

Agenda
Regular Work Session of the Mayor and Council
City of Chattahoochee Hills, Georgia
December 7, 2017 / 5:00 p.m.

Discussion Items

1. Council Meeting Agenda Review – Robbie Rokovitz
2. Tree Ordinance Revision – Mike Morton
3. Fences and Walls Ordinance Revision – Mike Morton

Mayor and Council Reports and Comments



6505 Rico Road Chattahoochee Hills Georgia 30268

MAYOR
Tom Reed

CITY COUNCIL
James Stephens
Richard Schmidt
Claire Williams
Faye Godwin
Don Hayes

CITY MANAGER
Robert T. Rokovitz

www.chatthillsga.us
(770) 463-8881
Fax (770) 463-8550

To: Mayor and City Council

From: Mike Morton, City Planner

Subject: Tree Ordinance update recommendation from the Tree Board

Date: For the December 7, 2017 work session

The Chattahoochee Hills Tree Preservation ordinance is Article IX (formerly Article 8) in Chapter 14 Land Development and Environmental Protection. The Tree Board has been working for some time to update the ordinance. The attached redline version of that article shows their recommendations.

Proposed changes:

The substantive changes in the proposed ordinance include the following:

- Limit the single-family lots to which the ordinance applies
- Apply the tree ordinance to management of utility lines
- Change the definitions of “Critical Root Zone,” “D.B.H.,” “Protected Zone,” “Timber Harvesting,” and “Specimen Tree,” “
- Eliminate the definition of “Density Factor for Site”
- Add a definition for “Utility Vegetation Management”
- Add a requirement for a specimen tree survey with applications for Preliminary Plats and some Land Disturbance Permits
- Add a recompense requirement for the removal of specimen trees during development (recompense dollar amounts to be adopted separately)
- Add generally recognized standards to the list of violations
- Add references to Best Management Practices

Attachments:

Tree Board recommended changes to Chapter 14, Article IX



Article 8: Tree Preservation

Section 1: Purpose

- (a) The purpose of this ordinance is to cultivate and encourage a high level of tree preservation, to promote the general provisions within this ordinance, and to develop detailed provisions within the administrative guidelines in order to implement the regulations set forth to preserve, maintain, and replant trees within the City of Chattahoochee Hills, Georgia. The intent of the Ordinance and Administrative Guidelines is to provide standards for the preservation of trees as part of the land development, building construction and timber harvest processes. It is not the intent of this ordinance to regulate individual properties where activities do not require a land disturbance, building construction or timber harvest permit.
- (b) Benefits to citizens derived from tree protection and replanting include:
 - (i) Improved control of soil erosion.
 - (ii) Moderation of storm water runoff and improved water quality.
 - (iii) Interception of airborne particulate matter and the reduction of some air pollutants.
 - (iv) Enhanced habitat for desirable wildlife.
 - (v) Reduction of noise and glare.
 - (vi) Climate moderation.
 - (vii) Aesthetics and scenic amenity.
 - (viii) Increased property value.

Section 2: Authority and Applicability

- (a) The Administrative Guidelines referenced in this Article are hereby adopted by the City of Chattahoochee Hills, with the copies on file in the office of the Clerk of the City of Chattahoochee Hills, and the same are incorporated herein as if set out in full, and the provisions of the same shall be controlling.
- (b) Terms and provisions of the Tree Preservation Ordinance and the Administrative Guidelines established herein, shall apply to all activity which requires the issuance of a land disturbance permit on any real property within the City of Chattahoochee Hills. No land disturbance permit shall be issued by the City of Chattahoochee Hills Community Development Department or any successor to that Department, without it being determined that the proposed development is in conformance with the provisions of these regulations.
- (c) The terms and provisions of these regulations shall also apply to construction of new single family detached and duplex dwellings, including additions, renovations and/or alterations to existing single family detached and duplex dwellings **on any lot that was created or subdivided after [the date of adoption of this ordinance], not to include properties subdivided by the minor subdivision process.**
- (d) The terms and provisions of these regulations shall also apply to timber harvesting Activities except as provided under O.C.G.A 12-6-24.

- (e) The terms and provisions of these regulations shall also apply to vegetation management of all utility lines.

Section 3: Definitions

All words in these standards have their customary dictionary definitions except as specifically defined herein. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.

