

City of McDonough

Henry County

Atlanta MSA

2003 Population Estimate 11,721; +24.6% change from 2000 Census.

Not a Tree City USA.

City Tree Board established by ordinance; Planning Commission designated as City Tree Board;
no meeting frequency required by ordinance.

TITLE 15 BUILDINGS AND CONSTRUCTION

CHAPTER 15.32 LANDSCAPING

CHAPTER 15.52 TREES AND SHRUBS

CHAPTER 15.56 TREE PROTECTION

TITLE 12 PUBLIC SPACES

CHAPTER 12.20 TREE PROTECTION

Year first adopted or last revised unknown.

Addresses public and private property.

Includes buffer and landscape requirements.

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CHAPTER 15.32 LANDSCAPING

Sections:

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15.32.010 Definitions.

Caliper. A landscaping standard which describes the diameter of a tree trunk one foot above the rootball.

Canopy Tree. A tree which, at maturity, grows above a height of fifty (50) feet, and whose species is included on the tree list included below, or is specifically approved as such by the Community Development Director of the City.

City. The City of McDonough, Georgia.

Ground Cover. Plant material and grasses, which at maturity, attain a maximum height of less than three (3) feet and whose species is included in the list included below, or is specifically approved as such by the Community Development Director of the City.

Impervious Surface. That portion of a developed site consisting of natural or manmade materials that act to prohibit the permeation of rain and surface water. Generally this area includes any buildings, sidewalks, parking, curbing, etc.

Landscape Plan. A document submitted by a developer provided in the form required by the City prior to development that shows the plan view of the site and includes proposed improvements on the same. For the purposes of determining compliance with this Chapter, such plan must also include the location of all existing trees over ten (10) inches in Caliper (including size and species); all proposed plants and trees; amount of Impervious Surface existing and proposed; a list of proposed plant material; and the calculations showing compliance with this Chapter. For sites greater than two (2) acres, this plan shall be prepared by a registered landscape architect or engineer.

Natural Area. That portion of a property that remains undisturbed by development activity, other than underbrushing or hand clearing. Such portions may be supplemented with plant material, mulch, and grass seed or sod.

Parking Lot Island. A curbed landscaped strip of no less than ten (10) feet in width located in a parking lot. Such island must be sized to allow the plants and trees located within it to grow to their mature size.

Shrub. A woody plant, which at maturity, attains a minimum height of three (3) feet and the species of which is included in the list included below, or is specifically approved as such by the Community Development Director of the City.

Understory Tree. A tree which, at maturity, attains a height less than fifty (50) feet and

the species of which is included in the list included below, or is specifically approved as such by the Community Development Director of the City.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.020 Applicability.

This Chapter shall apply to all development activity occurring within the City, application for which is made subsequent to the effective date of this Ordinance, and all construction activity where, during the course of construction, Impervious Surface is added within all zoning districts as the same may hereafter be created, abolished, or amended. It is further the intent of this ordinance to allow flexibility and creativity in design without compromising the overall intent of enhancing the developed environment and harmonizing it with the natural environment.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.030 Plan Review.

A. Prior to vegetation disturbance for development of new, or expansion of existing Impervious Surfaces, a Landscape Plan (seven copies) must be submitted to the Community Development Department. For sites greater than two (2) acres, the Landscape Plan must be prepared by a licensed landscape architect or engineer.

B. The Landscape Plan shall include the following information: property lines, easements, rights-of-way, existing and proposed parking facilities, existing and proposed structures, contours at two (2) foot intervals, storm water facilities, utilities, type and size of material, plant list, landscape calculations, north arrow and graphic scale.

C. The Community Development Department staff shall review the submitted plan for compliance with the provisions of this Chapter.

D. No additional Landscape Plan Review Fee is authorized hereunder, as such is included in the general Development Plan Review Fee.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.040 Residential Landscape Requirements.

A. Single family detached dwelling developments located in the R-50, R-85, R-75, R-100 and RA-200 zoning districts shall be required to plant a minimum of one (1) Canopy Tree and one (1) Understory Tree for every one hundred (100) linear feet of street right-of-way within the development. Said trees shall be planted between the curb and the sidewalk of rights-of-way. All other development shall be in accordance with section 15.32.060.

