3.07.00 - LANDSCAPING, BUFFERS, AND TREE CONSERVATION AND REPLACEMENT

3.07.01 - Purpose and Intent

1. The tree conservation and replacement requirements ordinance was enacted to provide standards for the conservation and/or replacement of trees as part of the land development and building construction process, for the purpose of making the City of Kennesaw a more attractive place to live, providing a healthy living environment, and maintaining better control of stormwater runoff, noise, glare and soil erosion.

The intent of these standards is to provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the provisions of the ordinance are administered in the most effective, efficient and economical manner.

3.07.02 - Application

1. The terms and provisions of the tree conservation and replacement requirements ordinance and these standards shall apply to any activity, private and/or governmental, on real property, which requires the issuance of a land disturbance permit or creates a land disturbance through the use of motorized vehicles within the City of Kennesaw.
2. No land disturbance permit for full site development shall be issued by the community development department without it being determined that the proposed development is incompliance with the provisions of these regulations.

3.07.03 - Destruction or Removal of Trees in Historic District

For standards regarding trees in historic districts within the City of Kennesaw, see Chapter 4.02.01.

3.07.04 - Required Buffer Zones

Buffer zones shall incorporate tree specimens that will provide total screening of activity from property lines. Combination of berms, hedges and tree installation to accomplish the intent of these standards must be approved by the City arborist or designee. Installation height for trees in these zones is to be at least five feet and be of an evergreen variety.

A. A buffer zone will be required for the following:
    1. All properties zoned commercial, office institutional, and industrial zoned shall establish a buffer along any property line that abuts a residential district. This standard also applies to screening from residential property separated by right-of-way and transmission easements.
    2. All properties zoned mixed use and multi-family shall establish a buffer zone along any property line abutting a single family residential district. This standard also applies to screening from single family residential property that is separated by right-of-way and transmission easements.

B. All landscaping buffer zones will be established in accordance with the following requirements:
    1. Landscaping buffer zones will meet the following minimum widths for each district:
        a. LI and HI- 50 feet
        b. PVC, PSC, HGB, GC-40 feet
        c. CRC, NRC- 35 feet
        d. RM-8, RM-12, MHP- 25 feet
        e. OI, NS,-20 feet

f. PUD-RRA-4, FST, HPV, UVC- 10 feet

h. SLO- 10 feet

3.07.05 - Density Factor Analysis

A. Overview

1. A basic requirement of the tree conservation and replacement requirements ordinance is that all applicable sites maintain a minimum basal area density of twenty-five (25) units per acre. The term "unit" is an expression of basal area (a standard forest inventory measurement) and is not synonymous with "tree."

2. This density requirement must be met whether or not a site had trees prior to development. The density may be achieved by counting existing trees to be conserved, planting new trees or some combination of the two as represented by the formula:

SDF = EDF + RDF
Where:
SDF (site density factor) = twenty-five (25) units per acre
EDF (existing density factor) = density of existing trees to be conserved on site.
RDF (replacement density factor) = density of new trees to be planted on a site.

B. Site Density Factor

1. Site density factor (SDF) is the minimum tree density required to be maintained on a developed site and equals twenty-five (25) units per acre.

2. Determine the affected site acreage by starting with the area of the parcel(s) of land on which the project is located.

3. Add the area of any off-site slope easements and subtract the area of any 100-year flood plain, wetland or utility easement, and recreation/amenity areas.

C. Existing Density Factor

1. Existing density factor (EDF) is the density of existing trees to be conserved on a site.

2. Trees that exist in any 100-year flood plain, wetland, or utility easements, can not be counted toward meeting tree density requirements.

3. The EDF is calculated by converting the diameter of individual trees to density factor units. See Table 3.06.04 (A).

D. Replacement Density Factor

1. Replacement density factor (RDF) is the density of new trees to be planted on a site.

2. Calculate the RDF by subtracting the EDF from the SDF.

3. The density factor credit for each caliper size of replacement (new) trees is shown in Tables 3.06.04 (B) (1) through (B) (3).

