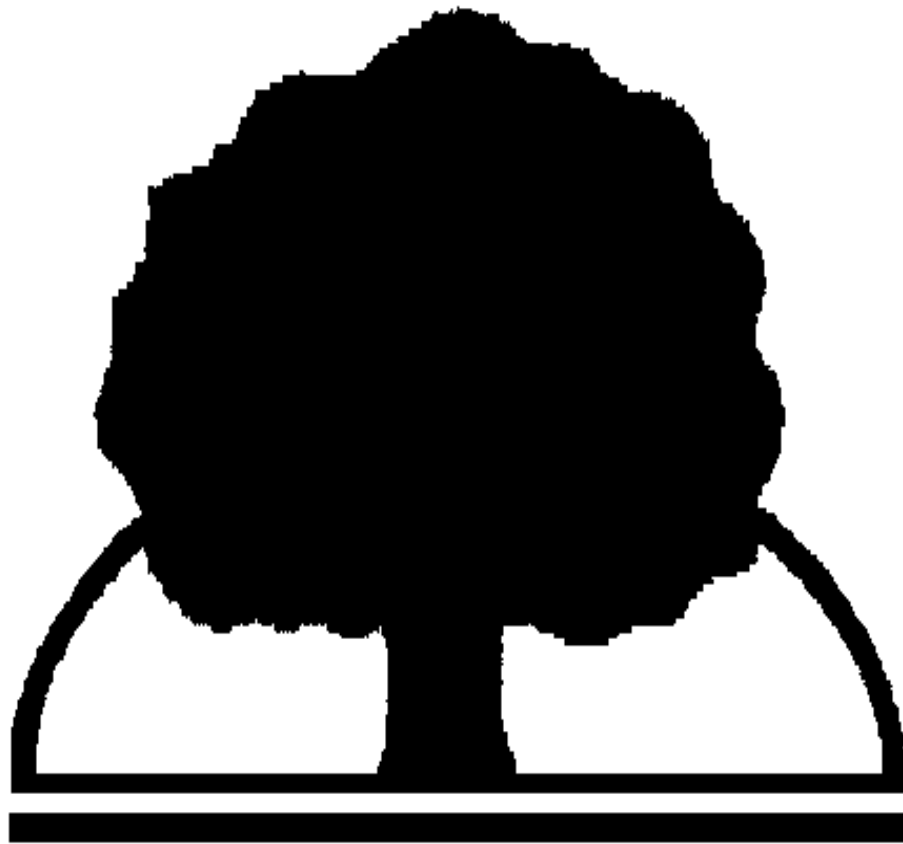


**The 1997
BUFFER, LANDSCAPE,
TREE ORDINANCE**



The City of Sugar Hill, Georgia

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AMENDMENTS

ARTICLE 1

INTENT, PURPOSE AND TITLE

1.1 INTENT

1.1.1 This Ordinance shall apply to all properties or portions thereof located within the incorporated areas of The City of Sugar Hill, Georgia, to the extent of the provisions contained herein. The City Council of The City of Sugar Hill hereby finds that the protection and preservation of trees, the planting of new trees and other landscape material, and the provision of buffers between dissimilar uses as part of the land development process is a public purpose and provides for the public health and general welfare.

1.2 PURPOSE

1.2.1 The purpose of this Ordinance is to preserve and enhance the City's natural environment through tree protection and preservation, the planting of trees and other landscape material, and the provision of natural and/or planted buffers between dissimilar uses. The Ordinance is intended to further the City's policy that all development sites where trees are most commonly removed will achieve upon project completion a uniform standard related to tree coverage, landscaping and buffers.

1.2.2 This Ordinance is also intended to further the City's policy of encouraging all individuals or firms who propose to develop land, and which are required to meet the requirements of this Ordinance, to consider the use of water-efficient landscaping principles and techniques.

1.3 TITLE

1.3.1 This Ordinance shall be known as "The Buffer, Landscape, and Tree Ordinance of The City of Sugar Hill, Georgia" and may be referred to generally as "The Buffer Ordinance," or "The Landscape Ordinance," or "The Tree Ordinance," or, as used herein, "this Ordinance."

ARTICLE 2

DEFINITIONS

2.1 DEFINITIONS OF WORDS AND PHRASES

2.1.1 In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof, where the context will permit, the definitions of words as contained in the adopted Zoning Ordinance of City of Sugar Hill, supplemented by the following, shall apply:

Buffer: Land area used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

Clearing: The removal of vegetation from a property, whether by cutting or other means.

Construction Buffer: A type of buffer which is temporary and remains in effect during the construction of a project.

Department : The City of Sugar Hill Department of Planning and Development (DoP&D), as established by the City of Sugar Hill City Council, and as operated through the actions and administration of the City Manager or his/her designee.

Development Regulations: The adopted regulations providing for the subdivision and development of real property within City of Sugar Hill, Georgia, as amended from time-to-time by the City Council of the City of Sugar Hill.

Diameter Breast Height (DBH): The diameter of a tree measured at a point 4 and 1/2 feet above the ground.

Director: The City Manager and/or the Director of the Department of Planning and Development or his/her designee.

2.1.1 (Cont.)

Dripline: A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Floodplain, 100-Year: Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

Grading: The placement, removal, or movement of earth by use of mechanical equipment on a property.