B. All disturbed yard areas (other than Natural Areas) in residential zoning districts shall be sodded. Permanent sod grassing shall be installed in all front yards, side and rear yards. All yard landscaping shall extend to the edge of curbing of the nearest public street. All drainage easements on the property shall be graded and landscaped for positive surface drainage of the platted lot with consideration for avoidance of surface drainage problems, potential erosion and flooding of adjoining properties. The grading and landscaping of drainage easements shall be in conformance with drainage easement locations and design as indicated on the approved final plat of the subdivision.

C. The Community Development Director or his designee shall determine that the minimum landscaping requirements of section 15.32.020 are in compliance at the final inspection of the structure. When weather does not permit landscaping to be done before a final inspection of the structure is made, the builder may request in writing and the director may grant up to a thirty (30) day extension for the completion of landscaping. Failure to complete the landscaping within the time granted shall constitute a violation of this chapter. Field conditions may require additional measures to assure positive surface drainage and/or prevent future erosion and washing of adjoining properties.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.050 Commercial Landscaping; Design Criteria.

A. A minimum twenty (20) foot landscape buffer must be provided along areas of the site where parking is adjacent to a right-of-way. A minimum two (2) foot high berm shall also be provided in these areas. Such landscape buffer shall not apply when the developer chooses to construct a building on the property line or construct a natural stone or brick wall a minimum of four (4) feet in height and with a ten (10) feet setback from the right-of-way line.

B. One Parking Lot Island shall be provided for every ten (10) parking spaces on site. It shall be a minimum of ten (10) feet in width and extend the length of the parking space. Upon approval of the Community Development Director, such islands may be combined to form larger islands, at the perimeter of the site, public open spaces, or some combination thereof.

C. One Parking Lot Island, minimum ten (10) foot width and extending the length of the parking field in a configuration to be approved by the Community Development Director, shall be provided for every fifth double row of parking.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.060 Commercial Landscaping; Minimum Plant Requirements.

A. A minimum of one (1) two (2) inch Caliper Canopy Tree and one two (2) inch Caliper Understory Tree shall be planted for every two thousand (2,000) square feet of Impervious Surface on site.

B. One (1) Shrub minimum of a three (3) gallon container size, shall be planted for every three hundred (300) square feet of Impervious Surface on site.

C. Ground Cover shall be provided in all pervious areas disturbed during construction. Outparcels on subsequent phases of phased developments or commercial subdivisions may be temporarily seeded, but shall be sodded within one (1) year if additional construction does not continue to proceed. Ground cover may be sodded, sprigged or plugged, except that solid sod shall be used in drainage swells or other areas subject to potential erosion. Ground covers shall be planted so as to achieve complete coverage within one (1) year from the time of planting.

D. Plant material required by this Chapter shall be in addition to requirements for planting in required buffers, as such as may be required by the Zoning Ordinance or as a condition of zoning approval.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.070 Maintenance.

All material planted to meet the requirements of this Chapter shall be maintained by the property owner in perpetuity. Changes to the landscaping plan during and after construction shall be reported to the Community Development Director.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.080 Enforcement.

A. All material shown on the approved Landscape Plan must be planted prior to the issuance of a certificate of occupancy. At the discretion of the Community Development Director, a bond or letter of credit in favor of the City may be submitted to the City instead of the planting. Such assurances shall be allowed as a temporary extension of the above plating deadline and must be in the value of the plant material and labor cost of the items to be completed and must provide a completion date not to exceed one hundred and twenty (120) days.

B. The owner of each parcel subject to the requirements of this Chapter shall be responsible for the perpetual maintenance and protection of buffers and landscape plantings required. The Community Development Director may require that diseased, infested, dying, dead or damaged landscaping be replaced.

C. Failure to maintain required landscape material shall constitute a violation of this Chapter and shall be punishable by a fine up to One Thousand (\$1,000.00) Dollars. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.090 Substitutions.

