



## STAFF REPORT – Text Amendments Public Hearing Date: August 18, 2022 City Council Meeting: September 6, 2022

**Case:** PC-2022-07

**Proposed Request:** Text Amendments

**Staff Report Compiled By:** Caity Chandler

### PROPOSED TEXT AMENDMENTS

The Planning & Community Development Department is proposing two text amendments to the Code of Ordinances. PC-2022-07 (TEXT) includes an update to *Article P. Exterior Finishing Standards and Requirements – Residential Dwellings*. Also included is an update to Article E. Tree Protection Plan.

### BACKGROUND

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a substantially adverse manner. The following text amendments have been proposed:

An update to Article P. Exterior Finishing Standards and Requirements – Residential Dwellings Ordinance Sec. 8-2-160, Section 8-2-161, and 8-2-162 has been proposed. This update creates a standard for residential design. The previous ordinance was not explicit in its requirements, leaving too much room for interpretation. This update will clarify the requirements.

#### ARTICLE P. EXTERIOR FINISHING STANDARDS AND REQUIREMENTS—RESIDENTIAL DWELLINGS

##### **Sec. 8-2-160. Single-family residential dwellings—Exterior construction standards and requirements.**

- (a) *Exterior finishing requirements.* All new construction for single-family residential dwellings in the City of Forest Park, Georgia, whether in a new subdivision or in infill lots in the city, shall have exterior finishing on the front side that is fully constructed of brick, stone, ~~or stucco,~~ cement fiber board, wood siding or similar material approved by the Planning Director. ~~or a combination of thereof.~~
- (b) *Windows, doors, etc.* The requirement in subsection (a) of this section shall not prevent or prohibit the construction of windows, doors, shutters, or similar architectural features, if approved by the city.

- (c) *Prohibited Materials.* Metal siding, vinyl siding, metal canopies and smooth faced concrete masonry units are prohibited.
- (d) *Exceptions.*
  - i. Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
  - ii. Vinyl may be used to replace existing damaged vinyl only.
- (e) *Architectural Design Features.* Each single-family attached and/or detached dwelling unit shall utilize at least four of the following architectural design features:
  - a. Dormers.
  - b. Bay or bow windows.
  - c. Garage setback at least 20 feet behind the facade of the principal structure.
  - d. Side- or rear-entry garage.
  - e. Covered porch entry (covered front porch).
  - f. Transoms and sidelights.
  - g. Off-sets on building face or roof (minimum two feet).
  - h. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
  - i. Columns, pillars, or posts on facade.
  - j. Shutters and other window decorations.
  - k. Arched or Palladian windows.
  - l. Hip and gable roof lines.

(Ord. No. 07-20, § 1, 5-7-2007)

**Sec. 8-2-161. Multifamily residential dwellings and Condominiums—Exterior construction standards and requirements.**

- (a) *Exterior finishing requirements.*
  - i. All new construction for multi-family residential and Condominium dwellings in the City of Forest Park, Georgia, shall have exterior finishing on at least fifty (50) percent of each exterior wall that is constructed of brick, brick veneer, concrete masonry veneer, cemplank shakes, wood shakes, stone, or stucco, or a combination of thereof.
  - ii. Fiber Cement/Cementitious Siding must be 5/16" nominal thickness with a 30-year warranty to be provided by the manufacturer.
  - iii. Natural or manufactured stone.
  - iv. All exterior trim, including fascia and soffits, window and door trim, gable vents, etc. must also be constructed of no or very low maintenance materials. Wood fascia must be covered completely with prefinished aluminum with a minimum thickness

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of .024". Where exterior brick does not extend to an eave line, aluminum flashing shall be installed that extends a minimum of 2" under/behind the above exterior wall surface material and over the outer edge of the brick to prevent water penetration.

- v. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the Zoning Administrator as part of the Plan Book. Any building elevation that is visible from the street must be consistent with the front facades. Structures utilizing a single exterior finish material of brick, stone, or stucco shall be permitted with approval from the Planning Director.
- (b) *Windows, doors, etc.* The requirement in subsection (a) of this section shall not prevent or prohibit the construction of windows, doors, shutters, or similar architectural features, if approved by the city.
- (c) *Prohibited Materials.* Metal siding, vinyl siding, wood siding, and metal canopies units are prohibited.
- (d) *Exceptions.*
  - iii. Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
  - iv. Vinyl may be used to replace existing damaged vinyl only.

(Ord. No. 07-20, § 1, 5-7-2007)

**Sec. 8-2-162. Exterior stucco standards.**

All buildings utilizing stucco exterior finishings pursuant to sections 8-2-160 or 8-2-161 must have 7/16 OSB sheathing or 7/16 Densglass Silver Residential sheathing under the stucco on all exterior walls using stucco. Stucco must be Portland cement-based stucco, installed over wire lathe with ten-pound felt. Porous filters, such as expanded plastic or foam, may not be added to any exterior stucco.

(Ord. No. 07-20, § 1, 5-7-2007)

An update to the Tree Protection Ordinance. The purpose of the update to this Ordinance is to Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the City. The previous ordinance was not explicit in its standards, leaving too much room for interpretation. This update is more specific with its standards.

## **Article E: Tree Protection**

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### **Sec. 8-8-131 Purpose**

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The purpose of this Article is to:

- A. Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the City.
- B. Provide a healthy living environment.
- C. Protect and enhance the aesthetic qualities of the community and reduce the loss of aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
- D. Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the City.
- E. Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest in developed and developing areas of the City and a stable and sustainable rural forest in undeveloped areas.

### **Sec. 8-8-132 Definitions**

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

**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.

**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.

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

**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 who's DBH equals or exceeds twenty-four (24) inches.
2. Any evergreen tree who's DBH equals or exceeds twenty-four (24) inches.
3. Any understory tree who's 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.

#### **Sec. 8-8-133    Applicability**

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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:

- A. Dead, diseased, or infested trees as determined by the Georgia Forestry Commission and/or its local representative(s).
- B. Orchards and tree nurseries in active commercial operation.
- C. 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.

#### **Sec. 8-8-134    Land Vegetation Permit Required**

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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.

- A. **Procedure.** Four (4) copies of a tree protection plan (TPP) must be submitted to the Planning & Community Development Director, or his/her 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/her 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 & Community Development Director, or his/her designee, development plan and plats can be forwarded for review, of the land and vegetation disturbance permit can be issued.

- B. **Compliance.** It is the responsibility of the Planning & Community Development Director, or his/her 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

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the responsibility of the Planning & Community Development Director, or his/her 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.

- C. **Appeal procedure.** Any applicant for a land and vegetation disturbance permit who is aggrieved by any decision of the Planning & Community Development Director, or his/her 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 & Community Development Director, or his/her designee.

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**Sec. 8-8-135 Tree Protection Requirements**

Property subject to the Forest Park Tree Protection Ordinance shall retain a minimum of twenty (20) percent existing tree caliper inches on site. Trees that fulfill this preservation requirement shall be exclusive of the required buffer areas. The twenty (20) percent density requirement shall be met by the following:

- A. Twenty (20) percent of all existing trees at 10" DBH and larger shall be preserved.
- B. Existing trees to be preserved not included in A above shall be calculated as one (1) caliper inch for every five (5) caliper inches preserved.
- C. If the twenty (20) percent tree density cannot be met through A and B above, then refer to sec. 8-8-137, Guidelines for Tree Replacement.

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**Sec. 8-8-136 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:

- A. All individual standalone 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.
- B. The tree protection area (dripline area) of standalone 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.
- C. 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.

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- D. 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 Tree Replacement.
  - E. All areas not devoted to structures, access ways, dumpsters, storage, roads, parking lots, and natural vegetation shall be landscaped.
  - F. The Planning & Community Development Department may require landscaping in conjunction with the issuance of a building permit not requiring plat or site approval.
  - G. All trees planted in accordance with this Article shall be of a species approved by the City.
  - H. 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.

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**Sec. 8-8-137 Guidelines for Tree Replacement**

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- 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, as identified in Section 8-8-137(B), or is unavailable, an inch for inch replacement of minimum three (3) inch DBH trees of a suitable species, as identified in Section 8-8-137(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 as identified in Section 8-8-137(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 Urban Design Review Board, as identified in Section Sec. 8-8-161, Design Approval Procedures
  - 5. Specimen trees shall be replaced with specimen trees and understory trees shall be replaced with understory trees as identified in Section 8-8-137(B).
  - 6. Where the minimum twenty (20) percent tree density 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. Alternative compliance.
  - a) Overview. In those instances where the available land within a project site cannot bear the total number of canopy and/or understory trees required by this ordinance, the city hereby establishes an alternative compliance program. Alternative compliance



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shall be limited to either an off-site planting program or a contribution to the city's tree bank fund as described herein and in Section 86.56.

