

CITY OF TOCCOA
ORDINANCE NO. 3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOCCOA, GEORGIA BY ADDING A NEW ARTICLE II TO REGULATE THE PLANTING, MAINTENANCE, AND REMOVAL OF SHADE AND ORNAMENTAL TREES IN THE CITY OF TOCCOA FOR ALL NEW DEVELOPMENTS AND REDEVELOPMENTS AS DEFINED

Whereas, the City of Toccoa has enacted an ordinance regulating planting, maintenance and removal of certain trees on public property; and,

Whereas, the City Commission of the City of Toccoa finds it in the best interest of the citizens of the City of Toccoa to provide standards and regulations for the conservation, protection and replacement of trees on defined developments and redevelopments in the City of Toccoa.

Therefore, the Code of the City of Toccoa, Georgia is hereby amended by adding a new article to read as follows:

Article II

This Article shall apply to all new developments and redevelopments as defined herein unless otherwise excepted. The article incorporates by reference all of Article I unless in specific conflict in which event this article will control.

Section I Definitions.

A. Development:

- (1) Any activity which requires the issuance of a development permit, grading permit, land use permit and/or land disturbance permit.
- (2) The thinning and removal of trees from undeveloped land including thinning carried out in conjunction with an ongoing forest management program as defined by the Georgia Forestry Commission.
- (3) The removal of trees incidental to the development of land or to the marketing of land for development.

B. Redevelopment:

As the term “redevelopment” is used herein it refers to specific modifications or changed uses of parking lots or parking facilities in the following zoning districts: (a) multifamily residential; (b) manufactured home park; (c) commercial districts; (d) industrial districts.. Redevelopment would include: (a) repairing of a parking lot; (b) reconfiguration of a parking lot for parking, traffic flow, or access; (c) replacing, altering or repairing after damage of a building, structure, or land use where

the cost of replacing, altering or repairing exceeds sixty (60%) percent of the fair market value of the building, structure or land uses immediately prior to redevelopment; (d) Improving in any manner building structures or land uses to the extent that such improvements equal or exceed twenty (20%) percent of the value of the building, structure, or use immediately prior to redevelopment.

C. Overstory Tree: Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of (40) feet or more.

D. Understory Tree: Those trees that grow beneath the overstory, and will generally reach a mature height of under forty (40) feet.

Section II Exemptions.

This article does not apply to:

- (1) New and existing single family residential and duplex lots under 5 acres except those lots in a new subdivision or development as defined by the ordinances of the City of Toccoa which would include single family residences and multiple duplexes.
- (2) Tracts on which City zoning ordinances impose no setback requirements and permit 100 percent coverage of the lot by buildings.
- (3) Property already occupied by an owner as a single-family residence or duplex.
- (4) Public utilities and government agencies conducting activities to ensure uninterrupted utility and government services and unobstructed passage on public streets because of an emergency only (submission of a tree plan by the utility or government agency is desirable when possible).
- (5) Tree farms.
- (6) Approved public recreation areas or private recreation areas which have been issued a business license.
- (7) Any current or existing use of property is exempt provided such current existing use would be subject to the redevelopment requirements as described in this Article.

Section III Redevelopment Parking Lots.

- (1) All redeveloped parking lots must meet and maintain at least 1 tree for every 10 parking spaces. No less than 1 overstory tree for every 2 understory trees planted, is required.
- (2) For all redeveloped parking lots over 100 spaces in size, ½ of all the trees to be planted must be located in the interior of the lot.

Section IV General Applications for All Developments.