4. Any number or combination of transplant-sized trees can be used as long as the total density factor units will equal or exceed the RDF and the species mix is acceptable to the City of Kennesaw.

E. Unique Density Requirements

1. Subdivision and multi-family developments

   a. Every lot in a subdivision shall have a minimum of three (3) units of trees.

   b. These trees can be counted as part of the required units per acre, but there may be an additional requirement if the twenty-five (25) units per acre requirement is not met elsewhere on the site.

   c. If trees must be planted on any lot, these trees must be a minimum of 3 1/2 inches in caliper for overstory trees, and at least twenty (20) percent of the required trees must be planted in the front setback area.

   d. This requirement shall apply to the developer or homebuilder, whoever is responsible for obtaining the certificate of occupancy for the individual lot.

   e. Subdivision developments proposed in areas where seventy-five (75) percent of the total area is primarily pasture land, may meet tree ordinance requirements in one of the following ways:

      i. Plant trees at the required 25 units per acre based on the area of the subdivision infrastructure (road rights-of-way, utility easements and drainage structures);

      ii. Conserve and/or plant trees at the required 25 units per acre based on the area of the entire subdivision. Tree conservation areas for subdivisions should all be in common areas or in buffers required by zoning, or other regulations, to remain undisturbed. If tree conservation areas must be on individual lots, the lots must be of sufficient size to reasonably expect the trees to survive the building process.

2. Commercial and Industrial Developments

   a. A sufficient number of trees must be planted in interior portions of parking lots to achieve a ratio of one (1) tree per six (6) parking spaces.

   b. In addition, every parking space must be within fifty (50) feet of the trunk of a tree to assure uniform distribution of trees throughout the parking area.

   c. Any redevelopment project which results in the removal and resurfacing of fifteen (15) percent or more of an existing parking lot (other than routine maintenance of the parking surface), must retrofit the entire parking lot to meet the tree planting standard in the previous paragraph.

   d. All street yards shall be planted with one tree for each thirty-five (35) linear feet exclusive of driveways, access ways and sight distance triangles. Trees planted to meet the parking lot and street yard requirements must meet or exceed the minimum standards specified under this section with a minimum twenty-five (25) units per acre, but there may be an additional requirement if the unit per acre requirement is met elsewhere on the site.

3. Out parcels to shopping centers. These shall meet all tree ordinance density requirements separate from the overall shopping center.

4. Subdivision amenity/recreation areas. These shall meet all tree ordinance density requirements separate from the overall subdivision.

5. Grading only permits

   a. Grading projects, for which no full site plans have been submitted for review by the City of Kennesaw staff, are subject to the same buffer requirements as clearing operations.

   b. The grading plan shall conform to the review requirements listed in the UDC Chapter 10.

c. An estimated completion date must be noted on the plan. Buffer areas that must be landscaped shall be planted at the completion of the grading projects or postponed to an appropriate planting season, provided that appropriate performance security arrangements are made in accordance with Chapter 10.10.04. Planted buffers are subject to maintenance inspection procedures.

6. Compliance with tree ordinance requirements for speculative grading may be postponed for up to six months provided that appropriate performance security arrangements are made in accordance with section Additions to existing projects

   For additions to existing projects, the twenty-five (25) units per acre density requirements may be met in one of the following ways:

   a. Calculate the area of any new land disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or,

   b. Base density requirements on the total site area and count any existing trees on the site (subject to all restrictions noted elsewhere in these standards).

7. Phased projects. Where development will occur in increments, density calculations may be based on a site area defined by an established or estimated phase line or construction limit line. Existing trees to be counted toward meeting the density requirements must be within the phase line or limits of construction.

