

## DIVISION 1. GENERALLY

### Sec. 86-26. Title.

This article shall be known as the "Urban Forest Beautification and Conservation Ordinance of the City of Statesboro, Georgia."  
(Ord. of 12-19-95, § I)

### Sec. 86-27. Jurisdiction.

The provisions of this article shall apply to all lands within the city.  
(Ord. of 12-19-95, § II)

### Sec. 86-28. Purpose.

The purpose of this article is to:

- (1) Protect the aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
- (2) Protect and enhance the aesthetic quality provided by street and park trees.
- (3) Prevent soil erosion.
- (4) Prevent reductions in the drainage holding capacity of land.
- (5) Prevent increases and promote reductions in air pollution and carbon dioxide levels in the air.

(Ord. of 12-19-95, § III)

### Sec. 86-29. Exemptions.

The following developments are exempted from compliance with the clearing and tree provisions of this article: Construction (including clearing of the lot) of a detached, semidetached or attached single-family residential structure where such structure is the principal use on an individual lot, except that exceptional trees on such lots will not be exempt.

(Ord. of 12-19-95, § IV)

### Sec. 86-30. Definitions.

For the purpose of this article, certain words or terms used in this article, shall be defined as follows. Words not defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give the regulations set out in this article their most reasonable application. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall encompass the phrases "arranged for," "designed for," "intended for" and "occupied for."

*Acceptable species* means a species determined by the tree board to be of acceptable quality and with acceptable characteristics when planted on the appropriate site as a street, park, or lawn tree in the city. The board shall develop and maintain a list of acceptable species, and such list shall be approved by the city council and kept on file and available to the public in the office of the city engineering department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article.

*Building* means any structure having a roof supported by columns or walls that encloses a space and is intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, or as may be further defined in the building code of the city.

*Caliper* means the diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.

*City arborist/tree manager* means a person with special knowledge of the cultural requirements, identification and characteristics of trees.

*Developer* means the legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

*Development* means a planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

*Diameter at breast height (DBH)* means the diameter or width of the main stem of a tree in inches as measured 4.5 feet above the natural grade at the base of a tree. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the diameter at breast height shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

*Drip line* means a circle subscribed around the tree trunk with a radius equal to the length of the longest limb.

*Exceptional tree* means any tree determined by the tree board and recommended to and approved by the mayor and city council as provided for in this article, to be of notable historic interest, of high aesthetic value, or of unique character because of species, type, age or size (80 percent of state champion size).

*Greenspace* means any area retained as permeable unpaved ground and dedicated to supporting vegetation.

*Greenspace plan* means a map and supporting documentation which describes, for a particular site, where vegetation (greenspace) is to be preserved or planted in compliance with this article. The greenspace plan includes the tree establishment plan, the tree protection plan and the irrigation plan.

*Irrigation plan* means a map and supporting documentation which describes, for a particular site, the locations of permanent water sources and/or irrigation lines.

*Land clearing* means the removal of vegetation of two inches DBH or greater.

*Land clearing and tree protection manual* means a technical supplement containing detailed procedures for compliance with this article; which shall be approved by the city council, attached hereto and incorporated herein [by reference].

*Large tree* means a tree that is expected to attain a height of 50 feet or greater at maturity under ideal growing conditions.

*Master street tree plan* means a plan outlining the urban tree management policies and plans for public trees in the areas of tree selection and planting, tree removal, tree pruning, tree maintenance, and tree protection, administered by the city's public works department.

*Medium tree* means a tree that is expected to attain a height of greater than 25 feet and less than 50 feet at maturity under ideal growing conditions.

*Out parcel* means a parcel of land within the total acreage acquired. Such parcel is set aside and undisturbed, yet has potential for future development. Left as such, it is not counted as part of current development.

*Planted tree* means a tree that is to be planted on a site during or after development and that will be protected after planting.

*Preserved tree* means an existing tree on a site that is to be preserved and protected during construction.

*Preferred species* means a species determined by the tree board to be of excellent quality and with highly desirable characteristics, as approved by the city council. The board shall develop and maintain a list of preferred species, and such list shall be approved by the city council and kept on file and available to the public in the office of the city engineering department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article.

*Quality point factor* means, for a preserved tree, a decimal fraction such as .2, .6 (two-tenths, six-tenths), etc., assigned to each category of tree quality (preferred, recommended, acceptable, and unacceptable) and is used as a multiplier in calculating the tree quality points.

*Recommended species* means a species determined by the tree board to be of very good quality and with desirable characteristics. The board shall develop and maintain a list of recommended species, and such list shall be approved by the city council and kept on file and available to the public in the office of the city engineering department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article.

*Required buffer* means any of the following three alternative types of buffers:

- (1) Natural buffer strip: A strip at least 50 feet wide, having an existing natural growth equivalent to a densely planted evergreen screen.
- (2) Landscape buffer strip: A strip at least ten feet wide, densely planted with shrubs and/or trees at least three feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six feet within three years.
- (3) Landscape buffer wall: A buffer strip at least ten feet wide, containing an opaque wall or barrier or uniformly painted fence at least six feet in height. Buffer strip shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip.

*Small tree* means a tree that is expected to attain a height of 25 feet or less at maturity under ideal growing conditions.

*Tree board* means a legally constituted body of nine individuals, appointed by the mayor, and adopted by the city council, whose responsibility is to advise the mayor and city council in all tree-related matters.

*Tree density* means the number of tree quality points per square foot of greenspace.