“Administrative Guidelines” Those certain guidelines, including any Appendices, existing or as future amended, incorporated by reference into the Tree Preservation Ordinance of the City of Chattahoochee Hills, Code of Chattahoochee Hills, Georgia, Article 8, et. seq., which have been adopted by the City Council of the City of Chattahoochee Hills from time to time to provide standards for the protection, preservation, and replacement of trees, and which are regulated and enforced by the City Arborist in conjunction with the Department of Community Development or its designated agent(s) through development and construction permits and processes. Copies of the same are kept on file in the office of the Clerk of the City of Chattahoochee Hills and available for public inspection during business hours.

“Agent(s), designated or authorized” an individual or entity authorized to administer and enforce the standards set forth in the City of Chattahoochee Hills Tree Preservation Ordinance and Administrative Guidelines.

“Buildable Area” The portion of a parcel of land where a building may be located and which shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffer, tributary buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.

“Buffer”

- (a) State Waters Buffer: An area along the course of any State waters to be maintained in an undisturbed and natural condition.
- (b) Tributary Buffer: A protection area adjoining the tributaries of the Chattahoochee River. Tributary buffer specifications are contained in Part D. of each prospective land use section of the City of Chattahoochee Hills Tree Preservation Ordinance and Administrative Guidelines.
- (c) Zoning Buffer: A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. Buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director of the Community Development Department or his/her designated agent(s) when sparsely vegetated. Cleaning of undergrowth from a buffer is prohibited except when accomplished under the supervision of the Director of the Community Development Department or his/her designee.

“Caliper” The standard for trunk measurements of nursery stocks. Caliper of the trunk shall be

taken 6 inches above the ground for up to and including 4-inch caliper size and 12 inches above the ground for larger sizes.

“*Cambium*” Tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system and the energy substrate transport system in trees. Cambium growth activity results in a tree’s radial development, i.e., increase in diameter.

“*Cambial Dieback*” The irreparable radial or vertical interruption of a tree’s cambium, usually caused by mechanical damage, such as “skinning bark” or from excessive heat.

“*Clear Cutting*” The removal of all trees from a property, whether by cutting or other means, excluding stream buffer requirements.

“*Coniferous*” Belonging to the group of cone-bearing evergreen trees or shrubs.

“*City Arborist*” The agent(s) of the City of Chattahoochee Hills assigned to the Community Development Department and having the primary responsibilities of administration and enforcement of the Tree Preservation Ordinance.

~~“*Critical Root Zone*” The area of tree roots within the crown dripline. This zone is generally defined as a circle with a radius extending from a tree’s trunk to a point no less than the furthest crown dripline. Disturbances within this zone will directly affect a tree’s chance for survival~~

“*Critical Root Zone*” The area of the trees roots represented by a circle around the tree with a radius of 1.5 feet for each inch of trunk D.B.H. Disturbances within this zone will directly affect a tree’s chance for survival.

“*Crown Drip Line*” A vertical line extending down to the ground from the end of a tree’s longest branches.

“*Deciduous*” Not persistent; the shedding of leaves annually.

“*D.B.H.*”: Diameter-at-breast-height is a standard measure of tree size, (for trees existing on site) and is a tree trunk diameter measured in inches at a height of ~~4 ½ feet~~ 54 inches above the ground. If a tree splits into multiple trunks below ~~4 ½ feet~~ 54 inches, refer to chart in Appendix I the D.B.H. is determined by adding together the diameters of each trunk measured at 54 inches above the ground.

~~“*Density Factor for the Site (DFS)*”: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.~~

~~(a) Site acreage multiplied by (15) for Agricultural Districts = DFS.~~

~~(b) Site acreage multiplied by (20) for Single Family Residential Districts = DFS.~~

~~(c) Site acreage multiplied by (30) for Commercial Districts and all other Non-Single Family Districts = (DFS).~~

“*Director*” Director of City of Chattahoochee Hills Community Development Department.

“*Erosion and Sedimentation Control Ordinance*” The ordinance adopted by the City that

regulates soil erosion and its transportation to the City's lakes, rivers, and streams (latest revision).

"Improvement Setback" An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted without the approval of the Director of the Community Development Department or his/her designee.

"Land Disturbing Activity" Any activity which may result in soil erosion from water or wind and movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in the City of Chattahoochee Hills Soil Erosion and Sedimentation Control Ordinance.

