

STATE OF GEORGIA

COUNTY OF CHATHAM

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
BLOOMINGDALE, GEORGIA, AS AMENDED, TO ADOPT THE CITY OF
BLOOMINGDALE TREE ORDINANCE; TO REPEAL ALL ORDINANCES IN
CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND
FOR OTHER PURPOSES.**

BE IT ORDAINED by the Mayor and Council of Bloomingdale, Georgia, and it is hereby ordained by the authority thereof that:

The City of Bloomingdale Zoning Ordinance, as amended, is hereby amended by creating the Bloomingdale Tree Ordinance attached hereto as Exhibit "A". The City of Bloomingdale deems it necessary and desirable in the interest of public health, safety and welfare to enact an ordinance for the preservation, planting and replacement of trees and to prevent the indiscriminate removal of trees and reduction of canopy cover within the city.

ADOPTED THIS 6th day of November, 2008.


MS. SANDRA JONES
Clerk of Council

RECEIVED AND APPROVED THIS 6th day of November, 2008.


MR. WAYNE TIPTON
Mayor

Read first time: 11-6-08

Read second time and passed: dispensed with 2nd reading & passed 11-6-08

"EXHIBIT A"

Article XVIII. Tree Ordinance

Sec. 1800. Intent.

The city deems it necessary and desirable in the interest of public health, safety and welfare to enact an ordinance for the preservation, planting and replacement of trees and to prevent the indiscriminate removal of trees and reduction of canopy cover within the city. It is the intent of this article that all site development, residential, commercial, and industrial, be undertaken with a survey of trees on the portion of land proposed for development and the final placement of the buildings, structures, roads, utilities and other features minimizes the removal of significant trees on the property and to recognize the importance in preserving, protecting and planting of trees for:

- (1) Aiding in the prevention of erosion and sedimentation;
- (2) Reducing storm water runoff;
- (3) Aiding in removing carbon dioxide and other harmful contaminants;
- (4) Generating oxygen into the atmosphere; and
- (5) Enhancing the quality of life and welfare for current and future citizens of the city.

Sec. 1801. Definitions.

Buffer. Open space, landscaped areas, natural vegetation or undisturbed areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually shield lights or other nuisances.

DBH. Diameter at breast height is a standard measure of tree size and is a tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then the trunk is measured at its most narrow point beneath the split.

Preferred tree. See list of preferred trees in Section 1830.

Significant tree. Any healthy tree, excluding pine trees and gum trees, with a DBH of 24 inches or larger and Live Oaks with a DBH of 18 inches or larger.

Tree fund. An account, maintained by the finance department of the city, of funds contributed as a form of alternative compliance to the Bloomingdale Tree Ordinance. Funds from the tree fund are to be used solely to fund tree planting and landscaping projects within the city as authorized by the city council or designee.

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 this article.

Sec. 1820. Minimal tree coverage.

(a) Residential tree requirement— a residential lot shall have a minimum of three preferred trees, of which one shall be located in the front of the residence. Existing trees preserved to meet this requirement shall be a minimum of two-inch DBH. All trees preserved on a residential lot must be protected and nurtured until final inspection and approval of improvements by the city building official.

(b) Multi-family, commercial and industrial requirement— the minimum allowable post development tree coverage for all development sites shall be 15 existing trees (excluding pine trees and gum trees), eight-inch diameter at breast height (DBH) and larger per acre developable land (excluding buffers and wetlands). Each tree with a diameter of 24 inches DBH or larger (Live Oak with a DBH of 18 inches or larger) must be designated on the landscape plan and may count as five trees towards meeting the minimum allowable coverage. Each tree with a diameter of 36 inches DBH or larger (Live Oak with 30 inches DBH or larger) must also be designated on the landscape plan and may count as ten trees towards meeting the minimum allowable coverage. Trees which provide credit in excess of one tree shall be assessed by a Georgia Forestry Commission forester, a Georgia registered landscape architect or certified arborist to ensure they are in good health.

Sec. 1825. Significant trees.