Substitutions to the design criteria, minimum plant requirements and approved landscape materials or other sections of this Ordinance may be requested by the developer of the Community Development Director. The Community Development Director is hereby delegated authority to accept alternate substitutions consistent with the intent of this Ordinance.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.100 Administrative Appeals.

The denial of substitutions or the suspension, revocation, or modification of a Landscape Plan by the Community Development Director upon finding that the developer is not in compliance with this Ordinance, or is in violation of any City ordinance, shall entitle the person submitting the plan a right to appeal to the City Administrator. Any person, aggrieved by a decision or order of the City Administrator, shall have the right to appeal to the Mayor and City Council within fifteen (15) days after receipt of a decision by the City Administrator.

(Ord. No. 98-03-02D, 3-2-1998)

15.32.110 Approved Landscape Materials.

The following materials are those that are approved for inclusion in plans required under this Chapter:

CANOPY TREES

(No 'dwarf' varieties of those listed)

American Beech
Chinese Elm (Ulmus Parvifolia)
Pin Oak (Quercus Palustris)
Red Oak (Quercus Rubra)
River Birch (Betula Nigra)
Saucer Magnolia
Sawtooth Oak (Quercus Acutissima)
Scarlet Oak (Quercus Coccinea)
Shumard Red Oak (Quercus Shumardii)
Southern Magnolia (Magnolia Grandiflora)
Trident Maple (Acer Buergerianum)
Water Oak
White Oak (Quercus Alba)
Willow Oak (Quercus Phellos)
Zelkova (Zelkova Serrata)

UNDERSTORY TREES

(No 'dwarf' varieties of those listed)

Bald Cypress
Crape Mayrtle
Deodara Cedar (Cedrus Deodora)
Eastern Red Bud (Cercis Canadensis)
Ginkgo (Ginkgo Biloba) (Male Tree only)
Japanese Black Pine
Japanese Maple (Acer Palmatum "Crispum")
Kwansan Cherry
Kousa Dogwood (Cornus Kousa)
Laurel Oak (Quercus Laurifolia)
Leyland Cypress
Pink Flowering Dogwood (Cornus Florida "Rubra")

Red Maple (*Acer Rubrum*)
 Red Flowering Dogwood (*Cornus Florida* "Red")
 Scarlet Maple (*Acer Rubrum*)
 Virginia Pine (*Pinus Virginiana*)
 Wax Myrtle
 Weeping Willow (*Salix Babylonica*)

SHRUBS

('Dwarf' varieties of the above listed Canopy and Understory Trees are allowed)

American Boxwood
 Azalea (*Azalia Indica*)
 American Holly
 Bayberry (*Myricia Pensylvanica*)
 Bar Harbor Juniper (*Juniperus H.* "Barharbor")
 Bigleaf Hydrangum (*Hydrangum Macrophylla*)
 Burford Holly
 Camellia (*Camellia Japonica*)
 Cherry Laurel
 Common Privet (*Ligustrum Vulgara*)
 Eastern Dogwood (*Comus Florida*)
 Eastern Redbud (*Cercis Canadensis*)
 English Ivy (*Hedera Helix*)
 Flame Azalea
 Golden Raintree (*Koelreuteria Paniculata*)
 Hibiscus (*Hibiscus Rosa Sinensis*)
 Holly (*Ilex Crenata*)
 Hollywood Juniper (*Juniperus C.* "Torulosa")
 Hydrangea (*Hydrangea Sp.*)
 Mother-in-Laws Tongue (*Sansevieria T.* "Laurentii")
 Nellie R. Stevens Holly
 Piedmont Azalea (*Rhododendron Canescens*)
 Pepp'mint Geranium (*Pelargonium Tomentosum*)
 Plumleaf Azalea (*Rhododendron Prunifolium*)
 Red Columbine (*Aquilegia Eximia*)
 Savannah Holly

True Myrtle (*Myrtus* C. "Compacta")
Varigated Privet (*Ligustrum* Variegata)