"Land Disturbance Permit" A permit issued by the Community Development Department that authorizes the commencement of alteration or development of a given tract of land or the commencement of any land disturbing activity.

"Landscape Plan" A plan that identifies areas of tree preservation and methods of tree protection within the protected zone, as well as all areas of replanting. Within replanting areas, the common and botanical names of the proposed species, the number of plants of each species, the size of all plant materials, the proposed location of all plant materials, and any unique features of the plant materials shall be indicated.

"Landscape Strip" An area required by this ordinance, by the City of Chattahoochee Hills Zoning Ordinance, or any condition of zoning, use permit or variance approval, which is reserved for the installation and/or maintenance of plant materials.

"Minimum Setback" The minimum yards as specified in the regulations related to the zoning districts or use permit categories. A minimum required space between a property line and a structure. An area identified by a building line.

"Protected Zone" Includes but is not limited to the following:

~~(a) Critical root zone plus an additional 3 feet; all areas of a parcel required to remain in open space;~~

~~(b)~~(a) All areas required as landscape strips and/or buffers (including zoning buffers, state water buffers, and tributary buffers);

~~(c)~~(b) Tree save areas according to provisions of the City of Chattahoochee Hills Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the Tree Preservation Ordinance and Administrative Guidelines.

(c) The Critical Root Zone of any tree within the areas listed in (a) and (b), above

"Re-vegetation" The replacement of trees and landscape plant materials to satisfy the minimum tree density and landscape requirements, as determined by the City of Chattahoochee Hills Zoning Ordinance, condition of zoning, use permit or variance approval, or the Tree Preservation

Ordinance and Administrative Guidelines.

“Roots”

(a) Feeder Roots: A complex system of small annual roots growing outward and predominantly upward from the system of “transport roots”. These roots branch four or more times to form fans or mats of thousands of fine, short, non-woody tips. Many of these small roots and their multiple tips are 0.2 to 1 mm or less in diameter and less than 1 to 2 mm long. These roots constitute the major fraction of a tree’s root system surface area and are the primary sites of absorption of water and nutrients.

(b) Major Woody Roots: First order tree roots originating at the “root collar” and growing horizontally in the soil to a distance of between 3 and 15 feet from the tree’s trunk. These roots branch and decrease in diameter to give rise to “rope roots”. The primary functions of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

(c) Rope Roots: An extensive network of woody second order roots arising from major woody roots, occurring within the surface 12 to 18 inches of local soils, and with an average size ranging from .25 to 1 inch in diameter. The primary function of rope roots is the transport of water and nutrients and the storage of food reserves.

(d) Transport Roots: The system or framework of tree roots comprised of major woody roots and rope roots.

“Root Collar” The point of attachment of major woody roots to the tree trunk, usually at or near the groundline and associated with a marked swelling of the tree trunk.

“Root Respiration” An active process occurring throughout the feeder root system of trees and involving the consumption of oxygen and sugars with the release of energy and carbon-dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

“Setback” A space between a property line and the line to which a building or specified structure may be constructed.

“Soil Compaction” A change in soil physical properties which includes an increase in soil weight per unit volume and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gasses, and can be impervious to new root development.

“State Waters” Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

“Thinning” Selective cutting or removal of timber. The basal unit of (30) units per acre for Commercial Districts and all other non single family districts; (20) units per acre for Single Family Residential Districts; (15) units per acre for Agricultural Districts shall be maintained after selective cutting, or removal of timber has occurred.

“Timber Harvesting” The felling of timber products for delivery as pulpwood, logs, poles, or wood chips to any woodyard or processing plant located inside or outside the state. The term “timber harvesting” may include both clear cutting and thinning of timber only as they qualify as forestry land management practices or agricultural operations under O.C.G.A 12-7-17, are not incidental to development and occurs on tracts of land which are zoned for or used for forestry, silvicultural or agricultural purposes. **Timber harvesters shall follow the “Best Management Practices” published by the Georgia Forestry Commission**

“Tree”

(a) Tree: Any self supporting woody perennial plant which has a trunk diameter of 2 inches or more measured at a point 6 inches above the ground level and which normally obtains a height of at least 10 feet at maturity, usually with one main stem or trunk and many branches.

(b) Heritage Tree: A tree which is designated upon approval by the Director of the Community Development Department or his/her designee to be of notable historical value or interest because of its age, size, or historical association.

