

# **City of Albany**

**Dougherty County**

**Albany MSA**

**2003 Population Estimate 76,202; -0.7% change from 2000 Census.**

**Tree City USA for 18 years.**

**City Tree Board with 15 members; quarterly meetings required by ordinance.**

## **TREE ORDINANCE (Section 28 of Code)**

**First adopted 1992. Last revised 1998.**

**Addresses public and private property.**

### **TABLE OF CONTENTS**

**SECTION 1 SHORT TITLE**

**SECTION 2 INTENT**

**SECTION 3 OBJECTIVES**

**SECTION 4 STANDARDS FOR TREE ALTERATION**

**SECTION 5 DEFINITIONS**

**SECTION 6 APPLICABILITY**

**SECTION 7 EXEMPTIONS**

**SECTION 8 EXECUTION OF GENERAL AGREEMENT**

**SECTION 9 DUTIES OF THE CITY TREE BOARD AND CODE ENFORCER**

**SECTION 10 PROCEDURE FOR LAND ALTERATION PERMIT APPLICATION**

**SECTION 11 TREE DENSITY REQUIRED**

**SECTION 12 TREE DENSITY UNIT CREDITS**

**SECTION 13 RECEIVING BUILDING AND CERTIFICATE OF OCCUPANCY PERMITS**

**SECTION 14 ENFORCEMENT AND PENALTIES**

**SECTION 15 APPEALS**

**SECTION 16 CONFLICT**

**SECTION 17 SEVERABILITY**

**SECTION 18 EFFECTIVE DATE**

**APPENDIX A NEW TREE LIST**

**APPENDIX B CALCULATION WORKSHEET**

**APPENDIX C FORMS AND GENERAL WORKSHEETS**

*Land Alteration/Tree Ordinance Application/Permit*

For more information, contact:

**Michael L. Talley, PE**

Senior Engineer

229.883.6955 voice / 229.883.6956 fax

senseinc@yahoo.com

TREE ORDINANCE

OF THE

CITY OF ALBANY, GEORGIA

ENACTED JUNE 9, 1998

EFFECTIVE SEPTEMBER 8, 1998

## TABLE OF CONTENTS

SECTION 1	SHORT TITLE
SECTION 2	INTENT
SECTION 3	OBJECTIVES
SECTION 4	STANDARDS FOR TREE ALTERATION
SECTION 5	DEFINITIONS
SECTION 6	APPLICABILITY
	A. Applicability
	B. Access Authority
	C. Liability
SECTION 7	EXEMPTIONS
	A. Complete Exemptions
	B. Limited Exemptions
SECTION 8	EXECUTION OF GENERAL AGREEMENT
SECTION 9	DUTIES OF THE CITY TREE BOARD AND CODE ENFORCER
	A. Establishment
	B. Duties of the City Tree Board
	C. Duties of the Code Enforcer
SECTION 10	PROCEDURE FOR LAND ALTERATION PERMIT APPLICATION
	A. Applications
	B. Submission
SECTION 11	TREE DENSITY REQUIRED
	A. Tree Density Required
	B. Sites With New Paved Parking Areas
	C. Off-Site Tree Planting Requirements / City Tree Bank
SECTION 12	TREE DENSITY UNIT CREDITS
	A. TDU Credits
	B. Protection Zone
	C. TDU Credit for Existing Trees
	D. TDU Credit for New Trees
SECTION 13	RECEIVING BUILDING AND CERTIFICATE OF OCCUPANCY PERMITS
SECTION 14	ENFORCEMENT AND PENALTIES
SECTION 15	APPEALS
SECTION 16	CONFLICT
SECTION 17	SEVERABILITY
SECTION 18	EFFECTIVE DATE
APPENDIX A	NEW TREE LIST
APPENDIX B	CALCULATION WORKSHEET
APPENDIX C	FORMS AND GENERAL WORKSHEETS

## SECTION 1

## SHORT TITLE

This Ordinance shall be officially known as the "Tree Ordinance" of the City of Albany.

## SECTION 2

## INTENT

It is the intent of this ordinance through the preservation and protection of trees to:

- a. protect, preserve, and promote the aesthetic appeal, character and value of the City;
- b. to promote public health and safety through the reduction of noise, stormwater runoff, air pollution, visual pollution, artificial light glare, and heat; and
- c. to preserve the quality of life for the City's citizens.

