

# **City of Decatur**

**DeKalb County**

**Atlanta MSA**

**2003 Population Estimate 17,859; -2.0% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

## **0-89-26 ORDINANCE PROVIDING FOR THE PRESERVATION OF TREES, ARTICLE III. PRESERVATION OF TREES**

**First adopted 1989. Last revised 1999.**

**Addresses public and private property.**

**Includes buffer requirements.**

### **TABLE OF CONTENTS**

Section 20-31.	Intent.
Section 20-32.	Definitions
Section 20-33.	Appointment and Qualifications of a City Tree Consultant
Section 20-34.	General Rules and Regulations: City Property.
Section 20-35.	Applicability.
Section 20-36.	Permits.
Section 20-37.	Protection of Trees.
Section 20-38.	[not found]
Section 20-39.	Planting of Trees.
Section 20-40.	Easements to Plant Trees on Private Property
Section 20-41.	Violation and Penalty.
Section 20-42.	Legality of Article and Parts Thereof.
Section 20-43.	Effective Date.

Tree Preservation Ordinance General Information

CHECK LIST FOR TREE PRESERVATION ORDINANCE PLAN REVIEW

ADMINISTRATIVE GUIDELINES Supplement No. 1

For more information, contact:

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**Tree Preservation Ordinance  
City of Decatur, Georgia**

**This booklet contains:**

- 1. General information about the Decatur Tree Ordinance.**
- 2. Plan Review Checklist.**
- 3. Administrative Guidelines for the Decatur Tree Ordinance (including Supplement No. 1)**
- 4. The Decatur Tree Ordinance.**

**City Tree Consultant:**

**Ed Macie, Urban Forester  
7 Village Walk Drive  
Decatur, Georgia 30030**

**Telephone: 404-378-4470  
Fax: 404-378-2840**

CITY OF DECATUR  
TREE PRESERVATION ORDINANCE  
ADMINISTRATIVE GUIDELINES  
Supplement No. 1

**Section I . Purpose.**

The purpose of these guidelines is to amend and supplement the original administrative guidelines approved by the Decatur City Commission on February 19, 1990. The guidelines in this supplement shall be enforced as part of and in addition to the tree preservation ordinance administrative guidelines.

**Section III . Definitions.**

The following definition shall be added to this section:

“18.1. Significant tree: Any existing, healthy, living tree eight (8) inches DBH or greater in size.”

**Section IV. Procedures.**

1. The following paragraph shall be added to subsection B, Tree Replacement, item 2:

“In all zoning districts, if significant trees exist on a site for which a building or soil erosion permit is sought, at least 25 percent of the required total site tree density shall be provided by preserving such existing significant trees.

Where there are an insufficient number of existing significant trees to comply with this requirement or where the City Tree Consultant has determined that such trees should be removed because they will not survive construction or to prevent hazardous conditions, then a minimum of 25 percent of the replacement tree density shall be provided by trees of at least 4 inches caliper. Conifers shall not be permitted to meet replacement tree requirements.”

2. The following sentence shall be added to subsection B, Tree Replacement, item 5:

“Contributions to the tree bank shall be computed at a rate of \$275 for each 0.5 unit of replacement tree density.”

**Section V. Methods of Tree Protection.**

The following subsection shall be added to Section V:

“D. Treatment, Removal and/or Replacement of Damaged Trees.

Any tree, designated in the tree protection plan to be saved, which is damaged during

construction or as a result of construction, as determined by a professional arborist or forester, shall be treated according to nationally accepted tree care standards. If the damaged tree must be removed, it shall be replaced with a tree or trees equal to the unit value of the tree removed. A specimen tree damaged as described above shall be replaced with trees equal to two (2) times the unit value of the tree removed. The person or entity to which the building, soil erosion or tree protection and replacement permit was issued shall be responsible for treatment, removal, and/or replacement of the damaged tree.”

The following subsection shall be added to Section V:

**“E. Maintenance.**

Trees which are used to meet the density requirements for these guidelines shall be maintained for a minimum of two (2) years after the date of final inspection by the City Tree Consultant. Required tree density shall be maintained by the property owner.”

**Exemption:** These guidelines shall not apply to any property for which an application for a building permit, soil erosion permit or tree protection plan has been submitted or where such permit or plan has been approved by the date of adoption of this supplement, nor for any property for which a development plan has been approved by the City Commission or Board of Appeals according to the requirements of the Decatur zoning ordinance.

Approved: September 20, 1999

Attest: /s/ Hugh Saxon  
Acting City Clerk

Tree Preservation Ordinance  
City of Decatur, Georgia

General Information

Effective March 19, 1990, the City of Decatur will begin implementation of the Tree Preservation Ordinance. Provisions of this ordinance and its administrative guidelines apply to any activity within the Decatur city limits which require the issuance of a building or soil erosion control permit.

In order to ensure compliance with the Tree Preservation Ordinance, the following process must be followed:

1) All building and soil erosion control permit drawings must be accompanied by a tree protection and replacement plan. The attached checklist outlines the specific information required on this plan. More comprehensive and instructional information is available in the Tree Preservation Ordinance Administrative Guidelines, available from the Development Department. The tree protection and replacement plan will be reviewed for conformance, and returned for corrections, if required. Once all of the corrections have been made the plans will be approved.

2) An on-site evaluation of the existing trees must be conducted by the City Tree Consultant along with the project engineer or landscape architect. These site visits must occur concurrently with the plan review process. The developer/owner is encouraged to attend these evaluations. The City Tree Consultant may be contacted by leaving a message with the Development Department at 377-9911.

3) Once the project is permitted, but prior to land disturbance, the City Tree Consultant must again be contacted to discuss the approved tree protection measures with the project general contractor (pre-construction conference). These measures must be installed prior to any clearing or grading. Follow up site inspections will be conducted by the City Tree Consultant to assist developers with their tree protection efforts and to assure continued compliance. A final inspection will be conducted prior to final approval of the project.

4) Review and inspection fees for Tree Protection and Replacement Plans are based upon project size as follows:

- |   |   |
|---|---|
| 1. One single-family or two-family dwelling:    | \$ 165                                  |
| Re-Inspection when final inspection has failed: | \$ 55                                   |
| 2. Project area - up to 4 acres                 | \$ 365                                  |
| Re-Inspection when final inspection has failed: | \$ 85                                   |
| 3. Project area - over 4 to 9 acres             | \$ 475                                  |
| Re-Inspection when final inspection has failed: | \$ 110                                  |
| 4. Project area - over 9 to 14 acres            | \$ 550                                  |
| Re-Inspection when final inspection has failed: | \$ 165                                  |
| 5. Project area - over 14 acres                 | \$ 550                                  |
|   | plus \$20 per acre<br>for total acreage |

Re-Inspection when final inspection has failed: \$ 165

Fees must be paid to the City of Decatur with the application for the building or soil erosion control permit. Reinspection fees will be charged if the final inspection must be conducted a second time.

We appreciate your patience and cooperation. Please contact us if you have any questions.

## CHECK LIST FOR TREE PRESERVATION ORDINANCE PLAN REVIEW

### A. Tree Protection.

A tree protection and replacement plan shall be submitted as a separate drawing to include the following:

- a) All tree protection zones and areas of revegetation.
- b) All natural areas, buffers, landscaped areas, and landscaped parking islands, if any.
- c) Approximate location of all exceptional trees or stands of trees.
- d) Exact location of all exceptional trees when their preservation is questionable, or might result in a change of the site design.
- e) Indicate those specimen trees to be removed. Removal of specimen trees is subject to approval of the City Tree Consultant.
- f) Limits of clearing and land disturbance such as grading, trenching, etc. where these disturbances may affect tree protection zones.
- g) Proposed location of underground utilities.
- h) Methods of tree protection shall be indicated for all tree protection zones, including tree fencing, erosion control, retaining walls, tunneling for utilities, aeration systems, transplanting, staking, signage, etc.
- i) Indicate staging areas for parking, material storage, concrete washout, debris burn and burial holes and other areas where tree protection may be affected.
- j) The required site tree density factor must be satisfied. Compliance shall be demonstrated on the tree protection and replacement plan. Existing trees or stands of trees used in the density calculation must be indicated on the drawing.
- k) The use of flowering ornamental replacement trees may not be used in density calculation.
- l) Replacement trees used in density calculations must be ecologically compatible with the intended growing site.

**B. Tree Replacement.**

1. Indicate the location of all proposed trees.
2. Include planting schedules with proposed tree names (botanical and common), quantity, size and any special planting notes.
3. Provide planting and staking details.

**C. Notes.**

1. The following notes shall be indicated on both tree protection plans and grading plans in large letters:
  - A. **CONTACT DECATUR DEVELOPMENT DEPARTMENT (377-9911) TO ARRANGE A PRE-CONSTRUCTION CONFERENCE WITH THE CITY TREE CONSULTANT PRIOR TO ANY LAND DISTURBANCE.**
  - B. **ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO ANY GRADING OR LAND DISTURBANCE.**

CITY OF DECATUR  
TREE PRESERVATION ORDINANCE  
ADMINISTRATIVE GUIDELINES

SECTION I. PURPOSE.

- A. The purpose of these guidelines is to facilitate the protection and/or replacement of trees as part of the land development and building construction process within the City of Decatur, Georgia.

SECTION II. AUTHORITY AND APPLICABILITY.

- A. Standards for tree protection and replacement are established under the authority of the City of Decatur Tree Preservation Ordinance, Chapter 20, Article III, of the Code of the City of Decatur, Georgia.
- B. Terms and provisions of the Tree Preservation Ordinance, and the Administrative Guidelines established herein, shall apply to any real property which requires the issuance of a building or soil erosion and sedimentation control permit within the City limits but excluding activities listed in Section 20-35-B, Exemptions, of the Tree Preservation Ordinance.