(c) Specimen Tree: Any tree which has been determined by the City Arborist to be of high value because of its type, size, age, or other professional criteria, and has been so designated according to administrative standards established by the Community Development Department. **The following automatically shall qualify as specimen trees:**

- (i) Conifers: 30” D.B.H. or larger
- (ii) Deciduous: 24” D.B.H. or larger
- (iii) Understory: 8” D.B.H. or larger

(d) Stand of Specimen Trees: A contiguous grouping of trees which has been determined to be of value by the Director of the Community Development Department or authorized designee(s).

- (i) A relatively mature even aged stand.
- (ii) A stand with purity of species composition or of a rare or unusual nature.
- (iii) A stand of historical significance.
- (iv) A stand with exceptional aesthetic quality.

“Tree Bank” A site such as a school or public park, where the owner/developer shall donate and plant the required trees when it is not feasible to plant the required trees within their site’s project area.

“Tree Preservation Ordinance” This Ordinance, approved and adopted by the City Council of the City of Chattahoochee Hills to provide standards for the protection, preservation and

replacement of trees regulated and enforced by the City Arborist in conjunction with the Department of Community Development or designated agent(s) through development and construction permits and processes.

“Tree Save Area” All areas designated for the purpose of meeting tree density requirements, saving specimen trees, and/or preserving natural buffers.

“Tributary” Any perennial stream (or portion thereof) within the affected area that is portrayed as a solid blue line on the United States Geological Survey 7.5 Quadrangle Maps, 1968 edition, or other perennial streams as identified by the City of Chattahoochee Hills.

“Utility Vegetation Management” The removal of trees, underbrush, vines and the pruning of trees to maintain utility services,

“Wetlands” Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.

“Zoning Regulations” The Zoning Ordinance of the City of Chattahoochee Hills as amended or such regulations subsequently adopted by the City Council inclusive of conditions of zoning, use permit or variance approval established pursuant thereto.

“All other terms” All other words or phrases as appropriate to the context of their uses shall be interpreted as defined in the Zoning Regulations.

Section 4: Permit Procedures

(a) All applications for a Preliminary Plat shall provide a Specimen Tree Survey and inventory for all areas of the tract within the planned area of disturbance. All applications and required supplemental information shall be submitted to the Director of the Community Development Department.

(ab) All applications for a Land Disturbance Permit shall provide a landscape plan and other documentation as required and as applicable for all areas of the tract of land within a protected zone. All applications for a Land Disturbance Permit shall provide a Specimen Tree Survey and inventory for any area that is proposed for disturbance but that was not included in a Specimen Tree Survey and inventory within the preceding twelve months. All applications and required supplemental information shall be submitted to the Director of the Community Development Department.

(bc) All landscape plans and related documentation shall be reviewed by the City Arborist for conformance to the provisions of these regulations and either approved, returned for revisions, or denied within 30 days of receipt. If denied or returned for revisions the reasons for denial or revision shall be annotated on the landscape plan or stated in writing.

(ed) Issuance of a valid Land Disturbance Permit shall constitute an approval of the required landscape plan and shall indicate conformance to the provisions of these regulations.

(de) For issuance of any residential building permit, applicant must sign and agree to abide by the Residential Erosion & Sedimentation Control Tree Protection Agreement, (see Appendix H. to the Administrative Guidelines). This shall also apply to parcels upon which a land disturbance permit has been previously issued with a tree protection plan approved by the City Arborist. The Director of the Community Development Department, or his/her designee, is authorized to execute such Agreements on behalf of the City of Chattahoochee Hills.

(ef) Any applicant conducting activities which require notification of timber harvesting agrees to maintain a 25-foot undisturbed buffer along the entire perimeter of the property. This buffer must be maintained for the duration of the timber harvesting activity.