Table 3.06.04 A. Diameter Size to Unit Value for Existing Trees to be Conserved

SIZE CLASS	DIAMETER (DBH)	UNIT VALUE
1	5-8 inches	0.349
2	9-12 inches	0.44-0.785
3	13-16 inches	0.921-1.39
4	17-20 inches	1.56-2.18
5	21-24 inches	2.4-3.14
6	25-28 inches	3.4-4.27
7	29-32 inches	4.58-5.58
8	33-36 inches	5.94-7.07
9	37-40 inches	7.47-8.72
The unit value of any individual tree may be determined by using the formula: [(Diameter) 2 x 0.7854] ÷ 144		

or [(Diameter) 2 x .005454]

Table 3.06.04 B-1. Caliper Size to Unit Value for Deciduous Trees Normally Sold by Caliper Size

CALIPER SIZE	UNIT VALUE
2-2 1/2 inches	0.3
3-3 1/2 inches	0.4
4-4 1/2 inches	0.5
5-5 1/2 inches	0.6
6-6 1/2 inches	0.7

Table 3.06.04 B-2. Height to Unit Value for Deciduous Trees not Normally Sold by Caliper Size (Multi-Stem Trees)

HEIGHT	UNIT VALUE
6-8 feet	0.3
10-12 feet	0.4
14-16 feet	0.5
18-20 feet	0.6
22-24 feet	0.7

Table 3.06.04 B-3. Height to Unit Value for Evergreen Trees

HEIGHT	UNIT VALUE
5-6 feet	0.3
7-8 feet	0.4
10-12 feet	0.5
14-16 feet	0.6
18-20 feet	0.7
All evergreens other than pines must have a minimum height of five (5) to six (6) feet at the time of planting. Height, rather than caliper size, will determine the unit value of evergreens.	

Note: If a tree is specified, on the plan, to be of a size that falls between two (2) size classifications, the lower number will determine the unit value to be assigned. For example:

Willow Oak (sold by caliper size)	3 1/2—4 inches	0.4 unit
River Birch (multi-stem)	12—14 feet	0.4 unit
Southern Magnolia (evergreen)	6—7 feet	0.3 unit

3.07.06 - Conservation of Mature Trees

A. The City Arborist shall require that improvements be located so as to protect the mature trees' critical root zones on the site.

B. It is the specific intent of this section to limit damage to mature trees located within the setback and required yard areas or located on abutting properties (owned by others), as determined by the City Arborist according to the following guidelines:

1. On lots and subdivisions of one (1) acre or more,

   a. The applicant shall identify environmentally sensitive areas as part of the site plan required.

   b. Such areas shall include wetlands, flood plains, permanent and intermittent streams, mature stands of trees and other significant aspects of the natural environment on site.

   c. Limits of disturbance to these areas shall be established and detailed on the site plan.

d. In order to protect the more environmentally sensitive areas, development shall be confined to the portion of the lot required for the intended construction.

e. These limits are also to apply to priority trail and greenspace corridors as defined by the greenway and trail plan established by the Kennesaw Environmental Committee (former name of City of Kennesaw Greenspace Committee).

2. On lots and subdivisions of less than one (1) acre,

a. Root save areas shall be established in the setback and required yard areas to preserve mature trees in those areas.

b. Grading, trenching, or other land disturbance in these areas shall be limited to necessary hydrologic and erosion control measures and access to streets, sidewalks, driveways, utility connections (power, water, cable) or other features required by code.

c. In order to protect the mature trees in the setback and required yard areas, building shall be confined to the portion of the lot required for the intended construction.

3. A maximum of ten (10%) percent of the trees in a designated 100-year flood plain may be approved for removal or destruction. Recompense to the tree bank for trees removed or destroyed in designated wetlands or flood plains shall be calculated separately and multiplied by a factor of five (5) before being added to the recompense for other areas of the site.

3.07.07 - Maintenance of Trees on Residential or Commercial Property

A. This will be governed by the Soil and Erosion Bond. (Reference Soil and Erosion Bond, Kennesaw Development Standards.)

