

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE 2025-02

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

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

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

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

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

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

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

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

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

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

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

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

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

sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.


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

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

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

SO ORDAINED this 6th day of January 2025.

CITY OF FOREST PARK, GEORGIA



Angelyne Butler, Mayor

ATTEST:




Michelle Hood, Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:



City Attorney

EXHIBIT A

TITLE 8 – PLANNING AND DEVELOPMENT

[...]

CHAPTER 8. – ZONING

[...]

ARTICLE E. – TREE PROTECTION

[...]

Section 8-8-142. - Tree Banking.

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

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

(3) *Administration of the Tree Bank Fund.* 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.

(b) *Tree Banking Procedure and Process.* In the initial phase of development, City Planning and Community Development staff will review the project for tree banking during key

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

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

- 91 a. A review of existing trees on the site will occur to identify trees for preservation,
92 removal, and new planting.
- 93 b. An assessment if the project complies with the landscaping standards in section
94 8-8-89.
- 95 c. An evaluation of the feasibility of planting trees on-site given project
96 constraints (i.e., space limitations, soil conditions, environment, etc.) If
97 adequate space for tree planting cannot be provided, staff may consider
98 alternative options such as donating to the tree fund or contributing to other
99 environmental sustainability efforts.
- 100 d. In some cases, a combination of on-site tree planting and tree fund contributions
101 may be required. This hybrid approach is typically used when there is limited
102 space on-site, but planting some trees is still possible.

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

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

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

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

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

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

130 (d) *Tree planting and maintenance.*

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

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

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

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

148 (e) *Enforcement and Penalties.*

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

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