

# **TITLE XV: LAND USAGE**

## **Chapter 164**

### **Fence, Wall, and Buffer Ordinance**

## CHAPTER 164: FENCE, WALL AND BUFFER ORDINANCE

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### **§ 164.01 PURPOSE AND INTENT**

It is the purpose and intent of this Chapter to allow individuals and organizations the opportunity to achieve high quality fence, wall and buffer designs for the purpose of better softening the conflict between different, or incompatible, land uses. It is also the purpose and intent of this Chapter to protect property from a loss of use, enjoyment or value due to the construction of aesthetically objectionable fences or walls on adjacent property.

(Ord. Passed 10-14-09)

### **§ 164.02 APPLICABILITY OF REGULATIONS**

- (A) Fences, walls and buffers shall be permitted in all zoning districts in unincorporated Pike County and are subject to the provisions and restrictions in Section 164.04 of this Chapter.
- (B) In cases where fences, walls, and buffers may be warranted on properties lying partially or wholly within the US Highway 19 and US Highway 41 Overlay Districts, the standards and restrictions of the Overlay Districts relating to building and landscape materials shall prevail.

(Ord. Passed 10-14-09)

### **§ 164.03 DEFINITIONS**

For the specific purposes of this Ordinance, the following definitions shall apply:

#### (A) BERM.

A man-made earth mound of definite height and width maintained for landscaping and obscuring purposes. Berms are stabilized with grass or other approved groundcovers.

#### (B) BUFFER.

- (1) That portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of uses. A BUFFER must not be otherwise occupied with structures. A BUFFER must be at least ten feet wide and

provide reasonable visual screening of the property through the provision of one of the following:

- (a) Planted vegetative screen at least ten feet wide and six feet high;
  - (b) Fence or wall at least six feet high which provides visual screening;
- (Existing Definition from Section 156.006 Definitions – Pike Co. Zoning Ordinance)

- (2) Where encroachment of a buffer occurs, vegetation disturbance shall be kept to the minimum required for the installation, and vegetation that is removed during the process shall be replaced with suitable landscape material that provides the same quality of screening and/or stabilizing cover. In cases where designated undisturbed buffers are found to have inadequate vegetative screening at certain points, the Director of Planning and Development reserves the right to specify additional landscaping material within the limits of the undisturbed buffer to achieve proper screening.
- (3) For the purposes of this Ordinance, there are three general types of buffers:
  - (a) *Buffer, Conservation.* Any land in permanent vegetation, designed to intercept pollutants, stabilize stream banks and other riparian areas and manage other environmental concerns. Conservation buffers include: riparian buffers, filter strips, grassed waterways, shelter belts, windbreaks, living snow fences, contour grass strips, cross-wind trap strips, shallow water areas for wildlife, field borders, herbaceous wind barriers, and vegetative barriers. Conservation buffers may be either undisturbed or artificially enhanced, depending on the situation.
  - (b) *Buffer, Landscaping.* Any trees, shrubs, groundcovers, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics. The term ‘landscaping buffer’ shall be synonymous with the terms ‘vegetative buffer’, ‘vegetated buffer’, ‘landscape buffer’, and ‘planted buffer’ found throughout the Pike County Zoning Ordinance.
  - (c) *Buffer, Undisturbed.* Any existing vegetation, trees, shrubs, and/or groundcovers, on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of maintaining visual or other aspects of privacy and aesthetics.

(C) FENCE.

- (1) A barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter.
- (2) For the purposes of this Ordinance, there are eight general types of fences:
  - (a) *Fence, Farm.* A fence, usually wood or wire, associated with active agricultural practices occurring on parcels not less than 2 acres in size.
  - (b) *Fence, Living.* A continuous hedgerow of living, quality plant material planted and maintained for the purpose of enclosing or screening an area.
  - (c) *Fence, Municipal.* A fence occurring on property owned by or under the jurisdiction of Pike County, Georgia government and/or its Boards and Authorities.
  - (d) *Fence, Privacy.* An opaque fence constructed of wood, vinyl or other similar materials that blocks vision for the purpose of obscuring or screening an area from public view.

- (e) *Fence, Security.* A fence consisting of wood, vinyl, chain-link, or other similar materials that blocks access to potentially valuable or dangerous areas within a private or public property parcel.
- (f) *Fence, Silt.* A temporary fence for erosion and sediment control purposes on a property undergoing land disturbance. Silt fence materials, construction, and installation must be in accordance with standards set in the latest edition of the “Manual for Erosion and Sediment Control in Georgia” provided by the Georgia Soil and Water Conservation Commission.
- (g) *Fence, Temporary.* A fence briefly used for protection and stability of existing trees, structures, etc. during activity on a property parcel. The fence, usually composed of silt fence material or orange mesh, is removed upon full site stabilization.
- (h) *Fence, Unsafe.* A fence deemed unsafe by the Director of Planning and Development.

(D) FENCE/WALL HEIGHT.

The vertical dimension from the natural ground level to the top of the fence or wall, measured at any point along the length of the structure. The height shall not include decorative finishes on posts or columns.

(E) NATURAL GROUND LEVEL.

The level of the ground prior to any recent man-made changes in the elevation of the ground. For purposes of administering this article, “natural ground level” also shall include the level of the ground established on any development plans approved in accordance with the Pike County review process.

(F) WALL.

- (1) A solid, usually opaque, barrier erected upon a property for the purpose of separating properties, screening, enclosure, protection, and reconciling significant elevation differences. For the purpose of this Ordinance, ‘wall’ shall not refer to any load-bearing walls that are part of a building.
- (2) For the purposes of this Ordinance, there are six general types of walls:
  - (a) *Wall, Decorative.* A low, freestanding wall consisting of brick, stone, block, timbers, or similar materials and constructed with a design that includes specific pattern elements or ornamentation. Decorative walls are usually not security or privacy walls and are often located well within the interior of a property parcel, such as a low, garden wall.
  - (b) *Wall, Municipal.* A wall occurring on property owned by or under the jurisdiction of Pike County, Georgia government and/or its Boards and Authorities.
  - (c) *Wall, Privacy.* A freestanding wall constructed of brick, stone, block, timbers, or other similar materials that blocks vision for the purpose of obscuring or screening an area from public view.
  - (d) *Wall, Retaining.* A wall constructed of brick, stone, block, timbers, or other similar materials that quickly allows for necessary grade changes where horizontal space on a property may be limited. Also a wall constructed to hold back soil or rock from a building, structure, or a wall constructed to prevent the erosion of soil on steep slopes.

(e) *Wall, Security.* A freestanding wall constructed of brick, stone, block, timbers, or other similar materials that blocks access to potentially valuable or dangerous areas within a private or public property parcel.

(f) *Wall, Unsafe.* A wall deemed unsafe by the Director of Planning and Development.

(Ord. Passed 10-14-09)

#### **§ 164.04 PROVISIONS & RESTRICTIONS FOR FENCES AND WALLS**

##### (A) Height Standards and Restrictions.

- (1) Privacy fences and walls shall be a minimum 6 feet in height, but shall not exceed 8 feet in height, except for living fences. With few exceptions, privacy fences shall be used in place of privacy walls, due to construction costs and structural safety concerns.
- (2) Security fences and walls, around swimming pools, detention ponds, etc. shall be a minimum 4 feet in height, but shall not exceed 8 feet in height. With few exceptions, security fences shall be used in place of security walls, due to construction costs and structural safety concerns. Security fences may be higher than 8 feet in certain industrial / manufacturing areas with written permission from the Director of Planning and Development.
- (3) All fences and walls located within residential front yards in R-20, R-15, R-11, and PRD zoning districts shall not exceed 4 feet in height, except for living fences.
- (4) If the covenants of a Homeowner's Association within unincorporated Pike County are more restrictive than the standards of this Ordinance in terms of fence or wall height, then the standards of the restrictive covenants shall prevail.
- (5) At the discretion of the Director of Planning and Development, walls 4 feet in height or above may require review and certification by a Georgia registered structural engineer.