Land Disturbance Permit (LDP): Any permit other than a Building Permit issued by City of Sugar Hill that authorizes clearing or grading activities on a site or portion of a site. Said permit may be Clearing, Clearing and Grubbing, Grading, or Development Permit as defined and authorized under the Development Regulations of the City of Sugar Hill.

Landscape Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Screening: A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Shrub: A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

Timber Harvesting: The felling, loading and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

2.1.1 (Cont.)

Tree Density Unit (TDU): A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this Ordinance.

Tree Density Standard (TDS): The minimum number of Tree Density Units per acre which must be achieved on a property after development.

Tree: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than 3 inches at any point and a height of over 10 feet.

Tree Diameter: The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.

Tree Protection Area (TPA): Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this Ordinance. The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Tree Preservation/Replacement Plan (TP/RP): A plan that identifies Tree Protection Areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Thinning: Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as clear cutting.

2.1.1 (Cont.)

Zoning Buffer: A buffer required by the Zoning Ordinance or as a condition of zoning, special use or variance approval for a specific property.

Zoning Ordinance: The Zoning Ordinance of City of Sugar Hill, Georgia, as amended from time-to-time by the City Council of City of Sugar Hill or any such Ordinance not expressly superseding this Ordinance.

ARTICLE 3

BUFFER REGULATIONS

3.1 APPLICABILITY.

3.1.1 Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the Zoning Ordinance or as a condition of zoning, special use or variance approval.

3.2 STANDARDS FOR PERMANENT BUFFERS

3.2.1 Width of Buffers

Buffers shall meet the minimum width requirements contained in the Zoning Ordinance, except as authorized to be reduced by the applicable buffer reduction process, as follows:

- a. As specified in the "Minimum Buffer Strip Requirement Table"; or
- b. As specified in a residential zoning district for a permitted non-residential use (e.g. a church, temple, synagogue, etc.); or
- c. As required by a condition of zoning, special use, or variance approval.

3.2.2 Screening Requirements

- a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.
- b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

3.2.2 (Cont.)

- c. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required by the Director in order to observe the sight distance requirements contained in the Development Regulations, or as authorized by a condition of zoning, special use, or variance approval.
- d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this Ordinance shall be met outside of the easement area.

3.2.3 Supplemental Plantings

- a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Ordinance shall be planted with supplemental plantings so as to provide a year-round effective visual screen.
- b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of 6 feet in height at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.
- c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

3.2.4 Non-Vegetative Screening

- a. Non-vegetative materials utilized to satisfy the screening requirements of this Ordinance, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.
- b. If walls or fences are to be utilized, their placement and installation shall be such so as to

cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

3.2.5 Disturbance or Encroachments

- a. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
- b. Supplemental plantings or replantings of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any significant existing vegetation.
- c. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements contained herein.
- d. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

3.2.6 Protection During Land Disturbing Activities

- a. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.
- b. The method of demarcation and protection utilized shall be in accordance with Best Management Practices(BMP) or as required by the Department.

3.3 STANDARDS FOR CONSTRUCTION BUFFERS.

3.3.1 Where Required

Construction buffers shall be required where specifically provided in the Zoning Ordinance between single family residential subdivisions, or as a condition of zoning, special use or variance approval.

3.3.2 Time Constraints

Construction buffers shall only be in effect during the construction period of a project and shall terminate upon project completion. In the case of a residential subdivision, a construction buffer shall terminate upon each individual lot with the issuance of a Certificate of Occupancy for the principal dwelling.

3.3.3 Disturbance or Encroachments

- a. Construction buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein.
- b. The encroachment of ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sediment basins, sanitary sewer conveyance facilities, similar facilities, and any associated easements, into a construction buffer shall not be authorized except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes), and natural bottom detention ponds (sediment basins must be located outside of the construction buffer) and their appurtenant structures which require no grading and removal of trees, may encroach upon the construction buffer.
- c. If the construction buffer on a residential lot is devoid of existing trees and vegetation, and a tree survey is submitted to document this situation prior to conducting land disturbing activities (including clearing) on the lot, then the Department may authorize the encroachment of a building or structure into the construction buffer for a distance not to exceed 10 feet.

3.3.4 Protection During Land Disturbing Activities

- a. During authorized land disturbing activities, construction buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

- b. The method of demarcation and protection utilized shall be in accordance with Best Management Practices (BMP) or as required by the Department.

ARTICLE 4

LANDSCAPE REGULATIONS

4.1 APPLICABILITY.

4.1.1 Non-Residential and Multi-Family Uses

Non-residential and multi-family uses shall provide for landscape plantings on-site as follows:

- a. In a Landscape Strip at least 10 feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage; and
- b. In areas adjacent or internal to off-street parking lots that are required by the Zoning Ordinance to contain more than 5 off-street parking spaces; and
- c. As required by a condition of zoning, special use or variance approval.

4.1.2 Residential Subdivisions

Residential subdivisions shall provide for landscape plantings on-site as follows:

- a. In no-access easements that are required to be provided by the Development Regulations along the line of double frontage lots abutting upon a major thoroughfare; and
- b. As required by a condition of zoning, special use or variance approval.

4.2 LANDSCAPE STRIP PLANTING REQUIREMENTS

4.2.1 Ten (10) Foot Wide Landscape Strips

Landscape Strips which are required to be 10 feet in width shall contain landscaping and plantings within said strip as follows:

4.2.1 (Cont.)