*Tree establishment plan* means a map and supporting documentation which describes, for a particular site, the species and locations of trees to be planted in compliance with the requirements of this article.

*Tree establishment zone* means the area essential to a tree's health and survival, including both above ground and below ground space, surrounding a planted tree which is protected within the guidelines of this article.

*Tree protection plan* means a map and supporting documentation which describes, for a particular site, where existing trees are to be preserved in compliance with the requirements of this article and the species of trees.

*Tree protection zone* means the area essential to a tree's health and survival, including both above ground and below ground space, surrounding a preserved or planted tree which is protected within the guidelines of this article (further defined in the land clearing and tree protection manual).

*Tree quality rating* means, for a planted tree, a whole number that is assigned to each category of mature tree size and tree quality (unacceptable, acceptable, recommended, and preferred).

*Tree quality point* means a unit of measurement which quantifies the relative value of trees that are planted or preserved on a given site. The tree quality points quantitatively express the desirable qualities of the species with regard to size for each tree that is preserved on a site. For a preserved tree, the tree quality points are an expression of the species desirability and the current size (DBH) of the tree. For planted trees, the tree quality points are an expression of species desirability and the expected mature size of the tree.

*Tree species list* means a list of tree species prepared by the state forestry commission in which tree species are categorized by size and recommendation. The list is made a part of this article by reference and incorporated herein. The list may be revised by the tree board and the engineering department upon submission to and approval by the city council. The list is a part of the land clearing and tree protection manual attached hereto [by reference].

*Unacceptable species* means a species determined by the tree board and to be of poor quality and with undesirable characteristics. The board shall develop and maintain a list of unacceptable species, and such list shall be approved by the city council and kept on file and available to the public in the office of the city engineering department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article.

*Underbrushing* means the removal of woody brush and other vegetation at the groundline, as in mowing.

*Vegetative practices* means measures to stabilize erodible or sediment-producing areas by covering the soil with plantings such as:

- (1) Permanent seeding, sprigging or planting producing a longterm vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover; or
- (3) Sodding areas with a turf of perennial sod-forming grass.

(Ord. of 12-19-95, § V; Ord. of 9-6-00)

**Cross references:** Definitions and rules of construction generally, § 1-2.

Sec. 86-31. Permit required for clearing.

Except as provided in this article, no person, partnership, corporation, or business entity shall clear land (as defined in section 86-30) or permit the clearing of land without first obtaining a land disturbance activities permit as provided for in division 4 of this article.

(Ord. of 12-19-95, § VI)

**Sec. 86-32. Land clearing and tree protection manual.**

(a) The land clearing and tree protection manual, which provides detailed information and standards in reference to the provisions of this article, is hereby adopted by reference and made a part of this article as adopted by mayor and city council.

(b) All land clearing and required greenspace shall be provided in a manner consistent with the provisions contained in this article and the land clearing and tree protection manual.

(Ord. of 12-19-95, § VI)

**Sec. 86-33. Other jurisdictions.**

Private property owners are responsible for pruning trees overhanging a street, sidewalk, or other right-of-way. Such branches shall not obstruct the view of any street intersection, traffic signal light, sign or other traffic control device. The city shall have the right to prune obstructive trees and shrubs on private property.

(Ord. of 12-19-95, § XII)

**Sec. 86-34. Unlawful activity.**

It shall be unlawful for any person(s) or firm to engage in pruning, treating or removing street or park trees, except those persons who are employees of the city or are appointed or designated by the mayor and/or city council.

(Ord. of 12-19-95, § XIII)

**Sec. 86-35. Enforcement.**

The city arborist/tree manager shall be charged with the enforcement of this article and is hereby authorized to do all acts necessary to ensure compliance with the terms and conditions of this article, including but not limited to the issuance of citations for violation of this article.

(Ord. of 12-19-95, § XIV; Ord. of 9-6-00)

**Sec. 86-36. Violation penalty.**

Each violation of the provisions of this article shall be punishable by a fine not to exceed \$1,000.00 per violation. The removal or destruction of each tree covered by the terms and conditions of this article shall constitute a separate offense under this article.

(Ord. of 12-19-95, § XV)

**Sec. 86-37. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 12-19-95, § XVI)

**Sec. 86-38. Trees on existing developed properties.**

No more than 1,000 tree quality points (TQPs) shall be cut from an existing developed property, except for single-family dwellings, without the consent of the city tree manager or the tree board.

(Ord. of 9-6-00)

Secs. 86-39--86-60. Reserved.

## DIVISION 2. PRINCIPLES AND STANDARDS FOR GREENSPACES, TREE PROTECTION, TREE ESTABLISHMENT AND LANDSCAPING

Sec. 86-61. Applicability and plans required.

Except as herein provided, there shall be provided for each new development a greenspace plan. Such plan shall incorporate a tree protection plan and a tree establishment plan as part of the greenspace plan or as a separate document. Such tree protection plan and tree establishment plan shall conform to the standards and requirements set out in this article.

(Ord. of 12-19-95, § VII)

Sec. 86-62. Greenspace design principles and standards.

The following principles and standards shall apply to the greenspace on a site to be developed.