##### (B) Location Standards and Restrictions.

- (1) Fences and walls shall not be placed directly on a property line. They shall be located a minimum of 6 inches behind the property line. Fences and walls shall also not be located within any public right-of-way.
- (2) No fence or wall shall be placed in any drainage, utility, landscaping, access or other easement without notification to the easement holder and the following of proper procedure outlined by the easement holder after notification. Fences and walls already within a particular easement are subject to damage or removal due to repairs and maintenance by the easement holder to areas or structures associated with the easement.
- (3) Fences and walls shall not be placed within floodplain boundaries, stream buffers, or drainage ways in a manner that will impede the flow of water.
- (4) No privately-owned fence or wall shall be installed so that, in the opinion of the Director of Planning and Development or GDOT, obstructs vision at any street intersection, or in any way creates a hazard to traffic. No fences or walls above 30 inches shall be located within GDOT sight triangles.
- (5) No fence may be installed that, in the opinion of the County Fire Chief, prevents or unduly restricts access to a property for emergency purposes.

- (a) An access opening for emergency entrance shall be incorporated into any fenced areas within which a building is totally or partially located. For residential properties, the access opening shall be at least 4 feet in width. For commercial or industrial properties, the access opening shall be at least 14 feet in width. A gate or unfenced area shall qualify as an access opening if it is of the required width.
  - (b) If the covenants of a Homeowner's Association within unincorporated Pike County are more restrictive than the standards of this Ordinance in terms of fence or wall location, then the standards of the restrictive covenants shall prevail.
- (C) Material, Construction, and Repair Standards and Restrictions.
- (1) Fences and walls constructed near property lines shall be constructed with the finished side towards the neighboring property. Fences and walls constructed along a street right-of-way shall be constructed with the finished side towards the street.
  - (2) The following fence and wall materials are prohibited from use: unfinished cinder block, creosote-coated lumber, any fabric, any metal or metal alloy (excluding wrought iron and chain link fences), particle board (wood composite material), plywood sheets, sheet rock material, and any other materials deemed inappropriate by the Director of Planning and Development. Barbed wire, razor wire, and electrified fences (excluding pet control fences) shall only be allowed on parcels with permitted agricultural practices in A-R zoning districts, or in certain high security industrial / manufacturing areas. Simple wire fences, other than those described above, shall be allowed in zoning districts other than A-R, where the keeping of livestock is a permitted use.
  - (3) Chain link fence may be galvanized steel or vinyl coated. Safety top caps must be installed on chain link fences installed or already located on properties owned by or under the jurisdiction of the Pike County, Georgia government and / or its Boards and Authorities (municipal chain link fences).
  - (4) Chain link fences may be used as privacy fences or screening buffers, provided that they are a minimum 6 feet high and completely covered in a "wind break" screening material of minimum 90% opaqueness.
  - (5) All fencing and wall materials must be either white, black, or natural earth tone colors only, with the exception of galvanized chain link fence.
  - (6) All fences and walls within the County must be maintained in a safe condition. The owner of the property on which a fence or wall is located shall be responsible for the maintenance and repair of the fence or wall. The owners of fences and walls deemed unsafe by the Director of Planning and Development will be sent a certified letter by the Director explaining the unsafe situation. If the fence or wall owner does not begin to voluntarily remedy or remove the unsafe situation within 30 days of notification, the Director can order the fence or wall be permanently stabilized or removed within a specified timeframe, with continued violations to be processed under the jurisdiction of Pike County Magistrate Court. Pre-existing fences and walls, as defined in Section 164.05, deemed to be unsafe are subject to the requirements of this section and shall be fully replaced for the entire fence or wall portion adjacent to the aggrieved property owner, according to the full standards of this Chapter.