## SECTION 3

## OBJECTIVES

The objectives of this Ordinance are to protect, maintain, and enhance both the immediate and long-term health, safety and general welfare of the citizens of the City of Albany. The following objectives support this purpose by encouraging a productive balance between development and nature:

- a. to encourage preservation of trees and prevent unreasonable or unnecessary damage to the City's existing tree canopy;
- b. to promote and enhance the natural value of trees which contribute to the enhancement of public and private property values, contribute to air purification, oxygen regeneration, groundwater recharge, stormwater runoff control, noise abatement, to the reduction of energy for heating and cooling, and glare;
- c. to promote energy conservation by maximizing the shading and cooling effects of trees;
- d. to preserve a portion of existing trees and to ensure that local stock of native trees is replenished;
- e. to maintain natural beauty in developed areas by promoting the preservation and replanting of trees;
- f. to promote preservation of existing large shade trees by keeping their life needs in mind when developing;
- g. to promote new tree plantings during the land development and building construction process; and
- h. to create an environment where the trees will survive and thrive.

## SECTION 4

## STANDARDS FOR TREE ALTERATION

In order to obtain the objectives of this ordinance the following standards are applied.

- a. A minimum density of trees per acre of land is required.
- b. Lands which have a land alteration activity (see definition in SECTION 5 DEFINITIONS) to take place are required to meet the minimum tree density requirement.
- c. A tree permit, tree permit application and monitoring procedures are established.
- d. Certain kinds of trees are determined to be desirable or preferred that will greatly enhance the foliage cover for the City. To encourage the planting of these trees a higher value is given to them.
- e. The planting of trees is encouraged in large parking areas for the purpose of segmenting the pavement expanse.
- f. Alterations including maintenance of all trees including designated protected trees shall be done in accordance with the National Arborist Association Inc, Pruning Standards for Shade Trees (ANSI A300), and in accordance with those maintenance procedures referenced in this ordinance.
- g. Tree protection measures are to be utilized for any trees that are to remain on the site.
- h. Any person or applicant is to demonstrate that a reasonable effort has been made to save and protect existing trees from any Tree Activity.
- i. Any person or applicant is required to replace any "new" tree planted which has died within two (2) years of planting it on the site of the Tree Activity. Any tree dying within two (2) years of its planting on a site is considered to be tree removal.

## SECTION 5

## DEFINITIONS

All words underlined are either being defined or have definitions in this section. As used in this ordinance, the following terms shall mean as follows:

Altering of a tree (tree alteration, alteration of a tree, altered tree): Pruning, trimming, defoliating, grading around the base, damaging the tree, or other actions to the tree. This definition includes tree removal.

Applicant: Any individual, landowner, lessee, building contractor, developer or other entity applying for a Tree Permit. The applicant must have authority over the Tree Activity and the implementation of the requirements of this ordinance.

Caliper: The diameter of a tree, measured six inches (6") above the soil line, except that grafted trees shall be measured one inch (1") above the graft union if union can be seen. The caliper of multi-stemmed trees which branch within twelve inches (12") of the soil line shall be the diameter of the dominant (or larger stem) measured six inches (6") above the point of branching.

Certificate of Occupancy: A certificate issued by the City of Albany's Planning and Development Services certifying that all requirements for development or redevelopment of property have been met and authorizing occupancy of buildings and structures.

City: The City of Albany, Georgia.

City Arborist: The City of Albany's arborist or his designee. In the case that the position of City Arborist is vacant the Code Enforcer is his designee.

Clearing: The removal of any tree of four inches (4") DBH or greater; or the removal of any tree planted, or preserved under the requirements of this ordinance or under the previous ordinance.

Code Enforcer: a person duly appointed by the Director of Engineer.

Diameter at Breast Height (DBH): The diameter of a tree measured at a breast height of fifty-four inches (54") above the ground. If a tree splits into multiple trunks below fifty-four inches (54"), then the trunk is measured at its most narrow point beneath the split.

Director of Engineering: The City of Albany's Director of Engineering or his designee.

Impervious Area: Area that is covered by pavement and structures. Pavement for this definition is considered to be areas traveled upon by motor vehicles for ingress, egress, and parking having an impervious material which prevents the percolation of runoff. Examples of such materials are: asphaltic concrete, portland cement concrete, and paving blocks. A structure is defined in the City of Albany's Zoning Ordinance.

Land Alteration Activity (referred to as a "Tree Activity"):

- a. The construction or installation of impervious area;
- b. Clearing, tree removal or altering any tree existing, planted, preserved or protected under this ordinance or any predecessor ordinance on a site; or
- c. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soil of a site, which would affect trees.

Land Alteration Permit (referred to as a "Tree Permit"): An official authorized Tree Permit issued by the City of Albany allowing the commencement of Tree Activity.

Living Space: The minimum area allotted to each tree to be able to grow and survive. Living spaces do not overlap upon each other, that is, only one living space (one tree) may occupy a certain area of land.

**New Trees:** Trees listed in Appendix A or approved by the Code Enforcer shall be called a "new tree." New trees may be shade trees or ornamental trees.