SECTION III. DEFINITIONS.

All words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

1. Buildable Area: That portion of a lot which is not located within any minimum required yard, landscape area or buffer; that portion of a lot wherein a building may be located according to current zoning requirements.
2. Building or Soil Erosion Control Permit: Official authorization issued by the City of Decatur allowing defoliation or alteration of a site, a change which may result in soil erosion or alteration of site vegetative cover, or the commencement of any construction activities.

3. Caliper: American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground for up to and including 4 inch caliper size, and 12 inches above the ground for larger sizes.
4. City Engineer: The City Engineer of the City of Decatur, Georgia, or his designee.
5. City Tree Consultant: A professional urban forester and agent of the City of Decatur, who is charged with the administration of these standards and the provisions of the Tree Preservation Ordinance.
6. Cover Area: That area which falls within the drip line of any tree.
7. DBH: Diameter-at-breast-height, a standard measure of tree size, is a tree trunk diameter measured in inches at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, then the trunk is measured at its most narrow point beneath the split.
8. Developed Property: Property upon which a building, structure, pavement, or other improvements have been placed.
9. Development Director: The Development Director of the City of Decatur, Georgia, or his designee.
10. Drip Line or Crown Drip Line: A vertical line extending from the outermost portion of a tree canopy or a tree's branch tips down to the ground.
11. Tree Protection and Replacement Plan: A plan indicating tree protection measures and the location, size, quantity and species of replacement trees.
12. Park: All publicly maintained parks having individual names.

13. **Planting Strip:** That part of a public street or highway, not covered by sidewalk or other paving, lying between the property line of adjoining property and that portion of the street or highway used or intended to be used for vehicular traffic.
14. **Protected Zone:** All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as yard areas, buffers or landscaped areas according to provisions of the City of Decatur Zoning Ordinance or by conditions of zoning and variance approval, and/or these administrative guidelines.
15. **Public:** The term "public," when used as a modifier for such words as building, park, right-of-way, and similar words, shall mean "government-owned" or "government-operated."
16. **Public Places:** All grounds other than parks which are owned by the City of Decatur, Georgia.
17. **Public Tree:** Any tree which exists on publicly owned or controlled property or right-of-way.
18. **Revegetation:** The replacement of trees and landscape plant materials into the minimum required landscape areas and areas of open space, as determined by the City of Decatur Zoning Ordinance and these administrative guidelines.
19. **Specimen Tree or Specimen Tree Stand:** Any tree or group of trees within the protected zone which has been determined to be of high value because of its species, size, age or other definable criteria and so designated by the City Tree Consultant. General criteria for the determination of specimen trees or stands of trees are provided in Section VI.
20. **Tree:** Any self supporting woody plant, usually having a single woody trunk and a potential diameter of 2 inches or more

when measured at a point 6 inches above ground level and which normally attains an overall height of at least 10 feet at maturity, usually with one (1) main stem or trunk and many branches.






21. Tree density factor: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.
22. Undeveloped Property: Property upon which no building, structure, pavement or other improvements have been placed.
23. Yard Area: An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.
24. Zoning Ordinance: The zoning ordinance and land use and development regulations adopted for use within the City of Decatur, Georgia.

#### SECTION IV. PROCEDURES.

##### A. Building Permits and Soil Erosion and Sedimentation Control Permits:

1. A tree protection and replacement plan shall be submitted with other permit drawings as part of the Building Permit and Soil Erosion and Sedimentation Control Permit process. This plan shall include the following information. A sample plan is illustrated in Figure 1.
  - a) Definition of spatial limits.
    - (1) Limits of land disturbance, clearing, grading, and trenching.
    - (2) Tree protection zones.
    - (3) Specimen trees or stands of trees.
    - (4) Areas of revegetation, and tree density calculations.
  - b) Detail drawings of tree protection measures (where applicable).
    - (1) Protective tree fencing.

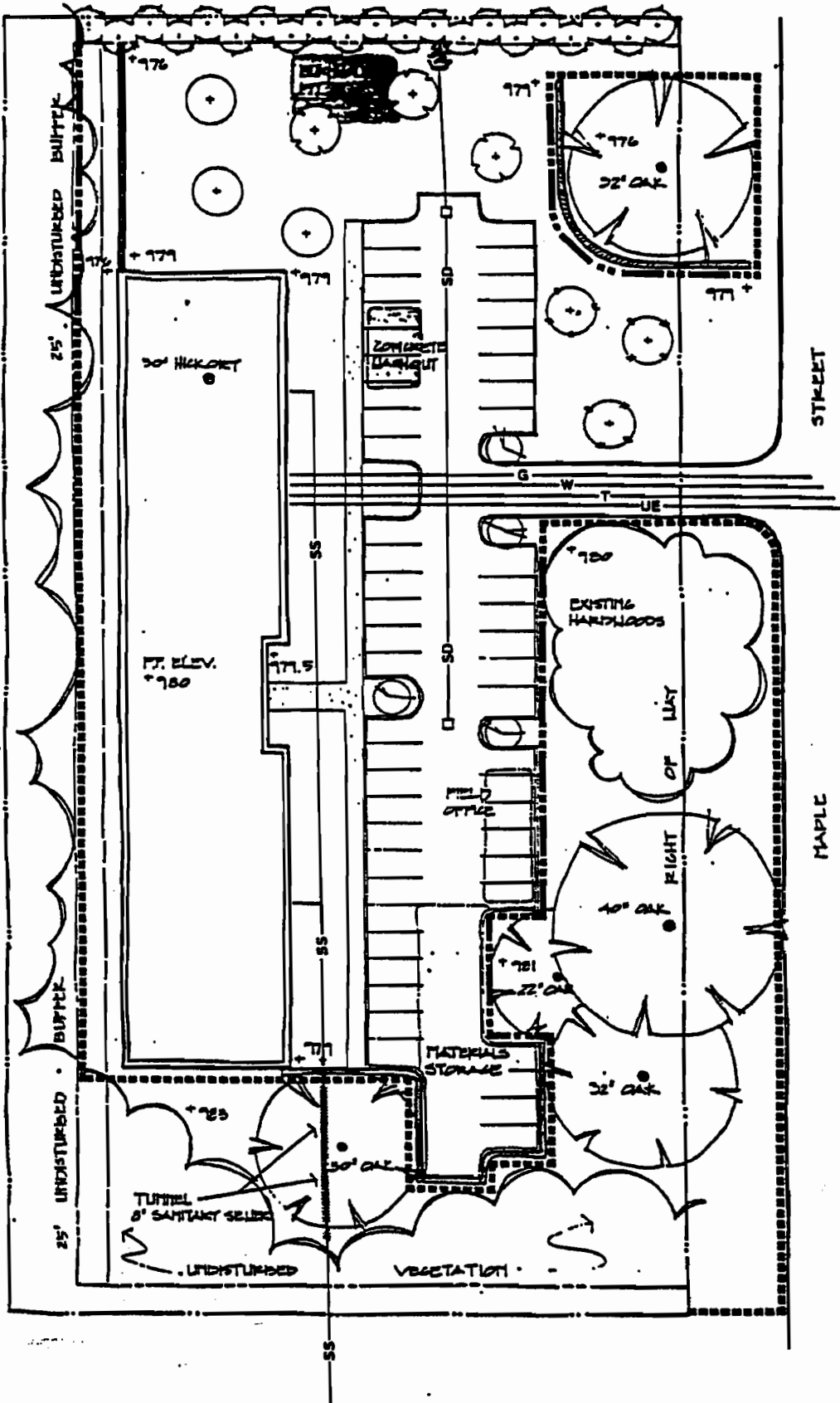
# PLANT LIST

SPECIES	SIZE	QUANT.	COMD.
 VIRGINIA PINE PITUS VIRGINIANA	4'HT.	21	B+B
 WILLOW OAK QUERCUS PHellos	6'DBH	4	SPADE
 PIN OAK QUERCUS PALLIDUS	5'DBH	2	SPADE
 WHITE OAK QUERCUS ALBA	5'DBH	3	SPADE
 SCARLET OAK QUERCUS COCCINEA	5'DBH	3	SPADE

# LEGEND

- TREE FENCING
- FENCING BY EXCAVATION CONTROL
- RETAINING WALL
- TUNNEL
- G ----- GAS
- UE ----- UNDERGROUND ELECTRIC
- W ----- WATER
- T ----- TELEPHONE
- SS ----- SANITARY SELLER
- SD ----- STORM DRAINAGE
- ⊙ ----- REMOVED TREE
- ----- EXISTING TREE
- PROPERTY LINE
- BUILDING SETBACK LINE

# NOTES



# SAMPLE TREE PROTECTION PLAN

FIGURE 1



- (2) Erosion control fencing.
  - (3) Tree protection signs.
  - (4) Transplanting specifications.
  - (5) Tree wells, and aeration systems.
  - (6) Staking specifications.
  - (7) Other applicable drawings.
- c) Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.
2. These plans shall be reviewed by the City Tree Consultant for conformance with the Tree Preservation Ordinance, and these administrative guidelines. Reasons for correction and/or denial shall be noted on the tree protection plan, or otherwise stated in writing.
  3. The City Tree Consultant will conduct a preliminary on-site analysis of all projects prior to permitting to evaluate the potential for tree protection in terms of the proposed site design.
  4. No specimen tree or stand of trees shall be removed or damaged without the express written consent of the City Tree Consultant. Approval of the tree protection plan indicating those specimen trees to be removed shall constitute this written consent.
  5. Issuance of the building or soil erosion control permit, is contingent upon approval of the tree protection plan.
  6. All tree protection measures shall be installed prior to land disturbance, and the City Tree Consultant shall be contacted for a pre-construction conference prior to land disturbance.
  7. The City Tree Consultant shall conduct follow-up site inspections and final inspections for enforcement of the City Tree Ordinance and its administrative guidelines.

