

# **Henry County**

**Atlanta MSA**

**2003 Population Estimate 150,003; +20.4% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

**ZONING Sec. 3-7-166. Comprehensive tree ordinance.**

**First adopted 2000. Last revised 2002.**

**Addresses private property.**

## **TABLE OF CONTENTS**

- (a) Introduction.
- (b) Permits.
- (c) Residential requirements.
- (d) Provisions for single-family residential subdivision development.
- (e) Nonresidential and multifamily requirements.
- (f) Timbering activities.
- (g) Clearing and/or grading only.
- (h) Miscellaneous provisions.
- (i) Protection of trees during construction.
- (j) Enforcement.
- (k) Separability.

**APPENDIX 1. HENRY COUNTY TREE ORDINANCE HANDBOOK**

**For more information, contact:**

**Christopher Mercer  
Planner II**

**678.583.3389 voice / 678.583.3593 fax**

**cmercerc@co.henry.ga.us**

**www.co.henry.ga.us**

(f) *Buffer restoration.* The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity or construction within the river corridor related to the acceptable uses above.

(Ord. No. 99-21, § 1, 10-19-99; Ord. No. 01-02, § 1, 6-19-2001)

**Sec. 3-7-166. Comprehensive tree ordinance.**

(a) *Introduction.*

- (1) Purpose and intent: The purpose of this ordinance is to provide for the protection, conservation, and replacement of trees and landscaping in order to improve the urbanized and natural environment of Henry County. It is the policy of Henry County to minimize the removal of trees on development sites and, upon proper site completion, achieve replacement of trees by uniform standards set forth in this ordinance.
- (2) Jurisdiction: Henry County and those Cities of Hampton, Locust Grove and Stockbridge which may adopt this ordinance.
- (3) Findings: Growth and development exist and will continue in Henry County and, as a result, there is and will continue to be a loss of trees throughout the county. Tree roots hold soil in place and tree photosynthesis converts carbon dioxide to oxygen. Trees also provide habitat for wildlife that is essential for their survival. Tree loss contributes to dramatic increases in soil erosion and sedimentation. High growth areas where natural green spaces are diminishing have left fewer trees to transform carbon dioxide into oxygen.

Henry County finds that:

- a. Integrated forest canopies reduce the costs of maintenance of other parts of the urban infrastructure.
- b. Well managed forest resources increase in value and provide benefits to all the citizens with respect to air

quality, water quality, stormwater management, temperature amelioration and general quality of life.

- c. These benefits are crucial to the long-term health, safety and welfare of our citizens.
- d. The removal of forest canopy and replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the county.

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

(See appendix 1 [to this section] for listing of definitions.)

(b) *Permits.*

- (1) Who must get permit: The terms and provisions of this ordinance and the standards set forth shall apply to:
  - a. Individuals engaged in any activity, private and/or governmental, on real property which requires the issuance of a land disturbance permit within the county and city limits of Hampton, Locust Grove and Stockbridge. No land disturbance permit shall be issued for full site development unless the proposed development is in compliance with the provisions of this ordinance.
  - b. Individuals engaged in the development of single-family subdivisions, multifamily and mobile home developments and all nonresidential uses.
  - c. Owners of individual properties more than ten (10) acres in size and which are not part of a platted subdivision.
  - d. Owners of lands designated for timbering purposes must obtain a timbering permit from the Henry County Department of Transportation. Application for a timbering permit must

include a forest management plan. Land(s) declared as timber lands shall be so declared for at least two (2) years and released as timber lands by the county board of commissioners and/or applicable city councils prior to issuance of a development permit, should one be applied for. Declared timberlands shall comply with subsection (7), Clearing and/or grading only permits, subsection (6), Timbering activities, and all other aspects of this ordinance.

(2) Exemptions:

- a. Individual homeowners within platted subdivisions upon occupancy of the property owner's individual home are exempted except where protective buffers are required along streams, creeks, and reservoirs pur-

suant to state department of natural resources (DNR) requirements, and Henry County Watershed Protection Ordinances. Exemptions will not apply to incompatible land uses or in other areas governed by county ordinances.

