

Roswell Tree Ordinance

Sandy Springs, Alpharetta, Woodstock

Developers/Home builders are finding hardship with financial part of tree ordinance

Specimen Tree: any tree which qualifies for special consideration for preservation due to size, species, or conditions (ie historical significance)

Roswell

- Pre Development
 - Tree Survey required
 - Tree Survey Inspection required
 - Tree Protection Plan required (for before, during, and for 2 years after construction)
- Construction
 - Tree protection during construction
 - Removal of specimen trees is disallowed unless specifically exempt
 - Removal of other trees is disallowed if soil erosion
- Replacement and Planting
 - All sites shall maintain a minimum tree density of 30 units per acre. "Unit" = expression of basal area; not synonymous with "tree"
 - can be met with existing trees, planting new trees or a combination of the two
 - Must be met even if there are no trees on the site prior to development
 - Damage during construction: needs to be replaced with a tree or trees equal to the density unit value of the tree removed
 - Specimen trees with tree or trees of 2 times the density unit value
 - fee of \$500 per Density Unit of tree removed (with permit); \$1000 per Density Unit of tree removed (without permit)
 - Applicant may contribute funds to the City of Roswell Tree Bank if the intent cannot be met
 - \$220.00 per tree density unit
 - Replacement tree size:
 - overstory tree: 8' tall and 3" caliper
 - understory tree: 6' tall and 2" caliper
- Street Trees
 - Street tree planting = required on all new local, collector, and arterial streets in the City of Roswell and private streets within commercial, industrial, or residential subdivisions
 - Subdivider, land owner, or developer of a private street submits the plan for the provision of street trees along all roads
 - Intention that developer or subdivider shall install trees prior to dedication/opening of public/private streets; the planning commission may accept an agreement where the responsibility for street tree planting is shifted to the owners or individual builders
- Penalties and Enforcement

- Violations by person, firm or corporation can result of fines up to \$2,000 and 180 days of imprisonment and/or community service for 180 days
- Each tree cut or damaged shall constitute a separate offense
- Stop Work Orders can be issued at any time (with written notice unless an emergency); considered a suspension of the development permit
- Suspension, revocation or modifications of permit by zoning director for violations

Alpharetta

- Pre Development
 - For a Land Disturbance Permit
 - Approved site plan stamped and signed by the director
 - Complete tree survey and inventory
 - Integrated site plan showing trees to be saved and removed, grading, location of structures, proposed tree plantings
 - Plan to protect and preserve trees before, during, and 2 years after construction
- Construction
 - No tree removal shall happen for any site not under active development (with a Land Disturbance Permit)
 - Protection of trees during construction (25 ft barrier of any grading, construction or tree removal)
- Replacement and Planting
 - All sites maintain a Minimum Tree Density of 20 units per acre
 - Does not include 'for-sale' residential lots; they require that trees can be maintained within 30% of the lots plantable land
 - Achieved by counting existing trees to be preserved, planting new trees, or some combination of the two
 - Must be met even if there are no trees on site prior to development
 - Alternative methods if 20 units per acre cannot be met: (100% of the required site density cannot be met through alternative methods)
 - Planting at an alternate location remote from project site
 - Donation to the City of Alpharetta Tree Replacement Fund
 - Amount of the donation shall be based upon number, size and type of trees that cannot be planted at the site + labor and materials associated with 3 year upkeep of tree; director will take average of 2 bids from landscape contractors
 - Reasonable efforts made to save specimen trees, including alternate building design/location
 - Density credit for 2 times assigned unit value for each specimen tree saved by alternative design
 - Specimen trees must be replaced with total density 3 times the unit value of the tree removed
 - Regular trees must be replaced with total density 1 time the unit value
 - Damage: of specimen tree shall be replaced with a tree(s) 8 times the unit value of tree (if damaged and not pre-approved for removal)

- Replacement tree size:
 - Overstory trees: 6' tall with 2" caliper
 - Understory trees: 4' tall with 1" caliper
- Street Trees
 - Nothing in City of Alpharetta Tree Ordinance on requirement/responsibility of Street Trees
- Penalties and Enforcement
 - Any person, firm, corporation, limited liability company, Responsible party, or other entity found guilty of violating ordinance
 - Each day a violation of any provision occurs, each day constitutes a separate offense
 - Violation is a misdemeanor punishable by a fine up to \$1,000
 - Can result in a stop work notice (in writing unless an emergency)