- (1) *Greenspace*. A minimum of ten percent of the total area of any development, including all buildable areas, shall be devoted to greenspace; i.e., for every one acre in the total area of the development one-tenth acre shall be reserved as greenspace.
  - a. The ten percent minimum greenspace requirement is calculated from the total area of the development minus the area of required buffers with vegetation.
  - b. Required buffers: Existing trees in required buffer zones cannot be counted in the total calculations of tree quality points required for the development.
  - c. Out parcel development is subject to all requirements contained in this article and shall not be permitted without prior approval.
- (2) *Tree density*. Each greenspace shall have a tree density of 4,000 tree quality points for every 40,000 square feet of greenspace.
- (3) *Tree quality points*. The total tree quality points (TQPs) required may consist of a combination of points for preserved trees and planted trees.
- (4) *Paved surfaces*. If the total of all paved surface areas in the development is 10,000 square feet or greater, then a minimum of ten percent of the paved surface must be in greenspace.
  - a. The greenspace within paved surface areas must be distributed in islands or peninsulas within and throughout the paved surface areas.
  - b. This greenspace must have a tree density of 4,000 tree quality points (TQPs) per 40,000 square feet.
  - c. All planted areas within paved surfaces shall be curbed.
  - d. The number of tree quality points within the paved surface areas shall count toward the number of tree quality points required for the total area of the development.
- (5) *Trees in poor condition*. Trees in poor condition are not eligible for tree quality points. A tree shall be determined to be in poor condition upon evaluation by the tree board and the city engineering department using guidelines set forth in the urban forest resource materials, which is incorporated in this article and which is available in the office of the city engineering department and city arborist/tree manager.
- (6) *Tree quality point calculation for preserved trees*. The tree quality points for a preserved tree are calculated by multiplying the quality points factor by the DBH squared. The quality points factors for preserved trees are listed below in Table No. 1 and

further defined in the land clearing and tree protection manual. Refer to the tree species list located in the manual for information on the tree quality rating for individual species. Unacceptable species or trees less than four inches DBH will not be assigned tree quality points.

**Table No. 1**

TABLE INSET:

	Tree Quality Rating	Quality Points Factor
	Acceptable	0.4
	Recommended	1.2
	Preferred	2.8
	Exceptional	4.2

Tree Quality Points = DBH 2 × Quality Points Factor

(7) *Tree quality point calculation for planted trees.* The tree quality points for a planted tree are assigned based upon mature tree size and the tree quality rating. Refer to Table No. 2, below, for the tree quality points assigned to each category of planted tree, and to the land clearing and tree protection manual for further information. Refer to the tree species list located in the manual for information on the size and tree quality rating for a specific species. No one species shall make up over 50 percent of the total number of trees planted.

**Table No. 2**

TABLE INSET:

Mature Size	Acceptable	Recommended	Preferred
Small (Less than 25')	1	5	10
Medium (25'--40')	20	30	40
Large (40' and larger)	30	80	100

(8) *Unacceptable species.* Unacceptable species as listed in the tree species guidelines incorporated in this article will not be assigned tree quality points. Reference shall be made to the tree species list.

(9) *Minimum caliper.* The minimum caliper (measured at six inches above the ground) for planted trees is two inches. Multi-stemmed trees must have three to four stems and be six to eight feet tall. Refer to the tree species list located in the manual for information on the mature size of a specific species.

(10) *Protection of preserved or planted trees.* All preserved and/or planted trees shall be protected from land disturbance resulting from any building or facility construction.

(11) *Maintenance of tree quality points.* The required number of tree quality points must be maintained on the site as living trees for the life of the development.

(Ord. of 12-19-95, § VII; Ord. of 9-6-00)

Sec. 86-63. Tree protection and tree establishment.

(a) *Protection of preserved trees.* Tree protection zones shall be established and maintained for all preserved trees. The following provisions apply to such zones and trees within them.

(1) Upon request by the applicant, the use of perforated pavers shall be allowed upon approval by the city engineering department if it is determined the following conditions exist:

- a. The pavers cannot be counted in the total percent of greenspace; and
- b. If the use shall not restrict the water supply or root system of planted or existing trees.

(2) A tree protection plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and construction of the project. Such plan shall be approved by the engineering department when it is determined that the plan adequately addresses the criteria set forth in the land clearing and tree protection manual. The tree protection plan may be either a separate plan or included as part of the greenspace plan. This plan will be reviewed by the tree board, city arborist/tree manager or a consulting urban forester/arborist hired by the city. For projects two acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board.

(3) No vehicles shall be parked, or constructed material stored or substances poured or disposed of or placed, within any tree protection zone at any time during clearing or construction of the project.

(4) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two inches of sandy loamy topsoil covered with sod or mulch.

(5) The Best Management Practices (BMPs) for Construction Sites by Dr. Kim Coder, University of Georgia, shall be followed and incorporated into all plans.

(b) *Protection of planted trees.* Tree establishment zones shall be established by the developer and maintained for all planted trees by the landowner, leaseholder and/or developer. The following provisions apply to such zones and trees within them.

(1) Any planted tree must have a minimum tree establishment zone based upon its mature size (see tree species list for mature size). The minimum size tree establishment zone centered upon the planted tree shall be as specified below and detailed further in the land clearing and tree protection manual:

- a. Small trees--16 square feet (4 ft. × 4 ft.).
- b. Medium trees--64 square feet (8 ft. × 8 ft.).
- c. Large trees--196 square feet (14 ft. × 14 ft.).

(2) A tree establishment plan identifying the location of all planted trees shall be provided. The tree establishment plan may be either a separate plan or included as part of the greenspace plan. For projects two acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board. This plan will be reviewed by the tree board, city arborist/tree manager or a consulting urban forester/arborist hired by the city.

(3) No tree shall be planted closer to a building foundation or water, sewer, or natural gas line (when existing) than as follows:

- a. Small trees--Five feet.
- b. Medium trees--Ten feet.
- c. Large trees--15 feet.