- (7) Any fence or wall damaged by accident or an act of God, or deemed unsafe shall be properly repaired (or replaced, depending on the severity) within 90 days of occurrence. Municipal fences and walls shall, upon being damaged, first have all debris cleared and be temporarily stabilized immediately. Final repairs to the damaged fence shall be started no more than 30 days after temporary stabilization is achieved.
- (8) For fences requiring a permit, fence posts that require concrete footers shall have them to a minimum 12 inch depth.
- (9) Retaining walls and freestanding walls (with the exception of decorative walls) shall require reinforced concrete footers. Retaining walls may require weep holes and dead man anchors, depending on the situation.
- (10) From the 2003 International Property Maintenance Code: “Private swimming pools, hot tubs, and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches (4 feet) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.” The total enclosed fence area shall not exceed 3 times the pool surface area.
- (11) From the 2003 International Property Maintenance Code, the spacing between fence slats (spindles) shall not exceed 4 inches.
- (12) All municipal fences and walls shall comply with the Americans with Disabilities Act guidelines for accessibility and safety, in terms of protruding objects, changes in elevation, detectable warning surfaces, and adequate access widths. Single family detached residential properties are exempt from these requirements.
- (13) If the covenants of a Homeowner’s Association within unincorporated Pike County are more restrictive than the standards of this Ordinance in terms of fence or wall materials, construction and repair practices, then the standards of the restrictive covenants shall prevail.

(Ord. Passed 10-14-09)

**§ 164.05 PRE-EXISTING FENCES AND WALLS**

With the exception of the unsafe situations described in Section 164.04 (c)(6), this Ordinance shall apply only to fences and walls proposed for construction after the effective date of this Ordinance. Fences and walls under construction as of the effective date of this Ordinance are also exempt.

(Ord. Passed 10-14-09)

**§ 164.06 PERMITS REQUIRED**

- (A) A permit with an associated fee shall be required for all fences required around swimming pools and detention ponds, and all walls, both freestanding and retaining, over 4 feet in total height. An application for a permit, with a fee amount approved by the Board of Commissioners, shall be made on forms provided by the Planning and Development Department.

- (B) Permits for swimming pool fences shall be applied for at the same time as a pool permit and shall be attached to the pool permit.
- (C) Permits for detention pond fences shall be applied for at the same time as submittal of civil or erosion/sediment control plans for the development requiring the detention pond.
- (D) A fence permit (with associated fee) may, at the discretion of the Director of Planning and Development, be required for proposed industrial or manufacturing developments where potentially hazardous materials may be stored.
- (E) A non-fee permit shall be required for all other fences and walls not specifically exempted below. The permit shall be in the form of an application, provided at the Planning and Development office, which shall provide the materials, dimensions, and location of the proposed fence or wall. The applicant shall also be provided with a copy of the fence standards and restrictions and shall sign a written statement acknowledging an understanding of the standards and restrictions provided. Homeowner's associations and local fence companies are encouraged to obtain copies of this Ordinance and incorporate its standards into their standards and procedures. All permitted fences, whether requiring a fee or not, are subject to the standards and restrictions of this ordinance, and continued violations shall be subject to the enforcement and penalty procedures outlined in Section 164.12.
- (F) Specific situations not requiring a fence permit (fee or no-fee permits):
  - (1) Minor repairs to an existing fence or wall with no significant structural changes.
  - (2) Replacement of an existing fence with a new fence that is the same type, height, and material and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this ordinance.
  - (3) The installation of gates of up to 8 feet in width in an existing fence or wall with no structural changes.
  - (4) Fences associated with permitted agricultural uses including, but not limited to, livestock and poultry containment, gardens and crop-growing.
  - (5) Walls, 4 feet or less in height, associated with agricultural practices, livestock and poultry containment, gardens and crop-growing. A permit shall be required for any type of wall over 4 feet in height.
  - (6) Living fences with no man-made structural components.
  - (7) Decorative walls less than 4 feet in height, located well within the interior of a property parcel, and serving no privacy or security function.