- b. All properties for which a covenant has been established with the Henry County Board of Tax Assessors, pursuant to sections 48-5-7.1 and 48-5-7.4 of the Official Code of Georgia, shall be exempt from the terms of this ordinance so long as such covenant has not been breached and/or remains in effect.
- c. This ordinance exempts all who clear lands solely for forestry practices as specified in subsection (6) or all who clear land which is less than ten (10) acres in size for conversion to crop land, pasture land or other bona fide agricultural purposes.
- d. The following list of items within all residential districts shall also be exempted:
  1. Where the addition to a principal structure will constitute structural and exterior changes to the home.
  2. Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted by the county building department, inclusive of an accessory residential living facility (a.k.a. guest quarters).
  3. All properties which are ten (10) acres or less in size and not part of a platted residential subdivision.
  4. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger

to an existing or proposed home, other structure, or other areas specified in subsection (c)(3).

- e. This ordinance exempts all who clear land solely for forestry practices or conversions to cropland, pastureland or other bona fide agricultural purposes. Such sites shall not be developed for a period of two (2) years after such clearing or conversion, or as otherwise specified in the ordinance.

(c) *Residential requirements.*

- (1) Properties zoned residential which are ten (10) acres in size or larger or which are platted lots within a subdivision, shall be subject to the residential subdivision guidelines of this ordinance.
- (2) The mass grading and/or clear cutting of properties and/or parcels of land which are ten (10) acres in size or larger for residential development is strictly prohibited. As to each such development, only so much land area shall be cleared as is necessary for the development and construction of roadways, utilities, and amenity areas (i.e., parking lots for clubhouses, pool areas, tennis courts, etc.).
- (3) Also prohibited is the mass grading and/or clear cutting of any lot in a residential subdivision. On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot, including areas for:
  - a. The placement of the individual home;
  - b. The placement of driveways and sidewalks;
  - c. The placement of utilities and detention ponds;
  - d. The placement of septic systems;
  - e. The placement of roads;
  - f. The placement of decks and patios;
  - g. The placement of county/city approved trash pits; and

- h. Proper drainage as required by the County Code.
- (4) A pre-application conference is encouraged with the applicant(s) and the planning and development department, to discuss the tree ordinance as it relates to the applicant's property. The purpose of the conference is to clarify the provisions and procedures of the ordinance and to review applicable standards and guidelines.
  - (5) Developers shall coordinate the location of all utilities with all utility companies in order to prevent root damage within the critical root zones of protected trees, so as to minimize damage to trees in the protected zones.
  - (6) Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the development of a site. The building department shall have final approval of the site. Noncompliance with this ordinance shall result in the denial of a certificate of occupancy.
  - (7) Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees as indicated by each zoning district.
  - (8) Prior to the issuance of a certificate of occupancy, any parcel of land for which a building permit has been requested shall have preserved or planted trees, at a minimum caliper of one and one-half (1½) inches, upon the parcel where land disturbance has occurred. A minimum of seventy-five (75) percent of planted trees shall be hardwoods. All recorded lots within a subdivision shall have planted or preserved, the required number of trees according to their zoning district (see paragraph (d), below, Provisions for single family residential subdivision development.
- (d) *Provisions for single-family residential subdivision development:* Residential parcels of land which are part of a platted subdivision shall be subject to the minimum requirements of this ordinance. All parcels of land for which building permits have been requested and where land disturbance will occur, shall comply with the following preservation or planting requirements according to the zoning district in which they exist:
- (1) RA (residential agricultural) and R-1 (single-family residential) lots shall have preserved and/or planted a minimum of ten (10) trees within the limits of each parcel of land for the first acre. For every additional one-quarter-acre, two (2) additional trees shall be planted.
  - (2) R-2 (single-family residential) lots which are on septic and which are between thirty thousand (30,000) square feet and one (1) acre in size, shall have preserved and/or planted a minimum of seven (7) trees within the limits of each property. For every additional one-quarter-acre, two (2) additional trees shall be planted.
  - (3) R-2, R-3 (single-family residential) and RD (duplex dwelling district) lots on public sewer shall have preserved and/or planted a minimum of four (4) trees within the limits of each property.
  - (4) Efforts should be taken to preserve existing trees, especially those trees which are eight (8) inches in caliper or larger and which are of a considerable age but not dying or deceased. The preservation of large specimen trees is encouraged.
- (e) *Nonresidential and multifamily requirements.* Provisions for nonresidential and multifamily development:
- (1) Multifamily, commercial, industrial, and office-institutional developments (including those requested on residential parcels) shall be subject to the minimum

requirements of this ordinance, the county buffer ordinance and the county landscape ordinance.

- (2) All individual parcels of land or nonresidential subdivisions for which a development permit has been requested, and where land disturbance will occur, shall comply with the following preservation or planting requirements:
  - a. Commercial, industrial and office-institutional lots shall be developed consistent with the requirements contained in sections 3-7-216 through 3-7-227 of the Zoning Ordinance of Henry County, Georgia.
  - b. A land disturbance permit shall not be issued by the building department unless and until the county shall have inspected the site and confirmed that all existing tree protection devices are in place on the site.
- (3) Effort should be taken to preserve as much as possible, existing trees, especially those trees which are eight (8) inches in caliper or larger and which are of a considerable age but not dying or diseased.
- (4) Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a non-residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the development of a site. The building department shall have final approval of the site. Noncompliance with this ordinance shall result in the denial of a certificate of occupancy.
- (5) Only those areas which have or shall be disturbed due to the development of a parcel of land shall be subject to the preservation and/or planting of trees and other vegetation. Parcels of land zoned commercial, industrial and/or office-institutional for which a building permit has not been requested shall not be required to plant trees or vegetation. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees and/or shrubs as indicated by each zoning district.
- (6) Properties which are ten (10) acres in size or larger, on which application has been made for a development permit, where land disturbance will occur, and are not part of a platted subdivision, shall have preserved and/or planted a minimum of ten (10) trees within the limits of each parcel of land for the first acre. For every additional one-quarter-acre, two (2) additional trees shall be preserved/planted. In determining the amount of acreage subject to this preservation/replant requirement, the following shall be excluded from the total acreage or acreage calculation in commercial, industrial, and office-institutional developments:
  - a. Building footprints;
  - b. Paved parking lot areas;
  - c. Detention ponds; and
  - d. Roadways or rights-of-way.

(f) *Timbering activities.* All properties cleared within the county or associated cities (Hampton, Locust Grove and Stockbridge) for the sole purpose of timbering, or which are not subject to any of the covenants referenced in subsection (b)(2)b, of this ordinance, and which are not otherwise exempt under the terms of this ordinance, must comply with the following conditions:

  - (1) All lands designated for timbering purposes must be properly declared timberlands by the property owner via the filing of a statement with the Henry County Building Department.
  - (2) A logging permit must be obtained from the Henry County Department of Transportation before harvest.

- (3) A property owner must submit a request in writing to the building department to release properties declared timberlands. The county board of commissioners or the applicable city council shall render a decision regarding the request for release within twenty-one (21) days of receiving said request.
- (4) A property may be released as timberlands at any time as long as the property has not been disturbed or harvested.
- (5) Development plans must be submitted and approved by the county building department following the release from timberland status, and prior to the development of said properties.
- (6) The building department shall have the right to impose further county erosion control measures on the property or property owner(s) after release of the timberland declaration.
- (7) The site shall not be developed for residential or other developmental purposes until at least two (2) years after the forest has been clearcut or two (2) years after ninety-five (95) percent of the trees have been removed.
- (8) Necessary steps shall be taken to ensure the protection of soil and water resources, with special attention given to avoiding the sedimentation (silting) of streams and other waterways.
- (9) Georgia Forestry Commission's "Best Management Practices" (BMPs) provide excellent guidelines for the protection of water quality, wildlife habitat and vegetative cover. The provisions of these BMPs shall be requisite conditions and shall be followed in order to ensure proper environmental protection. Some of these required conditions to be followed include, but are not limited to:
- a. Analyze and plan site preparation, taking into account all aspects of streamside management zones.
  - b. Avoid the cutting of roads or trails unless absolutely necessary. If roads/trails are necessary, do not locate them on ridge-tops and avoid use of soft roads/trails during wet ground conditions.
  - c. Avoid harrowing, root raking, or bulldozing.
  - d. When forestry activities are completed for a particular period of time, temporary access roads should be retired. This includes re-shaping, mulching, and seeding, in combination with water bars.
  - e. Leave logging debris on exposed soil, dry washes, and at points of concentrated drainage from skid trails and road. Do not pile debris in live or wet-weather streams.
  - f. Do not service logging equipment where it will have an impact on soil or water quality.
  - g. Skidding on steep slopes should be done on a gradual grade rather than straight up the slope, and skidding will be alternated between several skidding trails to minimize soil exposure and disturbance.
- (10) Copies of the Georgia Forestry Commission's booklet on "Georgia's Best Management Practices for Forestry" will be made available at the county community development office.
- (g) *Clearing and/or grading only.*
- (1) The unnecessary cutting or damaging of trees and mass grading of land(s) shall be prohibited unless exempted or approved by Henry County or the cities which may adopt this ordinance. All tree removal shall be done in accordance with the best preservation goals and management practices described herein. If trees are existing on the site, measures must be taken to ensure areas of protection are flagged, marked or otherwise delineated to meet the tree protection requirements of this ordinance.
  - (2) Clearing of land shall only be permitted upon review and approval and issuance of