**B. Tree Replacement:**

1. The replacement of trees shall occur in the minimum required yard areas or protected zones, as determined by the zoning ordinance or by conditions of zoning or variance approval, or in other areas of the site:
  - a) To establish the minimum tree density requirements for the site.
  - b) Where grading occurs outside the buildable area of the lot.
  - c) If the lot's buildable area leaves no protected zone.
  - d) If no trees are present within an existing protected zone.
  - e) Where specimen trees or stands of trees within the buildable portion of the lot are to be removed.
  - f) Where specimen trees or stands of trees, and trees within otherwise designated tree protective zones have been irreparably damaged or removed through land disturbance or construction activities.
  
2. In all zoning districts, the total site tree density factor (including existing trees to remain and replacement trees) must be no less than 30 units per acre, except for individual new single-family dwellings as described in the exception below.

Exception for an individual new single-family dwelling: For an individual new single-family dwelling, the total site tree density factor must be no less than 15 units per acre. However, this exception shall not apply where a single property is being subdivided into two or more lots, or where two or more adjacent and vacant lots are to be developed jointly.

THE USE OF FLOWERING ORNAMENTALS MAY NOT BE USED IN THE REPLACEMENT TREE DENSITY CALCULATION. For example, flowering dogwoods, crabapples, redbuds and similar trees may not be used in the replacement tree density calculation.

Note: The terms unit and tree are not interchangeable. Procedures for determining the site density and tree replacement requirements are provided in SECTION VIII. A sample density calculation is provided.

3. Required buffer strips must be planted where sparsely vegetated or disturbed so as to provide a 100 percented visual barrier within two years of planting. Plant shall consist of one evergreen row of plant material for every 10 feet of buffer width, and spaced at 10 foot centers. Disturbances to buffer strips and buffer plant materials are subject to City Tree Consultant approval.
4. The spacing of replacement trees must be compatible with site spatial limitations, and with responsible considerations towards potential species size.
5. Where the City Tree Consultant has determined that site spatial constraints result in an absolute inability to provide tree density, as many trees as possible must be planted on site. The remaining balance of required trees must be provided for planting on public properties. Tree bank arrangements will be made through the City Tree Consultant.
6. Species selected for replacement must be ecologically compatible with the specifically intended growing site.
7. Specimen trees and stands of trees must be replaced by species with potentials for comparable size and quality. Tree replacement in addition to the minimum site tree density may be required in recompense for the removal of specimen trees.
8. Species selection and replacement densities are subject to City Tree Consultant approval.
9. When deemed necessary by the City Tree Consultant, the owner/developer of a project shall be required to furnish a bond or other financial security to insure the installation of required plant materials or survival of protected trees for the duration of a required maintenance period. The bound amount shall be equal to or greater than 115 percent of the total required tree planting budget, including materials and labor.

SECTION V. METHODS OF TREE PROTECTION.

- A. Planning Considerations. Tree space is the most critical factor in tree protection throughout the development process. The root

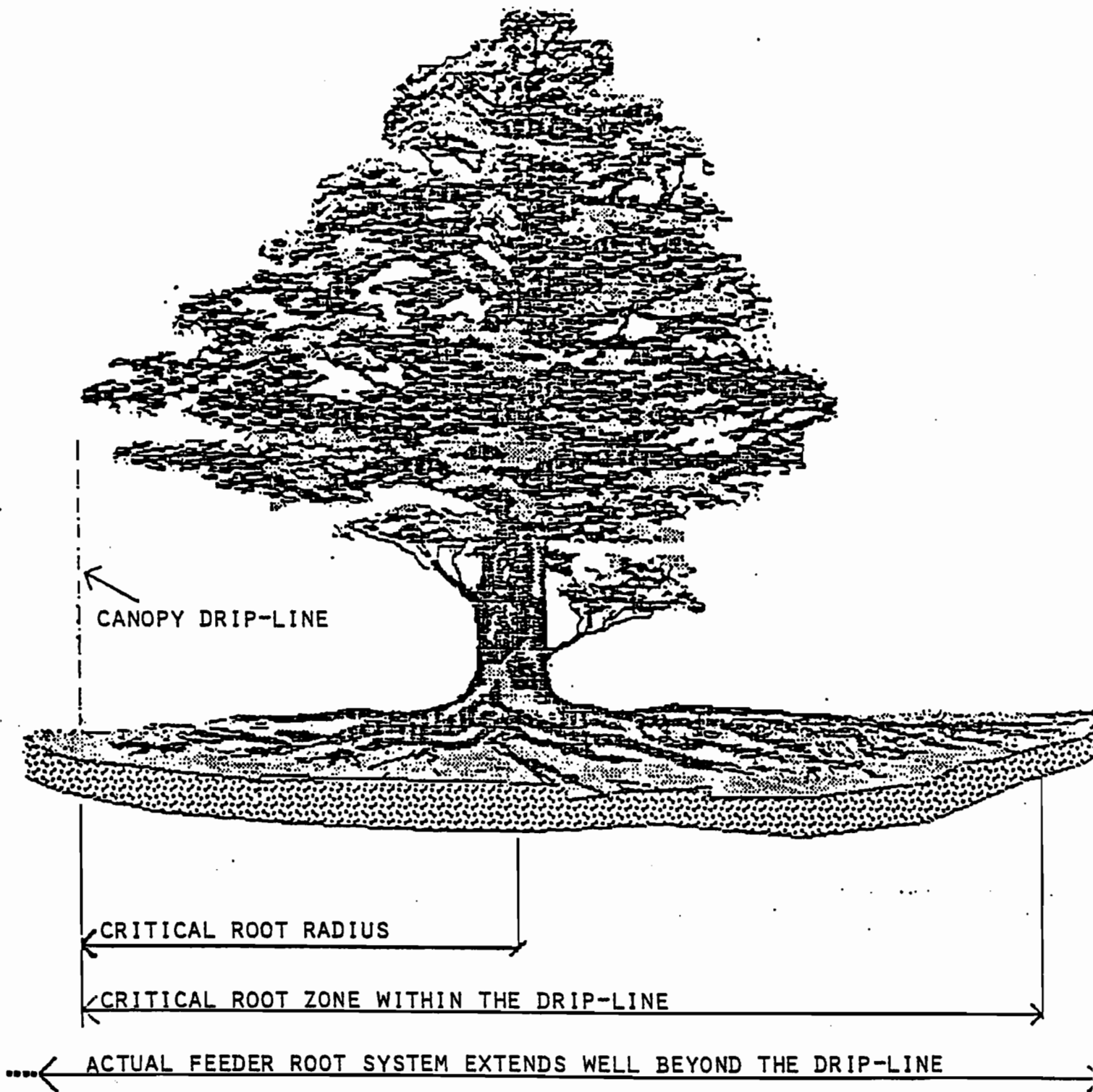


FIGURE 2 TYPICAL CRITICAL ROOT ZONE

system of trees can easily extend beyond the dripline of the tree canopy (Figure 2.) The root system within the dripline region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival.

To protect these critical root zones the following standards shall apply:

1. The use of tree save islands and stands is encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
2. The protective zone of specimen trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy dripline of the tree(s). In some instances, the City Tree Consultant may require a protective zone in excess of the area defined by the tree's dripline.
3. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed along corridors between tree protective zones.
4. Construction site activities such as parking, material storage, concrete washout, burnhole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
5. No disturbance shall occur within the protective zone of exceptional trees or stands of trees without prior approval by the City Tree Consultant.

**B. Protective Barriers.**

1. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, prior to any land disturbance.

2. These fences will be a minimum 4 feet high, constructed in a post and rail configuration. A 2 inch x 4 inch post and a double 1 inch x 4 inch rail is recommended. Four foot orange polyethelene laminar safety fencing is also acceptable. Figure 3.
  3. Where approved, passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These areas must be completely surrounded with continuous rope or flagging (heavy mill. minimum 4" wide). All passive tree protection must be accompanied by "Keep Out" or "Tree Save" signage. Figure 4.
  4. All tree protection zones should 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 protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
  5. All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion material.
    - a) Silt screening must be placed along the outer uphill edge of tree protective zones at the land disturbance interface.
    - b) Silt screening should be backed by 12 gauge 2 inch x 4 inch wire mesh fencing in areas of steep slope.
  6. All tree fencing and erosion control barriers must be installed prior to and maintained throughout land disturbance process and building construction, and should not be removed until landscaping is installed.
- C. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree

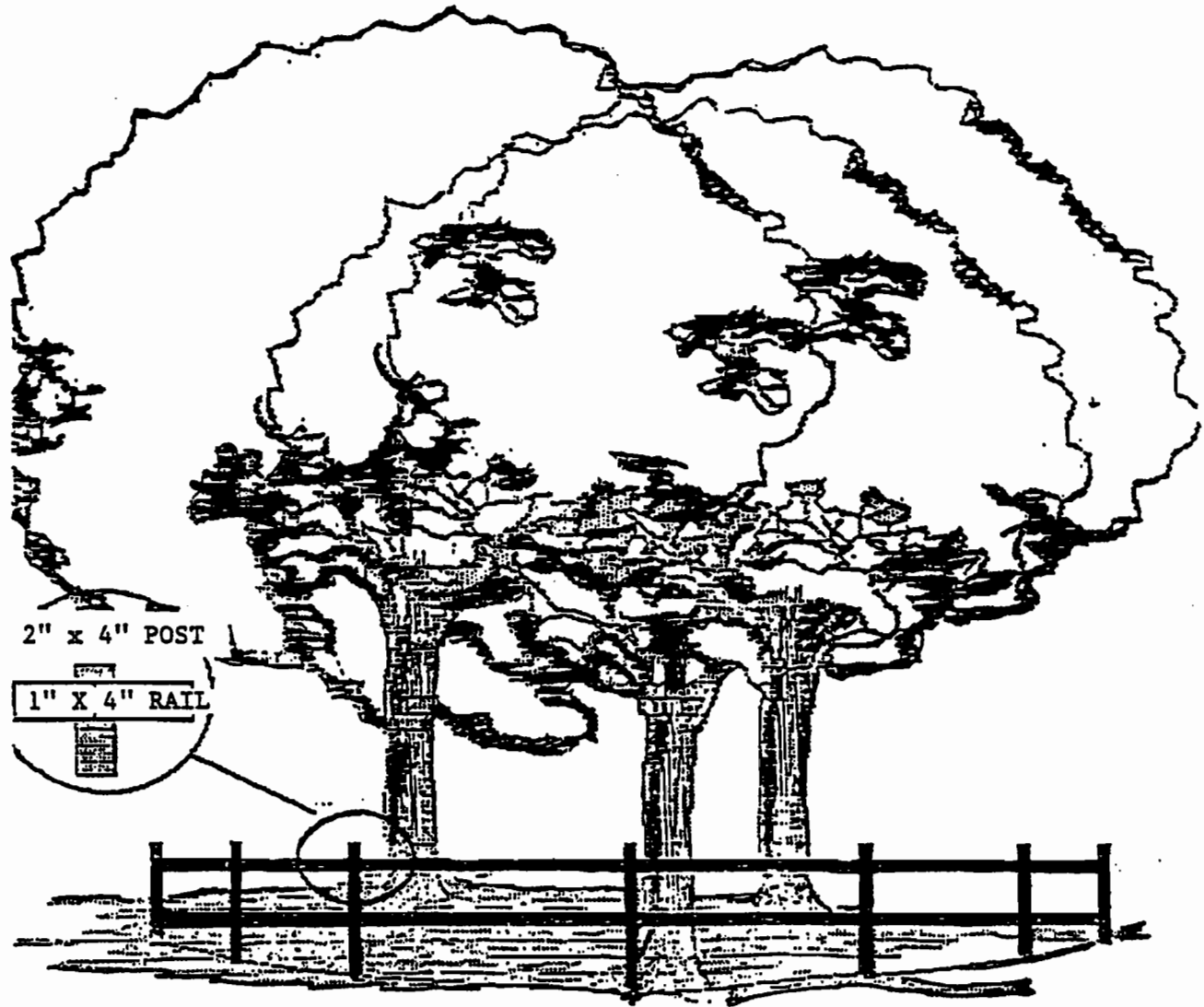
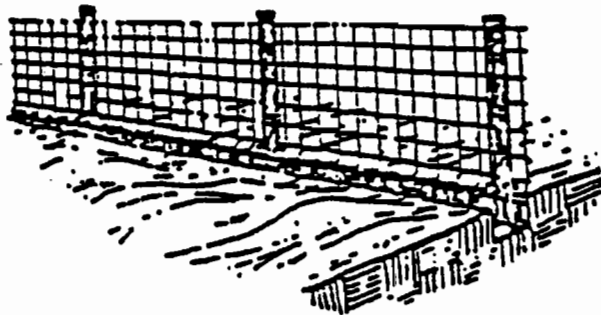


FIGURE 3 ACTIVE PROTECTIVE TREE FENCING.



ALTERNATIVE TREE FENCING

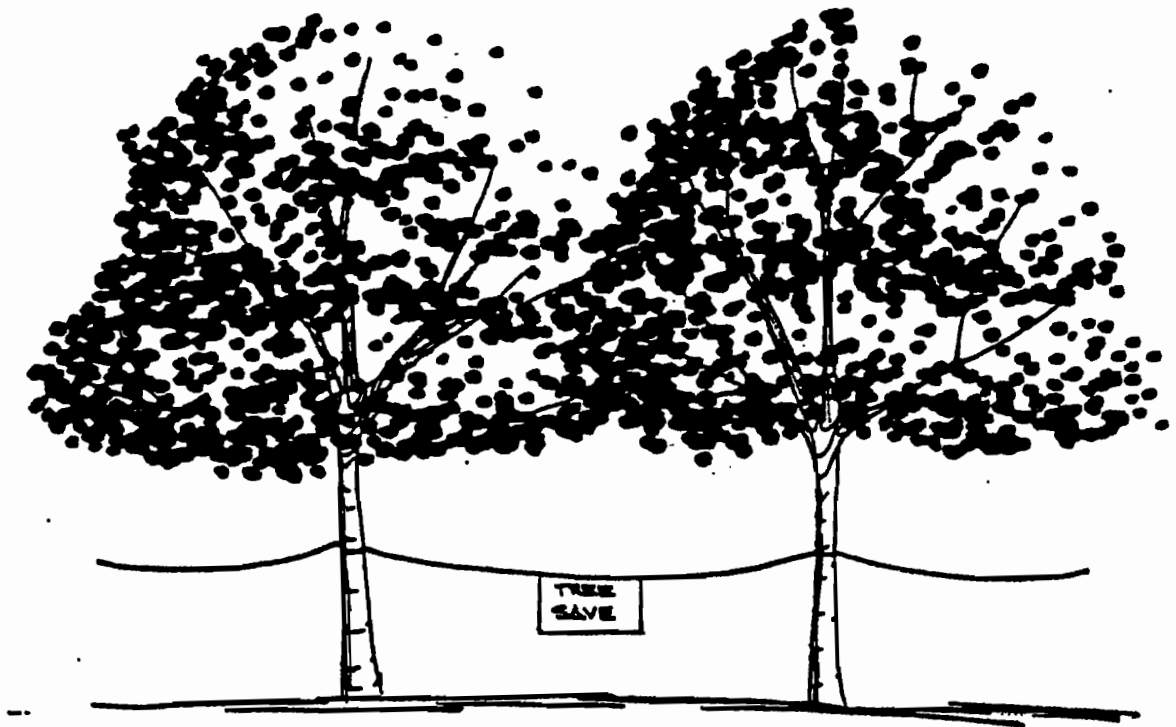
4' HIGH, ORANGE,  
POLYETHYLENE LAMINAR  
SAFETY NETTING.

MINIMUM 4", HEAVY MILL. PLASTIC, DARK LETTERING ON BRIGHT BACKGROUND

# TREE PROTECTION AREA

## CAUTION DO NOT ENTER

← CONTINUOUS →



PASSIVE PROTECTION WITH ROPE AND SIGNAGE

FIGURE 4 PASSIVE PROTECTION DETAIL

protective zones, the following preventive measures shall be employed:

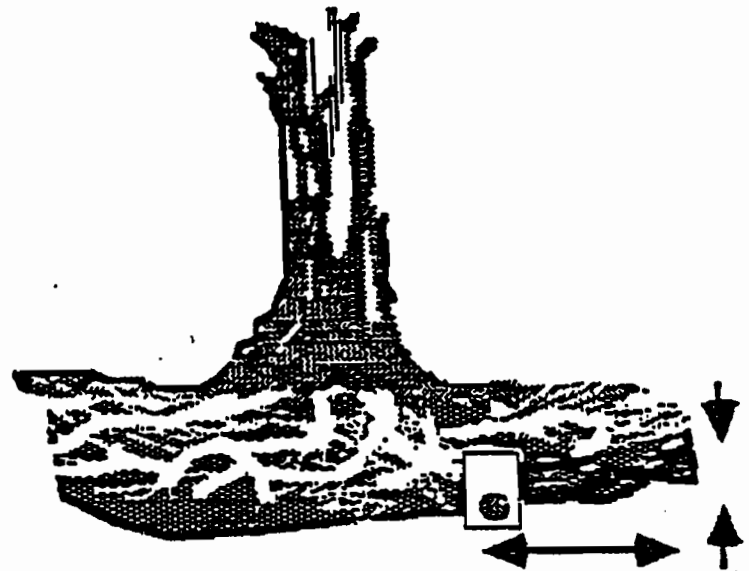
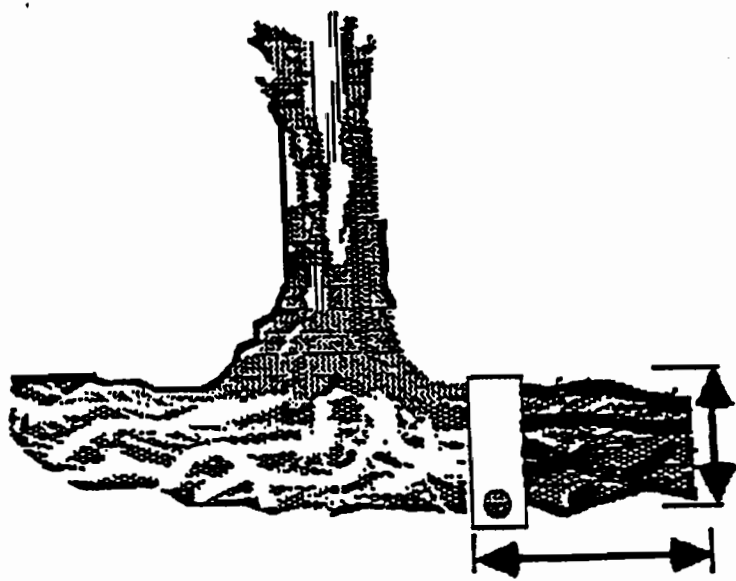
1. Clearing activities: Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum 2 foot trenches (e.g., with a "ditch-witch) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.
2. Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum 4 inch layer of processed pine bark or wood chips, or a 6 inch layer of pine straw.
3. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching. Figures 5 and 6.
4. Grade changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. Aeration system specifications are provided in Figures 7 and 8. Commercially available aeration systems are subject to approval by the City Tree Consultant. A decrease in grade is best accomplished with the use of retaining walls or through terracing. Figure 9.
5. Where the City Tree Consultant has determined that irreparable damage has occurred to trees within tree protective zones, the trees must be removed and replaced.