Section 5: Removal of Tree(s)

- (a) If the owner/developer proposes to remove any tree(s) in the protected zone, then the owner/developer must document a hardship such as but not limited to economic or zoning restrictions and submit it as part of the application for a Land Disturbance Permit. The application shall be subject to the approval of the Director of the Community Development Department, or his/her designee before any trees are to be removed from the site. Nothing in these regulations shall be construed to allow the removal of vegetation in a natural, undisturbed buffer required by the Zoning Ordinance.
- (b) When no trees are present in the protected zone or when disturbance of any portion of the protected zone is approved, it shall be the responsibility of the owner/developer to re-vegetate said areas (in which improvements are not constructed) with trees or other plant materials subject to zoning regulations or, in lieu thereof, administrative standards established by the Community Development Department.
- (c) Notwithstanding any of the other requirements of these regulations, it shall be unlawful to remove a specimen tree without the express written permission of the City Arborist or authorized agent(s). Administrative standards have been established by the Director of the Community Development Department for the identification, preservation and protection of specimen trees.
- (d) Any removal of specimen trees authorized by the City Arborist, not including Utility Vegetation Management, must be replaced by planting trees at the rate of 1.5 caliper inches per 1" DBH of the tree removed. Replacement trees shall be planted on the subject site, on public property, or on school property, and shall have a minimum four-inch (4") tree caliper, and shall be of species with potentials for size and quality comparable to the specimen trees removed. As an alternative to planting replacement trees, a payment of recompense may be made to the city according to a schedule adopted by the City Council. Such funds shall be reserved exclusively for the following uses:
 - (i) Planting of trees on public or school property
 - (ii) Maintaining trees
 - (iii) Tree-related educational or interpretive materials
 - (iv) Preservation of property

Section 6: Violations

Citations for any of the following violations, by authorized City of Chattahoochee Hills enforcement agent(s) may constitute issuance of an immediate stop work order.

- (a) Land disturbance and/or tree removal within state water, tributary, or zoning buffer(s).
- (b) Land disturbance and/or tree removal within tree save area(s).
- (c) Illegal removal or disturbance of specimen tree, heritage tree or stand of trees.
- (d) Improper installation of tree fencing.
- (e) Other violations of any provision(s) of this Ordinance or the Administrative Guidelines established pursuant thereto, including Appendices.
- (f) Failure to follow ANSI A300 Guidelines for Tree Care Practices.
- (g) Failure to follow ANSI Z-133 Tree Work Safety Standards.
- (h) Failure to follow the Georgia Forestry Commission's Best Management Practices for Timber Harvesting.
- (i) Failure to follow BMP for Utility Vegetation Management, as published by the International Society of Arboriculture (ISA).

Section 7: Enforcement

- (a) It shall be the duty of the Director of the Department of Community Development and designated agent(s) to enforce this Ordinance and Administrative Guidelines. The Department of Community Development and designated agent(s) shall have the authority to modify, revoke, suspend, or void any Land Disturbance Permit and shall have the authority to suspend all work on a site or any portion thereof.
- (b) The Director of the Community Development Department and designated agent(s) shall serve as the issuing authority and shall have the power to withhold all permits, including, but not limited to, final certificates of occupancy, building permits and all permits on the subject site until it is determined by the issuing authority that the site complies with this ordinance and the provisions of the formal plan approved by the city.

Section 8: Inspections

- (a) The Community Development Department is the issuing authority and may cause inspection of compliance to be made periodically by its designated agent(s) during the course of the project and shall make a final inspection following the completion of the work. Applicants shall cooperate with the issuing authority in conducting such inspections.

- (b) The Community Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and Administrative Guidelines, including but not limited to the power to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing or tree removal activities.
- (c) The Director of the Community Development Department is authorized to design and implement an inspection program involving private inspectors acceptable to the Department.
- (d) No person shall refuse entry or access to any authorized representative or agent who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 9: Notice of Violation

- (a) If, through inspection, it is determined that a person, firm, or corporation has 1.) engaged in land disturbing or other activities, which have resulted in the removal of trees; or 2.) failed to comply with the terms and conditions of a validly issued permit, then a written notice of violation shall be served upon the property owner or the agent of record.
- (b) Where a person, firm, or corporation has engaged in land disturbing or tree removal activities without having first secured a permit therefore in violation of this Ordinance and Administrative Guidelines, notices under the provisions of this section may be served upon the person in charge or any person representing the person in charge on the site. All construction and land disturbance activity shall be discontinued until the necessary measures to achieve compliance have been fulfilled.
- (c) The notice shall set forth the measures necessary to achieve compliance with the permit and shall state the time within which such measures must be completed.
- (d) If the person, firm, or corporation engaged in land disturbing activity fails to comply within the time specified, he/she shall be subject to citation for violation of this Ordinance and Administrative Guidelines.
- (e) Where the activity involves timber harvesting and notice of such has not been provided to the City of Chattahoochee Hills, no Notice of Violation is required and any person, firm or corporation involved in such activities may be immediately cited for failure to provide notification.