**Ornamental Trees:** A tree normally reaching a height less than forty feet (40'), but greater than a height of fifteen feet (15'), with a spread of at least twelve feet (12') at maturity. Palm shall be considered an ornamental tree provided it is at least ten feet (10') high at planting. The measurement distance for the palm shall be from the base at ground level to the main point of foliage of the tree, or the upper portion of the tree canopy.

**Person:** Any individual, landowner, lessee, building contractor, developer or other entity involved in any Tree Activity or use of real property, including agents, employees, independent contractors or other in association with any of the above, whether natural persons, corporations, partnerships, joint ventures, or governmental bodies, agencies or officials.

**Physical Barrier:** Material used to protect the Protection Zone of a Protected Tree from damage or access.

**Protected Tree:** Any tree designated on a site plan, a Tree Permit, or a land alteration application that is to be preserved for tree density unit credit.

**Protection Zone:** The area around a protected tree requiring a physical barrier erected at its extents.

**Shade Tree:** A tree normally reaching the height of forty feet (40') or greater, with a spread of at least sixteen feet (16'), at maturity.

**Site:** The area, within the property boundaries of a principal parcel, to be developed; or contiguous parcels intended for development under a common scheme or plan.

**Specimen Tree:** Any shade tree more than twenty-five inches (25") DBH, any ornamental tree more than twelve inches (12") DBH, or any palm tree ten feet (10') or more in height, located on public property; or any other tree or grouping of trees which has been determined to be of a high value because of its species, size, age, or other accepted horticultural criteria.

**Tree Activity:** Same definition as a land alteration activity. Tree Activity is the common usage.

**Tree Density Unit (TDU):** A numerical representation used to assign values to trees to calculate for tree density requirements; as in the case of trees protected during development process, or to determine the extent of replanting required on a site.

**Tree Permit:** Same definition as a land alteration permit. Tree Permit is the common usage.

**Tree Removal:** Any act which physically takes a tree off a site, or which causes a tree to die within a period of two (2) years after said act, including but not limited to:

- a. improper planting;
- b. neglect;
- c. damage inflicted upon the root system by machinery, storage of materials, or soil compaction;
- d. changing the natural grade of the root system within the drip line;
- e. excessive or improper pruning;
- f. paving with concrete, asphalt, or other impervious materials within such proximity as to be harmful to the tree.

## SECTION 6

## APPLICABILITY

- A. **Applicability:** The provisions of this ordinance apply to any Tree Activity on all lands in the City of Albany, public and private, except as specifically exempted in Section 7 and no person shall commence nor allow any Tree Activity to commence on his / her property without first obtaining a Tree Permit from the Code Enforcer.
- B. **Access Authority:** The Code Enforcer shall conduct such investigations as may be reasonably deemed necessary to carry out the duties prescribed in this ordinance, and for this purpose shall be allowed to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites with activities that may require Tree Permits or have Tree Permits.

No person shall refuse entry or access to the Code Enforcer who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

- C. **Liability:** Neither the approval of a Tree Permit under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall such approval or compliance impose any liability upon the City of Albany for damage to any person or property.

The fact that a Tree Activity for which a Tree Permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the Tree Permit.

## SECTION 7

## EXEMPTIONS

A. The following have complete exemptions from complying with this Ordinance:

1. **Residential Exemption.** All single-family and duplex lots in any zone where permitted by the City of Albany Zoning Ordinance. No Tree Permit is required to be obtained.
2. **Agricultural Exemption.** Any land zoned agricultural shall be exempt from the provisions of this ordinance. Lands which were and are actively being used for agricultural and forestry purposes and are now zoned other than agricultural are also exempt. This exemption will be maintained until the land is considered to be abandoned from agricultural purposes as defined in the zoning ordinance. No Tree Permit is required to be obtained.
3. **Commercial Tree Operations.** Trees grown specifically for sale, such as Christmas trees and nursery stock. No Tree Permit is required to be obtained.

B. The following have limited exemptions from complying with this Ordinance:

1. **Imminent Hazards.** In the event that any tree shall be determined to be imminently hazardous or dangerous condition so as to immediately endanger the public health, safety or welfare or cause imminent harm to a building, and requires immediate trimming or removal without delay, verbal authorization may be given by the Code Enforcer for the tree to be trimmed or removed where trimming will not remove the imminent danger. A Tree Permit is required to be applied for within 72 hours of the imminent hazard action.
2. **Emergency.** During the period of an emergency such as flood, ice storm, thunderstorms, windstorms, tornadoes, or any other disastrous act of nature, the requirements of this ordinance may be suspended by the Code Enforcer. No Tree Permit is required to be obtained.
3. **General Agreement.** See Section 8 for details.

