

# Community Tree Management Ordinance

---

City of Social Circle, Georgia

**May 17, 2016**

**City of Social Circle  
P.O. Box 310  
Social Circle, GA 30025**

**Voice (770)464-2380  
Fax (770)464-2113**

**Prepared by  
Connie Head  
Consulting Urban Forester  
Technical Forestry Services  
706.202.5279 / tfshead@aol.com**

## EXHIBIT A

### Section 7-011 COMMUNITY TREE MANAGEMENT

1. **Title.** There is hereby established a Community Tree Management Ordinance Chapter for the City Code, also known as the "Tree Ordinance".

2. **Purpose and Intent.** The purpose of the Tree Ordinance is to promote a healthy and sustainable community forest in the City for the benefit of citizens, visitors, and business owners. Trees, especially large, canopy Trees, provide many economic, environmental, and social benefits to our community. Trees produce oxygen and help reduce the amount of airborne pollutants; they provide shade, lower air temperatures, reduce low level ozone production, and improve air quality. Trees reduce energy usage and costs. Trees reduce stormwater runoff and soil erosion, decrease sedimentation in streams and rivers, and improve water quality. Trees reduce glare and soften the harsh lines of pavement, buildings, and other hardscape. Trees increase property values. Trees improve human health and enhance outdoor recreation opportunities. Trees provide food and shelter for wildlife. Because Trees provide these and other important and irreplaceable benefits, the City has adopted these regulations which contain minimum requirements for Tree Conservation, protection, establishment, maintenance, inspection, and removal.

3. **Administration.** The City Manager or designee shall be the Administrator of this Ordinance.

4. **Applicability and Exemptions.** The provisions of this Ordinance shall apply to any activity on city-owned property and to any activity on any real property that requires the issuance of a Land Development Permit, excluding the following:

A. Activities on existing single-family and duplex residential properties when there is an existing structure on the property, unless the activity expands the footprint of the structure. If the property is vacant, this exclusion shall not apply.

B. Construction or maintenance of public utilities within utility easements.

C. Detention ponds and drainage easements.

D. Agricultural operations including land clearing for legitimate agricultural purposes, and not pursuant to land development in the following 5 years.

E. Tree nursery and horticultural operations.

F. Forestry operations including land clearing for legitimate timber harvesting purposes, and not pursuant to land development within the following 5 years.

G. Removal, as recommended by a Certified Arborist or Registered Forester, of any Tree that has become a public nuisance or danger to human life or property or any Tree found to be diseased, hazardous, dying, dead, or infested with insects.

H. Activities subject to a building permit where the footprint of the existing building is not being expanded.

Activities on private property that occur within the Critical Root Zone of City -owned Trees shall not be exempt from compliance with this Ordinance.

For new development projects that contain more than one (1) building site or lot, such as a subdivision, Tree Ordinance requirements apply to the entire site and to each individual lot.

5. **Definitions.** Terms used in this Ordinance are defined in Table 1. Other terms found in this Ordinance but not defined in this section shall have their common meaning.

*Administrator.* The person responsible for administering the Tree Ordinance for the City; the City Manager or designee.

*ANSI.* American National Standards Institute.

*Arborist.* A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of Trees and other woody plants in residential, commercial, and public landscapes.

*Caliper.* The diameter of a Tree measured at 6 inches above the ground for Trees with Calipers of 4 inches or less, and measured at 12 inches above the ground for Trees with Calipers greater than 4 inches.

*Canopy Tree.* Any medium- or large-maturing, upright Tree that forms part of the upper canopy in a natural setting and with the potential to provide significant shade; also known as a *Shade Tree*.

*Certified Arborist.* An Arborist with current certification by the International Society of Arboriculture.

*City Trees.* Any Tree on City property, including but not limited to those on street rights-of-way, in parks, in cemeteries, on school campuses, and around City offices and facilities.

*Critical Root Zone.* The soil area around a Tree where the roots are located that provides stability and uptake of moisture; defined as a circle around the trunk with a radius of 1.25 feet for every 1 inch in DBH and a depth of 30 inches, or as an area established by a Certified Arborist.

*CRZ.* Critical Root Zone.

*DBH.* An acronym for diameter at breast height; a standard measurement of Tree size used by foresters and Arborists; defined as the diameter of a Tree trunk measured at 4.5 feet (1.3 meters) above the ground.

