

ORDINANCE NO. 509

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ORDINANCE NUMBER 349, OF THE CITY OF FLOWERY BRANCH, GEORGIA, TO AMEND SECTION 1027, "STREET TREES" TO REQUIRE ROOT BARRIERS IN CERTAIN INSTANCES, TO PROVIDE ADDITIONAL REQUIREMENTS AND GUIDANCE WITH REGARD TO THE SELECTION AND PLACEMENT OF STREET TREES, TO ADOPT A STANDARD DETAIL; TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, O.C.G.A. § 36-35-3 authorizes each municipal corporation to adopt reasonable ordinances, resolutions or regulations relating to its property, affairs and local government; and

WHEREAS, Section 1.3 of the Charter of the City of Flowery Branch grants the City Council all powers possible for a city to have under the present or future Constitution and laws of the State of Georgia; and

WHEREAS, the City Council desires to exercise its authority in adopting this Ordinance; and

WHEREAS, it is in the public interest to amend certain provisions of The Subdivision and Land Development of the City of Flowery Branch to enhance development standards in the City; and

WHEREAS, the City Council desires to amend Section 1027 "Street Trees" of The Subdivision and Land Development Ordinance; and

WHEREAS, a memorandum has been prepared which provides the rationale for amending Section 1027 "Street Trees" of The Subdivision and Land Development Ordinance, which is attached hereto as Exhibit "A" and incorporated by reference herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS that the Subdivision and Land Development Ordinance is hereby amended as follows:

SECTION 1.

ARTICLE 10, SECTION 1027, "STREET TREES," OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE IS AMENDED AS FOLLOWS:

"Sec. 1027. Street Trees.

- (a) When required. Street tree planting is strongly encouraged if not required for the character area in which the subdivision or land development is located. Street trees may be permitted within the rights-of-ways of new public streets and private streets within commercial, industrial, or residential subdivisions, subject to the approval of the Zoning Administrator.

- (b) Plan submittal and approval. When street trees are to be provided, the subdivider, owner of land to be dedicated as a public street, or the developer of a private street shall at the time of preliminary plat approval submit a plan for the provision of street trees along all said roads which shall be subject to the approval of the Zoning Administrator.
- (c) Installation. It is the intent of this Section that where street trees are provided the subdivider or developer should carefully position street trees on the plan while taking into account sidewalk locations, utility locations, and, if not constructed simultaneously with the construction of the public or private street, future driveways. When street trees are provided, the subdivider or developer shall install said street trees, according to a plan approved by the Zoning Administrator as a part of preliminary plat approval or land development permit approval, and prior to dedication or opening of said street. The Zoning Administrator may accept an agreement by the subdivider where the responsibility for street tree planting is shifted to the owners or individual builders of the lots to be subdivided, upon their development. Any such responsibility shall be legally transferred in a form acceptable to the City Attorney.
- (d) Location. Street trees must be planted within the public or private right-of-way or, if right-of-way width is insufficient to accommodate said street trees, then on private property within a street tree easement dedicated to the city.
- ~~(e) Guidelines. The guidelines below are intended to avoid conflicts with improvements; they are recommendations only and are subject to the approval of the Zoning Administrator (Table 10.8).~~