a permit by the building department pursuant to existing Henry County Ordinances and procedures.

- (3) A site or sites proposed for present or future development, when existing vegetation has been removed without the foreknowledge or consent of the building department, and where submittal of development plans to the county building department has not been accomplished, shall be subject to the fines and penalties of this ordinance.

- (4) Properties which are cleared shall comply with the all state and county erosion control regulations.

(h) *Miscellaneous provisions.*

- (1) Trees and tree-save areas calculated in the preservation and/or planting requirements of this ordinance shall not be located in a required buffer zone.

- (2) Nothing in this ordinance shall be construed to allow the removal of any tree or vegetation in a required stream buffer, or undisturbed/planted buffer, except where buffer improvements have been authorized by the building department director.

- (3) It is desirable that planted trees be ecologically compatible with the site and neighborhood. Seventy-five (75) percent of the planted trees shall be hardwood.

- (4) Replacement trees shall be planted in a manner that will provide adequate space for nourishment, light and maturation.

(i) *Protection of trees during construction.* Methods and standards for tree protection shall be established in administrative guidelines as follows:

- (1) Trees identified to be preserved and/or planted, and being counted as credit for meeting the requirements of this ordinance, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.

- (2) No person engaged in the construction of any structure(s) or improvement(s) shall

encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.

(j) *Enforcement.*

(1) Enforcement authority:

- a. The Henry County Building Department Director and/or the Henry County Code Enforcement Director, or their authorized designees, under the guidance of the Henry County Board of Commissioners, and in association with the cooperating city councils (Hampton, Locust Grove and/or Stockbridge), to the extent such cities have adopted this ordinance, shall have jurisdiction and enforcement authority over this ordinance.

- b. The county building department shall, at any time, at the direction of the building department director order the ceasing of all work on a site if any aspects of this ordinance are violated. Issuance of a certificate of occupancy shall be conditioned on compliance with this ordinance at the time a final inspection is requested.

(2) The appeals procedure:

- a. All appeals of decisions resulting from a plan submitted to the planning and development department by a developer, builder, or attorney relating to the requirements of this ordinance shall be directed to the director of the planning and development department. The director shall immediately forward a copy of the appeal to the county manager, city manager, clerk, or other official in charge of scheduling matters for the affected government. An appeal hearing shall be scheduled at the next meeting of the commission or council if practical, but no later the twenty-one (21) days from the date of the appeal.



- b. All appeals as a result of a decision or decisions made by the director of the county building department following plan approval relating to the requirements of this ordinance shall be directed to the director of the building department. The director shall immediately forward a copy of the appeal to the county manager, city manager, clerk, or other official in charge of scheduling matters for the affected government. An appeal hearing shall be scheduled at the next regular meeting of the commission or council if practical, but no later than twenty-one (21) days from the date of the appeal.
- (3) Variances: The board of commissioners or applicable city council is authorized upon appeal in specific cases to consider such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of nonconforming neighboring land in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the board of commissioners (or city council) that all the following conditions exist:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands in the same district.
  - b. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
  - c. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
  - d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
  - e. The special circumstances are not the result of the actions of the applicant.
  - f. The variance requested is the minimum variance that will make possible the legal use of the land.
  - g. The variance is not a request to permit a use of land which is not permitted by right in the district involved.
- (4) Variance procedure: An applicant for a variance shall file a written request with the applicable planning and development department director or building department director. The board of commissioners or municipal authorities shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent or by attorney.
- (5) Fees: All requests by private groups, individuals, businesses and other nonpublic organizations for appeals and variances shall be accompanied by a filing fee which is maintained in the office of the planning and development department director or building department director, as applicable.
- (6) Fines and penalties:
- a. It shall be unlawful for any person, company or entity to violate the provisions of this ordinance. Mass grading or clearcutting violations of the

ordinance shall result in a fine of up to one thousand dollars (\$1,000.00) per occurrence. Each occurrence may be considered a separate violation with a separate fine of up to one thousand dollars (\$1,000.00).