- a. One (1) tree for each 25 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
- b. One (1) shrub for each 25 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
- c. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the Director so long as the total number of plantings is achieved.
- d. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

4.2.2 Five (5) Foot Wide Landscape Strips

Landscape Strips which are required to be 5 feet in width shall contain landscaping and plantings within said strip as follows:

- a. One (1) tree for each 50 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
- b. One (1) shrub for each 50 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
- c. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the Director so long as the total number of required plantings is achieved.

4.2.2 (Cont.)

- d. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and /or provided with other landscaping material, or any combination thereof.

4.2.3 Encroachments Into Landscape Strips

Required Landscaped Strips shall not be encroached upon by parking spaces, driveway surfaces or stormwater detention facilities except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical.

4.3 OFF-STREET PARKING LOT PLANTING REQUIREMENTS

4.3.1 Quantity, Spacing and Planting Standards

Off-street parking lots which are required to contain more than 5 off-street parking spaces shall contain landscaping and plantings as follows:

- a. One (1) tree for each 5 spaces around the perimeter of the parking lot shall be provided.
- b. One (1) tree for each 10 spaces on the interior of the parking lot shall be provided.
- c. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
- d. The minimum planting area or space for each tree shall be at least 25 square feet.
- e. Trees shall be planted in areas surrounding the perimeter of the parking lot and/or shall be planted in planting areas or islands internal to the parking lot. Trees may be planted and spaced singly or in groups.
- f. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other

landscaping material, or any combination thereof.

4.4 NO-ACCESS EASEMENT SCREENING REQUIREMENTS

4.4.1 No-access easements which are required to be provided and recorded by the Development Regulations, or as a condition of zoning, special use or variance approval, shall be screened as follows:

- a. Planted with a single line of evergreen trees or shrubs; or,
- b. Contain a solid or decorative fence; or,
- c. Contain such other landscaping treatments or grade changes which will produce a partial screening effect as authorized by the Director.

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ARTICLE 5

TREE PRESERVATION AND TREE REPLACEMENT REGULATIONS

5.1 APPLICABILITY AND EXEMPTIONS

5.1.1 The terms and provisions of this Article shall apply to any activity on real property which requires the issuance of a Land Disturbance Permit within the City of Sugar Hill. Table A: Summary of Applicability and Exemptions, at the end of this Section, summarizes those activities which are exempt from the provisions of this Ordinance and those for which a Tree Preservation/Replacement Plan must be approved prior to issuance of a Land Disturbance Permit.

5.1.2 Grandfathered Projects

- a. This Article shall not apply to any portion of a property included within the limits of a valid Land Disturbance Permit issued prior to the effective date of this Ordinance, provided that all time constraints relating to the permit issued shall be observed. In no event shall any grandfathered project be extended for a greater time period than 24 months from the date of enactment of this Ordinance.
- b. The requirements of this Article may be waived by the Department for a Land Disturbance Permit which is to proceed with development of a larger project, at least 75% of the land area of which has already received a permit or permits initiating clearing or grading activities.

5.1.3 Horticultural or Agricultural Operations

- a. All plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this Ordinance in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.

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5.1.3 (Cont.)

- b. All orchards of trees in active commercial operation shall be exempt from the terms and provisions of this Ordinance for bona fide agricultural purposes only.

5.1.4 Removal of Disease or Infestation

Upon the advice of the County Extension Service or the Georgia Forestry Commission in accordance with commonly accepted forestry practices and a finding of tree disease or infestation, the Director may authorize the removal of trees to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The owner/developer, prior to the removal of the diseased trees, shall notify the Director, identifying the location of the infested property, and shall submit to the Director the written finding of the County Extension Service or Georgia Forestry Commission.

5.1.5 Tree Thinning

Upon the written advice and findings of the County Extension Service or Georgia Forestry Commission, the thinning of trees (selective cutting only) solely for the purpose of good forestry management, may be permitted upon authorization by the Director and shall require the submittal and approval of a Tree Preservation/Replacement Plan. Permits authorizing tree thinning shall be limited to the following:

- a) The property shall not have been subdivided. The property shall have the same configuration since June 9, 1970.
- b) A 75 foot undisturbed buffer (not a zoning buffer) shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.
- c) The property shall be required to meet a Tree Density Standard of 24 units per acre upon completion of authorized land disturbing activities.
- d) The owner/developer shall utilize the recommended Best Management Practices (BMP's) as established by the Georgia Forestry Commission.

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5.1.6 Credit For Zoning Buffer Plantings Excluded

Existing trees proposed to be retained and new trees proposed to be planted in order to meet the buffer requirements of the Zoning Ordinance or conditions of zoning, special use or variance approval shall not be considered in fulfilling the requirements of this Ordinance. Trees or other vegetation shall not be removed from a zoning buffer area except under the provisions as established herein or by the Zoning Ordinance.

5.1.7 Credit For Construction Buffers - Trees Saved in Single Family Residential Districts Included

Trees saved in a Construction Buffer identified on a Tree Preservation/Replacement Plan shall count toward Tree Density Standard.

5.1.8 Easement Exemption

- a) Properties possessing natural gas, petroleum or electric power transmission easements, or major sanitary sewer main (greater than 8 inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in said easement from the total acreage of the property in fulfilling the Tree Density Standard of this Ordinance provided that no improvements (e.g. parking lots, tennis courts, driveways, stormwater detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so utilized within the easement for the improvements, plus an additional 10-feet of land area surrounding the improvements, shall be used to fulfill the Tree Density Standard of this Ordinance.