B. The developer shall be responsible for maintaining the health of all replacement trees for a period of one (1) year from the date of the last certificate of occupancy issued for the subdivision or project (Reference Soil and Erosion Bond, Kennesaw Development Standards).

C. The developer shall replace any tree which dies, becomes significantly deformed in growth, or becomes diseased, as determined by the City Arborist during this time period.

D. Subsequent applicants for a building permit, entailing no additional loss of trees on a site that has been certified as compliant by the City Arborist and which has maintained that compliance, shall not be required to provide additional tree replacement except as required by subsequent law.

E. Trees replaced during the warranty period are to be maintained for a period of one year from the date of when the last certificate of occupancy for the project is issued.

3.07.08 - Tree Conservation Standards

A. Introduction. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the City of Kennesaw's Tree Conservation and Replacement Requirements ordinance.

B. Tree Inventories and Surveys

1. All trees that are to be counted toward meeting density requirements must be inventoried. Trees in other protected zones need not be inventoried.

2. Sampling methods may be used to determine tree densities for large forested areas, subject to prior approval of the City of Kennesaw arborist. Written guidelines for performing sample inventories can be obtained from the arborist.

3. Specimen trees must be shown on the plan with an indication of whether they are to be retained or removed. Accurate locations are requested when the conservation of a specimen tree is questionable or when a site design alteration is feasible. Approximate locations are acceptable otherwise.

4. Projects over two (2) acres must provide a plan delineating all ground cover types (including pasture or forest) on the site and a general description of the types of trees and range of tree sizes in each forest-cover type [e.g. mixed pine and upland hardwoods 12 to 20 inches DBH}.

5. Any specimen tree that has a surveyed location shown on the plan will receive one and one-half (1½) the normal unit value credit if there is to be no construction activity in that tree's critical root zone (CRZ). These trees must be represented on the plan by a circle the size of the CRZ.

C. Plan Review Standards

1. All protected zones must be delineated on the tree conservation and replacement requirement plan as well as the erosion and sediment control plan.

2. Protected zones must be of sufficient size to reasonably expect the majority of trees growing there to survive the proposed construction impacts. When proposed construction impacts are, in the opinion of the City Arborist, likely to cause severe decline and/or death of an affected tree, that tree will not receive credit for meeting tree ordinance requirements.

3. All buffers with existing trees must be delineated on plans as tree save areas. Land disturbance within any buffer is subject to plan review committee approval. The applicant must clearly demonstrate the need for the proposed disturbance.

4. For subdivisions, all buffers must be delineated on the final plat and identified as tree conservation easements. Final plats must also identify any individual lots with other tree conservation and/or planting requirements. These lots must be identified on the plat with a symbol and a corresponding note indicating the homebuilder's responsibility for such tree conservation and/or planting requirements.

D. Construction Standards

1. Purpose of tree protection devices

   a. Tree protection devices are necessary to exclude activities detrimental to trees including, but not limited to:

      i. Oil compaction in the critical root zone resulting from heavy equipment;

      ii. Root disturbance due to cuts, fills, or trenching;

      iii. Wounds to exposed roots, trunks, or limbs by mechanical equipment;

      iv. Other activities such as chemical storage, cement truck clearing, washout, fire, etc.

2. Location and types of tree protection devices

   a. Tree protection devices are to be installed as shown on the plan, or, otherwise, completely surrounding the maximum extent of the critical root zone (see definitions) of all trees to be conserved.

   b. The installation of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading, and again, prior to the approval of the final plat.

   c. Once protected zones are established and approved, any changes are subject to plan review committee assessment.

3. Materials

   a. Tree protection devices shall consist of chain link, orange laminated plastic or wooden post or rail fencing. In addition to fencing, where tree trunks are in danger of being damaged by equipment, two (2) inch by four (4) inch boards may be required to be strapped around the trunks of trees.

4. Sequence of installation and removal. All tree protection devices shall be installed prior to any clearing, grubbing, or grading or at the same time as the installation of erosion and sedimentation

control devices. Tree protection must remain in functional, undamaged condition throughout all phases of development.

