

**ORDINANCE 2023-09 (A-23-02)**

**AMENDMENTS TO THE SECTIONS 5-270 AND 5-273 (TREE ORDINANCE) IN CHAPTER 5 (BUILDING REGULATIONS) TO EXEMPT CERTAIN SITE DEVELOPMENT ACTIVITIES FROM THE REQUIREMENTS OF THE TREE ORDINANCE, TO AMEND THE AMOUNT OF COVERAGE REQUIRED FOR PARKING LOT LANDSCAPE ISLANDS, AND FOR OTHER PURPOSES.**

**WHEREAS:** The Mayor and Council of the City of Doraville ("Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Doraville; and

**WHEREAS:** Council wants to encourage commercial property owners to make regular maintenance and small incremental improvements to their properties; and

**WHEREAS:** Certain activities, uses, and types of construction work are already exempted from the requirements of the Tree Ordinance; and

**WHEREAS:** Council agreed it would be best to clarify that maintenance and light improvement activities, including resurfacing parking lots, landscaping, and similar items, would not trigger full compliance with the Tree Ordinance; and

**WHEREAS:** The Arbor Day Foundation encourages the creation of a Tree Board within its Certified Tree Cities; and

**WHEREAS:** Council agrees that the Tree Board would be more effective and productive if composed of City staff, rather than the Planning Commission as currently written; and

**WHEREAS:** A duly noticed public hearing was held;

**NOW THEREFORE,** the Mayor and Council of the City of Doraville, Georgia hereby ordain:

**Section 1:** That Sec. 5-270 shall be amended to read as follows:

**Sec. 5-270. - General provisions.**

...

*(c) Doraville Tree Board.*

(1) The Doraville Tree Board (hereinafter referred to as the "board") is hereby established to advise the Mayor and Council on matters pertaining to the conservation of trees and tree canopy cover on public and private lands within the City and to take instruction from the Mayor and Council regarding such issues.

(2) The board shall consist of the members of ~~the Planning Commission~~ **City staff** who shall be appointed by the Mayor and Council.

...

*(d) Applicability and general provisions.*

- (4) Any land disturbance project ~~which is contained in a single parcel which is part of a larger tract or parcel~~ that disturbs a contiguous area no greater than ten (10) percent of the larger tract or parcel shall be exempt from the provisions of this article except as follows:

...

- vi. Although this subsection shall not be construed to be a zoning ordinance, the exemption shall only be available on land zoned ~~C1, C2, CT, M1 or M2~~ **M-1 or M-2**.

- (e) *Exemptions*. The following activities shall be exempt from the provisions of this article; provided however, that in cases where these exemptions would provide for the removal of one (1) or more specimen trees as defined by this article, all reasonable efforts shall be made to preserve said specimen trees:

...

- (8) Activities that are typically associated with maintenance or repair of the grounds of a property, that do not include tree removal, including the resurfacing of parking lots, maintenance of stormwater infrastructure, replacement or installation of landscaping or hardscaping, and similar activities as determined by the Director of Community Development.

**Section 2:** That Sec. 5-273 shall have the following subsection added to its text:

**Sec. 5-273. - Tree replacement and planting.**

...

- (e) *Minimum landscaping requirements for surface parking lots*. All new parking facilities for new multi-family and non-residential uses shall present a landscape plan to the Community Development Director for approval, indicating that the surface parking lot will meet the minimum barrier curb and landscaping requirements as follows:

...

- (12) Surface parking lots shall have a minimum landscaped area equal to at least ten percent of the paved area within said lot. In no case shall a parking lot owner be required to provide landscaped areas that exceed ten percent of the paved area.
- (13) Upon written application by any person subject to the provisions of this section, the Community Development Director is hereby authorized to grant administrative variances to the requirements of this section only upon making all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape,

topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten (10) feet and adjacent to the parking lot.

- b. Such conditions are peculiar to the particular piece of property involved; and
- c. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article and of chapter 23 of this Code.

**Section 3:** This Amendment shall become effective immediately upon its adoption by the City Council. This Amendment hereby repeals any and all conflicting ordinances and amendments.

January 23, 2023


February 13, 2023

First Reading

Second Reading

So effective this 13<sup>th</sup> day of February, 2023.

Approved by:

  
\_\_\_\_\_  
Joseph Geierman, Mayor

Approved as to Form

  
\_\_\_\_\_  
Cecil McLendon, City Attorney

So signed and witnessed this 13<sup>th</sup> day of February, 2023

Attest:

  
\_\_\_\_\_  
Arika Birdsong-Miller, City Clerk