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TABLE A SUMMARY OF APPLICABILITY AND EXEMPTIONS		
PROJECT TYPE	TYPE OF CONSTRUCTION	APPLICABILITY
1 and 2 Family Dwellings	Building Permit	Compliance Inspection may be required (5.3.3)
Grandfathered Projects	Any property included within the limits of a LDP approved prior to the effective date of this Ordinance.	Exempt (5.1.2)
Horticultural or Agricultural Operations	Land clearing for clearly agricultural purposes, including timber harvesting, in RA-200 zoning district; Plant or Tree Nurseries; Orchards	Exempt (5.1.3)
Diseased or Infested Trees	Removal upon advice and written finding of County Extension Service or Georgia Forestry Commission	Exempt (5.1.4)
Tree Thinning	Thinning of trees (selective cutting) in zoning districts other than RA-200 solely for the purpose of good forestry management, utilizing recommended BMP's of the Georgia Forestry Commission, upon the advice and written findings of the County Extension Service or Georgia Forestry Commission	TP/RP Required (5.1.5)

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TABLE A (CONTINUED)		
PROJECT TYPE	TYPE OF CONSTRUCTION	APPLICABILITY
Residential and Non-Residential Subdivisions	Land disturbance limited to areas needed for streets, drainage and utilities	TP/RP <u>not</u> required * (5.2.3,a)
	Land disturbance beyond areas needed for streets, drainage, and utilities	TP/RP required (5.2.2)
	Building Permit for the construction of 1 and 2 Family Dwellings	Compliance Inspection may be required (5.3.3)
	Recreation Area	TP/RP required (5.2.3,a)
Multi-family and Non-Residential Sites	Clearing or clearing and grubbing only, limited to areas outside of all minimum yards, buffers, and 100 year flood plain	TP/RP <u>not</u> required ** (5.2.3,b) *
	Clearing or clearing and grubbing only, proposing disturbance within a minimum yard or 100 year flood plain	TP/RP required (5.2.2)
	Grading or Development Permit	TP/RP required (5.2.2)
	Building Permit	Covered by TP/RP as approved by LDP (5.2.2)

* LIMITS OF LAND DISTURBANCE TO BE DESIGNATED WITH PROTECTIVE TREE FENCING, STAKING, OR CONTINUOUS RIBBON PRIOR TO COMMENCEMENT OF ACTIVITIES, CONSISTENT WITH EXEMPTION ALLOWANCES.

** ADDITIONAL AREAS MAY BE DESIGNATED BY DOP&D TO REMAIN UNDISTURBED BASED ON LAND USE PLAN.

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5.2 PERMITS

- 5.2.1 Land disturbance activities shall not commence until such activities have been authorized by issuance of an appropriate Land Disturbance Permit under the provisions of the Development Regulations.
- 5.2.2 For those projects not exempt from the provisions of this Ordinance, and not included under Subsection 5.2.3 below, a Tree Preservation/Replacement Plan shall be submitted along with the other documents required by the Development Regulations for the issuance of a Clearing, Clearing and Grubbing, Grading, or Development Permit.
 - a. All Tree Preservation/Replacement Plans and related documentation shall be reviewed by the Department for conformance to the provisions of this Ordinance along with and at the same time as all other plans required for a requested Land Disturbance Permit under the provisions of the Development Regulations.
 - b. Clearing, grading and development activities shall conform in all respects with the approved Tree Preservation/Replacement Plan. Any revisions to the proposed development of a property, and any changes reflected in a subsequently submitted permit application, shall be shown on a revised Tree Preservation/Replacement Plan and be approved as part of the new or revised permit prior to the commencement of such changed activities.
 - c. A maximum of twenty (20) acres of residential land can be mass-graded at any one time subject to a plan having been reviewed and approved showing phasing of the development of the residential subdivision.
 - d. Subsection 5.3.3 shall apply to residential subdivision development of individual lots and the TP\TR Plan.

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Tree Preservation and Tree Replacement Regulations

5.2.3 Projects which propose only limited development activities may be issued a Land Disturbance Permit without a Tree Preservation/Replacement Plan under the following circumstances:

- a. Residential subdivisions shall not be required to submit a Tree Preservation /Replacement Plan if the proposed land disturbance and construction activities are strictly limited to those directly related to the provision of the streets and storm water drainage and detention facilities, placement of required soil erosion and sedimentation controls, the installation of public or private utilities, and other required improvements, excluding recreation areas, expressly required by the City or by a condition of zoning, special use or variance approval.
- b. Nonresidential subdivisions shall not be required to submit a Tree Preservation /Replacement Plan if the proposed land disturbance and construction activities are strictly limited to those directly related to the provision of the streets and storm water drainage and detention facilities, placement of required soil erosion and sedimentation controls, the installation of public or private utilities, and other required improvements, expressly required by the City or by a condition of zoning, special use or variance approval.
- c. Individual multi-family residential and nonresidential projects (not involving the subdivision of the property) may be allowed to undertake activities limited to clearing or clearing and grubbing only, without approval of a Tree Preservation/Replacement Plan if the proposed land disturbance activities are limited to those portions of the property outside of all minimum yard areas required by the zoning district, all buffer areas required by the Zoning Ordinance or conditions of zoning, variance or special use approval, and any area within the 100-year flood plain, except for curb cut access into the property and for the placement of required soil erosion and sedimentation controls. Additional areas may be designated by the Department to remain undisturbed as may be reasonably required with consideration given to the proposed use of the property, as well as adjacent properties, in accordance with the City 's Land Use Plan. The limits of clearing or clearing and grubbing shall be established no closer to the boundaries of all said undisturbed areas than the driplines of the trees which are located within said areas.