*Dormant Season.* The period when Trees are dormant, generally mid-November through late-March.

*Drip Line.* The imaginary boundary on the soil surface defined by the branch spread of a single plant or group of plants.

*Establishment Period.* The initial 3 years after planting during which a Tree becomes established.

*Growing Season.* The period of time when Trees are leafed out and actively growing; generally considered to be late March through mid September.

*Hazard Potential.* The degree of risk posed by a Tree due to a structural or biological defect.

*Healthy Tree.* A Tree free of major root damage within the CRZ, major trunk wounds or decay, major insect and disease infestations, major structural defects, and that has at least 65 percent live crown and 15 years of useful life remaining.

*Impervious Surface.* A surface through which water cannot penetrate, such as concrete, asphalt, rooftops, or severely compacted soil.

*ISA.* International Society of Arboriculture.

*Land Development Permit.* A Land Development Permit, as used herein, is a broad term that encompasses any permit from the City required prior to any and all development activity, including without limitation clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, water or sewerage utilities, or other structures. *Land Development Permit* also includes any permit (building permit, utility permit or approval or otherwise) from the City required prior to development activity for buildings, signs, other structures or improvements requiring a building permit. Provided, however, agricultural activities as defined by state law are generally excluded from Land Development Permit requirements.

*Mature Tree.* A Tree that has reached its potential, although not its maximum, size and age and for which the rate of growth in height and mass has stabilized or slowed.

*Minimum Permeable Soil Area.* The amount of soil surface areas measured in square feet that must remain open and permeable around a Tree trunk.

*Mulch.* Any organic material on the soil surface to reduce weed growth, retain soil moisture, moderate temperature extremes, prevent damage from lawn-maintenance equipment, and improve aesthetic appearance of the landscape, such as compost, leaves, pine straw, or wood chips.

*Planting Season.* The period of time during which Trees are dormant and transplanting is recommended; generally considered to be mid November to mid March.

*Pruning.* Cutting away unwanted or damaged parts of a plant.

*Registered Forester.* A forester registered and good standing with the Georgia State Board of Registration for Foresters.

*Regulated Tree.* Any Tree under the jurisdiction of this Tree Ordinance, including all Trees on City property and Trees that are planted or conserved on private property to satisfy Tree Ordinance requirements.

*Shade Tree.* See *canopy Tree*.

*Street Tree.* Trees growing along street frontages within the public street right-of-way.

*TCA.* Tree Conservation Area.

*Topping.* An improper Pruning technique to reduce Tree size; cutting back a Tree to buds, stubs, internodes, or laterals not large enough to assume apical dominance; results in an abnormal and disfigured crown, an increase in Tree decay and decline, and a shorter lifespan; also known as heading back or tipping.

*TPZ.* Tree Protection Zone.

*Tree.* A woody perennial usually having one (1) dominant trunk, but sometimes multiple trunks, a mature DBH of 3 inches or greater and a mature height of 15 feet or greater.

*Tree Canopy Cover.* The ground surface area within a Tree's dripline measured in square feet or the percent of a site covered by Tree canopy.

*Tree Conservation.* The retention and ongoing protection of existing individual Tree, groups of Trees, or forested areas.

*Tree Conservation Area.* The area on a site that contains Trees to be conserved and protected; includes the combined area of all Tree Protection Zones of all conserved Trees; for an individually growing Tree not part of a Tree group or forested area the Tree Conservation Area equals the CRZ; see also Tree Protection Zone.

*Tree Conservation Plan.* A drawing to scale of the proposed location of Trees conserved and planted to meet the requirements of the Tree Ordinance.

*Tree Establishment.* The various activities associated with planting a Tree, including site selection, species selection, selection, transport, site preparation, planting, irrigation, and Mulching; also includes regular inspection, Pruning, and other new Tree maintenance. See also *Establishment Period*.

*Tree Protection Zone.* The area within which certain activities are prohibited or restricted to prevent or minimize potential injury to Trees, especially during development or construction; defined by the City as the entire crown and trunk of a Tree along with the roots and soil within the CRZ.

*Tree Value.* The appraised, monetary value placed on a Tree per methodology described in the latest edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.