## SECTION 8

## EXECUTION OF GENERAL AGREEMENT

Utility companies, and governmental agencies constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission shall execute a written general agreement with the City of Albany which, at a minimum:

- a. as a policy requires a minimum alteration of trees and specimen trees;
- b. establishes design guidelines for construction and maintenance which identifies the saving of trees and specimen trees as a factor to be considered in the design process;
- c. requires a consultation process with and approval of the Code Enforcer before the commencement of construction projects, maintenance work within five feet (5') of trees, or the removal of trees and specimen trees;
- d. provides that a breach of such agreement constitutes a violation of this ordinance; and
- e. provides that all pruning of trees comply with the National Arborist Association Inc, Pruning Standards for Shade Trees (ANSI A300).

JUN 09 1998

## SECTION 9

### DUTIES OF THE CITY TREE BOARD AND CODE ENFORCER

#### A. Establishment of the City Tree Board

There is hereby established a City Tree Board for the City of Albany, which board shall consist of fifteen (15) members with its members appointed by the procedure below, terms of appointment are as below and said Board members shall serve without compensation.

- a. Seven (7) members are appointed by the following (terms are two (2) years each):
  1. the Mayor
  - 2-7. each City Commissioner (each Commissioner appoints 1 member)
- b. Three (3) members are appointed by the following (terms are one (1) year each):
  8. Albany Planning and Development Services
  9. "Keep Albany Dougherty Clean"
  10. Albany Board of Realtors
- c. Three (3) members are appointed by position (terms are as long as the position is held):
  11. Georgia Forestry Commission's Dougherty County Forester
  12. Director of Engineering
  13. City Arborist
- d. Two (2) members are appointed by the City Tree Board (terms are one (1) year each):
  14. a currently licensed professional Civil Engineer in private practice whose main field of work is site development
  15. nurseryman

#### B. Duties of the City Tree Board

The City Tree Board shall:

1. provide written short and long range planning recommendations to the Mayor and the City Commission each calendar year,
2. every four (4) years or as directed by the Mayor and City Commission, the Board shall review the current ordinance and send recommendations to the Mayor and City Commission to maintain current status or make adjustments to the current Ordinance,
3. make recommendations for policies for managing trees on the City's public properties,
4. make recommendations for policies concerning General Agreements,
5. perform other duties concerning the forestation of the city as directed by the Mayor and City Commission,
6. meet from time to time as convened by any nine (9) members, or by the Chairman, but in all events shall convene and meet not less than once quarterly, and
7. supersede and succeed to the duties of the present City Tree Board,

C. Duties of the Code Enforcer

1. It shall be the duty of the Code Enforcer to administer this ordinance. The Code Enforcer shall have the authority to revoke, suspend, or void any Tree Permit and shall stop work or suspend all work on any site or any portion thereof which is in violation of this ordinance.
2. The Code Enforcer may at his discretion to use the positions of Engineering Inspectors to assist in the administering of this ordinance, though the ultimate responsibility for administration rests with the Code Enforcer.
3. The Code Enforcer shall consult the City Arborist for approvals of the following:
  - a. trees not on the tree list;
  - b. new tree caliper sizes above the maximum size;
  - c. tree pruning, transplanting, and maintenance;
  - d. emergency tree removal;
  - e. repairing damaged trees;
  - f. General Agreements entered into under Section 8;
  - g. planting dates outside of the October 1 to April 15 period;
  - h. requests for pruning, removal or planting of trees on public property; and
  - i. requirements of the National Arbortist Association Inc., Pruning Standards for Shade Trees (ANSI A300), and maintenance procedures set out in any exhibits.

JUN 09 1998

## SECTION 10 PROCEDURE FOR LAND ALTERATION PERMIT APPLICATION

- A. Applications: All Tree Permit applications, together with site plans and documentation shall be reviewed by the Code Enforcer for conformance to the provisions of this ordinance and either approved, approved with revisions, returned for revisions, or not approved within fifteen (15) working days of receipt by the Code Enforcer's office. If not approved, the reason for the non-approval shall be stated in writing, and dated.
- B. Submission: All Tree Permit applications shall be submitted to the Albany Planning and Development Services for forwarding to the Code Enforcer. Only complete applications will be forwarded and a complete application contains the following:
1. name and address of property owner;
  2. name, address and phone number of applicant if other than the property owner;
  3. address of property to have the Tree Activity;
  4. signature of applicant;
  5. payment of fee, if required;
  6. statement indicating which of the following is being applied for:
    - a. Tree altering with no other intended actions on Public Property;  
(Information requirements may be reduced if allowed by the Code Enforcer)
    - b. Tree altering with no other intended actions on Private Property;  
(Information requirements may be reduced if allowed by the Code Enforcer)
    - c. All other conditions not stated in items "6-a" and "6-b";
  7. statement of which phase of the development the application is being applied for  
(NOTE: separate approvals are required for each phase, as each phase enters development);
  8. if another City permit is required for the site which requires a scaled plan (except for internal building plans), the tree plan is required to be on a scaled plan of a scale equal to or larger than the other required plan;
  9. statement indicating how much (if any) of the existing impervious areas were constructed prior to May 12, 1992;
    - a. statement indicating if any of the existing impervious areas will be preserved and used after the land alteration has been completed;
    - b. provide the location and square footages of the existing impervious areas which will be preserved and used;
    - c. the location and square footage of all proposed impervious areas;
    - d. the percentage of existing impervious areas compared to proposed impervious areas;
  10. acreage of property on which the land alteration will take place;
  11. the total tree density units required for the site;
  12. the total tree density units from existing trees;
  13. the total tree density units from new trees;