- (4) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.
- (5) The area within the tree establishment zone must remain open and unpaved. The use of perforated pavers may be allowed subject to approval of the engineering department.
- (6) No vehicles shall be parked, or construction material stored, or substances poured, or disposed of or placed within any tree establishment zone at any time during clearing or construction of the project, prior to establishment.
- (c) *Irrigation requirements.* Except as provided for in this article, irrigation shall be provided for all trees, preserved and planted, including medians and boulevards within subdivisions, according to the following provisions.
  - (1) A permanent water source shall be installed not more than 100 feet from each tree protection or tree establishment zone, but shall not encroach more than 12 inches into any tree protection or establishment zone.
  - (2) For development of 10 acres or more, the locations and descriptions of the required permanent water sources and/or irrigation lines shall be placed on a separate irrigation plan or shall be included as part of the greenspace plan.
  - (3) The minimum permanent water source shall be a 1/2-inch hose bib.
  - (4) All irrigation systems connected to any potable water supply shall be provided with an adequate means to prevent contamination of the potable water supply.
  - (5) Provided, however, irrigation shall not be required where:
    - a. Existing individual trees of clumps or groups of existing trees or wooded areas are to be preserved and grading, filling or other land disturbing activities have not disturbed the natural ground water supply to such trees; or
    - b. For planted trees if it is determined by the engineering department that the natural ground water supply and/or the natural soil condition is sufficient to sustain tree growth.
- (d) *Designation of exceptional trees.* The mayor and city council may, on its own initiative or upon petition, designate a tree as "exceptional," as defined in this article. All nominations for exceptional tree designations shall be reviewed by the tree board who shall make a recommendation on such nomination to the mayor and city council. Trees so designated shall thereafter be considered a public landmark and shall not be destroyed or endangered. The designation of an exceptional tree shall be based upon an evaluation of the tree in relation to the following criteria:
  - (1) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
  - (2) The tree has unusually high aesthetic value.
  - (3) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
  - (4) The tree is free of disease, pests or serious injury.
  - (5) The tree has a life expectancy of more than ten years.
  - (6) The tree is free from structural defects which could present a hazard to the public.
- (e) *Prohibited trees along street and in public areas.* The following trees are prohibited along streets and in public areas within the city: tree of heaven, sweetgum, female ginkgo, silver maple, pecan, catalpa, thorned honey locust, black locust, willows, and sumacs.
- (f) *Trees on adjacent city property.*

- (1) A property owner or person authorizing or responsible for any land disturbing activity within the drip line of a tree located on city property shall provide for the protection of such tree(s) to the standards described in these regulations.
- (2) Any person authorizing or who engages in land disturbing activity that causes damage to or affects the health or growth of a tree or tree's surrounding environment or support system on city property shall be responsible for damages to the tree or to the surrounding environment, including replacement value, as determined by the tree board. Upon notice of the amount of damages, an appeal as to the amount of damages may be filed with the city council within 15 days of notice. In the event the damages are not paid within 30 days of the lapsing of the time for filing a final appeal or final decision by the city council, the damages shall become a lien on the adjacent property from which the damage emanated and shall be collected in the same manner and fashion as authorized by state law for the collection of delinquent tax liens.  
(Ord. of 12-19-95, § VII; Ord. of 9-6-00)

**Sec. 86-64. Underbrushing requirements.**

On tracts of land containing 20 or more acres, the city engineering department shall approve underbrushing of no greater than two-inch diameter trees upon the following findings:

- (1) The city engineering department has found that sufficient tree cover exists such that the removal of such trees will not impair the ability of the site to comply with the requirements of these regulations, and
- (2) The removal of such trees is not in conflict with the purpose and intent of these regulations.

(Ord. of 12-19-95, § VII)

**Sec. 86-65. Tree banking.**

For those projects that the total tree quality points cannot be achieved as determined by the tree board, a cash payment can be made to the city's tree trust fund. For every point not achieved, a payment of \$10.00 will be assessed. These funds will be used for the purchasing and planting of trees at the city's discretion.

(Ord. of 9-6-00)

Secs. 86-66--86-80. Reserved.

**DIVISION 2. PRINCIPLES AND STANDARDS FOR GREENSPACES, TREE PROTECTION, TREE ESTABLISHMENT AND LANDSCAPING**

**Sec. 86-61. Applicability and plans required.**

Except as herein provided, there shall be provided for each new development a greenspace plan. Such plan shall incorporate a tree protection plan and a tree establishment plan as part of the greenspace plan or as a separate document. Such tree protection plan and tree establishment plan shall conform to the standards and requirements set out in this article.

(Ord. of 12-19-95, § VII)

**Sec. 86-62. Greenspace design principles and standards.**

The following principles and standards shall apply to the greenspace on a site to be developed.

(1) *Greenspace*. A minimum of ten percent of the total area of any development, including all buildable areas, shall be devoted to greenspace; i.e., for every one acre in the total area of the development one-tenth acre shall be reserved as greenspace.

a. The ten percent minimum greenspace requirement is calculated from the total area of the development minus the area of required buffers with vegetation.

b. Required buffers: Existing trees in required buffer zones cannot be counted in the total calculations of tree quality points required for the development.

c. Out parcel development is subject to all requirements contained in this article and shall not be permitted without prior approval.

(2) *Tree density*. Each greenspace shall have a tree density of 4,000 tree quality points for every 40,000 square feet of greenspace.

(3) *Tree quality points*. The total tree quality points (TQPs) required may consist of a combination of points for preserved trees and planted trees.

