

(Development Department No: 2016TA-08)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE", TITLE 1., ADMINISTRATION", CHAPTER 110., "DEFINITIONS", AND TITLE 3., "DEVELOPMENT AND PERMITTING", CHAPTER 320., "BUFFERS, LANDSCAPING, AND TREE PROTECTION", ARTICLE 1., "GENERAL", ARTICLE 2., "BUFFERS.", ARTICLE 3., "LANDSCAPE REGULATIONS", AND ARTICLE 4., "TREE PRESERVATION AND REPLACEMENT REGULATIONS" BY EDITING AND DELETING CERTAIN PROVISIONS, AND 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 PART II, "CODE OF ORDINANCES" APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE", BE AMENDED AS FOLLOWS:

#### PART I

The provisions of Title 1, "Administration", Chapter 110, "Definitions", Section 110-3. "Definitions", shall be amended by editing the text for the definition of "Critical Root Zone", as follows:

*Critical Root Zone (CRZ):* The minimum area beneath a tree, 70% of which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle entering on the tree's trunk with a radius equal in feet to one and one-half (1.5) times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a 20-inch (20") diameter tree is 30 feet (30').

#### PART II

The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 1., "General", Section 320-3., "Standards applying to all projects" shall be amended by editing sub-section (a) as follows:

- (a) All tree protection plans and landscape plans submitted to meet city requirements for projects qualifying as a Development of Community Impact (DCI) or a Planned Unit Development (PUD) shall be prepared and stamped by a state-licensed landscape architect. Tree protection plans and landscape plans submitted to meet city requirements for other projects shall be prepared and stamped by a state-licensed landscape architect; or surveyor who is knowledgeable in landscape architecture and horticulture.

#### PART III

The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 2., "Buffers.", Section 320-12., "Landscape standards for permanent buffers.", sub-section (b) "Materials and ratios", shall be amended by editing) as follows:

*"(1) Plant materials.* Buffers shall contain a maximum of 25 percent of deciduous plant materials.

~~Plant species shall be native, naturalized or well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy, and obtained from nurseries in USDA hardiness zones 6 or 7."~~

- ~~"(2) *Planting ratios and layout.* One tree shall be planted for every 50 linear feet of buffer area and five shrubs shall be planted for every 50 linear feet of buffer area. For the entire length of the unvegetated buffer area, provide a minimum of one row of evergreen screening trees spaced 8 feet on center. For every 50 linear feet of unvegetated buffer area, provide two overstory trees planted a minimum of 25 feet apart, three understory trees planted a minimum of 15 feet apart, and 20 shrubs planted a minimum of 5 feet on center in two rows. Plant materials may be staggered within the square footage of the overall buffer."~~

#### PART IV

The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 3., "Landscape Regulations", Section 320-21., "Off-Street Surface Parking Lot Planting Requirements" shall be amended by editing paragraph (a)(3) as follows:

- (3) Vehicles shall be separated from sidewalks, driveways and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide reserved as open space and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of a ~~minimum of 18 inches and a maximum of 36~~ 48 inches from the nearest tree trunk end of the parking space.

#### PART V

The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 3., "Landscape Regulations", Section 320-21., "Off-Street Surface Parking Lot Planting Requirements" shall be amended by inserting a new paragraph (a) (5) and re-numbering subsequent paragraphs accordingly. Paragraph (5) shall read as follows:

- (5) Perimeter landscape strips. The perimeter of a surface parking lot shall provide a five-foot wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every 40 linear feet of landscape strip, and evergreen shrubs spaced every 5 linear feet of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks."

## PART VI

The provisions of Title 3., “Development and Permitting”, Chapter 320., “Buffers, Landscaping, and Tree Protection”, Article 4., “Tree Preservation and Replacement Regulations.”, Section 320-30., “Applicability”, sub-section (b) “Exemptions” shall be amended by editing sub-paragraph (1)c. as follows:

“c. Prior to causing impacts to more than 30% of the critical root zone of boundary trees, as defined by Chapter 110, the developer of property shall obtain first require approval of the property owner where the boundary tree is located using a form provided by the Development Department. Said form shall be filed with the Development Department prior to disturbing more than 30% of the critical root zone of a boundary tree.”