14. existing tree density credit information:
  - a. location
  - b. DBH
  - c. specific species (common name)
  - d. square footage of living space
  - e. radius of living space
  - f. tree unit credit for each size of tree
  - g. tree unit credit for each species of tree
  
15. new tree density unit information:
  - a. location
  - b. caliper
  - c. specific species (common name)
  - d. square footage of living space
  - e. radius of living space
  - f. number of trees of each species  
(NOTE: no more than one third (1/3) of the total number of trees planted are to be from any one species)
  - g. number of trees which are "shade" trees  
(NOTE: at least one half (1/2) of the total number of trees planted are to be "shade" trees)
  - h. pre-approval for trees not listed in Appendix A
  - i. tree unit credit for each species of tree

JUN 09 1998

## SECTION 11

## TREE DENSITY REQUIRED

### A. TREE DENSITY REQUIRED

1. Any site on which there will be a Tree Activity on it shall have not less than fifteen (15) tree density units per acre.
2. The City desires not to create or impose undue hardship on lands which had impervious areas before the enactment of the first Tree Ordinance on May 12, 1992. Therefore for lands which do not meet the minimum tree density units and had impervious areas on May 12, 1992 the following applies:
  - a. The tree density units required are adjusted by a percentage. This percentage is the ratio of proposed impervious area divided by the existing preserved and used impervious area which was on the site on May 12, 1992. The proposed impervious areas are all areas which were constructed or are to be constructed after May 12, 1992.
  - b. If requirement of subparagraph "a" above causes an overall tree density unit total greater than the minimum tree density units of paragraph 1, then the required number of tree density units is reduced to require only the difference between the minimum tree density units of paragraph "1" and the existing tree density units.
  - c. The minimum required new tree density units shall not be less than ten percent (10%) or require less than one (1) tree (which ever is greater) to be planted.
3. Nothing in this ordinance shall authorize the removal of existing trees as to reduce site tree units below fifteen (15) tree density units per site acre, and any such removal is prohibited.

### B. SITES WITH NEW PAVED PARKING AREAS

1. On sites where the tree density unit requirements have been met by trees retained on the site, any proposed or new parking areas shall be designed so as to provide for the preservation of existing trees, or living space for additional trees, to break up the expanse of the paved area(s) so that no new parking space shall be more than seventy-five feet (75') from a tree density unit living space.
2. On sites where the tree density unit requirements are not met by existing trees left on site, the site shall be designed to require planting tree density units in the expanse of the parking area to meet the site's required tree density units; and at a ratio of not less than one (1) tree unit per twenty-five (25) parking spaces, and so that no parking space shall be more than seventy-five feet (75') from a tree density unit living space. If there are tree density units remaining after meeting the previous requirement, then these tree density units may be placed at the applicant's discretion anywhere on the site.
3. Multi-level or covered parking areas are exempt from the requirements of subparagraphs 1 and 2 above.

JUN 09 1998

C. OFF-SITE TREE PLANTING REQUIREMENTS / CITY TREE BANK

On sites to be altered having serious space limitations such as party walls, zero lot lines or other similar restrictions and having less than seventy-five hundred (7,500) square feet of paved area, the applicant may elect to:

1. provide for the required tree density units to be planted on adjacent or nearby City rights-of-way where allowed by the Code Enforcer, and
2. after completing item #1 and where tree density unit requirements still remain, pay to the City \$100 per remaining tree density unit. The moneys shall be paid through the office of the Code Enforcer. Said moneys shall be used annually for planting new and replacement trees on public lands, rights-of-way, and on tree easements abutting public lands and rights-of-way, as designated by either the "Keep Albany Dougherty Clean" or City Arborist.

