

STATE OF GEORGIA  
COUNTY OF CLAYTON

**ORDINANCE 2025-\_\_\_\_\_**

1 AN ORDINANCE BY MAYOR ANGELYNE BUTLER AND COUNCILMEMBERS  
2 KIMBERLY JAMES, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN  
3 MEARS OF THE CITY OF FOREST PARK, GEORGIA TO AMEND THE CITY’S CODE OF  
4 ORDINANCES BY ADOPTING SECTION 8-8-142 (TREE BANK) WITHIN ARTICLE E  
5 (TREE PROTECTION), CHAPTER 8 (ZONING), TITLE 8 (PLANNING AND  
6 DEVELOPMENT); TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE  
7 DATE; AND FOR OTHER LAWFUL PURPOSES.

8 **WHEREAS**, the duly elected governing authority of the City of Forest Park, Georgia  
9 (“City”) is the Mayor and Council thereof; and

10 **WHEREAS**, these changes adhere to all zoning procedures as well as notice and hearing  
11 requirements pursuant to O.C.G.A. § 36-66-1, *et seq.*; and

12 **WHEREAS**, the City Council desires to establish a tree bank fund to balance development  
13 with environmental sustainability, ensuring that trees are planted where possible while allowing  
14 flexibility through tree banking contributions where necessary; and

15 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals,  
16 and welfare of the citizens of the City.

17 **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Forest  
18 Park, Georgia, and by the authority thereof:

19 **Section 1.** Title 8 (“Planning and Development”), Chapter 8 (“Zoning”), Article E (“Tree  
20 Protection”) in the City’s Code of Ordinances is hereby amended by adopting Section 8-8-142

21 (“Tree Banking”) to be read and codified as set forth in **Exhibit A** attached hereto and incorporated  
22 herein.

23 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
24 incorporated by reference as if fully set out herein.

25 **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the  
26 State of Georgia and the City of Forest Park.

27 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
28 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
29 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

30 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
31 extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this  
32 Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this  
33 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
34 greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance  
35 is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this  
36 Ordinance.

37 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
38 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable  
39 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
40 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
41 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
42 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
43 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

44 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
45 effect.

46 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
47 repealed.

48 **Section 6.** This ordinance shall become effective immediately upon its adoption by the  
49 Mayor and City Council of the City of Forest Park as provided in the City Charter.

50 **Section 7.** The City Clerk, with the concurrence of the City Attorney, authorized to correct  
51 any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

52 **SO ORDAINED** this 6th day of January 2025.

**CITY OF FOREST PARK, GEORGIA**

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Angelyne Butler, Mayor

**ATTEST:**

\_\_\_\_\_  
*City Clerk* (SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*City Attorney*

**EXHIBIT A**

53 TITLE 8 – PLANNING AND DEVELOPMENT

54 [...]

55 CHAPTER 8. – ZONING

56 [...]

57 ARTICLE E. – TREE PROTECTION

58 [...]

59 Section 8-8-142. - Tree Banking.

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

64 (1) *Mission of the Fund.* The Fund aims to balance development with environmental  
65 sustainability, ensuring that trees are planted where possible while allowing  
66 flexibility through tree banking contributions where necessary.

67 (2) *Tree Bank Fund Contributions.* The Fund shall receive contributions from (i) fees  
68 paid by developers in lieu of planting or replacing trees on development sites as part  
69 of land use or building permit requirements; (ii) grants, donations, or other  
70 contributions from individuals, businesses, or organizations for tree-related activities;  
71 and (iii) city budget allocations, if applicable, for tree planting and environmental  
72 sustainability projects.

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

78 (b) *Tree Banking Procedure and Process.* In the initial phase of development, City Planning  
79 and Community Development staff will review the project for tree banking during key  
80 stages of the development process, particularly during the predevelopment application  
81 meeting in which staff will review site plans or development permit application prior to

82 submission to decide if applicant will be required to plant trees per landscaping standards  
83 in section 8-8-89 or donate to tree fund. Applicants shall be notified during the review  
84 process about the specific requirements for tree planting or the donation to the Fund. All  
85 decisions shall be based on compliance with local tree protection laws, site feasibility, and  
86 project design. Staff shall monitor compliance during the construction phase to ensure that  
87 trees are planted as required, or Fund donations are made as agreed upon.

88 (1) The city review will focus on the following:

89 a. A review of existing trees on the site will occur to identify trees for preservation,  
90 removal, and new planting.

91 b. An assessment if the project complies with the landscaping standards in section  
92 8-8-89.

93 c. An evaluation of the feasibility of planting trees on-site given project  
94 constraints (i.e., space limitations, soil conditions, environment, etc.) If  
95 adequate space for tree planting cannot be provided, staff may consider  
96 alternative options such as donating to the tree fund or contributing to other  
97 environmental sustainability efforts.

98 d. In some cases, a combination of on-site tree planting and tree fund contributions  
99 may be required. This hybrid approach is typically used when there is limited  
100 space on-site, but planting some trees is still possible.

101 (2) Circumstances for city review will be based on the following:

102 a. *Residential Development.* For both new homes and multi-family  
103 developments, tree planting or contributions to the tree fund will be required  
104 based on the number of units and the size of the property.

105 b. *Commercial and Mixed-Use Development.* Projects such as office  
106 buildings, retail developments, or mixed-use spaces will also undergo  
107 review to determine if adequate space is available for tree planting or if a  
108 tree fund donation is necessary.

109 c. *Redevelopment Projects.* Projects involving the renovation or expansion of  
110 existing buildings may have different criteria depending on the extent of  
111 land alteration and available space for new trees.

112 d. *Public Projects.* Government-led initiatives will follow the same criteria but  
113 may also be evaluated for opportunities to enhance public green spaces with  
114 tree planting or donations.

115 (c) *Fees in lieu of tree planting.* When a development project or land-disturbing activity  
116 results in the removal of trees, and the developer is unable to replace the removed trees  
117 on-site due to space limitations or other reasons, the developer may pay a fee into the  
118 Fund. Fees paid into the Fund shall be used exclusively for the planting, establishment,  
119 maintenance, and care of trees within the City’s public spaces, rights-of-way, or other  
120 designated areas as determined by the City Council.

121 (1) *Fee Calculation.* The amount of the fee shall be determined according to the  
122 following criteria: (i) the number, size, and type of trees removed; (ii) the cost of  
123 planting and maintaining a comparable number of trees in public spaces or other  
124 locations is determined by the city; and (iii) landscaping standards within section  
125 8-8-89 and overall environmental impact determined by the City and other  
126 applicable regulations. Fees may be adjusted annually to reflect inflation or  
127 changes in the costs of planting and maintaining trees.

128 (d) *Tree planting and maintenance.*

129 (1) *Selection of Planting Sites.* The City shall identify and prioritize areas for tree  
130 planting, with a focus on (i) public parks and recreational areas; (ii) streets, rights-  
131 of-way, and medians; (iii) areas impacted by development or tree loss; and (iv)  
132 private property along the right-of-way. Any developer who plans to plant street  
133 trees, will follow standards as outlined within the Sidewalk and street tree  
134 standards in section 8-8-88(d).

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

138 (3) *Maintenance.* Trees planted through the Fund shall be maintained by the City or  
139 its designated contractors. Maintenance shall include watering, pruning, pest  
140 management, and other necessary activities to ensure the long-term health and  
141 survival of the trees.

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

146 (e) *Enforcement and Penalties.*

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

151 (2) *Penalty for Non-Payment of Fees.* Failure to pay the required tree bank fee in lieu  
152 of planting may be subject to penalties as determined by section 1-1-8.