- b. Other violations of this ordinance shall result in a fine of up to five hundred dollars (\$500.00) per occurrence. Each "other" occurrence may be considered a separate violation with a separate fine of up to five hundred dollars (\$500.00).
- c. If a developer or builder performs or allows, intentionally or accidentally, mass grading or tree removal, contrary to the requirements of this Ordinance, then, in addition to the penalties above, the minimum tree planting requirements of this ordinance contained in subsection (d) shall be accomplished prior to the approval of the final development plat or certificate of occupancy, whichever is applicable.
- d. In lieu of fine(s), a court with appropriate jurisdiction may require that the defendant abate or cause to be cured any other violation of this ordinance.
- e. The county or its associated cities will hold the right to stop further land activity until a development comes into compliance with this ordinance.

(k) *Separability.* Should any section or provision of this ordinance be declared by a court of law to be unconstitutional or invalid, such declaration shall not effect the validity of this ordinance other than the part that is declared unconstitutional or invalid.

(Ord. No. 22-02, § 1, 3-21-2000; Ord. No. 00-05, § 1, 4-25-2000; Ord. No. 00-13, § 1, 12-19-2000)

## APPENDIX 1. HENRY COUNTY TREE ORDINANCE HANDBOOK

### Introduction

This handbook is an appendix to the Henry County Tree Ordinance. Many of the topics discussed here are suggestions and recommendations. This handbook is intended to assist the homeowner, developer, timber harvester and technical expert interpret the Henry County Tree Ordinance and apply it to their particular situation.

### The beginnings of the Henry County Tree Ordinance

In the face of rapid growth, the Henry County Board of Commissioners saw a need to set guidelines regarding the preservation of trees. The Board asked Commissioner Gary Freedman to look into this matter, and he soon formed the Tree Ordinance Working Group. Each commissioner appointed a representative from their district to help craft this tree law. In addition, two at-large members were also appointed for their technical expertise. The backgrounds of these members was varied and diverse, and created a well-rounded committee that shared a core set of values.

The question arises "Why save trees?" There are many reasons. Trees contribute to a high quality of life, and we all benefit from having them.

*Trees make shade.* Imagine the scorching summer sun without the benefit of the cooling shade of a tree. In forested areas, trees cool the air and contribute to moderating high temperatures on a large scale. The shade that trees make also helps to reduce the costs of air-conditioning our homes.

*Trees protect our topsoil and water supply.* The huge mass of tree roots hold soil in its place. Without them, valuable topsoil gets washed into creeks and rivers by rain. The roots of trees and other plants also help filter excess fertilizers and other chemicals from our water supply.

*Trees protect wildlife.* Of course, our wooded lands provide a haven and sanctuary for all manner of wildlife. Henry County is home to an enormous variety of birds, mammals and reptiles

thanks to our private and public forested land. In order to protect the habitat of wildlife, we must be mindful of the quality and quantity of the forests in our county.

*Trees reduce noise.* Even a narrow planting of trees and large shrubs between a house and a busy street can help reduce noise significantly. The branches and leaves act as "sound-absorbers" and filter much of the noise.

*Trees look nice.* Most real estate agents agree that a home with large, healthy trees will sell much faster than one without. Most of us like the look of trees around our homes and businesses. It makes the landscape look complete to have a number of trees.

### For the Homeowner

Unlike tree ordinances in other places, this tree ordinance generally does not interfere with the ability of private homeowners in a platted subdivision from removing trees from their property once they have occupied their home. An exception would be if their property included a protective buffer along a creek, stream, or reservoir. In these cases, rules from the State Department of Natural Resources and/or Henry County Watershed Protection Ordinances regarding tree removal would apply.