While all types of trees are protected under this article, special emphasis is placed on the preservation of large trees and certain more valued species listed in this section. The highest priority shall be given to the preservation of trees with a diameter at breast height (DBH) of 24 inches or larger (Live Oaks with 18 inches or larger), excluding pine trees or gum trees. Removal of these valued trees can only be permitted by the city planning and zoning commission during the site and landscape plan review process. If a significant tree is to be removed, the planting of new trees of the same species, or preferred species if the same species is not available, totaling the same number of inches in diameter will be required. Replacement trees shall have a minimum DBH of two inches.

The destruction or unauthorized removal of a significant tree or substantial damage to a significant tree as determined by a certified arborist may result in the issuance of a stop work order. Work may not commence until such time as a mitigation plan has been reviewed and approved by the city administrator to mitigate the loss of the significant tree.

Sec. 1830. Preferred trees.

The following trees have been identified as the preferred trees for planting. Other trees may be allowed upon approval of the planning and zoning commission. Developments are encouraged to include a variety of tree species to provide diversity, protect from disease, and prevent widespread tree loss in the event of tree blight.

(1) Preferred tree list for residential development— American Holly, Birch, Cypress, Dogwood, Hickory, Live Oak, Magnolia, Maple, Pecan, Sycamore, Walnut, Willow, Drake Elm, Bosque Elm, and Alee Elm.

(2) Preferred tree list for multi-family, commercial, public institutional or industrial development— American Holly, Birch, Cypress, Hickory, Live Oak, Maple, Sycamore, Walnut, Willow, Drake Elm, Bosque Elm, and Alee Elm

Sec. 1832. Replacement.

(a) If site design alternatives cannot achieve the minimum allowable existing tree coverage, or where pre-development tree coverage is less than the prescribed minimum, the developer will be required to plant the minimum required number of hardwood trees no less than two-inch DBH and a minimum height requirement of eight feet. The trees to be planted must be preferred hardwoods that conform to the American Standard for nursery stock. Planted or relocated trees shall be appropriately placed so as to enhance the overall landscaping of the site. All trees planted or relocated on the site must be protected and nurtured until final inspection and approval of improvements by the city building official.

(1) Residential tree replacement. A residential lot shall have a minimum of three preferred trees, of which one shall be located in the front of the residence. All trees planted or relocated on a residential lot must be protected and nurtured until final inspection and approval of improvements by the city building official.

(2) Multi-family, commercial and industrial tree replacement. Any tree required to meet minimum tree coverage requirements that is lost after 12 months of final approval by the city building official shall be replaced with a two and one-half-inch DBH tree of the same type. If a significant tree is lost subsequent to development and before final inspection by the city building official, it shall be replaced according to this section.

(3) Commercial and industrial hardship alternative. Based on the type of development proposed, the planning and zoning commission may provide an option to the developer which enables him to provide less than the required tree coverage. If the provision is granted, the developer would be required to monetarily reimburse the city for the each tree exempted from the planting requirement. This reimbursement shall equal 125 percent of the value of a healthy Live Oak with DBH of six inches. The city will in turn use the money to fund tree planting and landscaping projects on city property.

(b) A two-year tree establishment bond shall be posted with the city after the building official gives an approval of the trees at the final inspection and prior to issuance of the certificate of occupancy. The amount of the bond shall be determined by the planning & zoning commission. Two years after the date of the bond, the building official will inspect the site and make a determination of whether the required trees 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.

Sec. 1834. Parking lot island coverage.

Trees shall be utilized throughout parking areas with no more than 12 parking spaces per 400 square feet of landscaped space. The overall project site must still meet the minimum tree coverage required by this article. A minimum of one preferred tree is required for every 12 parking spaces. All trees planted or preserved on the site must be protected and nurtured until final inspection and approval of improvements by the city building official.

Sec. 1836. Protection zones.