Section 10: Stop Work Orders

- (a) Upon notice from the Director of the Community Development Department, work on any project that is being done contrary to the provisions of this Ordinance and Administrative Guidelines shall be immediately stopped, until such time that the violation has been remedied to the satisfaction of the Director of the Community Development Department.

Prior to remediation a plan shall be submitted to and approved by the City Arborist.

(b) Such Notice:

- (i) Shall be in writing.
- (ii) Shall state the specific violation(s).
- (iii) Shall be given to the applicant, owner, the authorized agent of either, or the person in charge, or any person representing the person in charge of the activity on the subject property.
- (iv) Shall state the conditions under which work may be resumed.
- (v) Where an emergency exists, no written notice shall be required.
- (vi) ~~What~~ Shall allow only erosion control work to continue while stop work is in effect.

Section 11: Modification, Revocation, Suspension, Voidance of Permit

A land disturbance permit and/or other permit(s) required by this Ordinance and Administrative Guidelines may be modified, revoked, suspended, or voided by the Director of the Community Development Department upon finding that the holder is in violation of the terms of the permit or any portion of this Ordinance and Administrative Guidelines.

Section 12: Bonding

The Director of the Community Development Department will evaluate all development projects (excluding timber harvesting) requesting property clear cutting. Bonding for timber harvesting activities may be required as provided for in this section. If upon completion of the site evaluation, the Community Development Department deems it appropriate to allow property clear cutting activities, a bond will be required. The bond will be required by the City of Chattahoochee Hills as a mechanism to cover any potential cost associated with re-vegetation of the clear-cut property in the event of property abandonment.

The city may require persons or firms subject to the timber harvesting notice requirement to deliver a bond or letter of credit as provided by this paragraph, in which case notice shall not be or remain effective for such harvesting operations unless and until the person or firm providing such notice has delivered to the governing authority or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting the City of Chattahoochee Hills, Georgia against any damage caused by such person or firm in an amount specified by the city not exceeding \$5,000.00 or, at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in Code Section 7-1-4, in the amount of and in lieu of such bond. For purposes of this paragraph, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered;

For activities other than timber harvesting the required bond amount will be 125 percent (125%)

of the total cost for replanting trees to satisfy the density standards for the project site. A tree replacement cost obtained from a plant nursery will be provided to Director of the Community Development Department with the clear-cut request and the bond amount will be based on the tree replacement cost. The Director of the Community Development Department reserves the right to request additional replacement cost if deemed appropriate. The Director of the Community Development Department will hold the bond until the project activity, including tree replacement to satisfy the site density requirements, is completed. If upon issuing the land disturbance permit, the property is clear cut and there are no construction or development activities conducted within six (6) months, The Director of the Community Development Department will attempt to contact the property owner (via certified mail) for a project update. Should the property owner not respond within thirty (30) days of receipt of the status request, the bond will be used to re-vegetate the project site.

Section 13: Fines and Penalties

- (a) Any person, firm, corporation or other entity violating any of the provisions of this Ordinance, except for notification of timber harvesting, shall be liable for a fine of up to a maximum \$1,000.00 per violation per day. Each calendar day a violation exists shall be considered a separate offense. There are no maximum limitations to the accrual of fines.
- (b) Any person, firm, corporation or other entity that fails to provide a notification of timber harvesting activities shall be liable for a fine of up to a maximum of \$500.00 for each tract of land on which the activities occur.
- (b) Each owner of any property wherein a violation exists shall be jointly and severally responsible for said violations. Each offense will be tried in the Municipal Court of Chattahoochee Hills.

Section 14: Appeals

- (a) Any person aggrieved or affected by any decision of the City Arborist relating to the application of these regulations may file an appeal within thirty (30) days of the decision with the Director of the Community Development Department for relief or reconsideration.
- (b) Any person aggrieved or affected by any decision of the Director of the Department of Community Development relating to the application of these regulations may file an appeal within 30 days of the decision with the Mayor and City Council The appeal shall be made through the Director of Community Development.
- (c) Appeals shall only be granted for errors of interpretation or where the unique natural features of the site are such that application of these regulations would create an undue hardship to the property owner, and in other instances where an undue hardship is created for the owner of the property.

