnolia		
Blackgum		
Georgia Gem Ash		
American Hornbeam		
American Beech		
Carolina Silverbell		

Groundcovers	Vines
Liriope	Carolina Yellow Jessamine
Creeping Liriope	Swamp Jessamine
Daylilly	Crossvine
Mondo Grass	Trumpet Honeysuckle
Native Ferns	Climbing Hydrangea
Miscanthus	
Penisetum	

Other Suitable Plants

Trees	Shrubs	Perennials and Groundcovers
Sycamore	Abelia	Daylilly

Trident Maple	Holly	Rudbeckia
Crape Myrtle	Japanese Barberry	Coneflower
Winged Elm	Beautyberry	Yarrow
Chinese Pistache	Juniper	Sedum
Shumard Oak	Indian Hawthorn	Daisy
Red Oak	Spirea	Asiatic Jasmine
Lacebark Elm	Knock Out Rose	Liriope
Japanese Zelkova	Viburnum	Mondo Grass
Western Red Cedar	Osmanthus	Vinca
Okame or Yoshino Cherry	Loropetulum	St. Johnswort
Chinese Flame Tree	Forsythia	
Sawtooth Oak		
Saucer Magnolia		
Dawn Redwood		
Chaste Tree		

(a) In addition to those listed above, acceptable plant choices can be found at the Fayette County ~~Engineering~~ ***Stormwater Management*** Department's website.

Section 8-163. ~~Prohibited Plants.~~

Section 8-164. Performance Surety.

(a) ~~No occupancy permit shall be issued prior to complying with the specifications of this Ordinance and all conditions of zoning.~~

(b) Landscape Performance Surety. In the event that the requirements of this ~~Article~~ ***Ordinance*** have not been met at the time that ~~a Certificate of Occupancy~~ ***a final building inspection request*** ~~could otherwise be granted~~ ***is made***, the owner or his agent shall post a Landscape Performance Bond or other County approved surety in an amount equal to 110 percent of the cost of materials, labor, and other attendant costs, incidental to the installation of the required landscaping. Said surety shall:

1. Be drawn in favor of the Board of Commissioners,

2. Be in a form satisfactory to the County Attorney.

3. Specify the time for the completion of the landscaping requirements of this ~~Article~~ ***Ordinance*** which shall not be longer than six (6) months following the issuance of a ~~temporary~~ Certificate of Occupancy.

Section 8-165. General Maintenance. Plants required pursuant to the provisions of this Ordinance shall be attractively maintained. All dead and/or diseased plants shall be replaced annually as a condition of occupancy.

Section 8-166. Sec. 8-167 - 8-175. Reserved.

Section III. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder of this enactment shall remain in full force and effect.

Section IV. All laws, ordinances, and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section V. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this 25th day of September, 2008.