(Ord. Passed 10-14-09)

**§ 164.07 PROVISIONS & RESTRICTIONS FOR LANDSCAPING BUFFERS**

- (A) Unless otherwise specified, the buffer standards shall only apply along the property lines where the two conflicting zoning districts, or uses, meet.
- (B) The developer or owner of the subject property is responsible for installing the buffer. The adjacent property owner shall not have to participate in installing a buffer unless their property is developed or re-developed with an incompatible use.
- (C) No buffer or required landscape materials shall be placed within any easement, right-of-way, or septic field.



- (D) Unless otherwise specified, all required buffer areas shall be provided entirely on the subject property and may be incorporated into the building yard setbacks required in each zoning district
- (E) All required buffer trees shall be irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance.
- (F) All portions of the buffer not planted with trees, shrubs, or other buffer materials shall be covered with grass or other approved groundcover. No species listed on the Invasive Species List for North America shall be used for ground covering vegetation (see Section 164.09).
- (G) Buffer landscaping required by this section shall not be used to satisfy the minimum requirements of any landscaping requirements found elsewhere in the Pike County Code of Ordinances.
- (H) All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse. All unhealthy or dead plant material shall be removed by the end of the next planting season.
- (I) For homeowner's associations, County properties, etc., a berm maintenance schedule will be prepared for berms occurring on their properties, and, upon request, a copy of the schedule shall be furnished to the Planning and Development office. The berm maintenance schedule will address required monthly maintenance activities for berms related to pruning, mowing, weeding, fertilization, etc. In addition, the maintenance schedule will address the mowability of certain berm slopes and provide alternate solutions for berm slopes judged to be too steep to be mowed by conventional means.
- (J) For the purposes of this Ordinance, there are three main types of landscaping buffers:
  - (1) Type 1 Landscaping Buffer: 10 feet of width from subject property line; buffer shall provide a continuous, 6 feet high minimum vegetative screen (at time of plant maturity), accompanied by appropriate groundcover for the remainder of the buffer width, OR buffer shall provide a minimum 6 feet high opaque fence or wall (subject to the requirements of this chapter), accompanied by approved groundcover for the remainder of the buffer width, along the affected boundary between the subject property and adjoining properties.
  - (2) Type 2 Landscaping Buffer: 25 feet of width from subject property line; buffer shall provide 1 deciduous canopy tree and 2 evergreen understory trees for every 20 linear feet along the affected boundary between the subject property and adjoining properties.
  - (3) Type 3 Landscaping Buffer: 50 feet of width from subject property line; buffer shall provide 2 staggered rows of deciduous canopy trees to be planted parallel to the property line within the buffer yard with 1 canopy tree placed every 20 linear feet along the affected boundary between the subject property and adjoining properties. In addition to the canopy trees, either a 6 foot tall opaque fence or wall (subject to the requirements of this chapter), or a 4 foot tall grassed berm planted with shrubs along its ridge, or a 6 foot tall row of evergreen understory trees shall be installed parallel to the property line within ten (10) feet of the affected boundary between the subject and adjoining properties.

- (a) If a berm is used to fulfill the requirements, 1 shrub for every 10 feet of continuous boundary shall be planted on the ridge of the berm. All required shrubs shall measure a minimum 12 inches in height measured from grade at the time of planting.
- (b) If a row of evergreen trees is used to meet the requirements, 1 tree shall be placed every 10 feet along the property boundary.

