

SECTION 78 BUFFER STRIP AND GREEN SPACE REGULATIONS

78.01 General Description: The purpose and intent of the Buffer Strip and Green Space Regulations is to maintain many of the environmental features and amenities of the City for present and future generations. Adherence to these regulations will improve the appearance and compatibility of land uses and other development within the city through the installation and maintenance of plantings and fencing for screening and aesthetic effects, thereby serving to protect and preserve the appearance, character, value and safety of the total urban area and nearby properties. It is intended that these provisions shall constitute minimum requirements. Also see applicable regulations, of Section 12, Non-Conforming Uses, Section 79, Trees, Section 89, Parking Off-Street/On-Street and Vehicle Loading, Section 91 Planned Unit Development and Section 92, Planned Residential Development. (Amended by Ord. 2972, Sec. 1, 10/2/07)

78.02 Buffer Strips and Green Spaces require Site Plan Review. When the developer needs to ask for a variance from these Buffer Strip and/or Green Space Regulations, an alternative Design Plan which shall fulfill the intent of this Code shall be submitted to the Site Plan Review Committee, which will, upon review, shall authorize minor changes (not to exceed twenty percent (20%) of overall square footage) or make a recommendation regarding the submission, and then forward the submission and recommendation to the Land Development Code Board of Adjustments. (Amended by Ord. 2972, Sec. 1, 10/2/07)

78.03 Buffer Strip Relating to Abutting Properties: In the table below, when a district abuts a use indicated, a buffer strip shall be provided as listed

Use District	Abutting Use District	Buffer Strip Minimum Width (feet)
R-3	- A-1, A-2, R-1A, R-1B, R-1C, R-2	10
R-4	- A-1, A-2, R-1A, R-1B, R-1C, R-2, R-3	10
B-1	- A-1, A-2, R-1A, R-1B, R-1C, R-2, R-3, R-4	10
B-2	- All Agricultural and Residential Districts and B-1	20
B-3	- All Agricultural and Residential Districts and B-1	30
B-4	- All Agricultural and Residential Districts and B-1	40
B-5	- All Agricultural and Residential Districts and B-1	50
I-1	- All Agricultural, Residential and Commercial Districts	60
I-2	- All Agricultural, Residential and Commercial Districts	60

(Amended by Ord. 2972, Sec. 1, 10/2/07)

1. A buffer strip unbroken by vehicular access way of the minimum width shall be located parallel to the property line.
2. Any easements shall not be included in a buffer strip or be used or otherwise employed to meet the requirements of Section 78.
3. A six (6) foot, masonry wall or solid chain link fence or a fence of approved wood of natural decay resistance shall be placed along the property line or along the inner perimeter of the buffer strip so as to provide one hundred percent (100%) visual screening at the time of issuance of the Certificate of Zoning Compliance.

4. Trees and Vegetation: Trees, as specified in Section 78.05, 78.06, and 78.07, and other vegetation as needed, shall be planted so as to provide an eighty percent (80%) year-round visual screening at maturity. Maturity of vegetation planting shall be reached within three (3) years. Staggered planting may be required to achieve this thicket effect. Site Plan Review Committee recommends that any natural vegetation be left in place, rather than grading and replanting, if the eighty percent (80%) year-round visual screening at maturity is naturally met and not disturbed or impacted by the development. (Amended by Ord. 2972, Sec. 1, 10/2/07)
5. Buffer Strip requirements shall also apply to existing sites when the total gross floor area of the presently existing structure(s) is renovated or increased by at least fifty (50) percent. Upon evidence of a hardship, the Site Plan Review Committee may determine adjustments, if any, as needed, on a case-by-case basis. (Added by Ord. 2972, Sec. 1, 10/2/07)

78.04 Green Space Adjacent to Public Right-of-way: A green space shall be provided along but not in the public right-of-way in the following districts: R-3, R-4, B-1, B-2, B-3, B-5, I-1, I-2. (Amended by Ord. 2972, Sec. 1, 10/2/07)

