

**AN ORDINANCE TO AMEND ARTICLE XI OF THE PEACHTREE  
CITY LAND DEVELOPMENT ORDINANCE BY ADDING SECTIONS  
1112 THROUGH 1119 TO BE KNOWN AS THE "TREE PRESERATION  
ORDINANCE".**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article XI, Section 1112 through 1119 be added to the Land Development Ordinance to read as follows:

**TREE PRESERVATION ORDINANCE**

**Section 1112. PURPOSE.**

The purpose of this ordinance is to protect, through proper care and policy, the existing urban forest in Peachtree City, Georgia by regulating and controlling the planting, preservation and replacement of trees and shrubbery on Public Lands within the City, thereby maintaining and enhancing the quality of life for which Peachtree City, Georgia is noted; to reconfirm that the Public Lands of this City and all trees and other woody vegetation thereon are and shall remain the sole and exclusive property of all of the citizens of this community for their use and enjoyment; to preserve and protect said Public Lands and vegetation from destruction, damage, conversion, or abuse for the benefit of ourselves and future generations; to encourage the citizens of the community to preserve and respect our urban forests and to encourage the replacement of trees on Public and Private Lands in order to maintain this valuable resource as an integral part of this community's environment.

**Section 1113. DEFINITIONS.**

(a) Administrative Guidelines. The written Guidelines incorporated into this Ordinance by reference, as may be adopted, amended, altered or revised hereafter which constitutes the rules for implementation of this ordinance.

(b) Board of Adjustments and Appeals. That body established and appointed by the City Council of Peachtree City for the purpose of hearing and deciding appeals to the administration of certain City development codes and ordinances.

(c) City. The City of Peachtree City, a municipal corporation wholly located within Fayette County, Georgia.

(d) Landscape Plan. A written plan with drawings by the applicant or his agent with details of tree locations, tree removals, and tree replanting, with each tree designated as to species or common name on each parcel to be developed. Plan shall comply with this tree ordinance and administrative guidelines.

**(e) Major Thoroughfares. For the purposes of this Ordinance the following streets in Peachtree City are classified as major thoroughfares:**

**Aberdeen Drive**  
**Braelinn Road**

**Cameron Trail**  
**Crosstown Drive**

**Dividend Drive**  
**Ebenezer Road**

Fishers Luck  
Flat Creek Road  
GA Highway 54  
GA Highway 74  
Georgian Park  
Holly Grove Road  
Huddleston Road  
Kedron Drive  
Kelly Drive

Kelly Green  
Line Creek Parkway  
Log House Road  
McIntosh Trail  
Northlake Drive  
Old GA Highway 74  
(Senoia Road)  
Paschall Road  
Peachtree Parkway

Riley Parkway  
Robinson Road  
Rockaway Road  
Stevens Entry  
TDK Boulevard  
Walt Banks Road  
Windgate Road  
Wisdom Road

(f) Permit. That written authorization or certificate issued by the Building Official or his authorized agent to allow an applicant to plant, cut, prune, or remove trees on public property (not to be confused with a business license to perform such operations on a contract basis).

(g) Person. Any person, firm, corporation, or other legal entity including public entities other than the City of Peachtree City or any department thereof.

(h) Private Lands. All real properties lying within the city limits of Peachtree City, Georgia less and except lands hereinafter designated and defined as "Public Lands."

(i) Public Lands. The rights of way of all ~~City streets~~ major thoroughfares within the City, all other lands owned by the City except for the rights-of-way of minor residential streets, and all lands to which the public has free access.

(j) Replacement Trees. Trees that are planted pursuant to this Ordinance to replace trees that are removed for any reason.

**(k) 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.**

(l) Tree. A self-supporting woody plant having one (1) or more well-defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten (10 feet), and a trunk diameter of at least two (2) inches measured at a point four (4) feet above the ground.

(m) Tree Board. That body established by this ordinance and appointed by the City Council of Peachtree City, Georgia.

(n) Tree Protection. Barriers constructed around trees at construction sites sufficient to prevent damage or injury to tree trunks, limbs, and roots.