## SECTION VI.

### GENERAL CRITERIA FOR THE DETERMINATION OF SPECIMEN TREES OR STANDS OF TREES.

#### A. Specimen tree:

1. Any tree in fair or better condition



DAMAGED ROOT AREA

TRENCHING

TUNNELING

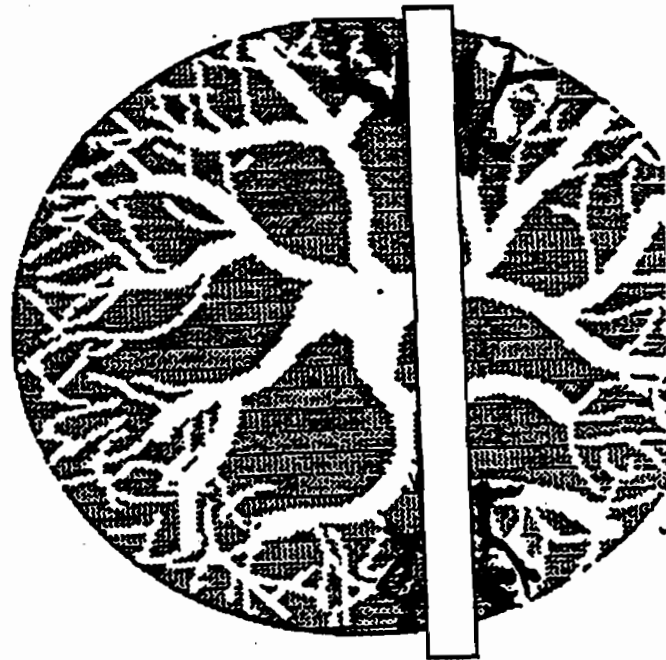
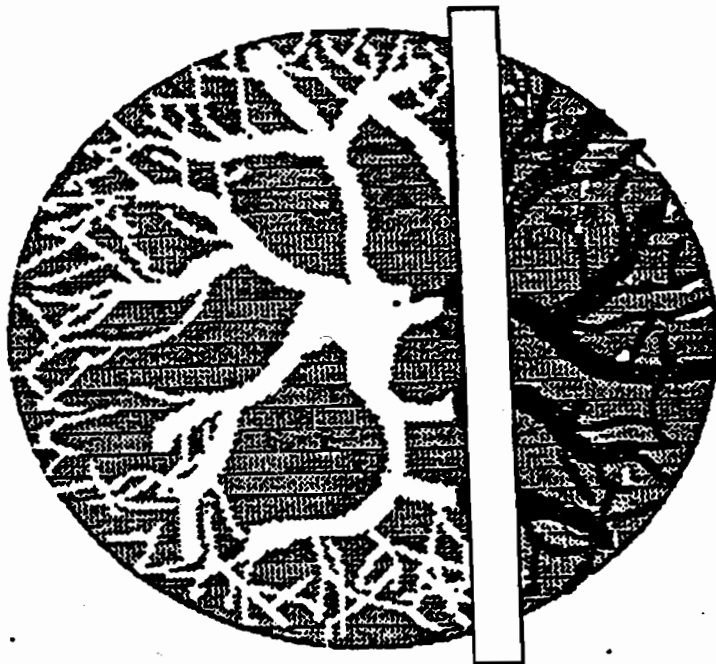


FIGURE 5 ROOT LOSS FROM TRENCHING VERSUS TUNNELING  
HEAVY SHADING DENOTES AREAS OF DAMAGED ROOTS.