GROUND COVER

Aragula (*Erucu Vesicuria*)
Bermuda Grass
Birds Nest Fern (*Asplenium Nidus*)
Blue Carpet Juniper (*Juniperus* H. "Wilronii")
Centipede Grass
Common Sassafras (*Sassafras Albidum*)
Dwarf Juniper (*Juniperus* Com. Savepiis)
English Ivy
Fescue
Sargent Juniper (*Juniperus* C. Sargentii)
St. Augustine Grass (*Stenotaphrum Secundaroa*)
Zoysia Grass
(Ord. No. 98-03-02D, 3-2-1998)

CHAPTER 15.52 TREES AND SHRUBS

Sections:

- 15.52.010 Intent.
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- 15.52.030 Planning commission to serve as city tree board.
- 15.52.040 Compensation.
- 15.52.050 Duties, responsibilities and operation.
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- 15.52.070 Distance from street corners and fire hydrants.
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- 15.52.160 Proper disposal of tree trunks and stumps required.
- 15.52.170 Review by mayor and city council.
- 15.52.180 Violation--Penalty.

15.52.010 Intent.

The intent of this chapter is to establish protective regulations for trees in the public areas of the city in order to better control problems with flooding, soil conservation, air pollution and noise pollution in the city, and to regulate trees on private property where necessary to make the city a healthier and safer place in which to live.

(Ord. of 10-18-1993, § 1)

15.52.020 Creation and establishment of a city tree board.

There is created and established a city tree board for the city, which shall consist of seven members, being citizens and residents of the city, who shall be appointed by the mayor and city council.

(Ord. of 10-18-1993, § 2)

15.52.030 Planning commission to serve as city tree board.

The city planning commission, which has been duly created by ordinance and which has been appointed by the mayor and city council, shall serve as the city tree board, as established by the ordinance codified in this chapter.

(Ord. of 10-18-1993, § 3)

15.52.040 Compensation.

The members of the planning commission shall serve on the tree board without additional compensation.

(Ord. of 10-18-1993, § 4)

15.52.050 Duties, responsibilities and operation.

It shall be the responsibility of the tree board to study, investigate and counsel for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the city's parks, along streets, and in other public areas. The board, when requested by the mayor and city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The board shall adopt their own rules of procedure, and it shall keep and maintain a journal of its proceedings. A majority of the members of the tree board shall be a quorum for the transaction of business.

(Ord. of 10-18-1993, § 5)

15.52.060 Definitions.

For purposes of this chapter, the following definitions shall apply:

Crown spread means the distance measured across the greatest diameter of a plant.

Park tree means an evergreen or deciduous tree or shrub on land designated as public park land, which is either owned by the city or to which the public has free access as a park.

Shade tree means a self-supporting woody plant of a species that is well-shaped, well-branched and well-foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature crown spread greater than thirty (30) feet.

Small tree means an evergreen or deciduous tree or shrub which does not normally exceed a height of twelve (12) feet at maturity. No small tree shall be permitted to exceed twelve (12) feet in height.

Street tree means an evergreen or deciduous tree or shrub growing on land lying within the public right-of-way on either side of all streets, avenues or other ways within the city.

A listing of street, park, shade and small trees shall be approved and maintained by the city's tree board.

(Ord. of 10-18-1993, § 6)

15.52.070 Distance from street corners and fire hydrants.

No tree (whether street tree, park tree, shade tree or small tree) shall be planted closer than thirty-five (35) feet to any street corner, as measured from the point of nearest intersecting curbs or curb lines. However, shrubs maintained less than three feet in height are permitted. No tree shall be planted closer than ten feet of any fire hydrant. This section shall apply only to the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date the ordinance codified in this chapter was adopted.

(Ord. of 10-18-1993, § 7)

15.52.080 Utilities.

No street trees, other than those species meeting the definitions of small trees as specified in this chapter, may be planted under or within ten lateral feet of any overhead utility

wire, or over or within five lateral feet of any underground water line, sewer line, power line or other utility. This section shall apply only to the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date the ordinance codified in this chapter was adopted.

(Ord. of 10-18-1993, § 8)

15.52.090 Public tree care.

The city shall have the right to plant, prune, maintain and/or remove trees, plants and shrubs within the lines of streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

(Ord. of 10-18-1993, § 9)

15.52.100 Tree topping.

It is unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires where other pruning practices are impractical, shall be exempted from this chapter.