Sandy Springs

Landmark tree = basically a specimen tree

This ordinance was not organized in a logical way

- Pre Development
 - Tree Removal Permit required for removal/destruction of landmark trees, land disturbing construction activity
 - Different requirements Tree Removal Permits for Landmark Tree/Boundary tree, Residential Use, and sites
 - For construction sites: Site/tree conservation plan is required
 - Any tree removal permit shall not be issued unless payment has been received by the city tree bank and the city has been provided adequate assurances of any required canopy replacement
 - Types of trees to be removed with permits; each with different requirements:
 - Landmark Tree,
 - Boundary Tree (any tree 18" diameter at breast height (dbh) or larger located on a property adjacent to a permitting property whose critical root zone or canopy extends into that permitting property),
 - protected trees (tree 18" dbh or larger, other than a landmark tree or buffer tree, in fair or better condition)
 - Buffer tree (18" or larger located in the minimum required yards/setbacks of any property)
- Construction
- Replacement and Planting
 - Landmark trees removed must be replaced with a comparable species and with a canopy potential of 150% of the canopy of the landmark tree
 - Exemption: payment to the Sandy Springs Tree Bank in lieu of replacement planting
 - Small tree: 250 sq. ft. canopy = \$375
 - Medium Tree: 500 sq. ft. canopy = \$750
 - Large Tree: 1000 sq. ft. canopy = \$1500

- Canopy Requirements: By land use; % total of lot area or subdivision area
 - Residential: 30%
 - Nonresidential Other: 40%
 - Commercial: 40%
 - Industrial: 40%
- Replacement trees size:
 - Landmark trees: comparable species with canopy potential of 150% of canopy of the landmark tree removed
 - Other types of trees: comparable species with same canopy potential
- Street Trees
 - Not addressed
- Penalties and Enforcement
 - City manager or his designee shall enforce to the terms of this article
 - Any person, firm, corporation or other entity violating any of the provisions of the article is guilty of a violation of the code
 - Each act of violation and each day upon which any act of violation occurs constitutes a separate violation
 - Removal of tree without compliance results in replacement of the lost canopy in the amount of three times the value of the lost canopy using the same value as replacement payment

Woodstock

- Pre Development
 - Removal of 5 or less protected trees, other than specimen trees, is allowed on any residential lot within a single calendar year
 - Tree protection plan and/or Tree Replacement Plan shall be submitted and approved
- Construction
 - Site layout should accommodate tree protection areas
 - Construction activities should not encroach tree protection areas
- Replacement and Planting
 - Density Requirements are determined by existing and planned new trees, or a combination
 - Minimum Density Requirements: As Total Area of Developed Site
 - <1 acre = 15 units
 - 1-5 acres = 20 units
 - >5 acres = 25 units
 - Emphasis on preserving as many existing trees as possible; planting credit is awarded for preservation
 - Removal of specimen trees: only done with documentation; must be replaced with comparable species at a rate equal to the unit value of the tree removed
 - If density requirements cannot be filled and all other options are exhausted: The Woodstock Tree Preservation Trust Fund for replacement trees
 - 2 inch cal. = \$450
 - 4 inch cal. = \$700

- Replacement tree size
 - Specimen trees: minimum of 4" caliper trees of comparable species
 - Other trees: 2" caliper of approved species (protected by 12 month bond)
- Street Trees
 - All commercial parcels and residential lots under development must comply with Street tree and parking lot tree requirements
 - Street trees spacing minimum : 30' On Center
- Penalties and Enforcement
 - Protected Trees/Specimen trees removed without permit:
 - 9-12" DBH = \$1,200
 - 13-18" DBH = \$2,100
 - 19-23" DBH = \$3,200
 - >24" = \$5,300
 - Money goes into the tree preservation trust fund
 - Removal/destruction of each tree shall constitute a separate offense
 - Violations: grounds for revoking or suspending permits
 - \$500 fine for violating the requirements of ordinance