**6. Establishment of Tree Board.** There is hereby established a City of Social Circle Tree Board, which shall also be known as the Tree Board.

A. Members. The Tree Board shall consist of five (5) members. The members shall be appointed by the Council. Members shall be residents of the City, provided, however, that to obtain greater expertise on the Tree Board, the Council may appoint a person not residing in the City in consideration of such person's special expertise. The Tree Board may designate up to five (5) ex-officio members to serve on the Tree Board. Ex-officio members shall not be eligible to vote on official matters of the Tree Board.

B. Term of Office. The term of office of the members shall be 3 years, except that for the initial Board three (3) of the members shall serve for three 3 years, two (2) of the members shall serve for 2 years. In the event that a vacancy occurs during the term of any member, the Council shall appoint a successor for the unexpired portion of the term. The Board shall choose its own officers and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

C. Compensation. The members of the Tree Board shall serve without compensation.

D. Meeting Frequency. The Tree Board shall meet no less than monthly. If any member misses more than three (3) consecutive regular meetings of the Tree Board, that member shall be automatically removed from the Tree Board and another member shall be appointed by the Council to fill the unexpired portion of the term.

E. Responsibilities. It shall be the responsibility of the Board to develop and recommend for formal Council approval a written plan for the management of the community's Trees. The Board shall provide leadership in the implementation of the plan and shall provide annual updates to the plan.

1. The plan shall include: community Tree management vision and goals; community Tree Management Ordinance; community Tree Management Ordinance administrative and technical standards; annual work plans for City Tree Conservation, protection, establishment, maintenance, inspection and removal; an official Tree species list; and an annual education and outreach program.

2. The Board shall be responsible for reviewing all Tree Conservation Plans for new development in the City prior to the submittal of the plan for final review and approval. The Tree Board shall submit the reviewed plans to the reviewer along with the board's comments and required revisions in a timely manner.

3. The Board shall receive monies from the City Tree Fund for Tree Establishment, Tree maintenance, and education and outreach programs per City Tree Fund guidelines in this Tree Ordinance and shall make an accounting of the use of Tree fund monies to the City Council annually.

4. The Board, when requested by the Council, shall investigate and make recommendations on any special matter of question coming within the scope of its duties.

F. Operating Budget. The Tree Board shall be allocated an annual operating budget by the City. In addition, the Board may receive grants and donations to be used for special community Tree management projects. Income and expenditures from the city budget, grants, donations, and the City Tree Fund shall be accounted for separately. An income and expenditure report for all income sources shall be made annually by the Board to the Council.

G. Review by City Council. The Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Board to the Council who may hear the matter and make a final decision, subject to appeal rights to Superior Court via *writ of certiorari*.

**7. Administrative and Technical Standards.** Administrative and technical standards are hereby established as part of this Tree Ordinance. They are in a separate document, the "City of Social Circle Community Tree Management Ordinance Administrative and Technical Standards", and are hereinafter referred to as the Administrative and Technical Standards. Compliance with these standards is required for all Tree management and maintenance activities required by this Ordinance. Violation of any standard is considered a violation of this Ordinance.

A. Professional standards for Tree care operations and best management practices published by the International Society of Arboriculture are referenced throughout this Ordinance and in the administrative and technical standards. A complete list of the standards and best management practices available is included as Appendix A in the administrative and technical standards. Current copies of these standards and best management practices shall remain on file in the City Clerk's office and shall be made available for review by the public upon request.

B. A copy of the administrative and technical standards shall remain on file in the City Clerk's office and shall be made available for review by the public upon request. The document shall also be available on the City's website for review and download.

**8. Official Tree Species List.** There is hereby established an "Official Tree Species List for the City of Social Circle, Georgia", hereinafter referred to as the Tree species list, which is included in the Administrative and Technical Standards as Appendix B. Any and all Trees planted on City property and those planted on private property to satisfy the requirements of this Ordinance shall be limited to the species on the list, unless written approval to plant other species is granted by the Tree Board.

### **9. City Tree Management.**

A. **Authority.** The City shall have the right to conserve, protect, establish, maintain, and remove Trees, plants and shrubs within street and alley rights-of-way, in City parks, on the grounds around City offices and facilities, and on any City - owned property, as may be necessary to ensure public safety or preserve or enhance the symmetry and beauty of such City property.