1. A green space of a minimum of ten (10) feet in depth shall be located parallel to the public right-of-way on all frontages. (Amended by Ord. 2972, Sec. 1, 10/2/07)
2. Any easements shall not be included in a green space or be used or otherwise employed to meet the requirements of Section 78. (Amended by Ord. 2972, Sec. 1, 10/2/07)
3. Trees: One (1) tree per forty (40) linear feet as specified in Sections 78.05, 78.06, and 78.07 shall be planted in the right-of-way green space. (Amended by Ord. 2972, Sec. 1, 10/2/07)
4. Grass and Ground Cover: Each planting area shall have a ground cover of grass or other landscaping material, excluding paving or sand, in conjunction with Sections 78.05 and 78.06. (Amended by Ord. 2972, Sec. 1, 10/2/07)
5. Green spaces requirements shall also apply to existing sites when the total gross floor area of the presently existing structure(s) is renovated or increased by at least fifty (50) percent. Upon evidence of a hardship, the Site Plan Review Committee may determine adjustments, if any, as needed, on a case-by-case basis. (Added by Ord. 2972, Sec. 1, 10/2/07)

78.05 Plant Standards: All required planting shall consist of any of the following or combination thereof: materials such as, but not limited to, grafts, ground covers, shrubs, vines, hedges, or trees. In addition, a maximum of twenty-five percent (25%) nonliving durable materials may be used to complement, but not to be credited as plants. These materials include, but are not limited to, wood chips, loose rocks and pebbles, wood structures, walls, or fences, but excluding paving and sand. Plant materials used in conformance with provisions of this Code shall conform to the standards recommended by

the American Society of Landscape Architects for Mississippi. (Amended by Ord. 2972, Sec. 1, 10/2/07)

1. Trees: Trees shall be a minimum of ten (10) feet in height at the time of planting and a minimum of twenty (20) feet at maturity. Trees shall be a species recognized by the State of Mississippi Division of Forestry, as being acceptable for this area. Trees shall be of a species achieving, at maturity, an average spread of crown of greater than fifteen (15) feet and having trunk(s) which can be maintained with a minimum of six (6) feet of clear wood trunk elevation. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping same so as to create the equivalent of a fifteen (15) foot crown spread. Trees species shall have a minimum of two (2) inch caliper measured twelve (12) inches above ground. Trees of a species whose roots are known to cause damage to public roadways, sewers, or other public works (unless the tree root system is completely contained within a barrier for which a minimum interior containing dimension shall be ten (10) feet square and five (5) feet deep) shall not be accepted. Each such tree shall be planted in twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet.
2. Ground Covers: Ground covers used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting. (Amended by Ord. 2972, Sec. 1, 10/2/07)
3. Lawn Grass: Grass areas shall be planted and grown as permanent lawns. Grass may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion and providing that in areas where other than solid sod or grass seed is used, grass seed shall be sown for immediate effect and protection until coverage is achieved.

78.06 Installation and Maintenance: All buffer strips and green spaces shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant material as herein described. All elements of buffer strips and green spaces exclusive of plant material, except hedges, shall be installed so as to meet all other applicable ordinances and code requirements. Buffer strips and green spaces shall require protection from encroachment. (Encroachment is defined as any protrusion of a vehicle outside of a parking space, display area or access way into a landscaped area.) (Amended by Ord. 2972, Sec. 1, 10/2/07)

The owner shall be responsible for the maintenance of all buffer strips and green spaces which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from weeds, refuse and debris. (Amended by Ord. 2972, Sec. 1, 10/2/07)

In the event that trees or other landscaped materials should die, such materials shall be replaced at the appropriate planting time as determined by the Urban Forester/City Arborist. Such time shall not exceed nine (9) months. Failure of the owner of the property to maintain

the premises in good condition, as set forth above, shall make him liable for the penalties as set forth in this Code. (Amended by Ord. 2972, Sec. 1, 10/2/07)

No required buffer strip, green space, terminal or interior island areas shall be abandoned, paved, or otherwise employed, unless zoning of adjacent property changes and approved by the Site Plan Review Committee. (Amended by Ord. 2972, Sec. 1, 10/2/07)

78.07 Visibility at Intersections: Public Row: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impair or block vision between a height of two and one-half (2.5) and seven (7) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty (30) feet from the point of intersection. See Diagram.

78.08 Intersection of Driveway and Public Row and/or Private Street: In any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impair or block vision between a height of two and one-half (2.5) and seven (7) feet above the center line grades of any intersecting street/driveways in the area bounded by the street lines/driveway lines of such corner and a line joining points along said street lines fifteen (15) feet from the point of intersection. See Diagram.

78.09 Credit for Existing Plant Material: If the owner(s) can demonstrate that healthy plant material exists on a site prior to its development for the purposes of buffer strips and green spaces, the application of the above landscape standards may be adjusted by the Urban Forester/City Arborist and the Site Plan Review Committee to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this Code. (Amended by Ord. 2972, Sec. 1, 10/2/07)