**Table 10.8
Street Tree Planting Guidelines**

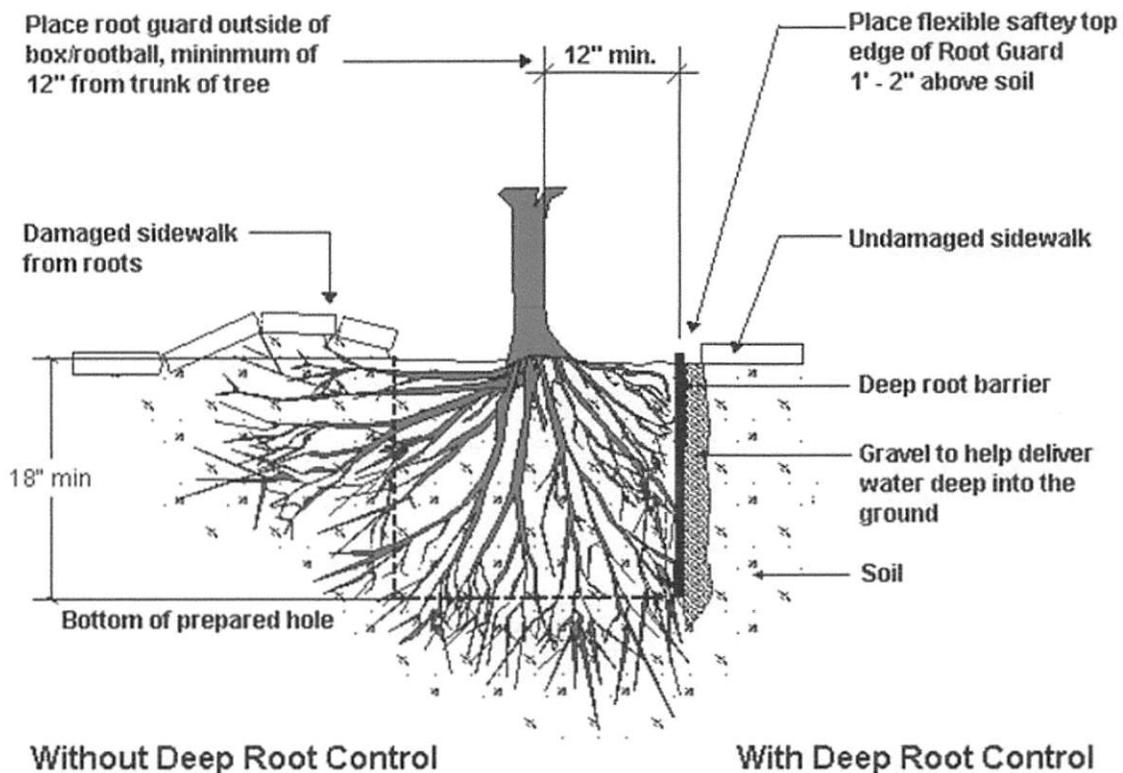
Mature Size	Minimum Width Of Tree-Lawn	Spacing Between Trees	Overhead Utilities (If Permitted)	Distance From Signs, Utility Poles, Driveways, Fire Hydrants	Distance From Inter-Section	Distance From Under-Ground Utilities
Large 50-70 Feet	10 Feet	60 Feet	Do Not Plant	10 Feet	30 Feet	5 Feet
Medium 30-40 Feet	7.5 Feet	40 Feet	Do Not Plant	10 Feet	30 Feet	5 Feet
Small 15-20 Feet	5 Feet	20 Feet	Allowed with Planning Approval*	10 Feet	30 Feet	5 Feet
Evergreen 40-50 Feet	Yards Only	30 Feet	Do Not Plant	30 Feet	30 Feet	5 Feet