- (b) Consideration of alternative compliance shall adhere to the following guidelines:
- (1) All canopy and understory trees that can reasonably be planted on a project site shall be provided. The remaining trees shall be considered for alternative compliance.
  - (2) In no instance shall more than 50 percent of the canopy and understory trees required by this ordinance be met through alternative compliance.
  - (3) Requests for alternative compliance shall be considered as a part of the established landscape plan review process.
- (c) Off-site planting program. Off-site planting provides an opportunity to utilize canopy and understory trees to re-vegetate city-owned property, open space, recreation facilities and road rights-of-way. Off-site plantings shall be permitted on city-owned property only. Locations for off-site plantings and species of trees shall be identified by the planning and development director or his/her designee prior to preparation of the off-site planting plan.

Off-site planting shall be considered in accordance with the following guidelines:

- (1) An off-site planting plan shall be provided as a part of the landscape plan submittal package, and shall include, at a minimum, the location, species and size of all trees proposed to meet the established tree replacement requirements.
- (2) The landscape plan and the off-site planting plan shall be reviewed and approved by the planning and development director or his/her designee and the planning commission as a part of the landscape plan approval process.
- (3) Off-site plantings shall be installed in accordance with current American National Standards Institute (ANSI) guidelines and procedures.
- (4) The applicant shall guarantee all off-site plantings in accordance with the maintenance criteria and plant guarantee requirements identified herein.
- (5) All off-site plantings shall be installed and approved by the planning and development director or his/her designee prior to the issuance of a certificate of occupancy as described herein.
- (6) The following note shall be provided on the approved off-site planting plan:

The plant material identified on this plan was approved by the planning and development director or his/her designee and the planning commission in accordance with the city's off-site planting program. Along with the approved landscape plan, it is understood this off-site planting fulfills the tree replacement requirements for the \_\_\_\_\_ development located at \_\_\_\_\_ as established by the city's landscape ordinance. This off-site planting plan shall be attached to the approved landscape plan and shall be maintained by the planning and development director or his/her designee.

d) Tree Bank Fund.

Contributions to the City’s Tree Replacement Fund shall be considered in accordance with the following guidelines:

The intent of this chapter is to ensure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. In this case, the community development director may approve a contribution to the city's tree replacement fund.

The following standards have been established for administering these contributions:

- (1) The director of Planning and Community Development must review and approve all requests for alternative compliance.
- (2) In no instance shall more than fifty (50) percent of the required site density be met through alternative compliance.
- (3) As many trees as can reasonably be expected to survive must be planted on the site in question. This may require planting fewer trees of a larger caliper than the minimum required caliper.
- (4) A permit shall not be issued until the required contribution has been made to the tree replacement fund or until other agreed upon terms with the City of Forest Park have been satisfied.
- (5) Tree replacement cost estimates obtained from three landscape contractors must be provided to the City of Forest Park for approval. The tree replacement cost will be based on an average of the three estimates plus ten (10) percent. The required replacement fee shall be one hundred (100) percent of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements.
- (6) The tree bank fund shall be used for purchasing, planting and maintaining trees on public property. Funds may be used to purchase forested greenspace or conducting courses on tree management and similar topics. Funds may also be used for the creation of landscape plans involving the planting of trees and landscape material on public property.

C. Trees suitable for replacement trees and unsuitable as replacement trees:

1. Trees suitable as replacement trees for specimen trees:

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

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Sourwood	Sugar Maple

2. Trees suitable for the replacement of understory trees:

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

3. Trees unsuitable for replacement:

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

**Sec. 8-8-138 Tree Harvesting**

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

**Sec. 8-8-139 Fees**

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All permits and licenses shall be obtained through the Planning & Community Development Department 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.

**Sec. 8-8-140 Variances**

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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:

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- A. Granting a variance is determined to be a greater public benefit than the literal enforcement of the ordinance; and
  - B. 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 Standards Section 8-8-89 of the City.

The affected property owner must make application for the variance request to the Planning & Community Development Director 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.

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**Sec. 8-8-141 Penalties**

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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.

**Sec. 8-8-142 – 8-8-157 Reserved**

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