(Ord. of 10-18-1993, § 10)

15.52.110 Pruning, corner clearance of trees on private property.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign.

(Ord. of 10-18-1993, § 11)

15.52.120 Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city council and its agents shall have the authority to take such action whenever necessary in cases of emergencies presenting a clear and immediate danger of irreparable harm to persons or property. Otherwise, the city tree board shall initiate action to have the tree removed in a manner prescribed under the provisions of the nuisance ordinance of the city, as now or hereafter amended.

(Ord. of 10-18-1993, § 12)

15.52.130 Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. of 10-18-1993, § 13)

15.52.140 Interference with city tree board.

It is unlawful for any person to prevent, delay or otherwise interfere with the city tree board, or any of its agents, while engaging in and about, the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, small trees or trees on private grounds, as authorized in this chapter.

(Ord. of 10-18-1993, § 14)

15.52.150 Arborist license and bond.

It is unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees, park trees and/or small trees within the city without first applying for and procuring an arborist license. The fee for an arborist license shall be twenty-five dollars (\$25.00) annually, payable in advance; provided, however, that no license shall be required of any public utility company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000.00) for bodily injury and fifty thousand dollars (\$50,000.00) for property damage, which coverage shall indemnify the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. of 10-18-1993, § 15)

15.52.160 Proper disposal of tree trunks and stumps required.

It is unlawful for any person or firm to dispose of or place any tree stump or tree trunk which measures eight inches or greater in diameter in or along any public right-of-way within the city, regardless of any intent to have such articles collected for disposal at a later date.

(Ord. of 10-18-1993, § 16)

15.52.170 Review by mayor and city council.

The mayor and city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person who is adversely affected by a decision or ruling of the tree board may appeal to the mayor and city council, who may review the tree board's action and either uphold or overturn the decisions.

(Ord. of 10-18-1993, § 17)

15.52.180 Violation--Penalty.

It is unlawful for any person, firm or legal entity to violate any provision of this chapter. Any person violating the terms of this chapter or rules and regulations promulgated pursuant thereto shall be punished in the municipal court by a fine not to exceed five hundred dollars (\$500.00) and/or sixty (60) days in jail for each separate violation. Each and every day the violation exists shall be considered a separate offense.

(Ord. of 10-18-1993, § 18)

Editor's note: An editorial note in the previous publication indicates that this section was amended during the 1997 codification.

CHAPTER 15.56 TREE PROTECTION

Sections:

- 15.56.010 Definitions.
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- 15.56.070 Appeals.
- 15.56.080 Stream Buffers and Mass Clearing and Grading.

15.56.010 Definitions.

City. City of McDonough, Georgia.

Clearcutting. The harvesting and/or removal, other than Selective Thinning, greater than 80% or more of the trees on any given property greater than inches (10") in diameter.

Diameter at Breast Height (DBH). The diameter of a tree at three (3) feet above ground.

Dripline. The circular area of ground beneath the branches of a tree. To determine the extent of the area one must measure horizontally to the end of the longest branch of the tree. This distance becomes the radius of the tree with the tree trunk as the center of the circular area.

Historic Tree. A tree significant to or featured in the history of the City, Henry County, the State of Georgia, or the United States of America.

Selective Thinning. A programmed plan of periodic removal of trees as part of best management practices of silviculture.

Specimen Tree. A tree that is significant due to its size, age, or symmetry. The Specimen Tree designation is individual to its species.

15.56.020 Tree Protection Plan Required.

A. Prior to any land disturbing activity for new development, re-development or clearing activity (such as Clearcutting) in anticipation of land development or building construction within the City, the individual, company, partnership or corporation responsible for such work must submit seven (7) copies of the Tree Protection Plan (TPP) to the building department director.