JUN 09 1998

**SECTION 12**

**TREE DENSITY UNIT CREDITS**

- A. **TDU Credits:** To receive any TDU credits the minimum caliper, the minimum square footage of living space and the minimum living space radius are required. If a tree is in a location where a protection zone is needed or is determined to be needed, a protection zone is required to receive any TDU credits for that location.
- B. **Protection Zone:** The physical barrier shall extend a minimum distance in all directions from the tree base at least five feet (5') except for a specimen tree which must be at least seven feet (7'). Physical barriers include but are not limited to: fencing, security screens, silt fence style of fencing, and construction warning fencing. Special conditions may warrant an adjustment to this requirement. The Code Enforcer with the City Arborist's guidance shall set the special conditions and may grant adjustments to this paragraph on a case by case basis.
- C. **TREE DENSITY UNIT CREDIT FOR EXISTING TREES**

Conversion from "diameter at breast height" (DBH) to "tree density unit" (TDU) is provided in the table below. To receive credit for the trees remaining on site, the minimum living space and minimum radius for living space are required.

DBH (inches)	TDU	MINIMUM AREA OF LIVING SPACE (square feet)	MINIMUM RADIUS FOR LIVING SPACE (feet)
1-5	1	150	2
6-10	2	200	2.5
11-15	3	250	3
16-20	4	300	3.5
21-25	5	350	4
26-30	6	400	4.5
31-35	8	450	5
36-40	10	500	5.5
41-45	12	550	6
> 45	14	600	6.5

Since there are trees that are "preferred" to be living in the city an additional increase in units is provided for these trees. The increases are listed below:

DBH	Increase above units by this percentage
1-10	50 %
10-20	25 %
21-30	10 %
>31	5 %

#### D. TREE DENSITY UNIT CREDIT FOR NEW TREES

New trees are defined as either shade trees or ornamental trees. Each listed tree has an individual tree density unit depending on the size, shape, and desirability. The minimum tree density unit is 0.5 and the maximum is 2.0. The minimum living space range is from seventy-five to two hundred and twenty-five (75 to 225) square feet and the minimum radius of living space range is from two to four (2 to 4) feet.

1. Appendix A contains the listing of trees that are available to receive credit. The appendix also contains common tree name, botanical name, minimum living space, minimum radius for living space, tree density units, and general comments.
2. The caliper of new trees is required to be between 1.5 and 3.5 inches, except that a pine tree caliper is required to be between 1 and 1.5 inches.
3. Palm trees are assigned credit based on height, not caliper, and receive one (1) TDU credit for each ten feet (10') height increment.
4. All new trees shall be planted on site between October 1 and April 15 unless Code Enforcer grants permission otherwise.
5. Trees not on the list are required to be reviewed and approved the Code Enforcer prior to any Tree Permit application submittal.
6. At least one-half (1/2) of the new trees shall be from the shade tree class.
7. No more than one-third (1/3) of the new trees shall be from any one species.
8. A new tree surrounded by existing or new pavement, the minimum required living space is one hundred and fifty (150) square feet.
9. Crape myrtles may be grouped together in maximums of three (3) a single living space, though the minimum living space becomes one hundred and fifty (150) square feet.
10. Trees being placed for this requirement may not be placed in locations such as sight clear zones that may cause hazardous situations for traffic.
11. Tree Density Unit (TDU) for new trees are listed below. To receive credit for the trees, the minimum living space and minimum radius for living space are required.

TDU	MINIMUM AREA OF LIVING SPACE (square feet)	MINIMUM RADIUS FOR LIVING SPACE (feet)
0.5	75	1.5
1.0	150	2.0
1.5	150	2.5
2.0	150	3.0

12. Trees shall be placed such that full shape and height will be reached without trimming, cutting or altering. For example: a shade tree (height over 40 feet) placed near or under a power line will not be given credit nor will it be allowed.

## SECTION 15

## APPEALS

- A. Appeals from any decisions of the Code Enforcer shall be taken to the Tree Appeals Board. The appeal shall follow the requirements below:
- a. appeal filed within three (3) months of a Code Enforcer decision;
  - b. in writing;
  - c. specify the reason for the appeal;
  - d. provide all supporting information; and
  - e. written report from the Code Enforcer why subject of the appeal was denied.
- B. Creation and duties of the Tree Appeals Board
1. The members of the Tree Appeals Board are the following members of the Tree Board:
    - a. Chairman of the Tree Board,
    - b. member from the Albany Planning and Development Services, and
    - c. the Director of Engineering.
  2. The appeal shall be heard at a meeting of the Tree Appeals Board. The Tree Appeals Board shall meet within 10 working days of any full appeal application.
    - a. If the decision of the Tree Appeals Board is unanimous, then the decision shall be sent, in writing, to the applicant within ten (10) working days of the meeting.
    - b. If the decision of the Tree Appeals Board is NOT unanimous, the decision will automatically be a denial of the appeal.
    - c. At the applicants discretion, the applicant may appeal any decisions of the Tree Appeals Board to the entire Tree Board for a decision. A majority vote is required for an approval, approval with conditions, or a denial of the appeal. If a regular Tree Board meeting is not scheduled within forty-five (45) days of the applicant's appeal to the entire Tree Board, a special Tree Board meeting will be called. The decision of the Tree Board shall be sent, in writing, to the applicant within ten (10) working days of the meeting.