5. Other specifications

   a. Where clearing has been approved, trees shall be removed in a manner that does not adversely impact the trees to be conserved. Avoid felling trees into protection zones or disturbing roots inside the protected zones.

   b. When digging outside of the CRZ, the contractor shall prune all exposed roots, one (1) inch in diameter and larger, on the side of the trench adjacent to the trees. Pruning shall consist of making a clean cut flush with the side of the trench to promote new root growth. Pruned roots shall be protected from drying and backfilled as soon as the utility line is installed.

   c. Pruning of tree limbs to provide clearance for equipment and materials, or for any other reason, shall be done according to standard arboricultural practice, American Standard for Nursery Stock (See ANSI A300-1995).

   d. Erosion and sedimentation control. All erosion and sedimentation control measures shall be installed in a manner that will not result in the accumulation of sediment in a protected zone.

   e. Signage. All tree protection zones shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree conservation process. Signs requesting subcontractor cooperation and compliance with the tree conservation standards are recommended for all site entrances.

3.07.09 - Tree Replacement Standards

A. Introduction. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of the City of Kennesaw's Tree Conservation and Replacement Requirements ordinance. Tree replacement plans should be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.

B. Planting Specifications.

   1. Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor in order to ensure a reasonable expectation of survival.

   2. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication, Tree and Shrub Transplanting Manual, or similar publication. Reference the American Association of Nurserymen publication, American Standard for Nursery Stock (ANSI Z60, 1973), for plant material quality specifications. Reference the Manual of Woody Landscape Plants (Michael Dirr, 1983 Castle Books), or similar publication, for information on tree species site requirements.

C. Species.

   1. Species must be selected from the "Kennesaw Tree Species Selection List" Chapter Three of the ordinance and must also be quality specimens and ecologically compatible with the intended growing site.

   2. Flowering ornamental species are typically not acceptable for use in meeting density requirements.

   3. When less than ten (10) trees are shown to be planted on a project, one (1) species of tree may be specified. When ten (10) to fifty (50) trees are shown, a minimum of three (3) species of trees is required. When more than fifty (50) trees are shown, a minimum of five (5) species of trees is required.

   4. Where summer shading is required or recommended, the use of deciduous overstory tree species is necessary.

D. Parking Lots and Street Yards.

1. All root zones must be a minimum of eight (8) feet in width (measured from back-of-curb where curbing is installed or edge or pavement otherwise).

2. The root zone for overstory trees must be a minimum of 200 square feet. If that area is shared with other trees, add 100 square feet for each additional tree.

3. The root zone for understory trees must be a minimum of 100 square feet. If that area is shared with understory trees, add fifty (50) square feet for each additional tree.

4. Parking lot islands, peninsulas and medians must have clean, cultivated soil to a total depth of two and one-half (2½) feet. Native subsoil, free of construction debris and litter, is acceptable in parking lot islands, peninsulas and medians if the entire area is amended with appropriate soil improvements and thoroughly tilled. Otherwise, loamy topsoil is required.

5. Parking lot islands, peninsulas and medians must be mulched with four (4) inches of suitable mulch material, replaced as needed. To discourage soil compaction from pedestrian traffic, these areas may be planted with low evergreen shrubs but not with grass.

6. Light poles are prohibited in parking lot islands, peninsulas and medians unless a plan is submitted by the lighting contractor showing minimum impact to the root zone.

7. No fastigiate (narrow-crowned) varieties of trees are permissible in parking lots.

8. Trees planted to meet parking lot and street yard requirements must be understory trees, a minimum of three and one-half (3½) inches in caliper.

9. The use of at-grade planting areas in parking lots to promote stormwater runoff and to supplement irrigation needs is encouraged, provided that the trees planted there will not be adversely impacted and that the system is designed by a licensed, professional civil engineer.