Marietta

- Pre Development
 - Tree protection and landscaping plan
 - Notification of Tree Removal permit (if approved)
- Construction
 - Additional density credit will be given for specimen trees that are successfully protected during the land disturbance and construction process
- Replacement and Planting
 - Replace with a tree(s) of equal size to meet the SDF (Site Density Factor)
 - Minimum site density units per acre: 17
 - Payment can be made to the City of Marietta Tree Replacement Fund for the loss in tree density (no more than 75% of required units)
 - Funds calculated by Density Factor Deficit (DFD), divide by 0.3 (unit value for 2" cal. Replacement tree) and multiply by value identified by the City of Marietta Fee Schedule to get a dollar amount
 - Replacement Tree size:
 - Equal to the one removed
- Street Trees
 - Min. 1 tree every 30 lineal feet of roadway
 - Driveways/access way excluded from calculations
- Penalties and Enforcement
 - Owner shall be notified if found that materials do not comply with approved plan; they will have 10 days to correct
 - Not corrected = violation

Decatur: Being replaced by a % based system (like Sandy Springs) July 7, 2014

- Pre Development
 - Permit drawings must have a tree protection and replacement plan
 - On site evaluation of existing trees done by the City Tree Consultant and project engineer/landscape architect
 - City Tree Consultant contacted prior to land disturbance after permits are issued for tree protection measures
 - Review and inspection fees for tree protection and replacement plans passed on project area; paid to the City of Decatur
- Construction
 - Tree protection zones during construction
- Replacement and Planting
 - No specimen trees shall be removed or damaged without express written consent of the City Tree Consultant
 - Minimum Density Factor: 30 units per acre
 - Exception: Single Family Dwelling: 15 units per acre
 - When not possible, as many trees as possible must be planted on site; remaining balance of required trees must be provided for planting on public properties. Tree bank arrangements will be made through the City Tree Consultant
 - Must be replaced with comparable size, quality and species; specimen trees must be replaced even if the minimum density is already met
- Street Trees
 - Not addressed
- Penalties and Enforcement
 - Misdemeanor

Decatur: New Ordinance

On July 7 the new Decatur Tree Ordinance will take effect. This ordinance is very different from the previous one. It is a canopy-based ordinance rather than a density-based ordinance. Some of the provisions could affect the way a residential site is designed and built.

Here are the top 10 things you need to know about the tree ordinance:

1. A new class of tree: Boundary Tree. This is a tree growing on a neighboring parcel that has 20% or more of its critical root zone growing into the adjoining parcel. There will be a 3-year escrow requirement for impacted Boundary trees, to include the potential cost of removing and replacing the lost canopy should the tree decline or die within the 3-year period. Funds would be released from escrow upon inspection by the City Arborist.

2. All trees 6" DBH or greater are 'Protected trees' and will fall under the scope of the tree ordinance.

3. The Critical Root Zone is now 1.25 feet of radius per inch of trunk diameter (previously 1 foot radius for every 1 inch diameter). No disturbance will be allowed within 10 feet of the trunk of any tree.

4. Canopy cover is determined by the ACTUAL ground area beneath existing trees, measured in square feet. Trees 4" or greater are eligible for credit.

5. Specimen trees are 27" DBH (or 10" for Redbuds and Dogwoods). Conserving these trees gives you double the canopy credit.

6. 'Impact' is defined as disturbance that has the potential to affect 20% or more of the Tree Protection Zone.

7. For residential disturbance sites, there is a 'no net loss' requirement for the canopy. This does NOT mean that all trees have to be conserved; however the original area of canopy cover must be replaced through replanting or payment into the tree bank.

8. For residential disturbance sites, no less than 25% of the canopy must be conserved.

9. If a commercial project increases the impervious cover or gross floor area by 15% or more, then the site must meet a 45% canopy cover requirement. The requirement can be met through conservation, replanting, or a combination of both.

10. Planting bonds/security are now required. The bond term is 3-years and is equal to 125% of tree planting expenses, as determined by the City Arborist.

An informational meeting is being presented by Decatur on June 23rd, 6pm, Public Work Community room @ 2635 Talley St. This Top-10 list may be revised based on the information presented.