

ORDINANCE No. 788

Planning and Development Department Nos:

2020TA-002 – UDO Amendment, Tree Recompense and Alternative Compliance

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” TITLE 3: “DEVELOPMENT AND PERMITTING” BY ADDING CERTAIN PROVISIONS, AND FOR ALL OTHER LAWFUL PURPOSES.

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA THAT THE PROVISIONS OF THE “UNIFIED DEVELOPMENT ORDINANCE” BE AMENDED AS FOLLOWS:

Section 320-40. - Recompense and alternative compliance.

- (a) If the City Landscape Coordinator agrees that trees to replace removed specimen trees will not fit on the site based on industry accepted spacing requirements, alternative compliance is available by recompense, as defined by Chapter 300, to the City of Chamblee Tree Bank Fund or planting the remainder of trees at a location remote from the project site.
- (b) Planting at a location remote from the project site.
 - (1) Trees to be planted at another location will be planted at sites designated by the City.
 - (2) Each DBH density unit that cannot be placed on-site shall be replaced one-for-one off-site, by species of the minimum caliper stated in Subsection 320-37(b), Tree replacement plan.
 - (3) A tree replacement plan, meeting all applicable standards, must be reviewed and approved for the alternate planting location.
- (c) Recompense. City of Chamblee Tree Bank Fund donation.
 - (1) If full or partial monetary recompense is to be paid to the City of Chamblee Tree Bank Fund, City Landscape Coordinator, the applicant shall pay as provided in the Tree Replacement fee schedule. Such funds shall be used for tree plantings in public spaces, to purchase land where either specimen trees are located or where a suitable site exists for parkland, designated wildlife habitats, or for park related landscaping projects as approved in the annual budgeting process or as directed by City Council.
 - (2) The amount of the recompense shall be based upon the size of DBH that cannot be planted at the site. Each DBH density unit that cannot be placed on-site shall be replaced one-for-one by species of the minimum caliper stated in Subsection 320-37(b), tree replacement plan.
 - a. Cost. Recompense is to be paid per DBH inch to be replaced, as provided in the Tree Preservation and Protection Fee Schedule maintained by the City.

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member _____ with a motion that the same be adopted. Said motion was seconded by Council member _____. Same was then put to a vote and _____ Council members voted in favor of the Ordinance and _____ Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this _____ day of _____, 2020.

Emmie D. Niethammer

City Clerk, City of Chamblee, Georgia

Approved this _____ day of _____, 2020

The Honorable R. Eric Clarkson

Mayor, City of Chamblee, Georgia

Approved as to form:

City Attorney

First Reading: _____

Second Reading: _____