Section 15: Notification of Timber Harvesting Activities

- (a) Written notice shall be provided to the City of Chattahoochee Hills Community Development Department by all persons or firms prior to the initiation of any timber

harvesting activities within the municipal limits of the City of Chattahoochee Hills, Georgia. Notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby and shall be in such form as prescribed by the Director of Community Development, and shall consist of:

- (i) A map of the area which identifies the location of the tract to be harvested and, as to those tracts which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road; and,
 - (ii) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section 48-5-7.5; and,
 - (iii) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
 - (iv) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- (b) Notice may be submitted in person, by transmission of an electronic record via telefacsimile or such other means as approved by the governing authority, or by mail;
- (c) The city may require persons or firms subject to such notice requirement to deliver a bond or letter of credit as provided in Section 12 of this Article.
- (d) Notice shall be effective for such harvesting operation on such tract within such the city upon receipt of the same by the city or its designated agent and, if applicable, compliance with the requirements of paragraph (3) of this subsection and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the city or its designated agent within three business days after such change;
- (e) Notice requirements shall be applicable to any such timber harvested on or after the effective date of this resolution;
- (f) Violation of the notice requirements of this resolution shall be punishable by a fine not exceeding \$500.00;
- (g) The limitations on the regulatory authority of counties, municipalities, or other political subdivisions provided by paragraphs (1), (2), and (3) of this subsection shall apply only to timber harvesting operations which qualify as forestry land management practices or agricultural operations under Code Section 12-7-17, not incidental to development, on tracts which are zoned for or used for forestry, silvicultural, or agricultural purposes.

Section 16: Best Management Practices

All land development, commercial property management, commercial tree care, utility maintenance, and timber harvesting shall follow the following best management practices

- (a) ANSI A300 Guidelines for Tree Care Practices.
- (b) ANSI Z-133 Tree Work Safety Standards.
- (c) the Georgia Forestry Commission's Best Management Practices (BMPs) for Timber Harvesting.
- (d) International Society of Arboriculture (ISA).BMPs for Utility Vegetation Management,

Section ~~16~~ 17: Validity

Should any section or provision of this Ordinance, or its accompanying Administrative Guidelines, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared invalid.

Proposed revisions to
FENCES AND WALLS

Definitions (insert into Section 35-71)

Fence means structural device forming a physical barrier which is so constructed that no less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane.

Wall, Freestanding means a continuous vertical masonry or wood structure, not under a roof, that is so constructed that less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air and vision through said surface when viewed from a right angle to the surface.

Add to Table 35-265 Open Space:

Categories and Uses	Preservation Areas	Civic Areas
<u>Freestanding Walls taller than three feet</u>	<u>No</u>	<u>Yes</u>

Sec. 35-400. - Fences and walls.

(a) ~~—General-~~

- (1) This section shall regulate permanent ~~and temporary~~ fences and freestanding walls. (See outdoor dining supplemental use provisions in section 35-684 for regulations pertaining to fences and freestanding walls for outdoor dining when located within sidewalks-.) Nothing in this section shall preclude a homeowner’s association or property owner’s association from further restricting fences or freestanding walls.
- ~~(2) A fence may be located in any layer of a property.~~
- ~~(2)—Construction of a fence or freestanding wall with a value greater than \$5000 or taller than seven feet shall require a building permit, except that fences for agricultural uses shall not require a permit. —Fences and walls which conform to the provisions stated herein shall be permitted by the department of community development. Fences erected for agricultural uses listed in Table 35 595 shall be exempt from permit requirements.~~
- ~~(3)—Heights of fences, walls, hedges, and other continuous foliage shall be measured from the adjacent top of the thoroughfare curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.~~

(3) ~~(4)~~—Fences, freestanding walls and vegetative materials must not obstruct the minimum sight distance requirements which are specified in the subdivision and land development ordinance administered by the director.

~~(5) —The director may permit retaining wall heights in excess of the requirements of this section where existing topography so requires.~~

~~(6) —Vehicle gates.~~

(4) a.—No part of a vehicle gate shall be located within 20 feet of a public right-of-way, nor shall any gate or vehicle in any way obstruct a public right-of-way, open space area or the minimum sight distance specified in the subdivision and land development ordinance regardless of whether open, closed or in an intermediate position.

~~b.—Vehicle gates shall be further limited according to Table 35-400.~~

(5) ~~(7)~~—Fences and freestanding walls shall be located a minimum of three (3) feet from any public right-of-way.

