

STAFF REPORT – Text Amendments
Public Hearing Date: December 19, 2024
City Council Meeting: January 6, 2025

Case: TA-2024-11

Proposed Request: Text Amendments to The City of Forest Park Zoning Code of Ordinance

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Staff Recommendation: Approval to amend Zoning Ordinance

PROPOSED TEXT AMENDMENTS

1. The Planning & Community Development Department is proposing a text amendment to the Code of Ordinances. Case # TA-2024-11 includes an amendment to Title 8. – Planning and Development, Chapter 8. Zoning, Article E. – Tree Protection, of the City of Forest Park Code of Ordinances to amend such section, adding section 8-8-142 Tree Bank Ordinance.

BACKGROUND

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity and formal processes. 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 an adverse manner.

The following text amendments have been proposed:

1. An amendment to Title 8. – Planning and Development, Chapter 8. Zoning, Article E. – Tree Protection, of the City of Forest Park Code of Ordinances to amend such section, adding section 8-8-142 Tree Bank Ordinance.

This update promotes environmental sustainability, enhances urban greenery, and mitigates the loss of trees due to development. A tree bank allows developers to offset tree removal by contributing to a fund dedicated to tree planting and maintenance in other areas, ensuring that the community continues to benefit from tree cover. This approach helps improve air quality, manage stormwater, and preserve biodiversity, while also fostering compliance with environmental regulations.

ARTICLE E. TREE PROTECTION

Section 8-8-142 Tree Bank Ordinance.

1. ***CREATION OF THE TREE BANK FUND***

1.1. Establishment of Fund: *There is hereby established a Tree Bank Fund (the “Fund”) for the City of Forest Park, Georgia, which shall be used to acquire, plant, and maintain trees on public properties or in areas designated by the City, including parks, green spaces, and rights-of-way.*

1.2. Fund Sources: *The Fund shall receive contributions from:*

- a) Fees paid by developers in lieu of planting or replacing trees on development sites as part of land use or building permit requirements.*
- b) Grants, donations, or other contributions from individuals, businesses, or organizations for tree-related activities.*
- c) City budget allocations, if applicable, for tree planting and environmental sustainability projects.*

1.3. Fund Administration: *The Fund shall be administered by the City’s Department of Public Works or another designated city agency. The designated agency shall have the authority to use the Fund for the purposes set forth in this ordinance, including paying for tree planting, maintenance, and associated costs, as well as other tree-related projects.*

2. APPLICABILITY

applicability aims to balance development with environmental sustainability, ensuring that trees are planted where possible while allowing flexibility through tree banking contributions where necessary.

2.1. Staff Review Process: *In the initial phase of development, City Planning and Community Development staff will review the project for tree banking during key stages of the development process, particularly during the predevelopment application meeting in which staff will review site plans or development permit application prior to submission to decide if applicant will be required to plant trees per landscaping standards ([section. 8-8-89](#)) or donate to tree fund. The review will focus on the following:*

- a) Tree Assessment and Inventory*
 - i. A review of existing trees on the site, identifying trees for preservation, removal, and new planting.*
 - ii. Determining if the removal of trees is necessary for the project and ensuring compliance with local tree protection ordinances.*
- b) Compliance with Landscape Standards*
 - i. Assessing if the project complies with the landscaping standards, which specifies minimum tree planting requirements based on the size of the site, its location, and the intended land use.*
 - ii. Ensuring that the species and sizes of trees to be planted meet the standards outlined in [section. 8-8-89](#).*
- c) Feasibility of On-Site Tree Planting*
 - i. Evaluating the feasibility of planting trees on-site given the constraints of the project (e.g., space limitations, soil conditions, and the urban environment).*
 - ii. If adequate space for tree planting cannot be provided, staff will consider alternative options such as donating to the tree fund or contributing to other environmental sustainability efforts.*
- d) Hybrid Approach*
 - i. In some cases, a combination of on-site tree planting and tree fund contributions may be required. This approach is typically used when there is limited space on-site, but planting some trees is still possible.*