(4) *Paved surfaces*. If the total of all paved surface areas in the development is 10,000 square feet or greater, then a minimum of ten percent of the paved surface must be in greenspace.

a. The greenspace within paved surface areas must be distributed in islands or peninsulas within and throughout the paved surface areas.

b. This greenspace must have a tree density of 4,000 tree quality points (TQPs) per 40,000 square feet.

c. All planted areas within paved surfaces shall be curbed.

d. The number of tree quality points within the paved surface areas shall count toward the number of tree quality points required for the total area of the development.

(5) *Trees in poor condition*. Trees in poor condition are not eligible for tree quality points. A tree shall be determined to be in poor condition upon evaluation by the tree board and the city engineering department using guidelines set forth in the urban forest resource materials, which is incorporated in this article and which is available in the office of the city engineering department and city arborist/tree manager.

(6) *Tree quality point calculation for preserved trees*. The tree quality points for a preserved tree are calculated by multiplying the quality points factor by the DBH squared. The quality points factors for preserved trees are listed below in Table No. 1 and further defined in the land clearing and tree protection manual. Refer to the tree species list located in the manual for information on the tree quality rating for individual species. Unacceptable species or trees less than four inches DBH will not be assigned tree quality points.

**Table No. 1**

TABLE INSET:

Tree Quality Rating	Quality Points Factor
Acceptable	0.4
Recommended	1.2
Preferred	2.8
Exceptional	4.2

Tree Quality Points = DBH<sup>2</sup> × Quality Points Factor

(7) *Tree quality point calculation for planted trees*. The tree quality points for a planted tree are assigned based upon mature tree size and the tree quality rating. Refer to Table No. 2, below, for the tree quality points assigned to each category of planted tree, and to

the land clearing and tree protection manual for further information. Refer to the tree species list located in the manual for information on the size and tree quality rating for a specific species. No one species shall make up over 50 percent of the total number of trees planted.

**Table No. 2**

TABLE INSET:

Mature Size	Acceptable	Recommended	Preferred
Small (Less than 25')	1	5	10
Medium (25'--40')	20	30	40
Large (40' and larger)	30	80	100

(8) *Unacceptable species.* Unacceptable species as listed in the tree species guidelines incorporated in this article will not be assigned tree quality points. Reference shall be made to the tree species list.

(9) *Minimum caliper.* The minimum caliper (measured at six inches above the ground) for planted trees is two inches. Multi-stemmed trees must have three to four stems and be six to eight feet tall. Refer to the tree species list located in the manual for information on the mature size of a specific species.

(10) *Protection of preserved or planted trees.* All preserved and/or planted trees shall be protected from land disturbance resulting from any building or facility construction.

(11) *Maintenance of tree quality points.* The required number of tree quality points must be maintained on the site as living trees for the life of the development.

(Ord. of 12-19-95, § VII; Ord. of 9-6-00)

**Sec. 86-63. Tree protection and tree establishment.**

(a) *Protection of preserved trees.* Tree protection zones shall be established and maintained for all preserved trees. The following provisions apply to such zones and trees within them.

(1) Upon request by the applicant, the use of perforated pavers shall be allowed upon approval by the city engineering department if it is determined the following conditions exist:

- a. The pavers cannot be counted in the total percent of greenspace; and
- b. If the use shall not restrict the water supply or root system of planted or existing trees.

(2) A tree protection plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and construction of the project. Such plan shall be approved by the engineering department when it is determined that the plan adequately addresses the criteria set forth in the land clearing and tree protection manual. The tree protection plan may be either a separate plan or included as part of the greenspace plan. This plan will be reviewed by the tree board, city arborist/tree manager or a consulting urban forester/arborist hired by the city. For projects two acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board.

(3) No vehicles shall be parked, or constructed material stored or substances poured or disposed of or placed, within any tree protection zone at any time during clearing or construction of the project.

(4) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two inches of sandy loamy topsoil covered with sod or mulch.

(5) The Best Management Practices (BMPs) for Construction Sites by Dr. Kim Coder, University of Georgia, shall be followed and incorporated into all plans.

(b) *Protection of planted trees.* Tree establishment zones shall be established by the developer and maintained for all planted trees by the landowner, leaseholder and/or developer. The following provisions apply to such zones and trees within them.

(1) Any planted tree must have a minimum tree establishment zone based upon its mature size (see tree species list for mature size). The minimum size tree establishment zone centered upon the planted tree shall be as specified below and detailed further in the land clearing and tree protection manual:

- a. Small trees--16 square feet (4 ft. x 4 ft.).
- b. Medium trees--64 square feet (8 ft. x 8 ft.).
- c. Large trees--196 square feet (14 ft. x 14 ft.).

(2) A tree establishment plan identifying the location of all planted trees shall be provided. The tree establishment plan may be either a separate plan or included as part of the greenspace plan. For projects two acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board. This plan will be reviewed by the tree board, city arborist/tree manager or a consulting urban forester/arborist hired by the city.

(3) No tree shall be planted closer to a building foundation or water, sewer, or natural gas line (when existing) than as follows:

- a. Small trees--Five feet.
- b. Medium trees--Ten feet.
- c. Large trees--15 feet.

(4) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

(5) The area within the tree establishment zone must remain open and unpaved. The use of perforated pavers may be allowed subject to approval of the engineering department.

(6) No vehicles shall be parked, or construction material stored, or substances poured, or disposed of or placed within any tree establishment zone at any time during clearing or construction of the project, prior to establishment.