Protection zones shall be established and maintained for each tree preserved on a development site. The area within the tree protection zone must be open and unpaved, except where approved pervious pavers may be utilized or tree aeration systems and tree wells are installed. Building materials, vehicles or tools are not permitted to be stored in such protection zones. The protection zone is defined as a circle with a radius of one foot per one-inch DBH extending outwardly from the tree to be protected or the extent of the drip line, whichever is more restrictive. The protective barrier must not be less than four feet in height, be prominent

visually and erected completely around the protection zone. The use of orange polyethylene safety fencing or a similar material is required as a minimum. For significant trees, the tree protection zone shall be surrounded, at minimum, by four-foot chain link fencing. The barrier must remain in place until the developer has been given permission to take it down by the city building official. Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches which sever tree roots. Those trees designated for preservation as shown on the approved landscape plan or development site plan shall be marked on-site with a bright blue ribbon encircling the trunks of each tree. The construction plan must clearly state the purpose and reasoning for the blue ribbons to prevent any confusion at the site.

Sec. 1838. Planned developments.

In a planned unit development (PUD), as described in appendix A (zoning ordinance) of this Code, silviculture or selective thinning will be allowed subject to the following conditions:

- (1) An approved preliminary plan or master plan is on file with the city's planning and zoning department.
- (2) In those cases where the property has been zoned a PUD under appendix A, article X of this code, with an approved preliminary or master plan, the planning and zoning commission shall review the landscape and tree protection plan on the proposed developed property within the master plan and may, in its discretion, balancing all factors pertaining to design and development of the master plan, grant approval or variances to such plan under the minimum tree coverage requirement. Should the planning and zoning commission and the applicant fail to reach an agreement on the proposed plan or variance to this article, then the terms and conditions of this article shall apply.

Sec. 1840. Special conditions and exceptions.

This article shall apply to all new development, except those that meet the following conditions:

- (1) The active playing area of an 18-hole golf course development, including mowed grass rough, water hazards and driving range and practice putting greens;
- (2) Surface mining, as defined by O.C.G.A. § 12-4-72;
- (3) The construction of a single-family residence when constructed by or under contract with the owner for his own occupancy. The owner of the single-family residence, when occupying such residence, can remove trees for his own use provided future subdividing is not planned;
- (4) Maintenance and utility projects (including utility easements) completed by or in part by the city, the state department of transportation and Georgia Power;
- (5) Those areas used for agriculture and/or silviculture;
- (6) Removal of diseased or infested trees after verification by a Georgia Forestry Commission forester, a Georgia registered landscape architect or certified arborist;
- (7) Trees located in city or state right-of-ways.

Sec. 1842. Landscape plan.

The landscape plan shall be submitted with the site plan for approval by the city's planning and zoning commission before any land-disturbing is to take place. Each phase of the development must include this landscape plan, which, at a minimum, shall include:

- (1) A tree survey showing the minimum tree coverage as set forth in this article, completed by a state registered land surveyor. Such survey shall also show all significant trees to remain and proposed for removal, if applicable. If a portion of the tract is not to be disturbed, then a tree survey is not required on that portion;
- (2) A clearing plan completed by a professional to include civil engineers, land surveyors, architects, or landscape architect, showing the location of significant trees to be removed;
- (3) A tree replacement plan and the method of tree protection to be used;
- (4) Areas of the site to be covered with asphalt or concrete;
- (5) If a residential subdivision, a typical lot layout is required showing the minimum tree requirement of three trees per lot.
- (6) A note on the plan providing adequate water sources for proposed landscaping for at least one year.

Sec. 1844. Emergencies.

In case of emergencies, such as hurricanes, windstorms, floods, freezes, fires or other disasters, the requirements of these regulations may be waived by the city council or designee, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded.

Sec. 1846. Administration and inspection.

This ordinance shall be administered by the city administrator or designee. All inspections shall be conducted by a certified arborist. Inspections shall be conducted during all phases of construction and accompanied by reports to the planning and zoning commission.

Sec. 1848. Review and appeal.

The mayor and city council shall have the right to review the conduct, acts and decision of the planning and zoning commission related to this article. Any person may appeal any decision or recommendation of the planning and zoning commission to the mayor and city council, who may hear the matter and make the final decision.

Sec. 1850. Violation and penalty.

A violation of the provisions of this article shall constitute an ordinance offense, punishable upon warrant directed to the city municipal court, and upon conviction, shall be punished as provided in section 1-11, and in addition thereto, the violator may be enjoined from continuing the violation. Any unauthorized removal of a

protected significant tree, as defined in this article, shall be considered a separate and distinct violation of this article. Each day such violation continues shall be considered a separate offense. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.