

ORDINANCE NUMBER 5202-B
-20 18

AN ORDINANCE AMENDING CHAPTER IX (TREE PRESERVATION STANDARDS) OF THE LAND DEVELOPMENT CODE FOR THE CITY OF WOODSTOCK, GEORGIA, AMENDING SECTION 9.102, REVISING STANDARDS FOR TREE REMOVAL FOR SINGLE FAMILY RESIDENTIAL PROPERTIES OUTSIDE OF LDP.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Chapter IX, Section 9.102 of the Land Development Code, as amended, is hereby deleted and replaced as follows:

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

²O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

9.102. - Applicability.

The regulations included in this Ordinance shall apply to all properties located within the City unless otherwise noted in this chapter. Please note: *Based on proposed development patterns submitted by applicants within Form Based Code (FBC) designated areas of the City, staff shall have sole discretion over whether Section 18.410 or this chapter will apply.*

1. *Single Family Residential Outside of LDP.*

- a. The removal of five (5) or fewer trees, other than specimen trees, is allowed with a permit (no fee associated with this permit) on any Residential Lot within a single calendar year.
- b. Trees under three (3) inch caliper that were not planted to meet the minimum one hundred (100) inches per acre can be removed without a permit.
- c. Exemptions will be allowed to the five (5) tree per year limit by City staff if the property owner must remove trees in order to build a newly permitted structure, or to build an addition to or to make improvements to an existing structure, or to improve the health of other trees in the landscape.
- d. With regard to private property owners and/or residential lots not incidental to development, a tree removal permit is required for specimen tree removal. A permit will be granted if the specimen tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. If City staff cannot adequately assess the condition of the tree, then the property owner shall be required to provide a letter stating such from a certified arborist. (See Section 9.302 [1. and 2].)
- e. Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City code enforcement division. Dead tree determinations to be made by a certified arborist or designated City staff who have been successfully trained in basic tree evaluation.

2. *Non Single-Family Residential Outside of LDP:*

- a. Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in Section 9.200. The Tree Ordinance shall be enforced by the City, designated agent, and/or the municipal court of the City.
- b. If specimen tree removal is requested, refer to the standards set forth in Section 9.302.
- c. Trees under three (3) inch caliper that were not required by Ordinance or conditions of zoning can be removed without a permit.
- d. Trees three (3) inch caliper and greater that do not meet the specimen tree criteria require a tree removal permit. City staff shall determine whether portions of the Tree Ordinance apply on a case by case basis.
- e. Dead standing trees that are a danger to human life or property must be removed by the property owner after receiving notice from the City code enforcement division. Dead tree determinations to be made by a certified arborist or designated City staff who have been successfully trained in basic tree evaluation.

(Ord. of 12-12-2016(1), § 2(Exh. A))

Effective Date. This Ordinance shall take effect on July 1, 2018.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 9 DAY OF July, 2018.

1st Reading: 6/18/18 2nd Reading: 7/9/18



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