Specifically, the Henry County Tree Ordinance does apply to:

- Building a new home in a platted subdivision.
- Building a new home on a lot that is three acres or larger.

The law does not apply to:

- Existing homes.
- New homes on lots less than 10 acres and not part of a platted subdivision.
- Tree clearing for legitimate forestry practices, conversion to crop land or pastures, or other recognized agricultural practices.
- Tree removal for adding on to a home.
- Tree removal for building a barn, guest quarters, or similar accessory structure.

- Removing trees to install a swimming pool.
- Removing dead, diseased, insect-infested or dying trees.
- Removing trees that pose a hazard to an existing or proposed home.

Permits are required by Henry County for most types of construction activity. Information on permits can be obtained by contacting the Henry County Building Department at (770) 954-2441.

If the tree ordinance does apply to your situation, call the Henry County Planning and Development Department at (770) 954-2457 to schedule a pre-application conference.

**For the builder/developer**

The Henry County Tree Ordinance was designed to be different from those in other localities. While it encourages the saving of trees, it does not impose additional costs by demanding tree surveys or creating complicated tree replacement formulae.

In general, this tree ordinance applies to single family residential developments and home building. If your project is to be zoned multi-family, commercial, industrial, or office-institutional, you must comply with the Henry County Buffer Ordinance and the Henry County Landscape Ordinance in addition to this tree ordinance.

For developing a single family residential subdivision, the project must follow these guidelines.

- (1) Not be on property that has been declared timberlands with the Henry County Building Department. It may be developed if the site has been declared timberlands for more than two years or if the site has not been disturbed or the timber harvested.
- (2) Have proper application filed with the Henry County Office of Community Development.
- (3) Limit how much land is cleared for the project. Briefly, only enough land can be cleared for:
  - The individual house
  - The driveway and sidewalk

- Utility easements and detention ponds
- Roads
- Decks and patios
- City-/County-approved trash pits.
- Drainage required by County building code

*Mass grading of a large site is prohibited by this ordinance.*

- (4) During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of 4' high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the non-invasive drip line area. The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.
- (5) The individual lots within a subdivision must meet minimum requirements for tree retention or replacement in order to receive a certificate of occupancy.

<i>Zoning class</i>	<i>No. of trees</i>
RA (Residential Agricultural)	10*
R-1	10*
R-2 on septic tank	7*
R-2 on sewer, R-3 and RD	4

\*Note: For each additional quarter acre, add 2 trees.

**A Special Note to Builders and Developers**

Developers and builders of all types are strongly encouraged to design projects around large trees or significant groups of trees. Trees over eight inches in diameter which are healthy will add to

the value of the property. The Office of Community Development can be of assistance if necessary.

Also, speculative grading is generally prohibited by this ordinance. Always ask for assistance in the Office of Community Development before any grading activity takes place.

#### **For the timber farmer and harvester**

Lands that are designated for timbering or logging must be declared as such with the Henry County Building Department.

Land that has been designated as such and disturbed or harvested as timberland will not be available for other types of development for two years. It may continue to be maintained as a tree farm for as long as is desirable.

A permit must be obtained from the Henry County Department of Transportation before timbering activity can begin. This allows a DOT representative to check on the site periodically. It is also used to make sure that heavy mud is not tracked onto the roads, or that gravel roads are not damaged during rainy weather. The cost of the permit is reasonable, and will not be a burden to a legitimate timber harvester.

Erosion control measures must be in place before any logging operation begins. In general, streams and creeks, as well as county roadways, must be protected from stormwater runoff.

#### **Definitions**

The making of this tree ordinance brought together many disciplines, like agriculture, silviculture (forestry), horticulture, real estate development, and law, so the language can be confusing. Below is a list of definitions that are applicable to this ordinance.

**Buffer** An area of a lot or parcel established and maintained to create a naturally preserved space between dissimilar use properties.

**Canopy tree:** A class of large trees attaining significant height in the forest or landscape. Examples include Red Maple, Sycamore, River Birch, Red Oak, Willow Oak, Loblolly Pine, or trees of similar stature.

**Caliper:** The diameter or thickness of the trunk of a nursery-grown tree as measured at 4 inches above the top of the root mass.

**Critical root zone:** An area on the ground around a tree that is equal to the reach of the farthest branches. It is assumed that this critical root zone includes the majority of the trees root mass, however recent research suggests that many important feeder roots extend far beyond this zone.