B. The TPP shall include the following elements: property lines; rights-of-way; existing and proposed improvements; existing and proposed topographical contours at maximum two (2) foot vertical intervals; existing trees ten (10) inches or more inches in DBH, identified by the size; Dripline and species of such trees; protection measures and detail of those trees and/or tree areas to be saved; tree save calculations; north arrow; name, address and phone number of the surveyor or engineer, owner and developer; and twenty-four (24) hour contact person.

C. The TPP must be approved by the building department director prior to issuance by the City of a Development Permit.

(Ord. No. 05-02-07A, § 36, 2-7-2005)

15.56.030 Minimum Tree Protection Requirements.

A. Twenty (20%) percent of all trees over ten (10) inches (DBH) must be saved on each property in subdivided properties under common ownership at the time of development.

B. Specimen Trees, and Historically Significant Trees, as determined by the building department director, may not be removed without permission of the building department director. Permission shall normally be denied if reasonable development alternatives are available that will provide for the protection of these trees.

(Ord. No. 05-02-07A, § 37, 2-7-2005)

15.56.040 Tree Protection Measures.

The Dripline of any tree or tree save area shown on the TPP to be saved must be protected throughout development and construction activity in accordance with best management practices requiring, at a minimum, an orange construction fence a minimum of four (4) feet in height, staked at an interval not to exceed ten (10) feet on center. The tree protection area defined therewith shall not be disturbed during the construction process. Required trees damaged during development or construction shall be replaced in accordance with

15.56.050 Tree Replacement Requirements.

Trees removed in excess of the allowable eighty (80%) percent shall be replaced caliper inch for caliper inch with three (3) inch caliper trees of the same or comparable species. Tree Replacement shall be shown on the TPP.

(Ord. No. 05-02-07A, § 38, 2-7-2005)

15.56.060 Credit for Tree Save.

For every five (5) caliper inches of trees saved on site two (2) inch credit shall be given toward meeting the minimum landscaping requirements contained in Chapter 15.32.

15.56.070 Appeals.

Any decision made by the building department director pursuant to this Chapter may be appealed to the mayor and council. Appeals of the decision of the mayor and council shall be made to the Superior Court of Henry County via writ of certiorari.

(Ord. No. 98-03-02C; Ord. No. 99-01-11-02; Ord. No. 05-02-07A, § 40, 2-7-2005)

Editor's note: An editor's note following this section in the previous publication reads "Chapter Change from 12.20 to 15.56."

15.56.080 Stream Buffers and Mass Clearing and Grading.**A. Buffers on State Waters.**

1. Prior to Recording Final Plat. Prior to the recording of any final plat with the clerk of court, there shall be stream buffers along all state waters which shall consist of an undisturbed area a minimum of 50 feet with an additional two feet for every one percent of slope as measured horizontally from each stream bank.

2. After Recording of Final Plat. After a final plat has been recorded by the clerk of court, there shall be stream buffers along all state waters which shall consist of an undisturbed area a minimum of 25 feet plus one foot for every one percent of slope as measured horizontally from each stream bank.

3. All stream buffers shall be marked with florescent tape at intervals of ten feet and inspected at least 24 hours in advance of breaking ground and maintained at all times during the construction period.

B. Grading and Clearing.

1. Prior to the recording of the final plat with the clerk of court, the only clearing and grading allowed in single-family residential developments shall be the areas designated for right-of-way and infrastructure use. Sewer and utility easements in residential developments shall not be cleared more than 40 feet in width unless prior approval is obtained from the City.

2. All disturbed land shall be temporarily vegetated and maintained not later than 10 days after disturbance.

C. Protection of State Waters. The City Manager or his designee is hereby authorized to require any residential development to be completed in phases, provide additional soil and erosion control measures, or both of these where such requirements are necessary to protect state waters.

D. Remediation. The property owner of any property that is in violation of this section shall restore the property which has been cleared by meeting the tree replacement requirements set forth in section 15.56.050 of this chapter. In addition thereto, a stop work order shall be issued causing the cessation of all work on the property until the property owner submits a tree replanting plan for the property to the Building Department Director and such plan is approved by the building department director and the City Council.