B. **Tree Establishment.** The City may establish Trees on City property per this Ordinance and the administrative and technical standards. Only those species on the Tree species list shall be planted. Trees shall be planted only where adequate growing space exists, above and below ground, so that future conflicts with utilities and infrastructure are avoided.

C. **Planting of Street Trees by Adjacent Property Owners.** The planting of Street Trees by adjacent property owners is not expressly prohibited, providing that written permission is granted by the City and selection of said Trees is per the provisions of this Ordinance and administrative and technical standards. Only those species on the Tree species list shall be planted.

D. **Tree Removal and Pruning.** The City may remove or order or cause to be removed or pruned, any City Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to or in conflict with electric power lines, gas lines, water lines, sewer lines or other public improvements, interferes with sight, traffic light, or street light visibility, reduces vehicular, pedestrian, or building clearance, or is affected with any injurious disease, insect or other pest.

E. **Removal of Stumps.** All stumps of Trees removed on City property shall be removed except in cases where stump removal may cause damage to headstones, graves, walls, fences, sidewalks, or other structures. Stumps shall be removed below the surface of the ground so the top of the stump shall not project above the surface.

F. **Utilities.** No Trees, except those in the Tree species list categorized as small in height, may be planted under or within 20 lateral feet of any overhead utility wire. No Trees of any size may be planted over or within 10 lateral feet of any underground water line, sewer line, transmission line or other utility within utility easements, unless written permission is granted by the Tree Board and City Manager or designee.

G. **Utility companies** shall have the right to prune Trees growing beneath or adjacent to overhead utility lines within the easement granted them by the City. Any and all Pruning by utility companies or their agents shall be done according to ANSI Standards for Tree Care Operations, ISA Best Management Practices, and the administrative and technical standards.

H. **Protection of City Trees.** It shall be unlawful for anyone to damage, destroy, or remove any City Tree or to change the grade or disturb the soil within the CRZ of a City Tree by trenching, tilling, excavating, compacting or backfilling,

contaminating the soil with any chemical, or causing any other damage to Tree roots, trunk, or crown, except when written permission has been granted by the Tree Board.

1. Requests to remove Trees or disturb the soil within the CRZ must be submitted to the Tree Board in writing at least 5 business days prior to a regularly scheduled Board meeting. The Board shall act upon the request at such meeting and provide the applicant with a decision in writing within 3 business days after the meeting.

2. When Trees are damaged, destroyed, or removed without permission compensation shall be required, and when permission has been granted, compensation may be required by the Tree Board as a condition for granting permission. Compensation shall be paid to the City Tree Fund. The amount of the compensation shall be the Tree Value as defined in this Tree Ordinance and as calculated by an ISA Certified Arborist using the latest edition of the Guide for Plant Appraisal<sup>1</sup>.

I. Tree Topping. It shall be unlawful for any person, firm, or entity to top any street, park, or other Tree on city property. Trees severely damaged by storms or other causes or certain Trees under utility wires or other obstructions may have their crown reduced only if done according to current ANSI Standards for Tree Care Operations and the administrative and technical standards.

J. Removal and Pruning of Trees on Private Property.

1. Insects and Diseases. The City shall have the right to order or cause to be removed or pruned any dead, dying, infested, or structurally weak Trees or part thereof on private property in the City, when such Trees constitute a hazard to persons or property, or harbor diseases or insects which constitute a potential threat to other Trees in the City. The City will notify the owners in writing of such Trees. Removal or Pruning shall be done by said owners at their own expense within 60 days after the date of receipt of notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove or prune such Trees and charge the cost of removal on the owner's property tax notice, which if unpaid shall be a lien against the real property.

2. Obstructions and Clearance.

- a. The owner of any Tree overhanging any street or public right-of-way shall prune the branches so such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of 13.5 feet above the surface of the street or 8 feet above the surface of the sidewalk, or shall remove the Tree if Pruning is not effective in eliminating the obstruction.

- b. The City shall have the right to prune or remove or order or cause to be removed or pruned any Tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or the passage of vehicles along the street or pedestrians along the sidewalk.