**Cutting:** The detaching or separating of any limb, branch, or root from a tree.

**Deciduous tree:** Any tree which naturally loses its leaves in the Fall.

**DBH—Diameter at breast height:** A forestry term that takes the thickness measurement of a tree at 4.5 feet above the ground.

**Dead tree:** A tree that does not contain any live tissue, i.e., green leaves or live limbs.

**Evergreen tree:** Any tree that retains green leaves throughout the year. This includes Magnolias and tree-type Hollies, as well as Pines and Cedars.

**Green space:** Any area retained as permanently vegetated land.

**Natural area:** An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

**Removal:** The physical removal of a tree.

**Understory tree:** A class of trees and large shrubs that do not attain the height of a canopy or shade tree, yet are large enough at maturity to provide shade for people, as well as many of the benefits of larger shade trees. Examples include Dogwood, Red Bud, Crabapple, Crepe Myrtle, Wax Myrtle, Ornamental Cherry, Hawthorne, and tree-type Hollies.

**Tree:** Any living, self-supporting, woody perennial plant which has a trunk caliper of one and one-half (1½) inches measured at a point four (4) inches above the ground and which normally

attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

### Recommended Trees For Henry County

Henry County, Georgia is in a great area to grow trees. With our mild climate and fertile soils, several dozen species of trees are native to the county. In addition, our climate makes it possible to easily grow many varieties of nonnative tree species, too.

Trees are listed by Latin name in alphabetical order. Scientific, or Latin names, are included because some trees have more than one common name, or different names in different regions. If you are not familiar with the common name listed, you will be able to locate any tree with the Latin name.

#### Latin Name/Common Name

*Acer barbatum*/Florida maple or Southern Sugar Maple  
*Acer buergerianum*/Trident Maple  
*Acer rubrum*/Red Maple  
*Amalanchier arborea*/Service Berry  
*Betula nigra*/River Birch  
*Cercis canadensis*/Eastern Redbud  
*Cornus florida*/White Dogwood  
*Cornus kousa*/Chinese Dogwood  
*Ilex opaca*/American Holly  
*Ilex vomitoria*/Yaupon Holly  
*Ilex X attenuata*/Fosters Holly  
*Juglans Nigra*/Black Walnut  
*Koelreuteria paniculata*/Golden Rain Tree  
*Lagerstroemia indica*/Crepe myrtle  
*Liquidambar styraciflua*/Sweetgum  
*Liriodendron tulipifera*/Tulip Poplar  
*Magnolia grandiflora*/Southern Magnolia  
*Magnolia virginiana*/Sweetbay Magnolia  
*Metasequoia glyptostroboides*/Dawn Redwood  
*Myrica cerifera*/Wax myrtle

*Nyssa sylvatica*/Blackgum or Tupelo

*Oxydendron arborea*/Sourwood

*Pinus taeda*/Loblolly Pine

*Pinus virginiana*/Virginia Pine

*Pistacia chinensis*/Pistachio Tree

*Platanus occidentalis*/Sycamore

*Prunus caroliniana*/Carolina Cherrylaurel

*Quercus acutissima*/Sawtooth Oak

*Quercus alba*/White Oak

*Quercus coccinea*/Scarlet Oak

*Quercus nigra*/Water Oak

*Quercus palustris*/Pin Oak

*Quercus phellos*/Willow Oak

*Quercus rubra*/Red Oak

*Quercus shumardi*/Shumard Oak

*Taxodium distichum*/Bald Cypress

*X Cupressocyparis leylandii*/Leyland Cypress

There are many more suitable tree species and cultivars than those listed here. Consult with the Henry County Extension Agent, a Certified Plant Professional, a Certified Landscape Specialist, or a Landscape Architect regarding alternative choices.

### Planting Trees

After selecting a tree suitable for your location it is important to plant it properly. Perhaps the single biggest reason for newly planted trees dying is poor or improper planting.

Timing is important too. In general, trees and most other landscape plants can be planted all through the year. The worst time of the year is when the soil is extremely wet, primarily in the winter. Also the hottest part of the summer makes it more difficult to keep the trees alive. Fall of the year is the best time for many reasons. With cooler air temperatures and still-warm soil temperatures, roots can grow very well this time of year. It is easier to keep up with water demands. And most importantly, the milder weather makes it easier to work outside longer.