10. Where street yard trees will be planted on the edge of pavement of a public street with a design speed of forty-five (45) mph or higher, or in areas beneath overhead utility lines, the use of an understory species is required.

E. Irrigation. Newly planted trees and existing trees subjected to construction impacts, typically need supplemental watering when rainfall is inadequate. Commercial project applicants should be prepared to discuss how trees are to be watered during their establishment or transition period, and may be required to submit a maintenance schedule. Their plan should indicate the method of irrigation that is proposed.

F. Public Streets Rights-of-Way.

1. Trees planted within publicly-maintained street rights-of-way can not be counted toward the tree density requirement for a site unless otherwise approved by the Public Works Director and/or the Cobb County Department of Transportation.

2. Indemnification and maintenance of commercial properties must be recorded with the Public Works Department to gain approval for planting within city rights-of-way.

G. Subdivisions.

1. Trees shown to be planted in common areas within a subdivision (outside of amenity areas) shall be planted by the subdivision developer. These trees must be in place before the final plat is approved.

2. Trees shown to be planted on individual lots must be planted by the homebuilder. These trees must be in place before the certificate of occupancy for the affected lot is approved.

3.07.10 - Specimen Trees

A. Identification.

1. Some trees on a site warrant special consideration and encouragement for conservation. These trees are referred to as specimen trees.
2. The following criteria are used by the community development department to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.
    a. Size criteria
        i. Overstory hardwoods and non-pine softwoods: seventeen (17) inch diameter or larger;
        ii. Overstory pines: thirty (30) inch diameter or larger;
        iii. Understory trees: eight (8) inch diameter or larger.
    b. Condition criteria
        i. Life expectancy of greater than fifteen (15) years;
        ii. Relatively sound and solid trunk with no extensive decay;
        iii. No more than one (1) major and several minor dead limbs (hardwoods only);
        iv. No major insect or pathological problem.

B. Conservation. In order to encourage the conservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be one and one-half (1½) times the assigned unit value shown in Table 3.06.04 A.

C. Removal and Replacement.

1. If a specimen tree is to be removed, a plan or written document indicating the reason for the removal must be submitted to the community development department and City Arborist.
2. Specimen trees must be replaced by species with comparable growth rate and potential for comparable size and quality.
3. Any specimen tree which is removed without the appropriate review and approval of the community development department must be replaced by trees with a total density equal to three (3) times the unit value of the tree removed. If a tree is removed without approval and there is no evidence of its condition, size alone will determine whether the tree was of specimen quality. The CRZ of the specimen tree is to remain pervious.

3.07.11 - Alternative Compliance

A. Overview.

1. The intent of the tree conservation and replacement requirements ordinance is to ensure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. In this event, contribution to the city's tree bank may be made as an alternative means of compliance.
2. The following standards have been established for administering these alternative compliance methods.
3. The community development department and City Arborist must review and approve all requests for alternative compliance. In no instance shall more than fifty (50) percent of the required site density factor be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
4. The land disturbance permit will only be issued after the community development department has approved, requested, and received the necessary documentation and/or funds.

B. Off-site Planting. If trees are to be planted at another location, the following criteria must be observed:

1. The off-site location, if at all possible, should be in the same area of the city as the project site and shall be on public property.
2. A tree replacement plan meeting all applicable standards in these guidelines must be reviewed and approved.
3. The following note must be shown on the approved plan: "A tree replacement plan addendum for this project shall be submitted to the City of Kennesaw Community Development Department and City Arborist (or designee as such) at least thirty (30) days prior to requesting a final inspection. This plan shall include the species, size and location of trees to be planted off-site to meet the tree density deficit shown. Release of this project is subject to approval of this plan as well as verification of the installation of the trees."

C. City Tree Bank Fund. As another method of alternative compliance, the City of Kennesaw will accept contributions to the tree bank fund which will be used for the sole purpose of planting trees and landscaping material on public property. The locations of plantings will be determined (in conjunction) by Kennesaw's Environmental Committee, the city's community development department and the City Arborist.