SECTION 16                    CONFLICT

Where the provisions of this ordinance conflict with other tree protection or landscape provisions contained within any other City ordinance, the stricter ordinance shall govern.

SECTION 17                    SEVERABILITY

Each provision of this ordinance is deemed separate, severable, and independent of all other provisions herein so that if any portion or provision of this ordinance be declared invalid, all other provisions shall remain valid and enforceable.

SECTION 18                    EFFECTIVE DATE

This ordinance shall take effect upon ninety (90) days after the date of its approval.

JUN 0 9 1998

## APPENDIX B

## CALCULATIONS WORKSHEET

THIS WORKSHEET IS ONLY A MEANS TO ASSIST IN THE APPLICATION PROCEDURE AND DOES NOT REMOVE ANY RESPONSIBILITY OF THE APPLICANT TO COMPLY WITH ALL ASPECTS OF THIS ORDINANCE.

Step 1 - Calculate the total number of tree density units (TDU) required for the site.

Total number = area (in acres) x 15 (round to the nearest tenth 0.1 of a unit)

Example: 1 acre -  $1 \times 15 = 15$  TDU  
2.2 acres -  $2.2 \times 15 = 33$  TDU  
2.1463 acres -  $2.1463 \times 15 = 32.1945 = 32.2$  TDU

Step 2 - Calculate the total number of TDU's for any remaining existing trees.

- a. List and Locate all the trees to remain on site.
- b. Measure the DBH of each tree.
- c. Convert DBH to TDU using the table in Section 12.C
- d. Check all trees for the required minimum living space (if not enough space, then remove it from the list)
- e. Check all trees for the required minimum radius for living space (if not enough radius, then remove it from the list)
- e. Total the number of TDU's

Step 3 -a. If the TDU's from Step 1 (REQUIRED UNITS) is greater than the TDU's from Step 2 (EXISTING UNITS), then subtract the TDU's of Step 2 from the TDU's of Step 1.

THE REMAINDER IS THE NUMBER OF NEW TDU'S TO BE PLACED ON THE SITE.

MORE NEW TREES MAY BE REQUIRED BECAUSE ANY NEW PARKING SPACES MAY BE REQUIRED TO BE WITHIN 75 FEET OF A TREE'S LIVING SPACE. (SEE SECTION 11.B)

- b. If the TDU's from Step 1 (REQUIRED UNITS) is less than the TDU's from Step 2 (EXISTING UNITS), then new trees may not be required,

NEW TREES MAY BE REQUIRED BECAUSE ANY NEW PARKING SPACES MAY BE REQUIRED TO BE WITHIN 50 FEET OF A TREE'S LIVING SPACE. (SEE SECTION 11.B)

Step 4 -a. If TDU's are required, then go to Appendix A for the listing of trees and corresponding TDU's.

- b. Pick new trees (TDU's) from Appendix A lists keeping in mind that:
  1. at least 1/2 of the trees shall be from the shade tree class,
  2. no more than 1/3 of the trees can be from any one species, and
  3. the total TDU's must equal or exceed the number in Step 3a or 3b.
- c. Place the new trees on the site.
- d. Check each tree has its minimum living space.  
If the tree does not have its minimum, then either:
  1. remove the tree from the counting list, or
  2. provide the minimum required living space.
- e. Check each tree for minimum living space radius.  
If the tree does not have its minimum, then either:
  1. remove the tree from the counting list, or
  2. provide the minimum living space radius.

Tree Density Units are determined by measuring the diameter of the tree at 54" above the ground. If you do not have a diameter tape, measure the circumference and divide by 3 for a rough diameter. Required TDU's per Acre = 15. See 2<sup>nd</sup> page of application for chart determining TDU values.