#### Section 1114. CREATION AND ESTABLISHMENT OF A TREE BOARD.

There is hereby created and established a Tree Board for the City of Peachtree City, Georgia ("Tree Board") which shall consist of the following:

1. The President of Peachtree City Beautification Committee, or a designee;
2. The City Director of Public Services, or a designee;
3. The City Superintendent of Public Works;

4. The City Planner;
5. The City Public Information Specialist; and
6. A maximum of five (5) citizens appointed biannually by the Mayor.

(A). COMPENSATION - Members of the Tree Board shall serve without compensation.

(B). DUTIES AND RESPONSIBILITIES - It shall be the responsibility of the Tree Board to study, develop, update and administer a written plan for disposition of trees and shrubs on Public Lands within the City. Such plan shall be presented annually to the Mayor and City Council and upon their acceptance and approval shall constitute the Administrative Guidelines for tree preservation and planting within the City. The Tree Board shall also examine plans submitted pursuant to the Administrative Guidelines and monitor compliance therewith. The Tree Board, when requested by the Mayor and City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Any person dissatisfied with a decision of the Tree Board shall have the right, upon proper notice to the Tree Board, to request a hearing before the City Board of Adjustments and Appeals. This Board has been designated by the City Council as the final arbiter as to the interpretation and application of this Ordinance and Administrative Guidelines.

(C). OPERATION - The Tree Board shall elect a Chairperson, a Vice-Chairperson and a Secretary. The Secretary shall maintain official minutes of all meetings and proceedings. The Board shall meet as often as necessary in regular or special meetings. Meetings shall be called and conducted in accordance with the Georgia Open Meetings Law and minutes shall be maintained in accordance with the Georgia Open Records Law. A majority of active members shall be a quorum for the transaction of business.

#### Section 1115. ADMINISTRATIVE GUIDELINES.

The Tree Board shall be responsible for preparing, approving and administering a set of Administrative Guidelines for Tree Preservation and Planting within the City of Peachtree City. Said Administrative Guidelines shall provide for the preservation and planting of trees on Public Lands within the City of Peachtree City and all matters relating thereto including, but not limited to, the requirements for planting and maintaining trees within the City, limitations on paving Public Lands for driveways or parking, use of pesticides, and applications for grading, building and change of use, permitting, and development and similar matters affecting Peachtree City's urban forest. The Administrative Guidelines, when approved as provided for herein, shall be considered as a part of this ordinance and be enforceable as such. Upon the failure of the Tree Board to submit to the Mayor and City Council a new set of Administrative Guidelines by March 1 of each year, the existing Administrative Guidelines shall be considered as the guidelines for the current year.

Funding for the Tree Plan shall be included as a line item in the City of Peachtree City's 5-year Public Improvement Plan, which is approved annually by the City Council.

#### Section 1116. PERMITS REQUIRED.

A permit must be obtained from the City before any person, corporation, or association removes, destroys, cuts, sprays, prunes, or plants any tree on Public Land or performs any work or function which results in disturbing, digging into, compacting or displacing said property, or contracts with

another person or corporation to perform such acts. Cutting is defined as the removal or cutting back of limbs from trees or shrubs.

Such permit shall be in addition to all other permits, authorizations, and procedures required by law for work within or along public lands. A written plan for the planting, pruning, cutting, removal or spraying of trees or trenching on Public Lands must be submitted to the City Planner prior to any work being performed. All such plans shall conform to the Administrative Guidelines. Failure to submit such a plan and/or commencing work on Public Lands without the aforesaid permit shall be considered a violation of this Ordinance. If the plan, as submitted, shall be approved by the City Planner, the Building Official or his designee shall issue the permit. Any application for a permit that is not denied in writing within ten (10) business days of its submission shall be deemed to be granted. The City may impose such permit fees as approved from time to time by the Mayor and City Council.

Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions should be reported to the City for corrective action. Likewise, it shall be a violation of this ordinance for any person to attach to any tree on Public Land any rope, wire, chain, sign or other device whatsoever.

Individual permits shall be required for the City of Peachtree City, licensed public utilities, or the Georgia Department of Transportation, in accordance with the preservation and protection requirements contained in this Ordinance and the Administrative Guidelines. Public and private utilities, which maintain and install overhead and underground utilities, including CATV, water, sewer, etc., shall be required to accomplish all such work on Public Lands subject to this Ordinance and Administrative Guidelines to ensure proper pruning and cutting of trees, including roots.

