

City of Forest Park

Clayton County

Atlanta MSA

2003 Population Estimate 21,247; -1.0% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

CHAPTER 8. ZONING

ARTICLE J. FOREST PARK TREE AND VEGETATION PROTECTION

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

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CHAPTER 8. ZONING*

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ARTICLE A. GENERAL PROVISIONS

Sec. 8-8-1. Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the City of Forest Park, Georgia."

(Code 1959, § 24-1)

ARTICLE J. FOREST PARK TREE AND VEGETATION PROTECTION*

***Editor's note:** Ord. No. 00-13, § 1, adopted Aug. 7, 2000, pertained to forest park tree and vegetation protection and was designated as §§ 8-8-124--8-8-140. For purposes of classification and to facilitate indexing and reference the editor has redesignated §§ 8-8-124--8-8-140 as §§ 8-8-154--8-8-170.

Sec. 8-8-154. Definitions.

The following definition of terms shall apply to the Forest Park Tree Protection Ordinance:

City: The City of Forest Park, Georgia.

Buffer: That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts as required in the City of Forest Park Zoning Ordinance. (Reference sections 8-8-73 buffer zone required)

Clearing: An activity which removes or disturbs the vegetative cover, including trees.

Crown dripline: A vertical line extending from the outer surface of a tree branch tip to the ground.

Deciduous tree: Any tree which drops its leaves at the end of a growing season.

Dripline area: The total area underneath a tree which would encompass all crown driplines.

DBH or "diameter-at-breast height:" A standard measure of tree size, and is the trunk diameter measured in inches to a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, each trunk is measured separately, and the total trunk diameters are added together. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

Evergreen: Any tree which retains its foliage throughout the year.

Landscaping: Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, by adding lawns, trees, and shrubs, etc., to the natural environment.

Landscape area: An area set aside for the installation and maintenance of planting materials.

Landscaping ordinance: A document which establishes requirements as to the number, size, and type of vegetation for landscaping improvements (ADRB landscaping requirements).

Land and vegetation disturbance permit: A permit to authorize the cutting, transporting, and clearing of vegetation.

Natural vegetation: A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprising indigenous shrubs, flowers, wild grasses and trees.

Natural vegetation area: The area within the boundaries of a given lot which is devoted

to natural vegetation.

Protection area: All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain in open space, the dripline areas beneath a tree or clusters of trees to be retained, and/or areas required to remain landscape strips or buffers according to the City of Forest Park Zoning Ordinance or conditions of zoning approval.

Shrub: A woody plant or bush of relatively low height (two (2) to six (6) feet), distinguished from a tree by having several stems rather than a single trunk.

Specimen tree or specimen stand: Any tree or grouping of trees which has been determined to be of high value because of its species, size, age, or location. General criteria for the determination of specimen trees or stands are as follows:

- (1) Any deciduous tree whose DBH equals or exceeds twenty-four (24) inches.
- (2) Any evergreen tree whose DBH equals or exceeds twenty-four (24) inches.
- (3) Any understory tree whose DBH equals or exceeds ten (10) inches.
- (4) Any tree which has a significant historical value and can be documented through historical records or otherwise, and any tree which has exceptional aesthetic value.

Tree harvesting: The cutting of more than fifteen (15) trees per year for purposes not related to immediate land development or in conjunction with an ongoing development project.

Understory tree: Any tree or woody plant which is of lesser height and spread than the surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-155. Applicability.

This article shall apply to any activity which involves the removal of trees in the city.

Exemptions from the Forest Park Tree Protection Ordinance are:

- (1) Dead, diseased, or infested trees as determined by the Georgia Forestry Commission and/or its local representative(s).
- (2) Orchards and tree nurseries in active commercial operation.
- (3) In the case of a tree contractor removing a tree or trees in a residential area, the contractor will not be required to submit a site plan but shall obtain a permit and pay a fee.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-156. Land vegetation disturbance permit required.

Unless specifically exempted from this article, all owners, developers of land, or contractors, must secure a land and vegetation disturbance permit prior to the removal, relocation, or transportation of any trees in the incorporated City Limits of Forest Park.