1. Calculating contribution amounts
   a. Contribution calculations are based on a replacement unit value of $150.00 per one-tenth (0.1) unit, representing the cost of materials, labor, maintenance and guarantee for trees planted.
   b. To determine the appropriate contribution, first calculate the density factor deficit (DFD) or unit value which cannot be planted-on site. Divide the DFD by one-tenth (0.1) and multiply by $150.00.

   Sample calculation for tree fund

Example: A 2.2-acre site has:
• a required site density factor (SDF) of 33.0
• an existing density factor (EDF) of 21.4
• can accommodate a replacement density factor (RDF) of only 9.0.
Step 1: Determine the density factor deficit (DFD) using the formula:
DFD = SDF - EFD - Approved RDF
In this example, DFD = 33.0 - 21.4 - 9.0 = 2.6
Step 2: Determine the acceptable contributing amount as follows:
2.6/0.1 X $150.00= $3,900.00

c. Fund administration. The City of Kennesaw Tree Bank fund will be administered by the Public Works and Community Development departments. A quarterly report shall be submitted to the city manager showing amounts collected, amounts spent, and the type and locations of trees planted. The report will be made available to the Mayor and City Council on their request.

D. Parking Lot And Street Yard Requirements.

1. If sufficient cause is demonstrated that the parking lot and street yard planning requirements cannot be met, then the plan must show a method of alternative compliance which is equal to (or exceeds) the minimum requirements.

2. Sufficient cause is deemed to be when enforcing any of the parking lot or street yard requirements would cause the applicant to violate any state or federal law or any City of Kennesaw ordinance or zoning stipulation specific to the applicant.

3.07.12 - Public Tree Protection and Care

A. Except as hereinafter provided, no person except a public utility shall cut, prune, injure or remove any living tree on or in a public highway, right-of-way, public park, public place, triangle, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property; or spray with any chemical insecticide or herbicide or other oils or whitewash any tree on public property; or place any wire, rope, sign, poster, barricade, or other fixture on a tree or tree guard on public property; or injure, misuse or remove any device placed to protect any such tree, or for any entity, utility, citizen, or tree care company or government to trench, cut, grade, clear, or fill within the critical root zone of any public tree without the expressed written consent of the Administrator.

B. It shall be unlawful as a normal practice for any person, firm, or government entity/department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision of this ordinance by receipt of written notification from the Administrator for each instance allowing such actions.

C. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, parks, squares, and public grounds, as may be necessary to insure public safety and well being.

D. All tree work taking place on public property being conducted by contractors, sub-contractors, or county/city employees will conform to International Society of Arboriculture and ANSI 300 and Z-133 arboricultural standards for tree work.

E. It may become necessary, from time to time for emergency crews to prune or remove trees to provide for public safety or restore phone or electrical service. Such an action may be conducted by government, emergency or public utility crews without permit so as to allow immediate action to prevent damage or correct a condition which may pose a hazard to life or property. The Public Works Director shall be notified of any such action within 24 hours of the action being initiated, by the entity taking such action, for each instance of action.

3.07.13 - Notification and Penalties for Damaging Trees on Public Property

A. Any person who shall injure, damage or destroy any public tree situated upon the public right-of-way of any street, alley, sidewalk, park or other public property within the city shall promptly notify the Public Works Director of such fact and shall, within such reasonable time as specified by the City Administrator, repair or replace the same to the satisfaction of the City Administrator.

B. Should the person fail or refuse to repair or replace the damaged or destroyed trees or plants within such reasonable time, the City Administrator shall do or cause to be done the necessary repairing or replacement, and the costs of this work shall be recovered from the person responsible for the damage or destruction by, a proper action of law. In any such action, "The Guide for Establishing Values of Trees and Other Plants," published by the Council of Trees and Landscape Appraisers, current edition,

shall form the basis for establishing any monetary damages due for damage or destruction to the tree. In addition, the City may recover any other damages or losses to which it is entitled by law.