#### Section 1117. ADMINISTRATIVE REVIEW

Any person may appeal any adverse ruling or order of the Building Official to the Tree Board, who shall hear the matter and make a final decision. Any ruling not appealed within ten (10) business days shall be deemed final.

Any person may appeal any decision of the Tree Board to the Board of Adjustments and Appeals, provided such appeal is made within ten (10) business days of the decision being appealed.

Appeals to the Board of Adjustments and Appeals shall be in writing and shall set forth in sufficient detail the ruling objected to and the basis for objection. Appeal hearings shall be conducted in accordance with the policies and procedures established for the operation of the Board.

#### Section 1118. ENFORCEMENT.

The Peachtree City Code Enforcement Officer shall have primary responsibility for enforcing this Ordinance. Violation of the provisions of this ordinance shall be an offense against the City and punishable in the manner provided therefore below by citation to the Municipal Court under Ordinance 1-8. In addition to any fine imposed, any person or firm violating the same shall:

(A). Upon the first offense, replant and maintain for a minimum of one (1) year from the date of installation, trees at the same site equal in size to two (2) times the tree (s) removed, measured at a point four (4) feet above ground.

ADMINISTRATIVE GUIDELINES FOR TREE PRESERVATION  
IN THE CITY OF PEACHTREE CITY, GEORGIA

Section 1. TREE SPECIES TO BE PLANTED.

The following list constitutes the recommended tree species for City of Peachtree City, Georgia. Trees included on this list may be planted on Public Lands pursuant to a work permit as provided in Section 4 of these Guidelines. Other varieties may likewise be approved by the Tree Board.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
Crabapple (flowering)	Honeylocust (thornless)	London Plane
Golden Rain Tree	Cherry (flowering)	Sugar Maple
Callery Pear	English Oak	Willow Oak
Star Magnolia	Red Oak	Sycamore
Redbud	Yellow Poplar	Red Maple
Purpleleaf Plum	River Birch	Sawtooth Oak
Dogwood	Chinese Elm	White Oak
Crape Myrtle	American Hornbeam	Black Tupelo
Saucer Magnolia	Mountain Ash	Southern Magnolia
Wax Myrtle	Sourwood	Bald Cypress
Washington Hawthorn	Double Flowering Peach	American Beech
Nellie Stevens Holly	Serviceberry	Pin Oak
Lace Bark Elm	Zelkova	Scarlet Oak
Smoketree	American Holly	Trident Maple
Yaupon Holly	Yoshino Cherry	October Glory Maple

Section 2. SPACING.

When the intent of replanting trees is to renaturalize public land, the spacing of trees will be in accordance with the three (3) size classes listed above. Small Trees, 10-15 feet; Medium Trees, 20-40 feet; and Large Trees, 30-50 feet; unless otherwise approved by the Building Official.

When the intent of planting trees is to achieve a formal landscape, a landscape plan indicating tree spacing shall be submitted to the Building Official for approval, and may require the additional approval from the City Landscape Architect.

Section 3. DISTANCE FROM STREETS, SIDEWALKS AND PATHS.

Unless otherwise approved by the Building Official, trees shall be planted a minimum of 12 feet from all streets, a minimum of 6 feet from all sidewalks, and a distance from the pavement edge on the city's recreational paths in accordance with the three (3) size classes listed above, with no tree planted closer to the pavement edge of the path than the following: Small trees, 3 feet; Medium Trees, 4 feet; and Large Trees, 6 feet.

#### Section 4. DISTANCE FROM STREET CORNERS, FIRE HYDRANTS AND UTILITY BOXES.

No Street Tree shall be planted closer than 25 feet from any street corner, measured from the point of nearest intersecting rights of way. No tree shall be planted closer than 10 feet from any fire hydrant. No tree shall be planted closer than 6 feet from any utility box.

#### Section 5. UTILITIES.

Unless otherwise approved by the Building Official, no trees shall be planted within a utility easement, including sanitary sewer, storm sewer, and drainage easements. The person planting trees or doing any other work as herein described on Public Lands shall be responsible for determining in advance the location of all underground utilities in the immediate area, including compliance with the "Call Before You Dig Law." When the permitted work is performed, care shall be taken to avoid damaging or breaking any underground or above ground utility lines. If damage is done to any utility line, the person to whom the permit was issued shall be solely responsible for its repair. No tree shall be planted under or near overhead utility lines which will, when fully grown and mature, conflict with those overhead lines and as a consequence require pruning.