(Note: Deciduous canopy trees shall be a minimum 2 inch caliper at time of planting. Evergreen trees and large shrubs (for Type 1, 2, and 3 screening) shall be a minimum 3 feet tall at time of planting and shall achieve a minimum 6 feet tall at maturity. Smaller landscape shrubs (for Type 3 buffer screening along berms only) shall be a minimum 3 gallon container size (minimum 12 inches) at the time of planting.)

- (K) In cases where unapproved disturbance has occurred in a conservation buffer (stream banks, wetlands, etc.), the Director of Planning and Development reserves the right to specify additional landscaping material within the limits of the conservation buffer to remedy the disturbance. The Director shall submit in plan form the location and types of landscape materials for remediation within the conservation buffer to the Natural Resources Conservation Service, Barnesville Field Office, for review and approval.

(Ord. Passed 10-14-09)

**§ 164.08 LANDSCAPING BUFFER APPLICATIONS**

The following situations shall require landscaping buffers:

- (A) Type 1 Landscaping Buffers shall be required for:
  - (1) Proposed utility substations.
  - (2) Where applicable, the side and rear property lines of proposed church developments.
  - (3) Other uses or areas where deemed necessary by the Pike County Planning Commission and/or the Department of Planning and Development.
- (B) Type 2 Landscaping Buffers shall be required for:
  - (1) The rear and sides of the boundary of any proposed PRD development.
  - (2) Along the frontage of public roads on which the entrance to a proposed PRD development is located.
  - (3) Between a proposed C-1 (Neighborhood Commercial) development and existing residentially zoned property, and between a proposed P-I (Professional-Institutional) development and existing residentially zoned property.
  - (4) Other uses or areas where deemed necessary by the Pike County Planning Commission and/or the Department of Planning and Development.
- (C) Type 3 Landscaping Buffers shall be required for:
  - (1) Between a proposed C-2 (General Commercial) development and existing residentially zoned property, between a proposed C-3 (Heavy Commercial) development and existing residentially zoned property, and between all proposed manufacturing developments and existing residentially zoned property.
  - (2) Other uses or areas where deemed necessary by the Pike County Planning Commission and/or the Department of Planning and Development.

(Ord. Passed 10-14-09)

### **§ 164.09 INVASIVE SPECIES LIST**

No plants listed on the Invasive Species List for North America shall be utilized in landscaping buffer design and installation, including but not limited to common landscape plants such as: carpet bugle (*Ajuga*), bamboo (*Bambusa*), clematis, winter creeper (*Euonymus fortunei*), ivy (*Hedera*), sunflower (*Helianthus*), privet (*Ligustrum*), monkeygrass (*Liriope*), honeysuckle (*Lonicera*), loosestrife (*Lythrum*), passionflower (*Passiflora*), *Pennisetum*, firethorn (*Pyracantha*), kudzu (*Pueraria*), and *Wisteria*.  
(Ord. Passed 10-14-09)

### **§ 164.10 TREE LIST FOR LANDSCAPING BUFFERS**

#### **(A) Prohibited Trees (for Landscaping Buffers)**

Silver Maple (*Acer saccharinum*)  
Sweetgum (*Liquidambar styraciflua*)  
Tree-of-Heaven (*Ailanthus altissima*)  
Crabapple (*Malus sp.*)  
Mimosa (*Albizia julibrissin*)  
Poplar (*Populus sp.*)  
Catalpa (*Catalpa sp.*)  
Bradford Pear (*Pyrus calleryana 'Bradford'*)  
Ginkgo (*Ginkgo biloba*)  
Locust (*Robinia sp.*)  
Black Walnut (*Juglans nigra*)  
Willow (*Salix sp.*)

\*Note: The Director of Planning and Development reserves the right to prohibit other tree species not listed here.

\*\*Note: Certain prohibited tree species may be used in natural, undisturbed buffers at the discretion of the Director of Planning and Development.