(c) *Irrigation requirements.* Except as provided for in this article, irrigation shall be provided for all trees, preserved and planted, including medians and boulevards within subdivisions, according to the following provisions.

(1) A permanent water source shall be installed not more than 100 feet from each tree protection or tree establishment zone, but shall not encroach more than 12 inches into any tree protection or establishment zone.

(2) For development of 10 acres or more, the locations and descriptions of the required permanent water sources and/or irrigation lines shall be placed on a separate irrigation plan or shall be included as part of the greenspace plan.

(3) The minimum permanent water source shall be a 1/2-inch hose bib.

(4) All irrigation systems connected to any potable water supply shall be provided with an adequate means to prevent contamination of the potable water supply.

(5) Provided, however, irrigation shall not be required where:

- a. Existing individual trees or clumps or groups of existing trees or wooded areas are to be preserved and grading, filling or other land disturbing activities have not disturbed the natural ground water supply to such trees; or
- b. For planted trees if it is determined by the engineering department that the natural ground water supply and/or the natural soil condition is sufficient to sustain tree growth.

(d) *Designation of exceptional trees.* The mayor and city council may, on its own initiative or upon petition, designate a tree as "exceptional," as defined in this article. All

nominations for exceptional tree designations shall be reviewed by the tree board who shall make a recommendation on such nomination to the mayor and city council. Trees so designated shall thereafter be considered a public landmark and shall not be destroyed or endangered. The designation of an exceptional tree shall be based upon an evaluation of the tree in relation to the following criteria:

- (1) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
- (2) The tree has unusually high aesthetic value.
- (3) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
- (4) The tree is free of disease, pests or serious injury.
- (5) The tree has a life expectancy of more than ten years.
- (6) The tree is free from structural defects which could present a hazard to the public.
- (e) *Prohibited trees along street and in public areas.* The following trees are prohibited along streets and in public areas within the city: tree of heaven, sweetgum, female ginkgo, silver maple, pecan, catalpa, thorned honey locust, black locust, willows, and sumacs.

(f) *Trees on adjacent city property.*

(1) A property owner or person authorizing or responsible for any land disturbing activity within the drip line of a tree located on city property shall provide for the protection of such tree(s) to the standards described in these regulations.

(2) Any person authorizing or who engages in land disturbing activity that causes damage to or affects the health or growth of a tree or tree's surrounding environment or support system on city property shall be responsible for damages to the tree or to the surrounding environment, including replacement value, as determined by the tree board. Upon notice of the amount of damages, an appeal as to the amount of damages may be filed with the city council within 15 days of notice. In the event the damages are not paid within 30 days of the lapsing of the time for filing a final appeal or final decision by the city council, the damages shall become a lien on the adjacent property from which the damage emanated and shall be collected in the same manner and fashion as authorized by state law for the collection of delinquent tax liens.

(Ord. of 12-19-95, § VII; Ord. of 9-6-00)

#### **Sec. 86-64. Underbrushing requirements.**

On tracts of land containing 20 or more acres, the city engineering department shall approve underbrushing of no greater than two-inch diameter trees upon the following findings:

(1) The city engineering department has found that sufficient tree cover exists such that the removal of such trees will not impair the ability of the site to comply with the requirements of these regulations, and

(2) The removal of such trees is not in conflict with the purpose and intent of these regulations.

(Ord. of 12-19-95, § VII)

#### **Sec. 86-65. Tree banking.**

For those projects that the total tree quality points cannot be achieved as determined by the tree board, a cash payment can be made to the city's tree trust fund. For every point not achieved, a payment of \$10.00 will be assessed. These funds will be used for the purchasing and planting of trees at the city's discretion.

(Ord. of 9-6-00)

Secs. 86-66--86-80. Reserved.

### **DIVISION 3. ADMINISTRATION**

#### **Sec. 86-81. Creation and establishment of a city tree board.**

(a) *Tree board.* There is hereby created and established a tree board for the city which shall consist of nine members, who shall be appointed by the mayor with the approval of the city council, with consideration for expertise in the areas of administration, urban forestry, conservation, preservation of environmental attributes, horticulture, landscaping, and commercial or private construction.

(b) *Term of office.* The term of the nine members shall be three years except that the term of three of the members appointed to the first nine-member tree board shall be for one year and three of the members appointed to the first nine member tree board shall be two years. In the event that a vacancy should occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. All may be reappointed to successive terms; however, no member shall serve more than six consecutive years (two terms). Members who have served for six consecutive years on the nine-member tree board may be reappointed to the tree board after a one-year break in service.

(c) *Compensation.* Members of the tree board shall serve without compensation.

(d) A request for a variance shall be heard by the tree board, which may grant the variance of a special use permit if it determines the following criteria are met:

(1) The variance requested will not adversely impact the intent and purpose of these regulations.

(2) The variance will not promote soil erosion or interfere with drainage holding capacity of the land, or increase air pollution and carbon dioxide levels in the air.

(3) The variance will be consistent with the aesthetic quality of forest and conservation patterns predominant in the surrounding areas;

(4) The variance will not have a negative impact on surrounding property values or forest and conservation patterns; and

(5) Failure to grant the variance would result in an undue or exceptional hardship.

(e) *Ex-officio tree board members.* The tree board may appoint persons as ex-officio tree board members as it desires. Such members shall be persons from the community or city, state or federal government whose expertise, job responsibilities or knowledge is such that it would enhance or bring special knowledge to the tree board and from whose participation the tree board would benefit. Ex-officio members shall function as a part of the tree board; however, they are not eligible to cast a vote on issues being decided by the tree board in a voting manner.