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- d. For any property for which a Tree Preservation/Replacement Plan was not required prior to issuance of a Land Disturbance Permit under the provisions of this Section, all areas required to be undisturbed shall be provided with protective tree fencing, staking, or continuous ribbon along the limits of clearing or grading which adjoin existing trees in accordance with the provisions found in Subsection 5.4.1. Such measures shall be in place prior to beginning clearing or grading activities, and shall be maintained throughout the land disturbance period.

5.3 TREE DENSITY REQUIREMENTS

5.3.1 Minimum Tree Density Standard

On each property for which a Tree Preservation/Replacement Plan is required by this Ordinance, existing trees may be retained and new trees shall be planted such that the property shall attain or exceed a Tree Density Standard of 16 Tree Density Units per acre, exclusive of any acreage within a zoning buffer and any trees required to be preserved or planted within a zoning buffer. The trees, both existing and new, where feasible shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees may be retained or planted for credit within a public street right-of-way if granted authorization by the Department of Transportation.

5.3.2 Tree Density Standard Calculation

The Tree Density Standard shall be calculated by summing the following credits and dividing by the total acreage of the project included within the limits of the permit application (but excluding any acreage included within a zoning buffer).

- a. Credit for existing trees proposed to be preserved on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in TABLE B, CREDIT FOR EXISTING TREES. Credit shall be given all trees preserved on a property having a diameter of 3" or more, except trees located in a zoning buffer.

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5.3.2 (Cont.)

- b. Credit for new trees proposed to be replaced on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in TABLE C, CREDIT FOR REPLACEMENT TREES. Credit shall be given all new trees replaced on a property except for new trees of less than 1 inch in diameter and new trees planted in a required zoning buffer. Multi-trunked ornamental trees shall only be given credit by measuring the single largest trunk and not the cumulative total of the various trunks. Tree-form shrubs shall not be given credit for satisfying the required Tree Density Standard.
- c. Additional credits shall be granted under the following circumstances:
 - (1) A total tree density credit not to exceed three (3) times the units shown on Table B, may be granted by the Department for existing trees to be retained which have greater value as outstanding specimen trees or having historic value or being a rare or unique species.
 - (2) Existing trees to be retained within a minimum yard area (as required by the applicable zoning district) or within a 100-year flood plain shall be granted a bonus credit of 50 percent of the units assigned in Table B unless the tree is located within a required zoning buffer.

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TABLE B - CREDIT FOR EXISTING TREES							
CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR TREES REMAINING ON SITE							
DIA.	UNITS	DIA.	UNITS	DIA.	UNITS	DIA.	UNITS
3	.05	15	1.2	27	4.0	39	8.3
4	.1	16	1.4	28	4.3	40	8.7
5	.15	17	1.6	29	4.6	41	9.2
6	.2	18	1.8	30	4.9	42	9.6
7	.3	19	2.0	31	5.2	43	10.1
8	.4	20	2.2	32	5.6	44	10.6
9	.5	21	2.4	33	5.9	45	11.0
10	.6	22	2.6	34	6.3	46	11.5
11	.7	23	2.9	35	6.7	47	12.0
12	.8	24	3.1	36	7.1	48	12.6
13	.9	25	3.4	37	7.5	49	13.1
14	1.1	26	3.7	38	7.9	50	13.6

NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETERS ARE MEASURED AT DIAMETER BREAST HEIGHT (DBH) OR AT ANY POINT BELOW DBH FOR NEW TREES OR MULTI-TRUNKED SPECIES, BUT IN NO CASE LESS THAN 6 INCHES FROM THE GROUND.

NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETER FRACTIONS MAY BE "ROUNDED-UP" IF 0.5 INCHES OR GREATER OR "ROUNDED-DOWN" IF LESS THAN 0.5 INCHES.

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TABLE C - CREDIT FOR REPLACEMENT TREES			
CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR PROPOSED REPLACEMENT TREES			
Diameter	Units	Diameter	Units
1	.4	8	1.3
2	.5	9	1.5
3	.6	10	1.7
4	.7	11	1.9
5	.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETERS ARE MEASURED AT DIAMETER BREAST HEIGHT (DBH) OR AT ANY POINT BELOW DBH FOR NEW TREES OR MULTI-TRUNKED SPECIES, BUT IN NO CASE LESS THAN 6 INCHES FROM THE GROUND.

NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETER FRACTIONS MAY BE "ROUNDED-UP" IF 0.5 INCHES OR GREATER OR "ROUNDED-DOWN" IF LESS THAN 0.5 INCHES.

NOTE: MULTI-TRUNKED ORNAMENTAL TREES SHALL BE GIVEN CREDIT BY MEASURING THE SINGLE LARGEST TRUNK ONLY. TREE-FORM SHRUBS SHALL NOT BE GIVEN CREDIT.