(e) **Requirements and Guidelines.**

1. **Size.** When planted, street trees should be provided the greatest amount of growing area possible. The city encourages selection and planting of medium and large canopy trees (at maturity) so long as there is adequate room for planting to allow tree and root growth, without conflict with utilities and paved surfaces, including sidewalks.
2. **Species selection.** Selected trees are classified by size of canopy in Table 10.8. The applicant for street tree plan approval may propose other species than those listed in Table 10.8. The city encourages the selection of both urban-tolerant and native trees, as specified in Table 10.8.
3. **Minimum tree lawn and minimum open soil surface area.** No street tree shall be planted unless it has a minimum of five feet in width by five feet in length of open, unobstructed soil surface area. To ensure adequate growing area for street trees, each street tree planted shall be provided a minimum open soil surface area of 25 square feet for very small canopy, 75 square feet for small canopy, 225 square feet for medium canopy, and 400 square feet for large canopy trees. Street tree plans shall demonstrate compliance with these requirements. To meet the minimum soil surface area, private property adjacent to the right of way may be included if unobstructed. Tree grates above open soil surface areas may be proposed and permitted.
4. **Planting locations restricted.** Street trees shall not be planted within: thirty (30) feet of the intersection of public or private streets; twenty (20) feet of street light and utility poles; ten (10) feet of existing walls, fences, signs, driveways, or fire hydrants; or five (5) feet of existing underground utility corridors and sidewalks.
5. **Spacing.** Street trees shall be spaced at intervals appropriate considering the canopy size and height of the tree at maturity. Generally, this means that there should be a minimum spacing of 15 feet for very small canopy, 20 feet for small canopy, 40 feet for medium canopy, and 60 feet or more for large canopy trees at maturity.
6. **Overhead power or utility lines.** When street trees are proposed to be planted underneath or within five (5) feet of overhead power lines or utilities, only those trees classified as “very small” or “small” in Table 10.8 may be planted. Additionally, underneath or near overhead power lines or utilities, only those species indicated with an “X” or “XX” (i.e., good or especially good) with regard to utility corridors in Table 10.8 should be planted.
7. **Root barriers.** The street tree plan shall propose, and the Zoning Administrator shall require, the installation of root barriers, in accordance with manufacturer’s specifications, when trees are planted within five feet of a sidewalk, curb, paved surface, or underground utility corridor. Street trees installed between a sidewalk and curb and gutter shall require root barriers along both the sidewalk and the curb. Street trees installed between an underground utility corridor and a sidewalk, shall require root barriers along both the utility corridor and the sidewalk. The street tree plan shall identify all street trees that require installation of root barriers.

The linear distance of the root barrier shall be determined based on the critical root zone of the tree at maturity but in most instances shall be no less than 5 feet in length (2.5' feet from the trunk of the tree in each direction) adjacent to the improvement to be protected.

8. Material and depth specifications for root barriers. Street tree root barriers can be made of durable high-density polyethylene or thick plastic, metal, or herbicide-impregnated cloth, buried vertically in the soil. Effective depths depend upon soil texture. At least 12 inches in vertical depth is required for protection. Install root barriers by trenching along the area to be protected. Installers shall make all necessary effort to use best management practices in addressing the potential damage to a sidewalk, curb, paved surface or underground utility by root invasion.



Root Barrier Example

Table 10.8
Characteristics of Trees Identified
as Potentially Appropriate for Use as Street Trees