- c. The City will notify the owners of such Trees in writing. Removal or Pruning shall be done by said owners at their own expense within 60 days after receipt of notice. In the event of failure of the owners to comply, the City shall have the authority to remove or prune such Trees and charge the cost of removal on the owner's property tax notice, which if unpaid shall be a lien against the real property.

K. Interference with City Tree Management. It shall be unlawful for any person to prevent, delay or interfere with the City or its agent while engaging in conservation, protection, establishment, maintenance, inspection, or removal of any City Tree or the inspection, Pruning, or removal of Trees on private property by the City or its agent as authorized in this Ordinance.

---

<sup>1</sup> Developed by the Council of Tree and Landscape Appraisers, and published by the International Society of Arboriculture, <http://www.isa-arbor.com>.

**10. City Tree Fund.** There is hereby established a City Tree Fund to be used for the establishment and maintenance of Trees on City property, community Tree management education and outreach, and the hiring of contract services for Tree management.

A. The City shall be responsible for approving, receiving and depositing contributions to the City Tree Fund. The City shall be responsible for the allocation and expenditure of Tree fund monies for contract services for community Tree management, including development site inspections. Up to 30 percent of the annual expenditures of the Tree fund may be for contract services for Tree management.

B. The City shall be responsible for allocating Tree fund monies to the Tree Board. The Board shall be responsible for the allocation and expenditure of the allotted Tree fund monies for Tree Establishment, Tree maintenance, education and outreach.

C. At least 35 percent of the Tree Board's annual expenditures of Tree fund monies shall be for Tree Establishment, at least 10 percent shall be for community Tree management education and outreach, and at least 25 percent shall be for City Tree maintenance.

**11. Seasonal Waiver.** The City may waive completely, temporarily suspend, or modify any provision of this Ordinance to respond to naturally occurring weather or environmental conditions, such as but not limited to droughts, floods, tornadoes, wind storms, or other natural occurrences to meet the needs of the community.

**12. Tree Canopy Cover.** The City desires a healthy and sustainable Tree canopy well-distributed in the City. To achieve this, Tree Canopy Cover goals are hereby established for the City including City property and previously developed private property and Tree Canopy Cover requirements are hereby established for new developments and any activity on real property that requires the issuance of a Land Development Permit.

A. Tree Canopy Cover Goals. The City's Tree Canopy Cover goals are listed in Table 1. The purpose of these goals is to guide citizen, business, and non-governmental group activities toward contributing to a healthy and sustainable community forest and high quality of life within the City.

**Table 1. Tree Canopy Cover Goals**

<b>Property Description</b>	<b>Tree Canopy Cover Goal</b>
Entire City	60%
City offices and facilities	50%
City parks	80%
All other City owned properties	60%
Existing parking areas	50%
Existing single-family residential properties	60%
Existing multi-family residential properties	50%
Existing office or institutional developments	45%
Existing industrial developments (exclusive of truck traffic areas)	50%
Agricultural properties	30%

B. Tree Canopy Cover Requirements.



1. For any development that requires a Land Development Permit a minimum amount of Tree Canopy Cover is required on site as set forth in Table 2. The Tree Canopy Cover requirements vary by zoning district, take into account the maximum allowable lot coverage, and are represented as a percent of the entire site area exclusive of large truck traffic and storage areas in Zones I-1 and I-2.
2. In addition to the overall minimum requirement, a minimum amount of Tree Canopy Cover shall originate from the conservation of existing Trees if adequate Trees are present on the site. When no Trees are present on a site or an inadequate number of Trees are present on a site, then the Tree Conservation portion of the Tree Canopy Cover requirements shall be satisfied through the establishment of additional Trees.
3. Satisfactory compliance with Tree Canopy Cover requirements shall be required before a certificate of occupancy can be issued.

Table 2. Minimum Tree Canopy Cover and Conservation Requirements

Zoning District	Total Minimum Tree Canopy Cover Required (conserved and established Trees as percent of total site)	Total Minimum Conserved Tree Canopy (as percent of total site)
OI Office Institutional	50%	20%
NC Neighborhood Commercial	45%	15%
CBD Central Business District	0%	0%
GC General Commercial	45%	15%
I-1 Light Industrial <sup>2</sup>	45%	15%
I-2 Heavy Industrial <sup>3</sup>	55%	20%
MUBP Mixed Use Business Park	50%	20%
Residential Low Density R-25, R-15, R-12 Single Family	1 canopy Tree per 40 feet of road frontage or portion thereof planted on private property within 15 feet of property boundary	20%
RMD Residential Medium Density Single and Two- Family	40%	15%
RHD Residential High Density Multi-Family	30%	10%
PUD Planned Unit Development	60%	30%
AG Agricultural	0%	0%

<sup>2</sup> Applies to entire site area exclusive of truck traffic and storage areas.