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5.3.3 One and Two Family Dwellings

If the subdivision is exempt under Subsection 5.2.3a this Subsection (5.3.3) does not apply. However, if the subdivision was not exempt under Subsection 5.2.3a and was required to submit a TP\TR under Subsection 5.2.2 this Subsection (5.3.3) shall apply.

Each residential lot shall have at a minimum two (2) Tree Density Units. The front yard shall contain at least one (1) Tree Density Unit. The minimum replacement trees for front yards shall be shade or flowering trees that measure at least 3 caliper inches in diameter. Examples of shade or flowering trees include all types of oak, maples, birch, tulip poplar, fruit trees, walnut, hickory or elm. To meet this requirement, all other replacement tree species to be planted in a residential front yard that are not listed above shall be approved by the department prior to planting. Existing trees shall be allowed to meet this requirement based on Table B - Credit For Existing Trees.

The requirements of Subsection 5.2.2 may indicate the requirements of this section have been addressed in the TP\TR Plan. If this is the case, a compliance inspection is all that is needed to comply with this section.

Prior to an issuance of a Certificate of Occupancy, a compliance inspection will be made to ensure that all applicable requirements for this section have been satisfied and the appropriate trees have been planted.

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5.4 TREE PRESERVATION AND REPLACEMENT REQUIREMENTS

5.4.1 The following guidelines and standards shall apply to trees proposed to be preserved for credit toward meeting the minimum required Tree Density Standard on a property.

a. Tree Protection Areas

The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.

- (1) The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.
- (2) Layout of the project site utility and grading plans shall avoid disturbance of the tree protection areas.
- (3) Construction site activities such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within tree protection areas.

b. Protective Barriers

- (1) Protective tree fencing, staking or continuous ribbon shall be installed between tree protection areas and areas proposed to be cleared, graded, or otherwise disturbed on the site, prior to any land disturbance.
- (2) All Tree Protection Areas are recommended to be designated as such with "tree save area signs" posted in addition to the required protective fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
- (3) All Tree Protection Areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree protection area.

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5.4.1.(CONT.)

- (4) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

c. Encroachment

If encroachment into a Tree Protection Area occurs which causes irreparable damage to the trees, the Tree Preservation/Replacement Plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this Ordinance, nor shall plan revision activities stop the Department from instituting action for violation of this Ordinance.

5.4.2 Replacement trees proposed to be planted for credit toward meeting the minimum required Tree Density Standard on a property shall comply with the following guidelines and standards:

- a. The spacing of replacement trees must be compatible with spatial site limitations and with responsible consideration towards species size when mature.
- b. Species selected for planting shall be native or adaptable to the region and the intended growing site. Standards for transplanting shall be in keeping with those established by the International Society of Arboriculture, as included in the "Tree and Shrub Transplanting Manual," latest edition, or similar publications. Refer to the American Association of Nurserymen publication "American Standard for Nursery Stock" (ANSI Z60, 1973) for plant material quality specifications. Refer to the "Manual of Woody Landscape Plants" (Michael Dirr, 1983, Castle Books) or similar publications for information on tree species site requirements.
- c. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability.

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5.5 TREE BANK

5.5.1 Where a tree is to be removed under the provisions of this Ordinance, the City may, with the consent of the property owner, relocate the tree at the City's expense to City-owned property for replanting, either for permanent utilization at the new location, or for future use at other City property.

5.5.2 Credit may be given to the property for each relocated tree as though the tree was proposed to remain on the property, if the tree is relocated to a site designated by the City at the owner/developer's expense.

ARTICLE 6

PLAN AND PLAT SPECIFICATIONS

6.1 WATER-EFFICIENT DESIGN CONSIDERATION

It is the policy of The City of Sugar Hill to encourage individuals or firms who prepare the plans and plats required by this Ordinance to consider the use of water-efficient landscaping principles and techniques as one of the criterion to be used in plant selection and design.

6.1.1 Principles and Techniques of Water-Efficient Landscaping

The recommended principles and techniques to be considered are as follows:

- a. Proper Location and Design - locating plants where they will naturally thrive and not require excessive water and maintenance to survive, as well as grouping plants by water needs, and limiting and concentrating high water using plants.
- b. Turf Selection - selecting turf grasses that can survive the variable rainfall conditions in this region, and limiting turf areas.
- c. Efficient Watering - once plants are established, avoid watering during periods of normal rainfall and during droughts, watering every week to 10 days or less depending on the drought tolerance of the plants.
- d. Soil Improvements - loosening and breaking up the soil beyond the immediate planting area to allow better water absorption and to promote deep roots.
- e. Mulching - using mulch to hold moisture in the soil which helps maximize the benefits of watering as well as preventing weeds.
- f. Plant Selection - selecting plants according to their watering requirements and optimum locations.
- g. Maintenance - maintaining the landscape to maximize water conservation such as increasing mowing heights and avoiding fertilizing during dry spells.

6.2 BUFFER AND LANDSCAPE PLAN SPECIFICATIONS

The following subsections and paragraphs outline the required elements of the plans and plats mentioned throughout this Ordinance.