- (1) *Procedure.*

Four (4) copies of a tree protection plan (TPP) must be submitted to the City of Forest Park Planning, Building, and Zoning Director, or his designee, for review

to ascertain conformance to the City of Forest Park Tree Protection Ordinance prior to application for a land and vegetation disturbance permit and/or application for development plan and preliminary plat approval. It is advised that a qualified landscape architect, Georgia Forestry Commission (GVC) certified urban forester, or arborist prepare the TPP.

The TPP must include:

1. The exact location of all existing trees and specimen trees more than ten (10) inches in diameter clearly indicating those which will be retained to meet the tree protection requirements, their size, dripline area and species.
2. The location, size, and species of all replacement trees.
3. The boundaries of all required buffer areas.
4. The boundaries of all existing and proposed landscaped areas.
5. The boundaries of all existing and proposed buildings.
6. The boundaries of all vehicle and pedestrian use areas.
7. All existing and proposed utilities (i.e., water, sewer, stormwater drainage and retention facilities, etc.), and all existing and proposed utility poles and/or light poles.

Upon submission of the TPP, the planning, building, and zoning director, or his designee, shall:

1. Conduct a preliminary review of the TPP.
2. Conduct an on-site inspection to determine if there are any trees of exceptional aesthetic or historical value.
3. Return the TPP either approved or with changes which must be made prior to the issuance of a land and vegetation disturbance permit.

After final approval of the TPP by the planning, building, and zoning director, or his designee, development plan and plats can be forwarded for review, of the land and vegetation disturbance permit can be issued. Plans will be considered approved if no decision is made by the city within thirty (30) days of the submission of the TPP.

(2) *Compliance:*

It is the responsibility of the planning, building, and zoning director, or his designee, to review the TPP to ascertain compliance with the provisions of the tree protection ordinance before a land and vegetation disturbance permit will be issued. It is also the responsibility of the planning, building, and zoning director, or his designee, to conduct a final inspection for compliance with the tree protection ordinance before a certificate of occupancy or acceptance of streets will be granted.

(3) *Appeal procedure:*

Any applicant for a land and vegetation disturbance permit who is aggrieved by any decision of the planning, building, and zoning director, or his designee, relating to the application of this article shall have the right to appeal to the city manager. Such appeal shall be requested in writing no less than ten (10) days after the decision has been made. The appeal shall be heard by the city manager

within thirty (30) days after the receipt of the appeals request. The city manager shall have the right to overturn, modify, or affirm the decision made by the planning, building, and zoning director, or his designee.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-157. Tree protection requirements.

Property subject to the Forest Park Tree Protection Ordinance shall retain a minimum of twenty (20) percent of all trees more than ten (10) inches in diameter. Trees which fulfill this preservation requirement shall be exclusive of the required buffer areas. Every five (5) caliper inches of trees preserved shall count one (1) caliper inch toward the density requirements.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-158. Guidelines for tree protection.

Listed below are guidelines for tree protection to be followed during the grading and construction process, and for the continued maintenance of trees.

- (1) All individual stand alone trees to be retained on a site must be marked with orange engineering tape, tied around the trunk of the tree at a height of five (5) feet above the ground.
- (2) The tree protection area (dripline area) of stand alone trees and stands of trees will be marked with standard construction fencing (orange) or four (4) foot silt fence with stakes placed every ten (10) feet.
- (3) If initial development is limited to streets, drainage easements and utilities, a TPP indicating only trees equal to or in excess of ten (10) inches DBH which are to be removed must be submitted. During street and utility construction, the grading permit shall be limited to the area needed for street right-of-way.
- (4) If it is determined that irreparable damage has been done to a tree in a tree protection area, the developer, the builder, and/or owner shall be responsible for the replacement of that tree as provided for in this article under "guidelines for replacement."
- (5) All areas not devoted to structures, access ways, dumpsters, storage, roads, parking lots and natural vegetation shall be landscaped.
- (6) The planning, building, and zoning department may require landscaping in conjunction with the issuance of a building permit not requiring plat or site approval.
- (7) All trees planted in accordance with this article shall be of a species approved by the city.
- (8) The planting of trees to meet the requirements of this article shall be on the front or side of the developed areas and plantings behind a building shall not be counted in determining the minimum requirements of this section unless specifically authorized by the city.
- (9) The care and maintenance of trees shall be the responsibility of the current owner. Trees which become diseased or dysfunctional shall be replaced.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-159. Guidelines for tree replacement.