E. Penalties. Any person, firm, or legal entity found guilty of violating this code section shall be punished by a fine not to exceed \$1,000.00 and up to 60 days imprisonment for each offense. Each day the violation continues shall constitute a new and separate violation.(Ord. No. 04-09-20, § 1, 9-20-2004; Ord. No. 05-02-07A, § 39, 2-7-2005)

TITLE 12 PUBLIC PLACES

Chapter 12.08 Parades, Assemblies and Picketing

Chapter 12.12 Park Use Regulations

Chapter 12.20 Tree Protection

CHAPTER 12.20 TREE PROTECTION

Sections:

- 12.20.010 Definitions.
- 12.20.020 Tree Protection Plan Required.
- 12.20.030 Minimum Tree Protection Requirements.
- 12.20.040 Tree Protection Measures.
- 12.20.050 Tree Replacement Requirements.
- 12.20.060 Credit for Tree Save.
- 12.20.070 Appeals.

12.20.010 Definitions.

- A. *City.* City of McDonough, Georgia.
- B. *Clearcutting.* The harvesting and/or removal, other than Selective Thinning, greater than 80% or more of the trees on any given property greater than inches (10") in diameter.
- C. *Diameter at Breast Height (DBH).* The diameter of a tree at three (3) feet above ground.
- D. *Dripline.* The circular area of ground beneath the branches of a tree. To determine the extent of the area one must measured horizontally to the end of the longest branch of the tree. This distance becomes the radius of the tree with the tree trunk as the center of the circular area.
- E. *Selective Thinning.* A programmed plan of periodic removal of trees as part of best management practices of silviculture.
- F. *Specimen Tree.* A tree that is significant due to its size, age, or symmetry. The Specimen Tree designation is individual to its species.
- G. *Historic Tree.* A tree significant to or featured in the history of the City, Henry County, the State of Georgia, or the United States of America.

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.020 Tree Protection Plan Required.

- A. Prior to any land disturbing activity for new development, re-development or clearing activity (such as Clearcutting) in anticipation of land development or building construction within the City, the individual, company, partnership or corporation responsible for such work must submit, to the Community Development Director of the City seven (7) copies of the Tree Protection Plan (TPP).
- B. The TPP shall include the following elements: property lines; rights-of-way; existing and proposed improvements; existing and proposed topographical contours at maximum two (2) foot vertical intervals; existing trees ten (10) inches or more in DBH, identified by the size; Dripline and species of such trees; protection measures and detail of those trees and/or tree areas to be saved; tree save calculations; north arrow; name, address and phone number of the surveyor or engineer, owner and developer; and twenty-four (24) hour contact person.

C. The TPP must be approved by the Community Development Director prior to issuance by the City of a Development Permit.

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.030 Minimum Tree Protection Requirements.

A. Twenty (20%) percent of all trees over ten (10) inches (DBH) must be saved on each property in subdivided properties under common ownership at the time of development.

B. Specimen Trees, and Historically Significant Trees, as determined by the Community Development Director, may not be removed without permission of the Community Development Director. Permission shall normally be denied if reasonable development alternatives are available that will provide for the protection of these trees.

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.040 Tree Protection Measures.

The Dripline of any tree or tree save area shown on the TPP to be saved must be protected throughout development and construction activity in accordance with best management practices requiring, at a minimum, an orange construction fence a minimum of four (4) feet in height, staked at an interval not to exceed ten (10) feet on center. The tree protection area defined therewith shall not be disturbed during the construction process. Required trees damaged during development or construction shall be replaced in accordance with

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.050 Tree Replacement Requirements.

Trees removed in excess of the allowable eighty (80%) percent shall be replaced caliper inch for caliper inch with three (3) inch caliper trees of the same or comparable species. Tree Replacement shall be shown on the TPP.

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.060 Credit for Tree Save.

For every five (5) caliper inches of trees saved on site two (2) inches credit shall be given toward meeting the minimum landscaping requirements contained in Chapter 15.32.

(Ord. No. 98-03-02C, § 1, 3-2-1998)

12.20.070 Appeals.

Any decision made by the Community Development Director pursuant to this Chapter may be appealed to the Board of Zoning Appeals.

(Ord. No. 98-03-02C, § 1, 3-2-1998)