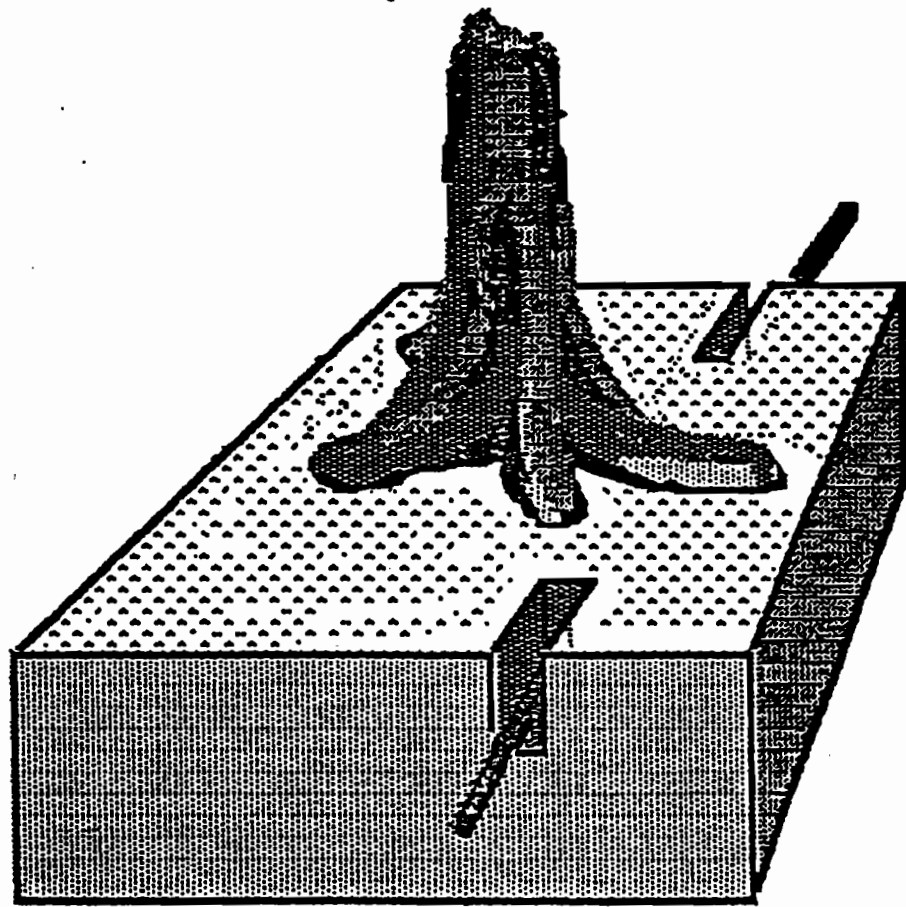


FIGURE 6 TUNNELING FOR UNDERGROUND UTILITIES

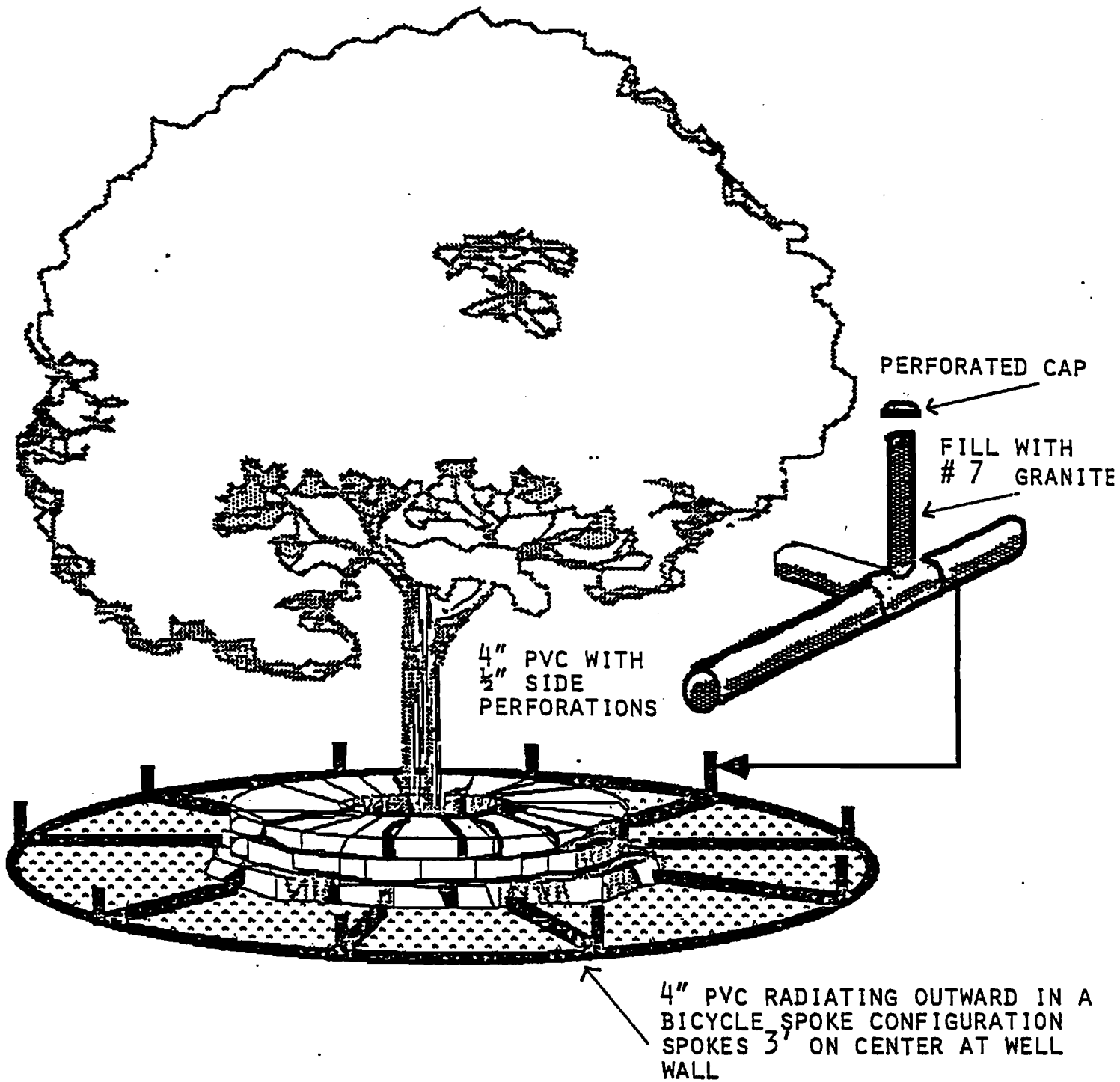
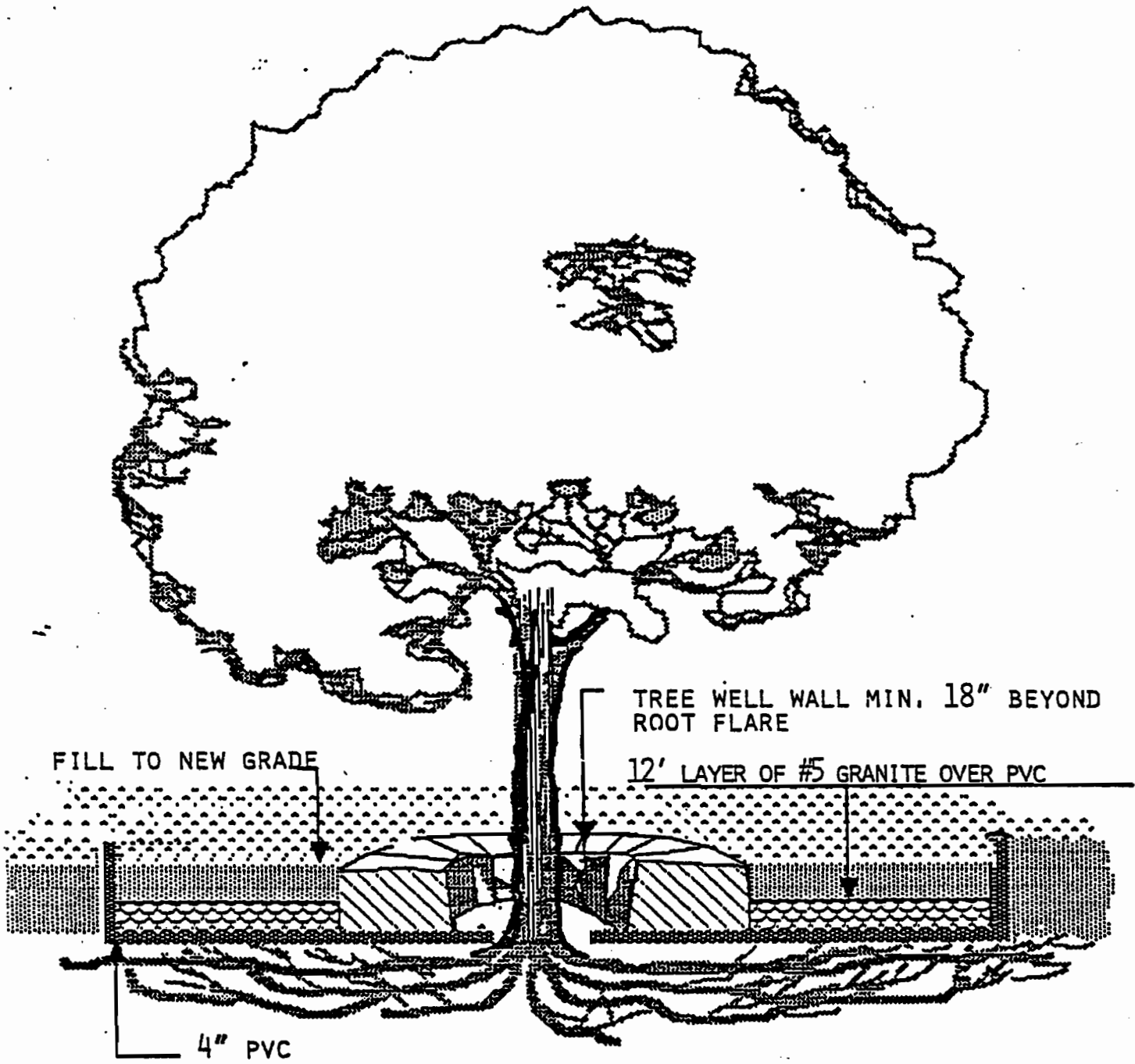


FIGURE 7 AERATION SYSTEM



FILL TO NEW GRADE

TREE WELL WALL MIN. 18" BEYOND  
ROOT FLARE

12' LAYER OF #5 GRANITE OVER PVC

4" PVC

FIGURE 8 AERATION SYSTEM VERTICAL PROFILE

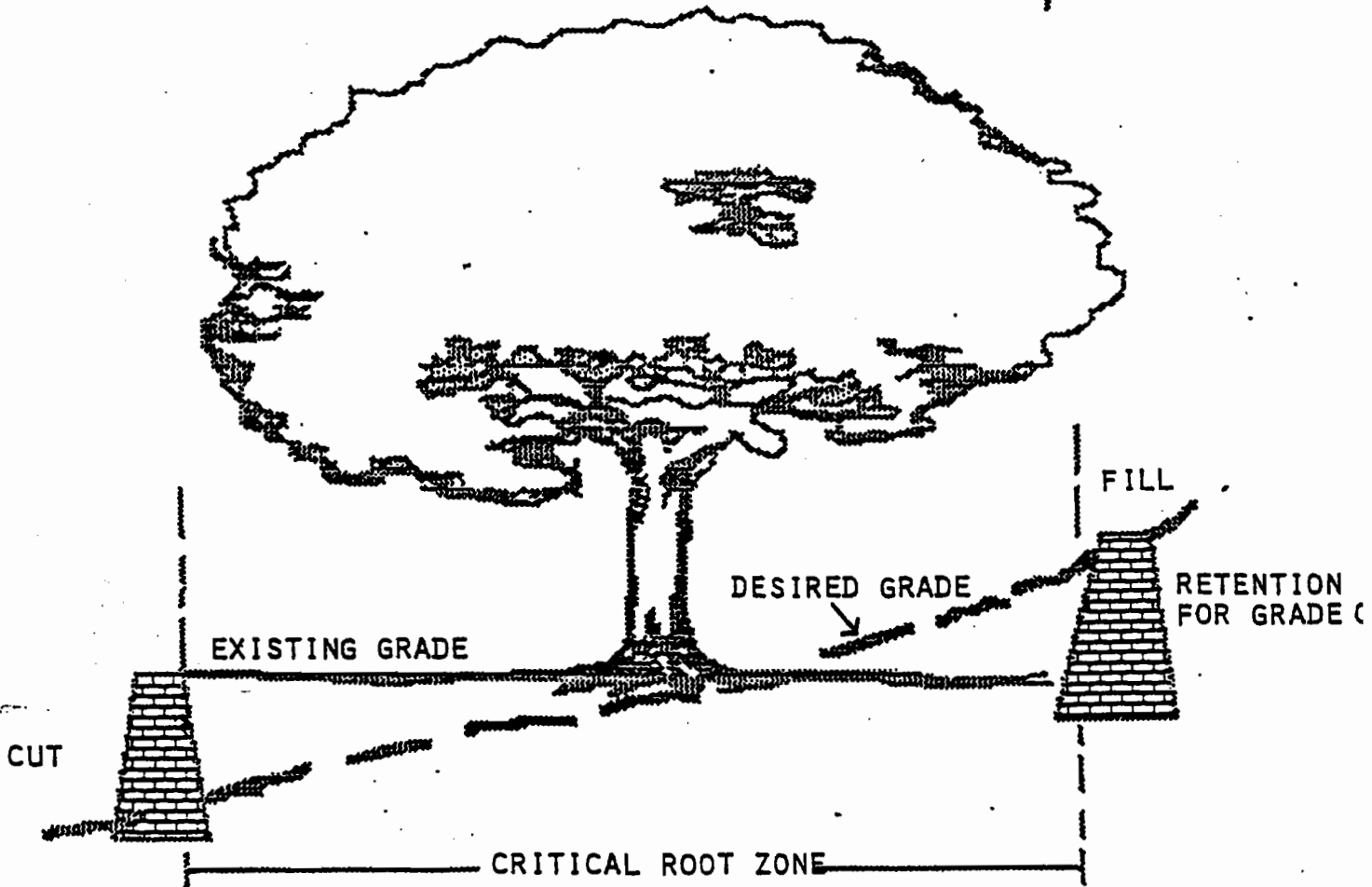
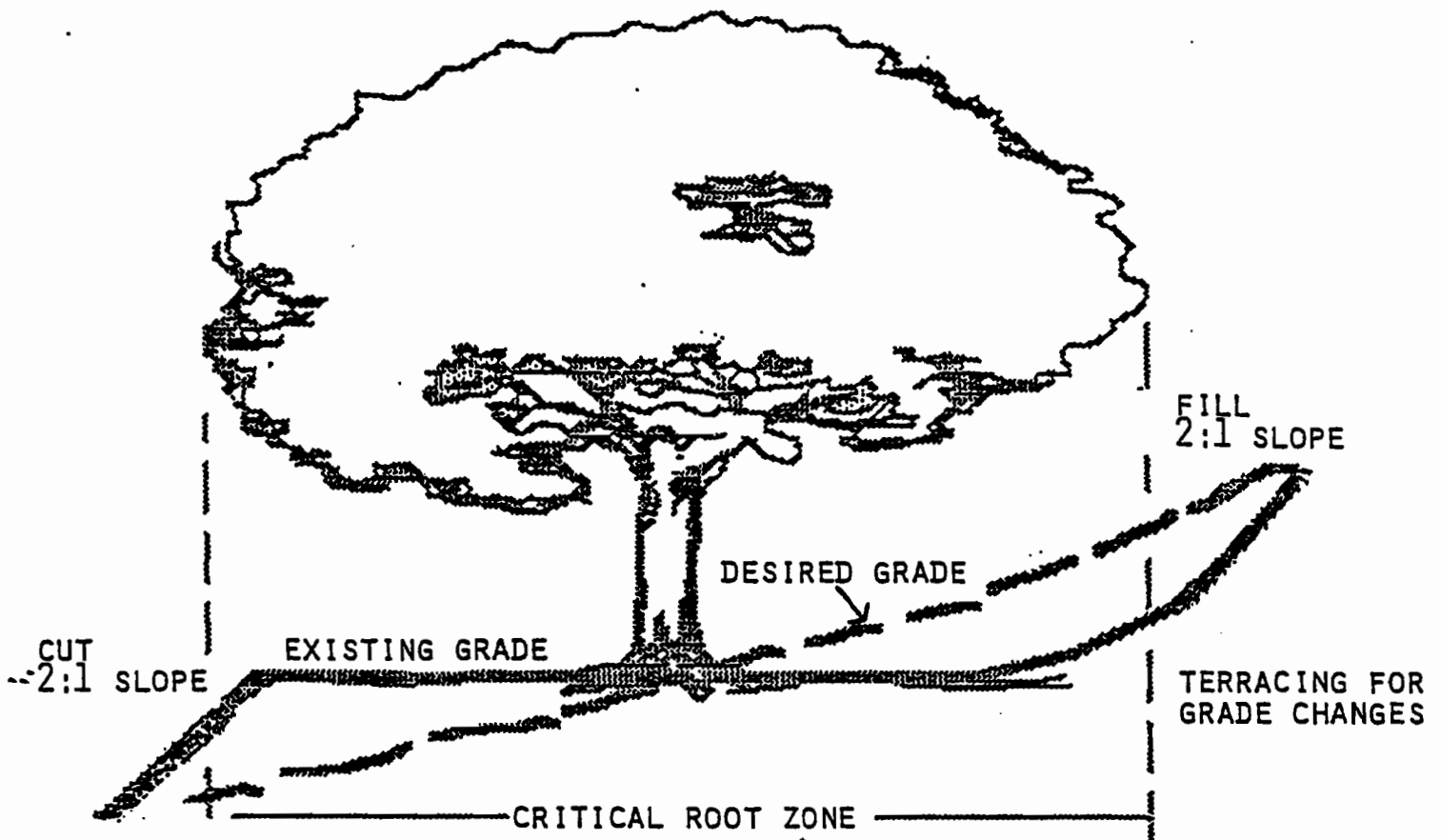