#### Section 6. MINIMUM REQUIREMENTS FOR PLANTING.

Unless otherwise approved by the Building Official, plans for planting required by the Tree Ordinance shall provide for:

(A). Planting holes which are two (2) times the diameter of the root ball or container and one and one-quarter (1 1/4) the depth of the root ball or container height;

(B). Trees staked if less than two (2) inches caliper, measured at a point four (4) feet above ground

(C). Planting surrounded by a two (2) inch soil saucer at the ground line and covered with a minimum of two (2) inches of mulch or appropriate landscaping material;

(D). The mature size or species shall be considered and in no case shall planting be closer than 30 feet for large trees, 20 feet for medium size trees, and thirty 10 feet for small trees. Species selected shall be from the list contained in this Ordinance and found to be adaptable, environmentally suitable to the region and in keeping with good landscape and architectural principles.

#### Section 7. PUBLIC TREE CARE.

The City may plant, prune, maintain, and remove trees, shrubs, or other plantings on Public Lands, as necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such Public Lands.

The City shall remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is damaging sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pests. This Section does not prohibit the planting of trees by adjacent property owners providing that the selection and location of said trees is in accordance with these guidelines.

(B). For the second offense, and thereafter, by the same party, said party shall be required to plant and maintain for three (3) years trees equal in size to three times the tree (s) removed, measured at a point four (4) feet above ground.

The type of tree (s), the location of said tree(s), and the time of planting shall be in conformity with a landscaping plan submitted to the Tree Board and approved by it.

Section 1119. APPLICATION OF ORDINANCE TO PRIVATE PROPERTY.

The provisions of this Ordinance shall not apply to private property; however, in addition to landscaping requirements imposed by the City's development codes and ordinances, developers and owners of private property are strongly encouraged to promote, develop and protect the existing urban forest within the City of Peachtree City and to use the Administrative Guidelines in the landscaping of their properties.

Robert L. Lee  
Mayor

Annie W. McMenamin

James D. Pace, Jr.

Art S. Baskin

Carol A. Fritz


Attest: Nancy Fulk  
City Clerk

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**TO:** Mayor & Councilmembers

**FROM:** City Manager 

**DATE:** June 15, 1999

**SUBJECT:** Tree Preservation Ordinance

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Attached is a revision of the Tree Preservation Ordinance, which was discussed at the May 6 Council Meeting. As a result of concerns expressed by Council, the definitions have been revised to exclude rights-of-way for minor residential streets, and major residential streets have been identified by name to eliminate any possible confusion. The spacing requirements from streets, sidewalks and paths established in the administrative guidelines have not been modified. Staff felt that these requirements establish minimum standards to protect utilities during future plantings, but can be adjusted at the discretion of the Building Official when utilities are not present in the right-of-way. Changes have been designated by striking through deleted text, with added text bolded and underlined, and may be found on Page 1, section 113(e); page 2, Sections 113(f), 113(I), and 113(k).

Also attached is an amendment to Section 17-1 of the Code of Ordinances, which requires permission to plant, cut, trim, prune, transplant, remove or interfere with any tree, flower, vine, plant or shrub in or upon any of the streets, alleys, or sidewalks within the city, or any boxing, pot or other thing provide for the protection thereof. Councilmember Fritz brought to our attention a potential conflict between the Tree Preservation Ordinance and this Ordinance.

As you may recall, adopting a Tree Preservation Ordinance is one of the requirements in obtaining the designation of "Tree City USA." Earning this designation provides a framework for establishing a long-term community forestry program and helps reinforce to citizens the City's commitment to the environment. Additionally, Tree City USA Cities may receive preference based on the designation when applying for grants for trees or forestry program. To facilitate Peachtree City's efforts to become a Tree City USA, staff recommends that Council adopt the Tree Preservation Ordinance as presented and the amendment to Section 17-1 to reference the Tree Preservation Ordinance.

JB/bt