<sup>3</sup> Applies to entire site area exclusive of truck traffic and storage areas.

C. Existing Tree Canopy Cover Credit. The amount of Tree Canopy Cover that shall be credited to an existing Tree is the actual Tree Canopy Cover as measured in the field or the standard Tree Canopy Cover credit for the species found in the Tree species list, whichever is greater.

1. Only Healthy Trees that will be protected per the administrative and technical standards are eligible for Tree Canopy Cover credit. The determination of whether a Tree is healthy shall be made by the Administrator, who may seek, or require the applicant to provide, an opinion of a Certified Arborist or Registered Forester. Tree Canopy Cover credit will not be given to unhealthy Trees or Trees with greater than 35% crown dieback or Trees that are not structurally sound and at risk for whole or partial Tree failure.

2. Individually growing healthy canopy Trees 18 inches DBH and larger that will be protected according to the administrative and technical standards are eligible to receive three (3) times the maximum Tree Canopy Cover as described above at the reasonable objective discretion of the Tree Board based on written criteria and findings of fact.

3. The Tree Canopy Cover credit assigned to a Tree to be established on a site is based on the Tree canopy size category for the species defined in the Tree species list in the administrative and technical standards. Species with the potential for large Tree canopies are eligible for a credit of 1,600 square feet of Tree Canopy Cover; Trees with medium-sized canopies are eligible for a credit of 900 square feet of Tree Canopy Cover; Trees with small canopies are eligible for a credit of 400 square feet of Tree Canopy Cover; and Trees with very small canopies are eligible for a credit of 150 square feet of Tree Canopy Cover.

D. Tree Conservation Requirements. To satisfy Tree Conservation requirements individual Trees may be conserved, groups of Trees may be conserved, or natural, forested areas may be conserved. Individual Trees proposed for conservation must be at least 6 inches DBH. Tree Conservation must comply with the administrative and technical standards. Trees that are conserved must be protected per the administrative and technical standards.

E. Protection and Maintenance of Tree Canopy Cover. The required amount of Tree Canopy Cover on a site must be present on the site in perpetuity, with the exception of single and two-family residential properties in new subdivisions once construction is complete and the property is owner-occupied.

1. Tree Conservation Areas for which credit has been received shall always remain as Tree Conservation Areas. No activities that disturb the soil or vegetation can take place within Tree Conservation Areas except the planting of Trees.

2. Tree Protection Zones must be established around all individual conserved Trees prior to site disturbance and must remain until construction has been completed and the certificate of occupancy has been issued. Tree protection structures shall be inspected and approved before site disturbance can begin. Standards for establishing Tree Protection Zones and installing Tree protection structures are described in the administrative and technical standards.

3. Trees established to satisfy Tree Canopy Cover requirements shall be regularly maintained and remain healthy to continue to receive credit. If the City determines at any time prior to or after the certificate of occupancy has been issued that a Tree has been topped or is not healthy, the City shall require the owner to remove and replace the Tree to maintain the required minimum amount of Tree Canopy Cover.

F. Payment and Penalties to the City Tree Fund in Lieu of Conservation or Canopy Coverage. In cases where adequate Trees exist on a site but an inadequate number of Trees are proposed for conservation, and after all options for conservation have been exhausted by the applicant, then the City may waive or reduce the minimum Tree Conservation requirement but shall require in lieu of conservation a contribution to the City Tree Fund as specified in the administrative and technical standards. Waiver shall be per reasonable objective discretion of the Tree Board based on written criteria and findings of fact.