(Ord. of 12-19-95, § VIII)

#### **Sec. 86-82. Designator of the administrator of this article.**

The city engineering department is hereby appointed to administer and implement the provisions of this article.

(Ord. of 12-19-95, § VIII)

Secs. 86-83--86-100. Reserved.

## DIVISION 4. LAND CLEARING ACTIVITIES

### **Sec. 86-101. Application for land disturbance activities permit.**

Applications for permits for land disturbance and clearing activities shall be submitted by the land owner or a legally authorized agent on a form provided for this purpose, available from the city engineering department. Such application shall be submitted to the city engineering department along with all required attachments. Each land disturbance activities permit application shall include the data, items, plans, and other documents listed below. Required data may be combined into a single document as long as clarity is maintained. Complete applications shall be reviewed by the city engineering department. If application is not routine, then it will be reviewed by the tree board. Silvicultural activities, including timber harvesting and planting, and removal of hazardous and diseased trees do not require this permit, but must follow the best management practices for forestry.

(Ord. of 12-19-95, § IX; Ord. of 9-6-00)

### **Sec. 86-102. Plans required for land disturbance activities permit.**

(a) *Project description.* Such description shall include:

- (1) Purpose of the requested permit.
- (2) Map(s) showing existing and proposed land uses, building, parking, and other pertinent elements of development.
- (3) A boundary survey which shall include the location of all easements, building setback lines, nearby governmental jurisdictional boundaries, and nearby zoning district boundaries.
- (4) Anticipated starting and completion dates for each phase of the project. Any permit granted under this article shall lapse unless construction or field work on the site is commenced within six months of issuance of the permit.

(b) *Greenspace plan.* The greenspace plan shall include the following plans. These may be separate documents, or may be included as part of the overall greenspace plan.

(1) *Tree protection plan.* Such plan shall include:

- a. A map showing existing tree cover and tree cover that is to be removed.
- b. The location and species of all trees to be preserved on the site.
- c. The location, species, specifications if different from those listed in the land clearing and tree protection manual.
- d. The DBH of all trees located on adjacent city right-of-way.

However, where a grouping or cluster of 20 or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given, and the average DBH is identified for each species.

(2) *Tree establishment plan.* Such plan shall include:

- a. The location of tree establishment zones.
- b. A listing of all trees to be planted on the site giving their respective species.
- c. A description of tree planting specifications if altered from those listed in the land clearing and tree protection manual.

(3) *Irrigation plan, when required under subsection 86-63(c)(3).* Such plan shall include the location of permanent water sources and/or irrigation lines.

(c) *Permits for multi-phase developments.* If a tract is to be developed in phases, then a separate permit shall be required for each phase.

(d) *Denial of permit.* If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

(Ord. of 12-19-95, § IX)

**Sec. 86-103. Appeals and variances.**

(a) *Appeals.* Appeals from the orders, rulings or decisions of the city engineering department or requests for variance from the provisions of this article shall be made in writing within 15 days of the order, ruling or decision to the city tree board on forms provided for such purpose by the city engineering department. The tree board shall consider the appeal or variance at its next regularly-scheduled meeting, but in no event more than 45 days following the request. Any appeal or variance may be appealed to the city council by filing written notice with the city clerk within 15 days following a decision by the tree board.

(b) *Variance.* Variances shall only be granted upon determination that the variance is the minimum necessary to afford relief. Requests for variance will be accompanied by a nonrefundable fee of \$30.00.

(c) *Reasons for granting variances.* Variances shall only be granted upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; and

(3) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(d) *Additional standards.* In consideration of variances and appeals, and the purpose set forth for these regulations, the tree board may impose or require such additional standards as may be necessary to protect the value and use of property in the general neighborhood.

(e) *Submitting a request for variance.* Variances shall be submitted to the city engineering department at least 15 days prior to the next regularly-scheduled tree board meeting. If the tree board receives the request for variance from the city engineering department within ten working days of the next regularly-scheduled tree board meeting, the variance will be reviewed and a ruling returned to the city engineering department within 15 days after the meeting.

(Ord. of 12-19-95, § IX)

Secs. 86-104--86-120. Reserved.

**DIVISION 4. LAND CLEARING ACTIVITIES**

**Sec. 86-101. Application for land disturbance activities permit.**

Applications for permits for land disturbance and clearing activities shall be submitted by the land owner or a legally authorized agent on a form provided for this purpose, available from the city engineering department. Such application shall be submitted to the city engineering department along with all required attachments. Each land disturbance activities permit application shall include the data, items, plans, and other documents listed below. Required data may be combined into a single document as long as clarity is maintained. Complete applications shall be reviewed by the city engineering department. If application is not routine, then it will be reviewed by the tree board. Silvicultural activities, including timber harvesting and planting, and removal of hazardous and diseased trees do not require this permit, but must follow the best management practices for forestry.