FIGURE 9 GRADE CHANGES

which equals or exceeds the following diameter sizes.

- a) Large hardwoods, e.g. oaks, hickories, yellow poplars, sweetgums, etc., 30" dbh.
  - b) Large softwoods, e.g. pines, deodar cedars, etc., 36" dbh.
  - c) Small trees, e.g. dogwoods, redbuds, sourwoods, etc., 12" dbh.
2. A tree in fair or better condition must meet the following minimum standards.
- a) A life expectancy of 15 years or longer.
  - b) A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
  - c) No more than one major and several minor dead limbs (hardwoods only).
  - d) No major insect or pathological problem.
3. A lesser sized tree can be considered exceptional if it is a rare or unusual species, of exceptional quality, or of historical significance.
4. A lesser size tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project of landscape.

B. Specimen tree stands: A contiguous grouping of trees which has been determined to be of high value. Determination is based upon the following criteria:

1. A relatively mature even aged stand.
2. A stand with purity of species composition or of a rare or unusual nature.
3. A stand of historical significance.

4. A stand with exceptional aesthetic quality.

SECTION VII. UTILITY COMPANY REQUIREMENTS.

All utility companies shall be required to obtain an annual permit issued by the City Engineer. All applications for an annual permit shall include a list of sub-contractors with names, addresses and City business license numbers.

1. Periodic work schedules are to be submitted to the City Engineer showing the proposed location and extent of tree work to be performed.
2. All work to be performed on trees growing on or over the public rights-of-way shall be done according to the methods described below:
  - a) No topping, dehorning or removal of trees shall be permitted except by express permission of the City Tree Consultant.
  - b) All cuts shall be made with a saw or pruner and only at nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used in the trees, except when trees are to be completely removed.
  - c) All tools being used on a tree suspected of infection with a contagious disease shall be disinfected before being used on another tree.
  - d) Stumps of trees removed in improved areas will be ground to at least 3 inches below the ground, and soil shall be replaced and leveled.

SECTION VII. FEES.

Tree Preservation Ordinance permit and inspection fees are as follows:

- |   |        |
|---|--------|
| 1. One single-family or two-family dwelling:    | \$ 165 |
| Re-Inspection when final inspection has failed: | \$ 55  |
| 2. Project area - up to 4 acres                 | \$ 365 |
| Re-Inspection when final inspection has failed: | \$ 85  |
| 3. Project area - over 4 to 9 acres             | \$ 475 |
| Re-Inspection when final inspection has failed: | \$ 110 |

- 4. Project area - over 9 to 14 acres \$ 550  
Re-Inspection when final inspection has failed: \$ 165
- 5. Project area - over 14 acres \$ 550  
plus \$20 per acre  
for total acreage  
Re-Inspection when final inspection has failed: \$ 165

SECTION VIII. CALCULATION OF TREE DENSITY FACTORS.

Procedure for calculating the required tree replacement density factor. A sample density calculation follows.

- Step 1. Calculate the REQUIRED DENSITY FACTOR (DFS) for the site by multiplying the number of site acres by 30.

EXAMPLE: A 1.1 acre site has a DFS of  
 $1.1 \times 30 = 33$

- Step 2. Calculate the EXISTING DENSITY FACTOR (EDF) of trees which will remain on site to be protected during construction. EDF is determined by converting the DBH of individual existing trees to density factor units, using Table 1. These units are then totaled to determine the EDF for the site.

EXAMPLE: A total of 15 trees will remain on the 1.1 acre site in Step 1. These trees include:

7 - 12" pines	1 - 20" hickory
3 - 14" pines	1 - 30" oak
3 - 18" oaks	

When converted to density factor units using Table 1, the following values are determined:

DBH	UNITS	# TREES		
12"	.8	X 7	=	5.6
14"	1.1	X 3	=	3.3
18"	1.8	X 3	=	5.4
20"	2.2	X 1	=	2.2
30"	4.9	X 1	=	4.9
				21.4

The sum total of units, 21.4, is the EDF.

Step 3. Calculate the required REPLACEMENT DENSITY FACTOR (RDF) by subtracting the EDF (Step 2) from the DFS (Step 1).

$$RDF = DFS - EDF$$

Example:  $RDF = 33 - 21.4$   
 $RDF = 11.6$

Step 4. The RDF can be converted back to caliper inches using Table 2. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

Example: On the 1.1 acre site the following number and size of trees will be planted:

NUMBER	SIZE	SPECIES	DENSITY FACTOR
12	1"	PINES	(12 X .4) = 4.8
10	2"	RED MAPLES	(10 X .5) = 5.0
2	6"	OAKS	(2 X 1.0) = 2.0
		TOTAL	11.8

11.8 is greater than the RDF of 11.6, thus the minimum requirements are satisfied.

**TABLE 1. EXISTING TREES TO REMAIN.** Conversion from DBH to density factor units for trees remaining on site.

DBH	UNITS	DBH	UNITS	DBH	UNITS
1-4	.1	22	2.6	37	7.5
5-7	.3	23	2.9	38	7.9
8-9	.5	24	3.1	39	8.3
10	.6	25	3.4	40	8.7
11	.7	26	3.7	41	9.2
12	.8	27	4.0	42	9.6
13	.9	28	4.3	43	10.1
14	1.1	29	4.6	44	10.6
15	1.2	30	4.9	45	11.0
16	1.4	31	5.2	46	11.5
17	1.6	32	5.6	47	12.0
18	1.8	33	5.9	48	12.6
19	2.0	34	6.3	49	13.1
20	2.2	35	6.7	50	13.6
21	2.4	36	7.1		

**TABLE 2. REPLACEMENT TREES.** Conversion from caliper to density factor units for replacement trees (see items 1 and 2 below).

<u>CALIPER</u>	<u>UNITS</u>	<u>CALIPER</u>	<u>UNITS</u>
1	.4	8	1.3
2	.5	9	1.5
3	.6	10	1.7
4	.7	11	1.9
5	.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

1. Container grown pine trees are given replacement credit as follows:

<u>SIZE</u>	<u>UNITS</u>
1 gallon	.1
3 gallon	.2
7 gallon	.4

The use of 1 and 3 gallon pines is permitted only with prior approval of the City Tree Consultant.

2. Tree relocation: Replacement units will be granted to trees relocated on site. Tree relocation is subject to approval of the City Tree Consultant.

**SAMPLE TREE DENSITY CALCULATION**

Required DFS:

1.1 acres x 30 units per acre = 33 units required.

EDF (Existing Density Factor)

<u>Size</u>	<u>Units</u>	<u>Number</u>	<u>Total Units</u>
24"	3.1	2	6.2
18"	1.8	10	18.0
10"	0.6	8	4.8
		Total EDF	29.0

RDF (Replacement Density Factor)

<u>Size</u>	<u>Units</u>	<u>Number</u>	<u>Total Units</u>
2"-3"	.5	10	5.0
1"	.4	100	40.0
		Total RDF	45.0

EDF + RDF = x > or = DFS

29.0 + 45.0 = 74.0 > 33, therefore, Required density satisfied.