1. When a violation of this Ordinance exists and a fine is levied the fine shall be paid to the City Tree Fund.

- a. When the City has wholly or partially waived the Tree Conservation requirement, a contribution to the City Tree Fund in lieu of the conservation shall be required in the amount of \$300 for every 1,600 square feet of Tree Canopy Cover not conserved.
- b. When the City has wholly or partially waived the Tree Canopy Cover requirement, a contribution to the City Tree Fund in lieu of the Tree Canopy Cover shall be required in the amount of \$300 for every 1,600 square feet of canopy not established.
- c. When a City Tree is damaged or destroyed the person responsible for the damage is required to reimburse the City for the value of the Tree as described in this Ordinance; the reimbursement shall be deposited to the City Tree Fund.

G. **Tree Establishment.** The remainder of the Tree Canopy Cover requirement in Table 2 shall be satisfied through new Trees in frontage landscape strips and parking areas first, and then in other areas on the site where adequate space and growing conditions exist.

1. Trees in required buffers may count toward the overall Tree Canopy Cover requirement, if the requirements for frontage landscape strips and parking areas have been met.
2. When planting more than three (3) Trees on a development site, no more than 30 percent of the Trees may be of one single genus (oaks, maples, elms, etc.)
3. At time of planting, Trees shall be a minimum of 2 inches Caliper for canopy, upright and single-stemmed Trees, and 5 feet tall for small, spreading or multi-stemmed Trees.

H. **Trees in Frontage Landscape Strips.** Trees shall be established in all street frontage landscape strips at a density of one (1) Tree for every 40 linear feet of frontage. The largest Tree that the growing space can accommodate shall be planted. Required Trees may be established in City street rights-of-way with the permission of the Tree Board. Tree Establishment shall conform to the administrative and technical standards.

I. **Trees in Parking Areas.** To provide shade for pavement and vehicles and reduce summer temperatures and ozone, canopy Trees shall be planted in parking areas at a rate of 1 Tree for every 3,500 square feet of parking area. Trees shall be evenly distributed throughout the parking area in landscape islands so that 50 percent Tree Canopy Cover will be achieved when the Trees reach maturity. Trees planted around the perimeter of parking areas shall count for one-half of a Tree for satisfying this requirement since only half of their canopy will cover pavement. These perimeter Trees, however, retain full canopy cover credit for the purpose of satisfying overall Tree Canopy Cover requirements.

J. **Minimum Permeable Soil Area.**

1. The Minimum Permeable Soil Areas that must be maintained around Trees in paved areas or compacted soils are based on Mature Tree height category and are as follows:
  - a. Small Trees: 100 square feet (minimum dimension 5 feet).
  - b. Medium Trees: 225 square feet (minimum dimension 9 feet).
  - c. Large Trees: 400 square feet (minimum dimension 9 feet).
2. These minimum permeable areas may be reduced by 50 percent if permeable pavement is installed around the CRZ of the Trees or structural soils are installed beneath the pavement, in an area equal to the required minimum before reduction, as further described in the administrative and technical standards.
3. When two (2) or more Trees are planted in the same contiguous area, the amount of the combined minimum permeable areas may be reduced by 10 percent for each additional Tree, but in no case shall be reduced by greater than 50 percent overall.

4. The minimum permeable open soil area in parking lots for a large maturing Tree may be reduced to the size of two (2) parking bays, or a minimum of 324 feet.

5. Minimum permeable CRZ areas around established Trees must always remain permeable and shall remain covered in Mulch as described in the administrative and technical standards.

K. Soil Quality. Soil in the Minimum Permeable Soil Area of all Trees to a depth of 30 inches must be good quality topsoil, well aerated, and composed of approximately 45 percent mineral soil, 5 percent organic matter and 50 percent pore space.

L. Removal of Trees from Development Sites. No Trees may be disturbed, damaged, destroyed, or removed from a site prior to approval of a Tree Conservation Plan, except for timber harvesting that is part of ongoing forest management operations (see timber harvesting Ordinance). When timber harvesting occurs on a site without an approved Tree Conservation Plan, no development permits of any type shall be issued for the site for 5 years after completion of harvesting.

### **13. Tree Conservation Plan**

A. A separate Tree Conservation Plan that demonstrates compliance with this Ordinance shall be submitted to the City for review by the Tree Board in conjunction with the submittal of other required site plans and the application for a Land Development Permit. After review the Board shall forward the Tree Conservation Plan to the Administrator or designee along with a recommendation for approval or revision. The Tree Conservation Plan will be reviewed by the Administrator or designee for conformance with this Ordinance and either approved or returned to the applicant to be revised and resubmitted.