2.2. Circumstances for Staff Review:

- a) Residential Development: For both new homes and multi-family developments, tree planting or contributions to the tree fund will be required based on the number of units and the size of the property.*
- b) Commercial and Mixed-Use Development: Projects such as office buildings, retail developments, or mixed-use spaces will also undergo review to determine if adequate space is available for tree planting or if a tree fund donation is necessary.*

- c) *Redevelopment Projects: Projects involving the renovation or expansion of existing buildings may have different criteria depending on the extent of land alteration and available space for new trees.*
- d) *Public or Government Projects: Government-led initiatives will follow the same criteria but may also be evaluated for opportunities to enhance public green spaces with tree planting or donations.*

2.3 Implementation:

- a) *Notification and Compliance: Applicants will be notified during the review process about the specific requirements for tree planting or the donation to the tree fund. All decisions will be based on compliance with local tree protection laws, site feasibility, and project design.*
- b) *Monitoring and Enforcement: Staff will monitor compliance during the construction phase to ensure that trees are planted as required, or tree fund donations are made as agreed upon.*

3. FEES IN LIEU OF TREE PLANTING

3.1. Fee Requirement: *When a development project or land-disturbing activity results in the removal of trees, and the developer is unable to replace the removed trees on-site due to space limitations or other reasons, the developer may pay a fee into the Tree Bank Fund. The amount of the fee shall be determined according to the following criteria:*

- a) *The number, size, and type of trees removed.*
- b) *The cost of planting and maintaining a comparable number of trees in public spaces or other locations is determined by the City.*
- c) *Trees will be planted based upon city landscaping standards ([section. 8-8-89](#) 1a., 1d., 1e.)*

3.2. Fee Calculation: *The fee shall be based on an evaluation of the project’s environmental impact, determined by the City’s Tree Ordinance Guidelines or other applicable regulations. Fees may be adjusted annually to reflect inflation or changes in the costs of planting and maintaining trees.*

3.3. Use of Fees: *Fees paid into the Fund shall be used exclusively for the planting, establishment, maintenance, and care of trees within the City of Forest Park’s public spaces, rights-of-way, or other designated areas as determined by the City Council.*

4. TREE PLANTING AND MAINTENANCE

4.1. Selection of Planting Sites: *The City shall identify and prioritize areas for tree planting, with a focus on:*

- a) *Public parks and recreational areas.*
- b) *Streets, rights-of-way, and medians.*
- c) *Areas impacted by development or tree loss.*
- d) *Private property along the right-of-way.*
 - i. *Any developer who plans to plant street trees, will follow standards as outlined within the Sidewalk and street tree standards ([section 8-8-88](#) (d)).*

4.2. Species Selection: *The City shall select tree species for planting based on the local climate, soil conditions, and aesthetic considerations, and prioritize native species or those that provide significant ecological or environmental benefits.*

4.3. Ongoing Maintenance: *Trees planted through the Tree Bank Fund shall be maintained by the City or its designated contractors. Maintenance shall include watering, pruning, pest management, and other necessary activities to ensure the long-term health and survival of the trees.*

4.4. Monitoring and Reporting: *The City shall maintain records of tree planting activities funded through the Tree Bank and report annually on the status of the Fund, including the number of trees planted, locations, and any challenges encountered in the planting and maintenance process.*

5. ENFORCEMENT AND PENALTIES

*5.1. **Compliance:** Developers, contractors, and property owners must comply with the tree preservation and replacement requirements set forth in the City's Planning and Development Ordinance, Failure to do so may result in the assessment of additional fees or penalties.*

*5.2. **Penalty for Non-Payment of Fees:** Failure to pay the required tree bank fee in lieu of planting shall be subject to penalties, including interest charges or the withholding of building permits or other approvals until payment is made in full.*