O-89-26

ORDINANCE  
PROVIDING FOR THE  
PRESERVATION OF TREES

BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia and it is hereby ordained by the authority of the same that Chapter 20, Article III. "Modification or Alteration of Landscaping on City Rights-of-way", Sections 20-31 through 20-36, is repealed in its entirety and the following new Article III is adopted in lieu thereof:

"ARTICLE III.  
PRESERVATION OF TREES.

Section 20-31. Intent.

It is the intent of this Article to provide standards for the preservation and/or replacement of the City of Decatur's trees because of their contribution to:

- the health of its citizens in improved air and water quality;
- the control of flooding, noise, glare and soil erosion;
- the protection of urban wildlife;
- the maintaining and increasing of property values; and
- the beauty of the City.

Section 20-32. Definitions.

1. Building or Soil Erosion Control Permit: Official authorization issued by the City of Decatur allowing defoliation or alteration of a site, a change which may result in soil erosion or alteration of site vegetative cover, or the commencement of any construction activities.
2. City Engineer: The City Engineer of the City of Decatur, Georgia; or his designee.
3. Cover Area: That area which falls within the drip line of any tree.
4. Developed Property: Property upon which a building, structure, pavement, or other improvements have been placed.

5. Development Director: The Development Director of the City of Decatur, Georgia, or his designee.
6. Drip Line: A vertical line extending from the outermost portion of a tree canopy to the ground.
7. Landscape Plan: A plan indicating the location, size, quantity and species of replacement trees.
8. Park: All publicly maintained parks having individual names.
9. Planting Strip: That part of a public street or highway, not covered by sidewalk or other paving, lying between the property line of adjoining property and that portion of the street or highway used or intended to be used for vehicular traffic.
10. Public: The term "public," when used as a modifier for such words as building, park, right-of-way, and similar words, shall mean "government-owned" or "government-operated."
11. Public Places: All grounds other than parks which are owned by the City of Decatur, Georgia.
12. Public Tree: Any tree which exists on publicly owned or controlled property or right-of-way.
13. Specimen Tree or Specimen Tree Stand: Any tree or group of trees within the protected zone which has been determined to be of high value because of its species, size, age or other definable criteria and so designated by the City Tree Consultant.
14. Protected Zone: All lands which fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as yards, buffers or landscaped areas according to provisions of the City of Decatur Zoning Ordinance or by conditions of zoning or variance approval.
15. Tree: Any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more when measured at a point six (6) inches above ground level and which normally attains an overall height of at least ten (10) feet at maturity, usually with one (1) main stem or trunk and many branches.
16. Undeveloped Property: Property upon which no building,

structure, pavement or other improvements have been placed.

17. Yard Area: An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.
18. Zoning Ordinance: The zoning ordinance and land use and development regulations adopted for use within the City of Decatur, Georgia.

Section 20-33. Appointment and Qualifications of a City Tree Consultant.

- A. The City Manager shall appoint a consultant on trees who shall be a person skilled and trained in the arts and sciences of municipal arboricultural, ornamental or landscape horticulture, urban forestry, or other related field.
- B. The City Tree Consultant shall be called upon on to advise the City regarding the specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees in public areas. The City Tree Consultant shall also review permit requests and site development plans submitted to the City and make recommendations concerning them to the City. The City Tree Consultant shall conduct follow-up and final inspections as appropriate to insure compliance with this article.
- C. The City Tree Consultant shall identify and maintain a record of specimen trees and tree stands based on the following criteria:
  1. A stand with purity of species composition or of a rare or unusual nature;
  2. A tree or stand of historic significance;
  3. A tree or stand with exceptional aesthetic quality.

Section 20-34. General Rules and Regulations: City Property.

- A. Utility companies, private contractors, outside

governments, and individuals must apply for and procure a permit, and comply with tree protection and replacement administrative guidelines to this article to protect and preserve City properties in any modification of their landscape. Written plans outlining purpose, proposed operations, and approximate dates shall be submitted to the Development Director for approval.

- B. Wherever it is necessary to remove a tree or trees from a planting strip in connection with paving of a sidewalk, or the paving or widening of a street or highway used for vehicular traffic, the City shall replant such trees or replace them; provided that if conditions prevent planting on planting strip, this requirement will be satisfied if an equivalent number of trees of the same potential size and species are planted in an attractive manner on adjoining property or other public property.
- C. No person shall deposit, place, store or maintain on any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the City Engineer.

Section 20-35. Applicability.

- A. The terms and provisions of this article shall apply to any activity on real property, including any activity which requires the issuance of a building or soil erosion and sedimentation control permit, which affects the following:
  - 1. the covered area of specimen trees or stands;
  - 2. all undeveloped property;
  - 3. the yard areas of all developed property; and
  - 4. public rights-of-way and parks.
- B. Exemptions. The following shall be exempt from compliance with this article:
  - 1. All privately-owned developed property, including yard areas, designated R-85 Single-Family Residential or R-60 Single-Family Residential by the Decatur Zoning Ordinance and developed with single-

family or two-family residential uses.

2. Construction and maintenance of public streets, highways, and rights-of-way by local, state and federal governments and public authorities.
3. Any tree determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, requiring immediate removal, may be removed without obtaining a permit as herein required.
4. During the period of an emergency, such as a tornado, ice storm, or other act of nature, the requirements of this article may be waived by the City Manager or his designee.
5. Trees found to be diseased or insect infested by the County Extension Service, Georgia Forestry Commission, an arborist or an urban forester may be removed without obtaining a permit as herein required.
6. This article shall not apply to any portion of a property included within the limits of a valid building or soil erosion control permit issued prior to the effective date of this article, provided that all time constraints relating to the permit are observed.

#### Section 20-36. Permits.

- A. No person, firm, organization, public agency or society shall directly or indirectly destroy or remove any trees situated on property described in Section 20-35 of this article without obtaining a permit as provided herein, except for property and activities exempted in Section 20-35-B.
- B. Permits shall be obtained by making application to the Development Department, and the application shall be referred to the City Tree Consultant. Permit fees shall be as established from time to time by the City Commission. The application, when made in conjunction with an application for a building permit or a soil erosion control permit, shall also include a landscaping plan, a plan for protection of trees during construction, and any other documentation required for all areas of the parcel within a protected zone. The

applicant may be required to submit a tree replacement plan if, at the discretion of the City Tree Consultant, replacement is deemed reasonable and suitable. Methods and standards for tree protection and replacement shall be established in administrative guidelines to this article, such guidelines to be effective upon approval by the City Commission.

- C. All landscape plans and related documentation shall be reviewed by the City Tree Consultant and either approved, returned for revision, or denied. If denied, the reasons shall be annotated on the landscape plan or otherwise stated in writing.
- D. Issuance of a building or soil erosion control permit shall constitute an approval of the required landscape plan and conformance to the provisions of these regulations. Any permit shall be void if its terms are violated.
- E. Any person aggrieved or affected by any decision of the City Tree Consultant relating to the application of this article may appeal to the Development Director for relief or reconsideration. Such appeal must be filed within ten (10) days of the date of the decision being appealed. Notice of such appeal shall be given to the City Tree Consultant prior to consideration of the appeal by the Development Director. Any person aggrieved or affected by any decision of the Development Director relating to the application of this article may file an appeal within thirty (30) days of the decision with the City Commission.

Appeals shall be granted only for errors of interpretation or where unique natural features of the site are such that application of these regulations would create an undue hardship for the property owner, and in other instances where an undue hardship is created for the property owner.

Section 20-37. Protection of Trees.

- A. All trees on any street or other publicly owned property near an excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high and eight (8) feet square, or at a minimum distance in feet from the tree equal to the diameter of the trunk, whichever is greater. Any barrier with

lessor dimensions than those specified above shall be subject to approval by the City Tree Consultant. All building material, dirt, or other debris shall be kept outside the barrier.

- B. No person shall excavate any ditches, tunnel, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Development Director.
- C. Unless specifically authorized by the Development Director, no person shall intentionally damage, cut, carve, transplant, or remove any public tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree or shrub; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree or shrub.
- D. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

#### Section 20-39. Planting of Trees.

In any instance where the cutting of any paved sidewalk in a right-of-way of the City of Decatur is necessary for the planting of any shrub or tree, such work shall be performed by the Engineering Department or shall be done according to plans approved by and a permit issued by the City Engineer.

#### Section 20-40. Easements to Plant Trees on Private Property.

The City is hereby authorized to enter into agreements with the owners of private property located within the City for the purpose of acquiring easements to plant trees on such property, in consideration for which said private property owner shall acquire ownership of such trees as the city may plant. Provided however, that any such agreement shall limit

the duration of the easement to a time period of two (2) years and shall limit the property interest acquired by the City to that distance sufficient to allow the planting of trees. Provided, further, that under such agreement the private property owner shall agree to maintain the trees planted thereon and shall also agree to hold the City harmless for any liability attributable to the planting or presence of the trees on the private property.

Section 20-41. Violation and Penalty.

Any person, firm or corporation violating or failing to comply with any of the provision of the article shall be guilty of misdemeanor, and upon conviction thereof shall be subject to penalties as provided in Section 1-7 of the Decatur City Code.

Section 20-42. Legality of Article and Parts Thereof.

Should any section, clause or portion of this article be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

Section 20-43. Effective Date.

This article shall become effective on the date of the initial appropriation of funds by the Decatur City Commission to hire the tree consultant but not to exceed sixty days from the date of the passage of this article.

Section 20-44. Conflicting Ordinances Repealed.

The provisions of any ordinances or parts of ordinances in conflict herewith are repealed."

Approved this 4th day of December, 1989.

Attest: /s/G. Curtis Branscome  
G. Curtis Branscome  
 Acting City Clerk