OFFICE USE ONLY  
PERMIT NO. \_\_\_\_\_  
DATE ISSUED \_\_\_\_\_  
DATE EXPIRED \_\_\_\_\_

**CITY OF ALBANY**  
**ENGINEERING DEPARTMENT**  
240 Pine Avenue, Suite 200  
Post Office Box 447,  
Albany, Georgia 31702-0447  
Phone: (229) 883-6955 Fax: (229) 431-2875

**LAND ALTERATION / TREE ORDINANCE**                      **APPLICATION / PERMIT**  
NAME OF APPLICANT (OWNER/DEVELOPER): \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

AGENT FOR APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

AGENT'S ADDRESS: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ - ZIP: \_\_\_\_\_

NAME OF DEVELOPMENT OR PROPERTY: \_\_\_\_\_

ADDRESS FOR DEVELOPMENT/PROPERTY: \_\_\_\_\_

1. SITE AREA: \_\_\_\_\_ ACRES

2. REQUIRED TREE DENSITY UNITS: \_\_\_\_\_ 15 x Number of acres )

3. UNITS FROM:            EXISTING TREES REMAINING ON SITE: \_\_\_\_\_ NEW TREES: \_\_\_\_\_

4. TOTAL UNITS FROM EXISTING AND NEW TREES: \_\_\_\_\_

5. REDUCTION IN REQUIRED NEW PLANTINGS IF MAINTAINING IMPERVIOUS CONSTRUCTED PRIOR TO MAY 12, 1992 (NOTE: USE THIS SECTION ONLY IF MINIMUM REQUIRED DENSITY IS NOT MET BY EXISTING AND NEW TREES.)

A. SQUARE FOOT AREA OF EXISTING IMPERVIOUS TO BE CONTINUED IN USE \_\_\_\_\_

B. SQUARE FOOT AREA OF NEW IMPERVIOUS \_\_\_\_\_

C. PERCENTAGE REDUCTION ALLOWED \_\_\_\_\_ (# B / # A)

D. REDUCED "NEW" REQUIRED TREE UNITS \_\_\_\_\_ (# C \ # 2 )

6. ARE NEW TREES REQUIRED TO MEET "TREE TO PARKING SPACE DISTANCE REQUIREMENT":            Yes \_\_\_\_\_ No \_\_\_\_\_

Pursuant to the requirements of the **TREE ORDINANCE OF THE CITY OF ALBANY, GEORGIA** et seq and as amended, the undersigned applicant hereby applies for a permit for the land alteration activity as represented by the attached plans. By signing this application, the applicant agrees to follow all requirements as outlined in the **TREE ORDINANCE OF THE CITY OF ALBANY, GEORGIA** et seq. and as amended. Also by signing, the applicant states that the application is factual and accurate.

\_\_\_\_\_  
(applicant's signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(code enforcer signature)

LIST OF EXISTING TREES FOR CREDIT AND LIST OF TREES TO BE PLANTED

NOTE: The diameter of an existing tree is measured at 54 inches above the ground.

NOTE: More than one species may be listed on a line if the "preferred tree" option is NOT being used.

DBH	TDU	PREFERRED TREE INCREASE	MINIMUM AREA OF LIVING SPACE	MINIMUM RADIUS FOR LIVING SPACE
1-5	1	50 %	150 SF	2 FT
6-10	2	50%	200 SF	2.5 FT
11-15	3	25 %	250 SF	3 FT
16-20	4	25 %	300 SF	3.5 FT
21-25	5	10 %	350 SF	4 FT
26-30	6	10 %	400 SF	4.5 FT
31-35	8	5 %	450 SF	5 FT
36-40	10	5 %	500 SF	5 FT
41-45	12	5 %	550 SF	6 FT
> 45	14	5 %	600 SF	6.5 FT

EXISTING TREES :

DBH	SPECIES	NUMBER	UNITS EACH	PREFERRED TREE %	TOTAL UNITS
_____	_____	_____	_____	Y N %	_____
_____	_____	_____	_____	Y N %	_____
_____	_____	_____	_____	Y N %	_____
_____	_____	_____	_____	Y N %	_____
_____	_____	_____	_____	Y N %	_____
Total Units for Existing Trees					_____

TREES TO BE PLANTED :

SPECIES	NUMBER	UNITS EACH	Classification	TOTAL UNITS
_____	_____	_____	SHADE / ORNAMENTAL	_____
_____	_____	_____	SHADE / ORNAMENTAL	_____
_____	_____	_____	SHADE / ORNAMENTAL	_____
_____	_____	_____	SHADE / ORNAMENTAL	_____
Total Units For New Trees				_____

Total number of New Trees \_\_\_\_\_

1 / 3 of total number of new trees \_\_\_\_\_ (Remember: no more than 1 / 3 of any species can be planted)

1 / 2 of total number of new trees \_\_\_\_\_ (Remember: shade trees must exceed 1 / 2 of all trees planted)

Total number of Shade Trees \_\_\_\_\_

IF PLANTING MORE THAN THE REQUIRED MINIMUM UNITS, THEN LIST THE EXTRA BELOW:

SPECIES	NUMBER
_____	_____
_____	_____
_____	_____