## PART VII

The provisions of Title 3., “Development and Permitting”, Chapter 320., “Buffers, Landscaping, and Tree Protection”, Article 4., “Tree Preservation and Replacement Regulations.”, Section 320-35., “Specimen trees”, paragraph (c)(1) shall be amended by editing as follows:

- (1) Specimen trees that cannot be saved must be replaced with trees having an equal value to the DBH of the trees removed above and beyond minimum site DBH densities. ~~Trees removed shall be replaced with a 2.5-inch tree caliper, by species with potentials for comparable size and quality. If applicant cannot determine specimen trees, the applicant is to hire an independent ISA certified arborist for determination and supply the results to the City Landscape Coordinator for approval.~~ However, excess DBH resulting from the sum of the DBH of existing trees saved plus the DBH of approved trees planted on site may be used to off-set the recompense DBH of specimen trees removed on an inch-for-inch basis.
- (2) Specimen trees removed shall be replaced with a 2.5-inch tree caliper, by species with potentials for comparable size and quality. If applicant cannot determine specimen trees, the applicant is to hire an independent ISA certified arborist for determination and supply the results to the City Landscape Coordinator for approval.

## PART VIII

The provisions of Title 3., “Development and Permitting”, Chapter 320., “Buffers, Landscaping, and Tree Protection”, Article 4., “Tree Preservation and Replacement Regulations.”, Section 320-39., “Tree density requirements.”, paragraph (a)(2), sub-paragraph c. shall be amended by editing as follows:

“Trees planted in parking lots islands as required in Section 320-21.”

## PART IX

The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 4., "Tree Preservation and Replacement Regulations.", Section 320-39, "Tree density requirements.", paragraph (a)(7) shall be amended by editing as follows:

- (7) Minimum site DBH density shall be calculated and established using the ~~formula and analysis provided in Addendum 2-0~~ procedure described in this Section 320-39 The inches per acre calculation shall be based on the net site areas, excluding any detention ponds, lakes, stream buffers, floodplain areas and permanent easements where planting is prohibited. Non-specimen sized trees saved without any less than 30% CRZ impact providing DBH in excess of the required minimum site DBH located within the building setback limits, may count toward the specimen recompense on an inch-for-inch basis.

## PART X

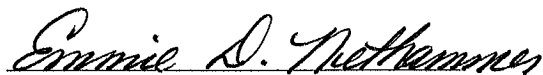
The provisions of Title 3., "Development and Permitting", Chapter 320., "Buffers, Landscaping, and Tree Protection", Article 4., "Tree Preservation and Replacement Regulations.", Section 320-40, "Recompense and alternative compliance", sub-section (b), "Planting at a location remote from the project site.", paragraph (2) shall be amended by editing as follows:

- "(2) Each DBH density unit that cannot be placed on-site shall be replaced one-for-one off-site, by specimens species of the minimum caliper stated in Subsection 320-37(b), Tree replacement plan."

## PART XI

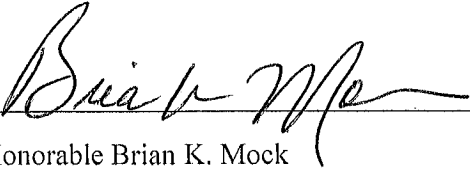
It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment 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 Robson with a motion that the same be adopted. Said motion was seconded by Council member Kusman. Same was then put to a vote and 5 Council members voted in favor of the Ordinance and 0 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 19<sup>th</sup> day of July, 2016.



Emmie D. Niethammer  
City Clerk, City of Chamblee, Georgia

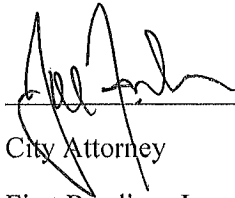
Approved this 19<sup>th</sup> day of July, 2016

  
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The Honorable Brian K. Mock

Mayor Pro Tem, City of Chamblee, Georgia

Approved as to form:

  
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City Attorney

First Reading: June 21, 2016

Second Reading: July 19, 2016