#### **(B) Recommended Deciduous Canopy Trees**

Red Maple (*Acer rubrum*)  
Live Oak (*Quercus virginiana*)  
Sugar Maple (*Acer saccharum*)  
Sassafras (*Sassafras albidum*)  
River Birch (*Betula nigra*)  
Littleleaf Linden (*Tilia cordata*)  
Tulip Poplar (*Liriodendron tulipifera*)  
Chinese Elm (*Ulmus parvifolia*)  
Black Gum (*Nyssa sylvatica*)  
Japanese Zelkova (*Zelkova serrata*)  
Pin Oak (*Quercus palustris*)  
Aristocrat Pear (*Pyrus calleryana 'Aristocrat'*)  
Hickory (*Carya sp.*)

(C) Recommended Evergreen (Understory) Trees

Leyland Cypress (*x Cupressocyparis leylandii*)  
American Holly (*Ilex opaca*) or other similar holly species  
Dwarf Southern Magnolia (*Magnolia grandiflora* 'Little Gem')  
Virginia Pine (*Pinus virginiana*)  
Cherry Laurel (*Prunus caroliniana*)

\*Note: The Director of Planning and Development reserves the right to approve other tree species not listed here.

(Ord. Passed 10-14-09)

**§ 164.11 SHRUB AND GROUNDCOVER LIST FOR LANDSCAPING BUFFER**

(A) Recommended Shrubs

Flowering Abelia (*Abelia grandiflora*)  
Dwarf Cherry Laurel (*Prunus laurocerasus*)  
Japanese Aucuba (*Aucuba japonica*)  
Dwarf Indian Hawthorn (*Rhaphiolepis indica.*)  
Azalea (*Azalea sp.*)  
Knockout Rose (*Rosa* 'Radrazz')  
Barberry (*Berberis thunbergii*)  
Leatherleaf Viburnum (*Vibur. Rhytidopyllum*)  
Rockspray Cotoneaster (*Cotoneaster horizontalis*)  
Burning Bush (*Euonymus alata*)  
Chinese Hollies (*Ilex cornuta*)  
Japanese Hollies (*Ilex crenata*)  
Yaupon Holly (*Ilex vomitoria*)  
Loropetalum (*Loropetalum chinensis*)

(B) Recommended Groundcovers

Spreading Yew (*Cephalotaxus harringtonia*)  
Bearberry Cotoneaster (*Cotoneaster dammeri*)  
Bermuda grass (*Cynodon sp.*)  
Centipede grass (*Eremochloa sp.*)  
Fescue grass (*Festuca sp.*)  
Creeping Gardenia (*Gardenia radicans*)  
Daylily (*Hemerocallis sp.*)  
St. Johnswort (*Hypericum calycinum*)  
Evergreen Candytuft (*Iberis sempervirens*)  
Heller Japanese Holly (*Ilex crenata* 'Helleri')  
Dwarf Mondo Grass (*Ophiopogon japonicus* 'Nana')  
Pachysandra (*Pachysandra terminalis*)  
Moss Pink (*Phlox subulata*)  
Dwarf Pittosporum (*Pittosporum tobira* 'Wheeler's Dwarf')Zoysia grass (*Zoysia sp.*)

\*Note: The Director of Planning and Development reserves the right to approve other shrub and groundcover species not listed here.

(Ord. Passed 10-14-09)

**§ 164.12 ENFORCEMENT AND PENALTY**

Any person in violation of this article shall be cited and tried in Magistrate Court and, upon conviction, shall be subject to prosecution and fined up to \$250.00 for each occasion that a violation occurs.

(Ord. Passed 10-14-09)

**§ 164.13 SEVERABILITY**

Any portion of this ordinance that may be deemed void, invalid or otherwise unconstitutional and/or illegal shall be severed from the ordinance without invalidating the remaining provisions of this ordinance.

(Ord. Passed 10-14-09)

**§ 164.14 EFFECTIVE DATE**

This ordinance shall become effective upon the second reading of the proposed ordinance and upon the affirmative vote of at least 3 commissioners.

(Ord. Passed 10-14-09)