<u>Species Common Name</u>	<u>Latin Name</u>	<u>Canopy Size Category</u>	<u>Square Feet of Canopy</u>	<u>Level of Use</u>	<u>Parking Lots</u>	<u>Riparian Zones and Drainage</u>	<u>Utility Corridors</u>	<u>Native Plant</u>	<u>Urban Tolerant Tree</u>
<u>Alder, Hazel (Tag)</u>	<u><i>Alnus serrulata</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>		<u>XX</u>	<u>X</u>	<u>Y</u>	<u>X</u>
<u>Ash, White</u>	<u><i>Fraxinus americana</i></u>	<u>Large</u>	<u>1600</u>	<u>P</u>	<u>X</u>	<u>XX</u>		<u>Y</u>	<u>X</u>
<u>Buckeye, Bottlebrush</u>	<u><i>Aesculus parviflora</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>			<u>X</u>	<u>Y</u>	
<u>Buckeye, Painted</u>	<u><i>Aesculus sylvatica</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>		<u>X</u>	<u>X</u>	<u>Y</u>	
<u>Buckeye, Red</u>	<u><i>Aesculus pavia</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>			<u>X</u>	<u>Y</u>	
<u>Crapemyrtle, Common</u>	<u><i>Lagerstroemia indica</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>	<u>XX</u>	<u>0</u>	<u>XX</u>	<u>N</u>	<u>X</u>
<u>Dogwood, Flowering</u>	<u><i>Cornus florida</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>	<u>0</u>		<u>XX</u>	<u>Y</u>	
<u>Dogwood, Flowering Pink</u>	<u><i>Cornus florida var. rubra</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>	<u>0</u>		<u>X</u>	<u>Y</u>	
<u>Fringetree (Grancy Gray Beard)</u>	<u><i>Chionanthus virginicus</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>			<u>X</u>	<u>Y</u>	
<u>Hawthorne, Washington</u>	<u><i>Crataegus phaenopyrum</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>			<u>X</u>	<u>Y</u>	
<u>Hornbeam, Am. (Ironwood, Blue Beech)</u>	<u><i>Carpinus caroliniana</i></u>	<u>Medium</u>	<u>900</u>	<u>P</u>	<u>X</u>	<u>XX</u>		<u>Y</u>	
<u>Magnolia, Southern 'Little Gem'</u>	<u><i>Magnolia grandiflora 'Little Gem'</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>	<u>X</u>		<u>XX</u>	<u>Y</u>	
<u>Maple, Southern Sugar (Florida Sugar)</u>	<u><i>Acer barbatum</i></u>	<u>Medium</u>	<u>900</u>	<u>P</u>	<u>X</u>	<u>X</u>		<u>Y</u>	<u>X</u>
<u>Maple, Trident</u>	<u><i>Acer buergerianum</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>	<u>XX</u>		<u>XX</u>	<u>N</u>	<u>X</u>
<u>Redbud, Eastern</u>	<u><i>Cercis canadensis</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>		<u>X</u>	<u>XX</u>	<u>Y</u>	
<u>Redbud, Eastern White</u>	<u><i>Cercis canadensis var. alba</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>		<u>X</u>	<u>XX</u>	<u>Y</u>	
<u>Redbud, 'Forest Pansy'</u>	<u><i>Cercis canadensis 'Forest Pansy'</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>		<u>X</u>	<u>XX</u>	<u>Y</u>	
<u>Redbud, 'Oklahoma'</u>	<u><i>Cercis reniformis 'Oklahoma'</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>	<u>X</u>		<u>XX</u>	<u>Y</u>	<u>X</u>
<u>Redbud, 'Texas White'</u>	<u><i>Cercis reniformis 'Texas White'</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>	<u>X</u>		<u>XX</u>	<u>Y</u>	
<u>Serviceberry, Downy</u>	<u><i>Amelanchier arborea</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>		<u>X</u>	<u>X</u>	<u>Y</u>	
<u>Smoketree, American</u>	<u><i>Cotinus obovatus</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>			<u>X</u>	<u>Y</u>	<u>X</u>
<u>Smoketree, Common</u>	<u><i>Cotinus coggygria</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>			<u>X</u>	<u>N</u>	<u>X</u>
<u>Waxmyrtle, Southern</u>	<u><i>Myrica cerifera</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>	<u>X</u>	<u>0</u>	<u>X</u>	<u>Y</u>	
<u>Winterberry, Common</u>	<u><i>Ilex verticillata</i></u>	<u>Very small</u>	<u>150</u>	<u>P</u>		<u>X</u>	<u>X</u>	<u>Y</u>	
<u>Witchhazel, Common</u>	<u><i>Hamamelis virginiana</i></u>	<u>Small</u>	<u>400</u>	<u>P</u>		<u>X</u>	<u>X</u>	<u>Y</u>	

X, XX = Good. P = Plant new trees and conserve existing trees. 0 = Do not plant.”

SECTION 2.

All ordinances, resolutions or portions thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 3.

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the city council of the City of Flowery Branch, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not original part of the ordinance.

SECTION 4.

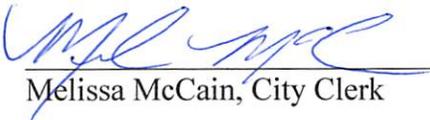
This ordinance shall become effective immediately upon its adoption.

SO ORDAINED this 7th day of May, 2015.

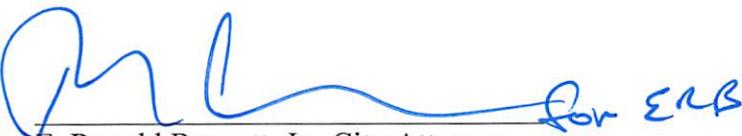
CITY OF FLOWERY BRANCH:


James M. Miller, Mayor

ATTEST:


Melissa McCain, City Clerk

APPROVED AS TO FORM:


E. Ronald Bennett, Jr., City Attorney *for ERB*