(a) If the tree preservation requirements of this article make reasonable use of a property impossible or if a tree in a tree protection area is irreparably damaged, the following replacement requirements shall be followed after the construction process is complete.

(1) The trees shall be replaced diameter inch for diameter inch with a minimum of three (3) inch DBH trees of the same species. If the species of the existing tree is unsuitable for replacement [refer to section 8-8-159(b)] or is unavailable, an inch for inch replacement of minimum three (3) inch DBH trees of a suitable species [refer to section 8-8-159(b)] shall be planted.

(2) All trees selected for replacement must be quality specimens free of disease, injury, or infestation, and must be ecologically compatible with the specifically intended growing area [refer to section 8-8-159(b)].

(3) All replacement trees must be planted before a certificate of occupancy is issued or streets and easements will be accepted.

(4) Replacement trees planted shall fall under the maintenance provisions of the City of Forest Park (ADRB Requirements).

(5) Specimen trees shall be replaced with specimen trees and understory trees shall be replaced with understory trees [refer to section 8-8-159(b)].

(6) Where the minimum tree diameter cannot be met due to natural site constraints, the developer or builder shall provide the remaining balance of the required trees for planting on public property.

(b) Trees suitable for replacement trees and unsuitable as replacement trees:

(1) Trees suitable as replacement trees for specimen trees:

TABLE INSET:

Southern Red Oak	Pecan
Northern Red Oak	Hickory
White Oak	Red Maple
Willow Oak	Florida Maple
Southern Red Oak	Pecan
Sourwood	Sugar Maple
Birch	Yellow Birch

(2) Trees suitable for the replacement of understory trees:

TABLE INSET:

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Service Berry	Aristocrat Pear
Crape Myrtle	American Holly
Cherry	Plum
Fringe Tree	Coosa Dogwood
Virginia Pine	Kwanson Cherry
Red Bud	Red Buckeye
Carolina Silver Bell	

Other understory trees may be allowed with the approval of the planning, building, and zoning director, or his designee.

(3) Trees unsuitable for replacement:

TABLE INSET:

Eastern Hemlock	Eastern White Pine
Lombardy Poplar	Mimosa
Norway Pine	Paper Birch
Silver Maple	Spruce
Box Elder	Willow
Royal Paulownia	Tree of Heaven

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-160. Tree harvesting prohibited.

Tree harvesting is not allowed in a residentially zoned area or within one hundred (100) yards of residentially zoned property.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-161. Fees.

(a) All permits and licenses shall be obtained through the business licensing and permits department at city hall and planning, building, and zoning and shall be in accordance with the business license ordinance prior to commencement of any type of operation. A permit of fifty dollars (\$50.00) shall be paid annually by any tree contractor removing a tree or trees.

(b) A plan review of twenty-five dollars (\$25.00) shall be paid at the time of submission of plans for review.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-162. Variances.

The city council may authorize in specific cases such variances from the terms of this article as will not be contrary to the public interest when, due to special conditions:

(1) Granting a variance is determined to be a greater public benefit than the literal enforcement of the ordinance; and

(2) The tree replacement requirements of the ordinance could be met on site but, due to the location of the replacement trees they would not be in keeping with the intent and goals of the tree protection and/or landscaping ordinances of the city.

The affected property owner must make application for the variance request to the city manager no less than fourteen (14) days prior to the next scheduled city council meeting. The variance request shall not be placed on the council agenda if the city manager determines that the request does not meet the variance criteria listed above.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-163. Penalties.

Citation(s) for violation(s) of this article will be issued by the city. The citation shall be returnable to and tried before the environmental court of the city. Any person, firm, or corporation found guilty of violating this article shall upon conviction be fined up to one thousand dollars (\$1,000.00) as described in section 1-1-8 general penalty. Each day such violation remains unresolved to the satisfaction of the city shall be deemed a separate offense. In addition to any imposed fines, the responsible person may be required to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees are at least equal to the measurement of the tree which was removed.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-164. Industrial, commercial, office, and institutional, business park, and multi-family residential landscaping plan required.