- 6.2.1 A Buffer and Landscape Plan shall be prepared for any project wherein buffer areas or other landscaping areas or treatment are required by this Ordinance, the Zoning Ordinance, conditions of zoning, special use or variance approval, or other regulations of The City of Sugar Hill, and shall be approved prior to issuance of a Development Permit. While the Plan shall cover, at a minimum, the required buffer and landscape areas, the Plan can be combined with a general landscaping plan for the entire project and/or a Tree Preservation/Replacement Plan (if required), at the developer's option.
- 6.2.2 The Buffer and Landscape Plan shall be shown on a Site Plan or boundary survey drawn to the same or a larger scale as the other plan documents prepared for the Development Permit Application and shall cover the same area.
- 6.2.3 The Buffer and Landscape Plan shall contain but need not be limited to the following:
- a. Project name and Land District, Land Lot, and acreage.
 - b. Developer's name and telephone number.
 - c. The name, address, and telephone number of the Registered Landscape Architect, Urban Forester, or Arborist responsible for preparation of the plan, and the Seal or statement of professional qualifications of said person (which may be attached separately). The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession.
 - d. Boundary lines of each buffer or other landscape area, appropriately labeled.
 - e. Delineation of undisturbed buffer areas, and any other areas wherein trees are proposed to be retained to meet City requirements, along the

- 6.2.3 (Cont.) driplines of the trees or groups of trees contained therein. These areas shall be treated in accordance with the Tree Protection Area requirements contained in this Ordinance, and labeled as such. Protective barriers and signage as required by this Ordinance shall be shown as to location and detailed.
- f. General location of all proposed trees, shrubs, vines, groundcovers, mulching, and other features proposed within the buffer/landscape area. A scale sufficient to clearly indicate all details shall be used, along with a north arrow.
 - g. Within areas involving or adjacent to land form changes, existing and finish grade topographic lines at an interval of no more than 2 feet may be required.
 - h. For new plant materials to be installed, a plant material list including but not limited to:
 - (1) Common and botanical names of all proposed plants.
 - (2) Plant quantities.
 - (3) Size and condition of plants. (Example: 1" caliper, 6 feet height, balled and burlapped).
 - (4) Spacing.
 - (5) Remarks as necessary to insure proper plant selection upon installation. (Example: Specimen, multi-trunked).

6.3 TREE PRESERVATION/REPLACEMENT PLAN SPECIFICATIONS

6.3.1 Tree Preservation/Replacement Plans shall be prepared by a professional Landscape Architect, Urban Forester, or Arborist in accordance with the specifications for such plans contained herein. The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession. Other licensed professionals (e.g. architects, engineers, etc.) may be authorized by the Director to prepare Tree Preservation Plans, but not

6.3.1 (Cont.)

Tree Replacement Plans, provided that they demonstrate, to the satisfaction of the Director, competency and knowledge in the principles and practices of arboriculture.

6.3.2 The Tree Preservation/Replacement Plan shall be shown on a copy of a Preliminary Plat, Concept Plan or Site Plan, with the exception of a permit to conduct tree thinning, as appropriate to the proposed development, drawn to the same scale as the other plan documents prepared for a Land Disturbance Permit application on the property, and shall cover the same area. The plan may be combined with a required Buffer and Landscape Plan for the project, at the option of the developer.

6.3.3 The Tree Preservation/Replacement Plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Ordinance will be fully satisfied.

6.3.4 The Tree Preservation/Replacement Plan shall contain but need not be limited to the following:

- a. Project name, Land District, Land Lot, north arrow and scale.
- b. Developer's name, address, and telephone number.
- c. The name, address, and telephone number of the professional Landscape Architect, Urban Forester, Arborist or other authorized individual responsible for preparation of the plan, in accordance with the requirements of Subsection 6.3.1, above, and the Seal or statement of professional qualifications of said person (which may be attached separately).
- d. Delineation of all minimum yard areas, buffers, and landscape areas as required by the Zoning Ordinance or conditions of zoning, special use or variance approval.
- e. Total acreage of the site and total acreage exclusive of all zoning buffer areas.
- f. Delineation of all areas located within a 100-year flood plain.

6.3.4 (Cont.)

- g. Existing Trees to be retained in Tree Protection Areas:

Trunk location and size (to the nearest inch in diameter at or below diameter breast height), of individual trees proposed to remain for credit toward meeting the minimum tree density standard on the property. Groups of 3 or more trees whose driplines combine into a single Tree Protection Area may be outlined as a group and their number, by diameter, shown in the Summary Table. If the number and size of all existing trees to remain on the site exceeds the required tree density standard for the entire site, only those trees required to meet the minimum tree density standard must be shown. All Tree Protection Areas are to be outlined and labeled.

- h. Tree Protection Measures:

- (1) A detail or description of the protective tree fencing, staking, or continuous ribbon to be installed, and the location of such measures, which at a minimum shall follow the dripline of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
- (2) Measures to be taken to avoid soil sedimentation intrusion into Tree Protection Areas, and the location of such devices.
- (3) Proposed location of temporary construction activities such as equipment or worker parking, materials storage, burn holes, equipment washdown areas, and entrance pads.
- (4) Proposed type and location of any tree save area signs or other pertinent signage.

- i. If replacement trees are proposed to be planted in order for the property to achieve the required Tree Density Standard, the replacement trees shall be shown and their spacing and diameter identified, to the extent needed to achieve the minimum requirements. Trees grouped together in tree planting areas may be listed on the Summary Table by total number in the grouping, by size.

6.3.4 (Cont.)

- j. A Summary Table of the number of existing trees to remain and new trees to be planted, by diameter to the nearest inch at or below dbh, shall be shown along with calculations showing the tree density achieved for the site. Additional credits shall be noted where applicable (see Subsection 5.3.2, paragraph c.). Groupings of trees in Tree Protection Areas and areas for new tree planting may be keyed to the Summary Table by area rather than having each tree individually labeled on the plan.