Following these time-tested guidelines will help your trees thrive.

**Step 1. Dig a hole.** As simple as this sounds, take the time to do it properly. Since a tree will last for twenty to one hundred years, invest enough time to dig a big enough hole. If the ground is hard from summer heat, water the planting site the day before planting. This softens the soil and makes digging much easier. Be careful not to make the planting site too soggy as this is not a good planting situation. As a rule, the hole for your trees should be twice as wide as the root ball, and only a little deeper.

While it is not recommended by the Extension Service, it is acceptable practice to supplement the planting soil with other material. Composted pine bark or peanut hulls are readily available and inexpensive. Coarse creek sand is also useful in heavy clay soils. A simple recipe would be to mix 50% of the native soil with 25% compost and 25% coarse sand.

**Step 2. Plant the tree.** Nursery-grown trees come in a variety of "packaging." Most often, something has to be removed from the root mass of the tree to make it ready for planting. The following is a brief list of the different types of packaging and what to remove.

**Burlap only**—Remove the nylon strings.

**Burlap and wire basket**—Remove nylon strings and fold back the top loops of wire.

**Plastic pot**—Remove the plastic pot. If the roots are in a solid mass that mimics the shape of the container, use a knife to make three or four vertical cuts in the root mass.

Carefully place the tree in the hole. Make certain that the top of the root mass, or root ball, is *slightly above the existing grade. Usually one-half to three-fourths of an inch is sufficient.*

Make sure the tree is standing up straight before backfilling. It is important not to leave large air spaces in the hole, so break up large chunks of soil before refilling the planting hole. When the filling is complete the soil should be firmly settled, but not packed down.

**Step 3. Water it.** Soak the tree. Water may have to be applied two or three times in order to get enough to soak in the tree's root mass. Water should be standing on the ground several minutes after this first watering. Further watering depends on the season of the year and the size of the tree. Naturally, warm or hot weather will demand more watering than in the middle of winter.

**Step 4. Mulch around it.** Add a three- to four-inch layer of mulch like pine straw or pine bark around the tree. There are several reasons why this is an important step. First, it slows the loss of soil moisture through evaporation. Second, it moderates soil temperatures at the root zone, acting like insulation in hot and cold weather. Third, if installed thickly enough, it prevents a majority of weeds from emerging without using weed-preventing chemicals. Finally, it makes an attractive finish to the job.

For more detailed information, refer to Georgia Cooperative Extension Service bulletin entitled "Planting Trees in Georgia".

### Taking Care of Trees

The most important aspect of long-term tree care is proper planting. If the right tree is planted in the right location, and planted well, it will last for generations.

The first four to six weeks after planting a tree are the most crucial to its survival. Make sure that it gets adequate water. Fertilizing twice a year for young trees and once for older trees is good practice. Use a 12-6-6 or 16-4-8 fertilizer with at least 25% of the Nitrogen being slow-release. For older trees, apply the amount according to label directions in March. For young trees, March and September are good. Pruning depends on which varieties have been planted. Most large shade trees require little or no pruning, especially after they are established.

Many things can happen to a tree during its lifetime. Some things can be controlled or avoided, and some cannot. Storms can do much damage to trees. It is better to avoid species that are prone to storm damage. These include, but are not limited to Loblolly Pine, Bradford Pear, and infe-

rior Willow varieties. Other things can be avoided, such as lawn mower and string trimmer damage. By including the tree in a large area of mulch, the possibility of equipment damage is greatly reduced.

**Secs. 3-7-167—3-7-170. Reserved.**

#### **ARTICLE IX. MOBILE HOME DEVELOPMENT**

**Sec. 3-7-171. Uses governed by these regulations.**

Mobile home development, including mobile homes located on individual lots, mobile home parks, mobile home subdivisions, and mobile home condominiums as permitted in the RMH district shall conform with all of the following provisions.

**Sec. 3-7-172. Pre-application meeting.**

Prior to filing a formal application for a mobile home development, the applicant shall meet with planning staff to review sketch development plans to determine conformance with provisions of this chapter. A single mobile home to be located on an individual lot is exempt from this requirement but must comply with development provisions of the RMH district. This meeting will familiarize the applicant with county requirements.