Industrial, commercial, office, and institutional, business park, and multi-family developments shall be required to provide a landscaping plan and submit the landscaping plan for review and approval by the planning, building, and zoning director, or his designee, with the submission of the site plan for development approval.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-165. Minimum requirements for trees.

The landscaping plan shall provide a minimum of one (1) specimen tree with a minimum

diameter of two (2) inches and an understory tree with a diameter of two (2) inches for every two thousand (2,000) square feet of impervious surface for which a development permit is sought. All trees must be planted in areas large enough to accommodate a full-grown tree of the species planted.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-166. Minimum requirements for shrubbery.

The landscaping plan shall provide for one (1) bush per five hundred (500) square feet of impervious surface of an industrial, commercial, office, and institutional, business park, and multi-family site.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-167. Minimum requirements for ground cover.

Areas on the site which are not covered by trees and/or shrubbery shall be planted with grass or other ground cover.

Where appropriate, other permeable ground cover, such as mulch and stones, may be used as an alternative to the ground cover listed in this section. However, alternative forms of ground cover must be specifically approved by the mayor and council of the city.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-168. General regulations for landscaped areas.

There are no prescribed criteria for design or formation of the landscaped area. However, it should be consistent with the architectural scheme of the building and surrounding area and should complement the plan for sediment and erosion control of the site.

The requirements of the previous paragraphs shall be in addition to buffer zones and tree protection areas; however, some relief of the above described requirements may be granted, by the mayor and council, for saving existing trees, shrubbery, and ground cover on the site.

Industrial, commercial, office, and institutional, business park, and multi-family sites one (1) acre or less must be landscaped entirely.

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-169. Specifically approved trees, shrubbery, and ground covers.

The following trees, shrubbery, and ground covers are specifically approved; however, developers may, at the discretion of the planning, building, and zoning director and the city manager, substitute other varieties as deemed appropriate.

TREES

TABLE INSET:

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Specimen Trees:	
Southern Red Oak	Pecan
Northern Red Oak	Hickory
White Oak	Red Maple
Willow Oak	Florida Maple
Sourwood	Sugar Maple
Birch	Yellow Birch
Southern Magnolia	Willow
<i>Understory Trees:</i>	
Bradford Pear	Aristocrat Pear
Crape Myrtle	American Holly
Cherry	Plum
Crab Apple	Dogwood
Virginia Pine	Kwanson Cherry

SHRUBBERY

TABLE INSET:

Junipers	Holly
Yoshino Cherry	Ligustrum
Nandina	Azaleas
Privet	Bayberry

GROUND COVER

TABLE INSET:

Ivy	Vinca
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Liriope	Ajuga
Ferns	Euonymus
Cotoneaster	Juniper
Pachysandra	Thrift

(Ord. No. 00-13, § 1, 8-7-2000)

Sec. 8-8-170. Enforcement and penalties.

The foregoing requirements shall be mandatory for all industrial, business park, and multi-family developments constructed in the city.

Failure to provide and adhere to the industrial, commercial, office and institutional, business park, and multi-family landscaping requirements shall be grounds for denial of a building permit for such developments, the issuance of a stop-work order for such developments, the issuance of a certificate of occupancy, or the revocation of the business licenses of the builder and/or tenants of the development.

Furthermore, the maintenance of the landscaping, including the replacement of trees, shrubs, and ground cover, is the sole responsibility of the property owner(s). Upon finding a violation, the code enforcement officer of the city shall notify the property owner(s), in writing, and the owner shall be given thirty (30) calendar days from the date of notification to bring the site into compliance. If the property is in violation after that time, the code enforcement officer shall issue a citation against the property owner(s) of a site in violation with a one thousand dollar (\$1,000.00) maximum fine. Each day the violation continues shall be deemed a separate offense.

(Ord. No. 00-13, § 1, 8-7-2000)

Cross references: Section 1-1-8 general penalty.