- 6.3.5 The plan sheet which shows the grading plan, including existing and proposed contour lines, shall indicate the dripline location of all Tree Protection Areas through the use of shading on the plans. The exact location of each tree is not desired to be shown, only the limits of the Tree Protection Area and any other areas which are not to be disturbed.

ARTICLE 7

COMPLIANCE

7.1 ARTIFICIAL MATERIALS PROHIBITED

7.1.1 All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this Ordinance.

7.2 WARRANTY OR MAINTENANCE SURETY

7.2.1 Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this Ordinance, and following acceptance by the Department in accordance with the procedures set forth in the Development Regulations, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one (1) year.

7.3 INSPECTION

7.3.1 The Department shall perform an inspection of the plantings and landscape materials required by this Ordinance prior to expiration of the one (1) year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this Ordinance or conditions of zoning, special use or variance approval.

7.3.2 Required landscape material found to be dead or near death shall be replaced prior to release by the Department of the warranty or maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the Department.

7.4 PERFORMANCE SURETY

7.4.1 Compliance Prior to Certificate of Occupancy or Final Plat Approval

In the event that new trees proposed to be planted to achieve the Tree Density Standard as set forth in the Tree Regulations contained herein, or other trees or landscape material required to be planted as set forth in the Buffer

7.4.1 (Cont.)

Regulations or Landscape Regulations contained herein, are not installed upon application for a Certificate of Occupancy or Final Plat approval as appropriate to the project, then a Performance Bond or other acceptable surety in an amount equal to 110% of the value of the new trees or landscape material and their installation shall be posted with the Department in accordance with the performance bonding requirements and provisions of the Development Regulations.

7.4.2 Compliance upon Permit Completion or Expiration

Properties where a permit is issued to conduct land disturbing activities that do not require the issuance of a Certificate of Occupancy or the approval of a Final Plat, or said activities as authorized are completed or the permit expires, shall comply with the Tree Density Standard of this Ordinance as follows:

- a. Clearing, Clearing and Grubbing, or Grading Only Permits

Replacement trees proposed to be planted to achieve the Tree Density Standard of this Ordinance which are not planted upon completion or prior to expiration of a Clearing, Clearing and Grubbing, or Grading Permit, shall be planted within 30 days of the completion or expiration of said permit unless a Performance Bond is posted with the Department.

- b. Development Permits

Replacement trees proposed to be planted to achieve the Tree Density Standard of this Ordinance which are not planted upon expiration, as opposed to completion, of a Development Permit shall be planted within 30 days of expiration of said permit unless a Performance Bond is posted with the Department.

7.5 CONTINUING MAINTENANCE

- 7.5.1 The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this Ordinance.
- 7.5.2 The Department is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.
- 7.5.3 Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this Ordinance.
- 7.5.4 Replacement trees and landscaping shall be in accordance with the applicable provisions of this Ordinance.

ARTICLE 8

ENFORCEMENT, VIOLATION AND APPEALS

8.1 ENFORCEMENT

It shall be the responsibility of the Department to enforce this Ordinance. The Director or his/her designee shall have the authority to revoke, suspend, or void any Clearing, Clearing and Grubbing, Grading, Development or Building Permit or to withhold issuance of a Certificate of Occupancy, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this Ordinance or the provisions of the approved Tree Preservation/Replacement Plan for the site.

8.2 VIOLATION AND PENALTY

Any person violating provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of The City of Sugar Hill, and upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed \$500, or confinement in the County jail not to exceed 60 days, or both. The Court shall have the power and authority to place any person found guilty of a violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

8.3 APPEALS AND WAIVERS

8.3.1 Variance from the Zoning Ordinance

The preservation of trees may be considered as a condition peculiar to a piece of property in support of a request for a Variance from the literal application of the provisions of the Zoning Ordinance, under the procedures and requirements contained therein.

8.3.2 Appeals

Appeals of the interpretation of the requirements of this Ordinance by the Director shall be filed and processed in accordance with the appeal procedures as set forth in the Development Regulations.

8.3.3 Waivers

Waiver requests of the requirements of this Ordinance shall be filed and processed in accordance with the waiver procedures as set forth in the Development Regulations.

ARTICLE 9

ADOPTION AND AMENDMENT

9.1 REPEAL CLAUSE

The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed, save and except such ordinances or resolutions or parts of ordinances or resolutions which provide stricter standards than those provided herein.

9.2 SEVERABILITY

Should any section, subsection, clause, or provision of this Ordinance 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 to be invalid.

9.3 AMENDMENT

This Ordinance may be amended from time-to-time by Ordinance of the City Council of The City of Sugar Hill. Such amendments shall be effective as specified in the adopting Ordinance.

9.4 EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 1996.

BY: _____

City of Sugar Hill

ATTEST:

DATE SIGNED: _____

Clerk

Date

AMENDMENTS

1. October 12, 1998 Amended Section 5.5.1 Exclusions of single family lots are removed. Table A is amended to show proper exemptions. Section 5.2.2 revised to allow a maximum of twenty acres that may be cleared at one time. Section 5.2.3 is amended to distinguish a difference between residential and non-residential. Section 5.3.3 added to require two (2) tree density units to be planted on each single family lot where mass grading takes place.