(Ord. of 12-19-95, § IX; Ord. of 9-6-00)

**Sec. 86-102. Plans required for land disturbance activities permit.**

(a) *Project description.* Such description shall include:

- (1) Purpose of the requested permit.
  - (2) Map(s) showing existing and proposed land uses, building, parking, and other pertinent elements of development.
  - (3) A boundary survey which shall include the location of all easements, building setback lines, nearby governmental jurisdictional boundaries, and nearby zoning district boundaries.
  - (4) Anticipated starting and completion dates for each phase of the project. Any permit granted under this article shall lapse unless construction or field work on the site is commenced within six months of issuance of the permit.
  - (b) *Greenspace plan*. The greenspace plan shall include the following plans. These may be separate documents, or may be included as part of the overall greenspace plan.
    - (1) *Tree protection plan*. Such plan shall include:
      - a. A map showing existing tree cover and tree cover that is to be removed.
      - b. The location and species of all trees to be preserved on the site.
      - c. The location, species, specifications if different from those listed in the land clearing and tree protection manual.
      - d. The DBH of all trees located on adjacent city right-of-way.However, where a grouping or cluster of 20 or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given, and the average DBH is identified for each species.
    - (2) *Tree establishment plan*. Such plan shall include:
      - a. The location of tree establishment zones.
      - b. A listing of all trees to be planted on the site giving their respective species.
      - c. A description of tree planting specifications if altered from those listed in the land clearing and tree protection manual.
    - (3) *Irrigation plan, when required under subsection 86-63(c)(3)*. Such plan shall include the location of permanent water sources and/or irrigation lines.
    - (c) *Permits for multi-phase developments*. If a tract is to be developed in phases, then a separate permit shall be required for each phase.
    - (d) *Denial of permit*. If a permit is denied, the reason for denial shall be furnished to the applicant in writing.
- (Ord. of 12-19-95, § IX)

### **Sec. 86-103. Appeals and variances.**

- (a) *Appeals*. Appeals from the orders, rulings or decisions of the city engineering department or requests for variance from the provisions of this article shall be made in writing within 15 days of the order, ruling or decision to the city tree board on forms provided for such purpose by the city engineering department. The tree board shall consider the appeal or variance at its next regularly-scheduled meeting, but in no event more than 45 days following the request. Any appeal or variance may be appealed to the city council by filing written notice with the city clerk within 15 days following a decision by the tree board.
- (b) *Variance*. Variances shall only be granted upon determination that the variance is the minimum necessary to afford relief. Requests for variance will be accompanied by a nonrefundable fee of \$30.00.
- (c) *Reasons for granting variances*. Variances shall only be granted upon:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship; and

(3) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(d) *Additional standards.* In consideration of variances and appeals, and the purpose set forth for these regulations, the tree board may impose or require such additional standards as may be necessary to protect the value and use of property in the general neighborhood.

(e) *Submitting a request for variance.* Variances shall be submitted to the city engineering department at least 15 days prior to the next regularly-scheduled tree board meeting. If the tree board receives the request for variance from the city engineering department within ten working days of the next regularly-scheduled tree board meeting, the variance will be reviewed and a ruling returned to the city engineering department within 15 days after the meeting.

(Ord. of 12-19-95, § IX)

Secs. 86-104--86-120. Reserved.

## **DIVISION 5. PUBLIC TREE PLANTING**

### **Sec. 86-121. Definition of street trees and park trees.**

Street trees are herein defined as trees and all woody vegetation on land lying on either side of all streets within the city, within the designated public street right-of-way. Park trees are herein defined as trees and all woody vegetation in public parks and other areas owned by the city to which the public has free access.

(Ord. of 12-19-95, § X)

### **Sec. 86-122. Selection of trees for streets and parks.**

Prior to planting a tree on any street, park or other public land, the species to be planted must be approved by the city public works department.

(Ord. of 12-19-95, § X)

### **Sec. 86-123. Placement of street trees and park trees.**

(a) Small trees may not be planted less than 30 feet apart, medium trees 40 feet apart, and large trees 50 feet apart, except in case of special planting effects created by a qualified landscape designer.

(b) No tree may be planted closer to a curb or sidewalk than the following distances: small trees, 30 inches; medium trees, three feet; and large trees, four feet. No pines are to be planted within ten feet of a curb or sidewalk.

(c) No tree may be planted any closer than 35 feet of any street corner, measured from the point of the nearest intersecting curbs.

(d) No tree shall be planted closer than ten feet from any fire hydrant.

(Ord. of 12-19-95, § X)

Secs. 86-124--86-140. Reserved.

## **DIVISION 6. PUBLIC TREE CARE**

### **Sec. 86-141. Tree removal.**

The tree board may recommend to the public works department the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is a public hazard or is injurious to any public improvement and if affected with any fungus, insect or disease which constitutes a potential threat to other trees in the city.

(Ord. of 12-19-95, § XI)

**Sec. 86-142. Stump removal.**

All stumps of street and park trees shall be removed below the surface of the ground.

(Ord. of 12-19-95, § XI)

**Sec. 86-143. Tree pruning.**

Trees on public property may be pruned for utility line clearance only by tree pruners who have attended at least one city sponsored utility line clearance workshop within a 12-month period of pruning activity. Participants will be trained and certified by the city tree board. At each pruning site, names of pruning crew with date of certification shall be available for city's review. The city public works department shall be notified in advance the general locality of any pruning activities taking place. All pruning of public trees shall be done in accordance with the American National Standard for Tree Care Operations (ANSI A300-1995) and the most current standards as developed by the National Arborist Association.

(Ord. of 12-19-95, § XI; Ord. of 9-9-99; Ord. of 9-6-00)

**Sec. 86-144. Tree topping.**

Tree topping is not permitted. Tree topping is an unacceptable practice and is not permitted for any reason.

(Ord. of 12-19-95, § XI)

**Sec. 86-145. Tree management.**

Tree management of street, park, and other public trees will be carried out in accordance with the policies established in the land clearing and tree protection manual and the city's master street tree plan, administered by the public works department.

(Ord. of 12-19-95, § XI)