B. For subdivisions, a Tree Conservation Plan that demonstrates compliance with this Ordinance for the development as a whole must be submitted and approved before preliminary plat approval may be granted and before a land disturbance permit may be issued. A Tree Conservation Plan that demonstrates compliance with this Ordinance for individual lots in a subdivision must be submitted and approved before a building permit or land disturbance permit may be granted.

C. The following information shall be included on the Tree Conservation Plan:

1. Date of plan.
2. Site location and address.
3. Total number of site acres.
4. Property owner's name, mailing address, telephone, and e-mail address, or the same for their agent.
5. Location of all existing and proposed utilities both overhead and underground.
6. Location of all existing and proposed buildings, pavement, parking areas, and other infrastructure and hardscape.
7. Location of construction ingress and egress drives, construction parking areas, temporary offices and portable toilets.
8. The percent and area of Tree Canopy Cover required and the percent and area proposed.
9. The percent and area of Tree Conservation required and the percent and area proposed.
10. The square foot area of parking areas and the number of Trees required and proposed for planting within parking areas.
11. Location of the trunk and Critical Root Zone, species common and Latin names, DBH, and Tree Canopy Cover of individual Trees proposed for conservation.
12. Boundaries and square foot area of Tree Conservation Areas proposed for conservation.

13. Location, species, and Caliper of Trees to be established on the site; location shall include trunk location and limits of the minimum permeable open soil area.

14. Chart showing how minimum Tree Canopy Cover requirements will be met with conserved and established Trees as described in the administrative and technical standards.

15. Signature or seal of a registered landscape architect, Registered Forester, or Certified Arborist.

D. A Tree protection detail and specifications shall be provided as part of the Tree Conservation Plan per the administrative and technical standards.

E. A Tree planting, Mulching, and anchoring detail shall be provided as part of the Tree Conservation Plan per the administrative and technical standards.

F. The issuance of a Land Development Permit shall constitute approval of the required Tree Conservation Plan. A Land Development Permit shall only be issued after the Tree Conservation Plan has been reviewed by the Tree Board and approved by the Administrator or designee for compliance with this Ordinance and approved.

**14. Inspections and Enforcement.** It shall be the responsibility of City Manager or designee to enforce this Ordinance and make required compliance inspections. The Manager may designate a city employee as the inspector, may contract for the services of a Certified Arborist to make the required compliance inspections, or may require the property owner or the property owner's agent to contract for the services of a Certified Arborist to make the required compliance inspections and submit a compliance report to the city.

A. At a minimum, the compliance inspections listed below shall be required.

1. Initial inspection prior to the issuance of a land disturbance permit to validate the accuracy and feasibility of the Tree Conservation Plan.

2. Inspection prior to any site disturbance for compliance with Tree protection standards and inspection and approval of Tree protection structures.

3. Inspection prior to the issuance of a certificate of occupancy to ensure compliance with the approved Tree protection plan and all provisions of this Ordinance.

B. In addition to the mandatory compliance inspections listed above, at any time the City may make compliance inspections, or require the owner to contract for compliance inspections by Certified Arborists and submit compliance reports if any violation has occurred during the development process or after the certificate of occupancy has been issued.

**15. Variances.** Applications for variances shall be submitted to the Tree Board for their review and recommendation at least 10 days prior to a regularly scheduled Tree Board meeting. The Tree Board shall forward a recommendation to the City Manager within five (5) business days after said meeting. Variances may be granted by the City Manager or designee. Variances shall issue in the reasonable objective discretion of the City Manager or designee based on written criteria and findings of fact. Appeals for decisions on variances may be made to the City Council. Appeals thereafter shall be to Superior Court by Certiorari.

**16. Violations and Penalties.** Any individual, entity, or owner's agent or representative violating any provision of this Ordinance shall be fined in an amount not to exceed \$1,000, except in the case of damage to City Trees. The fine for damage to a City Tree shall equal the Tree Value as determined by a Certified Arborist. Each day for which a violation exists shall constitute a separate violation. Each Tree for which a violation exists shall constitute a separate violation. All activities governed by this Ordinance shall cease pending correction of violation and/or payment of fines and penalties.