~~(6) Fences and freestanding walls shall be maintained in good condition. Damaged materials shall be removed, replaced, or repaired with like materials within 120 days.~~

~~(7) Temporary security fencing shall be allowed around construction sites during the time a valid building permit or land development permit is in effect. Temporary security fencing shall be exempt from the material and design restrictions in Table 35-400~~

~~(8) Masonry pillars used with wrought iron fencing shall not be wider than three feet in any dimension and shall not be taller than the fence by an amount greater than the width of the column.~~

(b) —Materials and Design-

(1) The use of broken glass, projecting nails, concertina wire, spikes or other dangerous materials shall be prohibited~~(2) —, except that~~ barbed wire may only be used ~~when associated with agricultural uses and shall be prohibited from use for any single family uses.~~

~~(3) —Walls and fences shall be limited to brick, wire, wood (or materials designed to have the appearance of natural wood) or stone materials.~~

(2) ~~(4)~~—Fences and freestanding walls constructed along all property lines shall be constructed with a finished side toward any adjacent property.

(3) ~~(5)~~—Street screens used for screening parking areas shall be located co-planar with the building ~~faade~~façade line.

(4) ~~(6)~~—Fence and freestanding wall styles shall be further limited according to Table 35-400.

~~(7) —Permanent fences and walls are prohibited directly beneath cantilevered portions of buildings.~~

~~(8) Only poles and beams shall be permitted to be located above the top of fences and walls and in excess of the established height limits of this section. Such vertical structures shall be:~~

~~a. A maximum width and depth of one foot by one foot;~~

~~b. Located a minimum distance of six feet from any other such vertical structure; and~~

~~(5) A freestanding wall in the first layer of a property shall not exceed 3 feet in height measured from the natural grade at the base of the wall.~~

~~(6) A fence in the first layer of a property shall not exceed six feet in height measured from the natural grade at the base of the fence.~~

~~(5)(7) On properties without a principal structure defining the first layer, the required front setback area shall be considered the first layer of the property.~~

~~e. Permitted to have a canopy affixed. See section 35-359(b)(3).~~

~~(e) Regulation based on location:~~

~~(1) Specific to rural areas:~~

~~a. Fences and walls shall be limited to four feet in height when located within the first layer, or when within any required buffer.~~

~~b. Fences and walls shall be limited to eight feet in height when located within any second or third layer, and when outside of any required buffer.~~

~~c. Transparent deer netting or similar materials are allowed up to 12 feet in height only when associated with uses delineated as agricultural in Table 35-595.~~

~~(2) Specific to non-rural areas:~~

~~a. For residential uses:~~

~~1. Fences and walls within the first layer shall be non-opaque. Opaque fences are permitted for all other locations.~~

~~2. Fence and wall heights shall be a maximum height of 42 inches in the first layer.~~

~~3. For all other locations fence and wall heights shall be a maximum of six feet.~~

~~b. For nonresidential uses:~~

~~1. Fences are prohibited in the first layer and between any building facade and an adjacent open space.~~

~~2. Wall heights shall be a maximum of three feet in the first layer and between any building facade and adjacent open space.~~

~~3. For all other locations fence and wall heights shall be a maximum of eight feet.~~

Table 35-400. Fences and Walls

Fence and Wall Materials and Design	Rural Areas	Non-Rural Areas
Barbed wire on metal or wooden posts	P	X
Hog wire, crossbuck, <u>horizontal wire</u> , and horse wire on metal posts	P	X
Hog wire, crossbuck, <u>horizontal wire</u> , and horse wire on wooden posts	P	P
Chain link fence (brown, <u>black</u> , or dark green)	L	L
Chain link fence (silver, brown, <u>black</u> , or dark green)	R	R
3 or 4 rail wood or split timber, wood (<u>or materials with the appearance of wood</u>)	P	X
Picket fence (see Chattahoochee Hills fence design guidelines)	P	P
Wood vehicle gate	P	P
Metal vehicle gate, metal horse gate	P	L
Vertical slat wood privacy fence (<u>wall</u>) on wooden posts	L	L
Walls	P	P

P = Permitted (allowed)

X = not permitted

L = Permitted (allowed) only in second or third Layers (Table 35-357)

R = Permitted (allowed) only for public Recreational Uses