- (1) All developments and applicable redevelopments will be required to submit a “Tree Plan” describing location of trees to be conserved, methods for tree protection, trees to be planted, species list, and other items according to the requirements set forth in Appendix C. “Tree Plan Requirements”.
- (2) Replacement trees planted to meet the “minimum tree basal area standard” requirement shall meet or exceed a two inch caliper minimum, be given “credit” towards the “minimum tree basal area standard” according specifications in Appendix A.1. “Calculating Tree Basal Area Credit”, and comply with species list generated by the City and planted according to City “Tree Planting Standard”. Trees planted over 6” caliper will not receive credit above that given a 6” caliper tree.
- (3) Tree save areas for individual existing trees and groups of existing trees retained to meet the “minimum basal area standard” must provide a temporary barrier to entry to the critical root zone at a distance of 1.3 feet radius for every inch of diameter trunk measured 4 feet above the ground. This barrier must be installed prior to development activity taking place and be removed only after development activity for the immediate site has been completed see Appendix B. “Tree Protection Requirements”.
- (4) All tree plantings of overstory trees must contain at least 200 sq. ft. of contiguous rooting space for each tree to help insure adequate root space to support long term growth. Understory tree plantings must contain at least 75 sq. ft. of contiguous rooting space for each tree to help insure adequate root space to support long term growth.
- (5) All vegetative buffers, conserved and planted trees required by this and other zoning ordinances are required to be maintained in perpetuity.
- (6) Written certification of the proper installation of required tree protection will be provided in writing to the Planning Director by a certified arborist or registered landscape architect before a land disturbance permit will be issued.
- (7) Written certification of the proper installation of all plant materials will be provided in writing to the Planning Director by a certified arborist or registered landscape architect before a “certificate of occupancy” can be issued by the City of Toccoa.

Section V Options to Development/Redevelopment and New Development.

Should restrictions of the site (such as topography, Rights of Way or city or public easements) limit the ability of the developer to conserve or plant the required basal

area on site, the following options are available with the written approval of the Tree Board:

- (1) Up to 50% of the required number may be planted off-site on public land controlled by the City of Toccoa.
- (2) A sum of money equal to the cost of purchasing, planting, and maintaining for three years, the number of trees to be planted off site, may be contributed to the “Toccoa Tree Bank” to be used for the purpose of purchasing, planting and maintaining for three years, trees to be newly planted on public property and for community tree benefit education efforts. The sum for each tree is to be determined by the Planning Director or his/her agent as an average of bids from three nurseries.
- (3) Should the developer believe that site restriction will not allow even the minimum number of trees to be planted on the property after review by the Tree Board the developer may proceed with the normal variance appeal process to the Planning Commission of the City of Toccoa subject to compliance with the Tree Board’s requirements in paragraph 2 above.

Section VI Criteria for New Development.

- A. New Developments in Multi-family residential, manufactured home park, commercial and industrial districts (not to include duplex or single-family residential development).
 - (1) New Development and sites must meet the overall site “minimum tree basal area standard” of 10 units of sq. ft. of basal area/acre for all areas outside the building footprint according to basal area credit specifications (see Appendix A.2.) after parking lot tree planting requirements have been met. Trees planted in parking lots and trees conserved on site (meeting standards in Appendix B. “Tree Protection Requirements” & F. “Tree Planting Specifications”), may be counted to satisfy the minimum basal area standard.
 - (2) Parking lots on all sites must meet and maintain a minimum number of trees as described in Appendix D. “Parking Lot Planting Requirements”. Additionally, for parking areas over 20 spaces in size, no less than 1 overstory tree for every 2 understory trees planted, is required. No less than half of the required trees must be placed within the interior of the lot. Every parking space must be within 50 feet of a tree.
- B. Duplexes and Single Family Residential Subdivisions 5 acres or larger
 - (1) All Developments shall have 1 overstory tree planted (understory where overhead lines exist) every 40 feet along all subdivision roads and cul-de-sacs. Trees will be planted outside city right-of-ways and not within 15 feet of any curb, drive, or sidewalk, nor more than 50 feet, nor less than 25 feet from any intersection. Trees are required on both sides of the street.

- (2) All Developments sites must meet the overall site “minimum tree basal area standard” of 10 sq. ft. of basal area/acre prior to the development of any individual lots.

Section VII Construction of Article II

It is the specific intention of this article to impose development and redevelopment requirements. To the extent there is a bona fide written contractual obligation between an owner/developer and lessees or tenants as of the date of the enactment of this ordinance which imposes land use requirements inconsistent with this article, this article will not be applicable until the contractual obligation is terminated.

Section VII. Penalties for Violations

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, be subject to a fine and/or restitution for damages as provided by the Code of Ordinances of the City of Toccoa.

Section VIII. Severability

Should any part or provision of this ordinance be declared by a court of the competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than part held to be invalid.

Section IX. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

Section X. This Ordinance will become effective as provided by law.

CITY OF TOCCOA, GEORGIA

By:

Mayor

ATTEST:

Josephine Gleason, Clerk

READ FIRST TIME:

SECOND READING: