

City of Social Circle

Newton and Walton Counties

Atlanta MSA

2003 Population Estimate 3,722; +7.9% change from 2000 Census.

Tree City USA for 4 years.

City Tree Board with 7 members; no meeting frequency required by ordinance.

Section 7-011 Tree Protection

First adopted 2001. Last revised 2004.

Addresses public property.

Includes landscape requirements.

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5. Stairways, porches and appurtenances. Exterior staircases, porches and appurtenances thereto shall be maintained in good repair.
6. Rodent and termite infestation. Structures shall be free of wood boring insects and rodent infestation.
7. Security and utilities. Buildings which are no longer occupied shall be properly secured to prevent intrusion, and all utilities shall be properly connected or disconnected.
8. Dependencies and additional site features. Ancillary structures and accessory buildings shall be maintained in good repair. Tree limbs shall be trimmed away from the building, and tree roots shall be cleared away from all foundations. Soil erosion and soil deposition shall not be allowed to endanger any structures.

C. **Failure to provide minimum maintenance and repair.** Owners shall not allow historic properties and places, sites, buildings, structures or works of art within designated historic districts to deteriorate by failing to provide minimum maintenance and repair. The failure to provide minimum maintenance and repair not only adversely impacts the historic and cultural value of the historic community, but due to decay, deterioration and structural defects, jeopardizes structural integrity and poses additional safety hazards. The purpose of this section is to require an owner to engage in the minimum maintenance and repair necessary to correct decay, deterioration, structural defects and safety problems.

D. **Monitoring of condition.** The Commission and the City shall monitor the condition of all designated historic properties and places, sites, buildings, structures and works of art within designated historic districts. The Commission shall report all failures to provide minimum maintenance and repair to the building official of the City. Such conditions as those outlined above shall constitute a failure to provide minimum maintenance and repair.

E. **Condition assessment.**

Upon notification by the Commission, the building official or his designee shall be authorized to enter upon premises for the purpose of making examinations and inspections regarding conformity to the requirements hereunder. Such entry shall be made in such a manner as to cause the least possible inconvenience to any persons in possession. The City may appoint and affix the duties of such agents, designees and employees as reasonably necessary to carry out the purposes of this chapter. The building official shall prepare a condition assessment for the Commission.

F. **Notice and remedy time allowance.**

If the Commission finds a failure to provide minimum maintenance and repair, in nonconformity with the above requirements, the Commission will give notice as described herein and set forth the steps necessary to remedy the situation. Notice shall be served upon the owner and all parties in interest. The owner of the property will have 30 days from receipt of such notice to respond in writing and outline his intentions and steps being taken to remedy the situation. The owner of the property will have 60 days from the receipt of such notice to begin the steps necessary to remedy the situation, and shall have 180 days from receipt of the notice to complete the work, unless such time shall be extended due to the expense and/or complexity of the repairs. In no event shall such extension exceed 180 additional days.

G. **Public hearing and recommendation of action.** Within 30 days of receipt of the notice provided for above, the owner or any other party in interest who takes exception to such notice may request a public hearing on the matter. The owner or other party with an interest shall then be given an opportunity to appear before the Commission, in person or otherwise, and present testimony pertaining to the notice issued. Notice of the date, time and place of the hearing shall be given via certified mail. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Commission, although all parties shall be provided a fair and impartial hearing and shall be entitled to present all relevant evidence. If the Commission agrees with the original notice, it shall state its reasons for doing so, and shall transmit a recommendation of action and reasons in support thereof, in writing, to the affected party and to the Mayor and Council.

7. **Penalty Provisions.** Any individual, entity and/or representative violating this Section may be punished by a fine not to exceed \$1,000.00.

Section 7-011 Tree Protection

1. **PURPOSE.** The protection of trees promotes the health, safety and general welfare of the public, and the preservation of trees help to: preserve the City's beauty and character, purify air, moderate the micro-climate, reduce noise and glare, conserve energy in heating and cooling costs, prevent soil erosion, provide storm water management, enhance and stabilize property values, and contribute to the general aesthetic value of the City.

2. **TREE PROTECTION APPLICABILITY.** The City has full power and authority over all trees located within street rights-of-way, parks and public places of the city, and the following trees located on private property: (1) existing trees on new development sites that can reasonably be protected and saved during construction, and will after construction be on the public right-of-way, (2) replacement trees on public right-of-way for those that were lost during construction on new development sites, (3) existing trees or replacement trees on new

development sites needed to met the standards set in the specifications for new construction and, (4) existing or replacement trees in parking lot islands of new commercial construction sites.

3. ESTABLISHMENT OF CITY TREE BOARD. There is hereby created and established a Tree Board for the City which shall consist of seven (7) members. Members shall be residents of the City, provided, however, that to obtain greater expertise on the Board, the Council may appoint a person not residing in the City in consideration of such person's special expertise. The members shall be appointed by the Council and shall serve without compensation. The term of office for the Board shall be three years, except that the term of three of the members appointed to the first Board shall be for two years. In the event that a vacancy occurs during the term of any member, the Council shall appoint a successor for the unexpired portion of the term. The Board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

4. DUTIES OF TREE BOARD. It shall be the responsibility of the Board to: (1) Recommend for formal Council approval a written Social Circle city tree plan for the care, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas; (2) actively provide leadership in implementing the Social Circle city tree plan; (3) periodically suggest updates to the tree protection standards; and (4) periodically suggest updates to the density requirements for new construction. The Board, when requested by the Council, shall investigate and make recommendations on any special matter of question coming within the scope of its duties.

5. TREE PROTECTION MEASURES. Protective measures shall be applied to the above-ground portion and roots of protected trees within the critical root zone, as follows: (1) No person shall cut, carve, transplant, or otherwise damage or remove any tree; attach any rope, wire, nails, advertising poster, or other contrivance to any tree; allow any gaseous, liquid, or solid substance which is harmful to trees (including without limitation concrete washout, fuel, lubricants, herbicides, and/or paint) to come in contact with trees; or set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. (2) During excavation, filling, construction, or demolition operations, each protected tree or stand of protected trees shall be marked with a plastic construction area fence enclosing the critical root zone. (3) All building materials, vehicles, construction equipment, dirt debris, or other objects likely to cause soil compaction or above ground damage shall be kept outside the critical root zone. A permit must be obtained from the City before any protected tree can be removed, pruned or trenching allowed in the Critical Root Zone.

6. TREE PROTECTION PLAN FOR NEW CONSTRUCTION. All new construction, whether residential, commercial, or industrial, requiring a building or development permit from the City, will, as a part of the permitting process, require the submission of a Tree Protection Plan for all new construction projects. This plan shall meet the conditions detailed in Section 13 and following.

7. POTENTIALLY HAZARDOUS TREES. The City shall have the right to remove or require the removal of any privately owned tree or portion thereof which is considered potentially hazardous to health or property of travelers on public roads or sidewalks.

8. COOPERATIVE AGREEMENTS. The City may enter into cooperative agreements with property owners for the purpose of protecting and maintaining newly established trees on public rights-of-way or land.

9. ENFORCEMENT AND APPEALS. The City Manager may recommend for formal Council approval, and shall enforce, written rules, regulations, and specifications concerning the trees protected hereunder. Any person found guilty of violating any provision hereof shall be subject to a fine not to exceed \$500 for each separate offense. Appeals of any decisions made by the City Manager regarding this Section shall be made to the Council. The appeal must be filed in writing within thirty days after the challenged decision is rendered. The Council may approve, modify, or reject the challenged decision. Appeals from decisions of the Council made hereunder may be taken to the Superior Court of Walton County, Georgia, in the manner provided by law from convictions for municipal code violations. In lieu of these penalties the City may elect to allow cut or damaged trees to be replaced at four (4) times the unit value of the trees removed and the site of the CRZ of the removed tree or trees shall remain pervious. All fines shall be deposited into the Social Circle Tree Replacement Fund. The Administrator may issue written variances to approved development permits and/or requested variances at the time of permit application, if the variance request is in writing, a Tree Board designee reviews the request and concurs, the variance request is reasonable and consistent with the spirit and intent of this ordinance, and the following criteria are met:

- (a) There are extraordinary and exceptional conditions pertaining to the property because of size, shape, or topography;
- (b) The literal application of this Section would create practical difficulty or an unnecessary hardship;
- (c) A variance would not cause substantial detriment to public good or impair the purposes or intent of this Section;
- (d) A variance will not confer upon the property of the applicant any special privilege denied to other properties in the City;
- (e) The special circumstances surrounding the request for the variance are not the result of acts by the applicant;
- (f) The variance is not a request to permit a use of land which is not permitted by right or by conditional use in the district; and
- (g) The variance is the minimum variance that will make possible an economically viable use of the land.

10. DEFINITIONS.

Administrator. The person who shall administer and enforce this Section.

Arborist. One versed in arboriculture, including tree surgery, prevention and cure of tree diseases and control of insect pests.

Basal area. The cross-sectional area of a tree in square feet at four and one half feet from the ground.

Buffer. An area to remain undisturbed.

Caliper. Caliper inches are measured at 6 inches above the ground for trees up to 4-inch caliper and 12 inches above the ground for trees larger than 4-inch caliper.

Conifer. Any tree with needle leaves and a woody cone fruit including but not limited to, pine, juniper and cedar species.

Critical Root Zone (CRZ). The minimum area beneath a tree which must be left undisturbed to give a tree a reasonable chance

of survival; typically represented by a circle centering on the tree trunk with a radius equal in feet to no less than 1.3 times the inches of the trunk diameter. The CRZ will be the drip line of the tree if it is a larger area than created by the formula above.

DBH. Trunk diameter 4½ feet above ground level. If a tree splits into multiple trunks below 4½ feet, measure at its most narrow point beneath the split.

Deciduous. A tree that loses its leaves in winter .

Drip Line. Vertical line from the outermost branches of a tree to the ground.

Green space. Area retained as permanently vegetated land.

Ground cover. Grasses or other plants grown to keep soil intact.

Hazardous Tree. A tree that poses a potential threat to public safety.

Herbicide. An agent used to destroy or inhibit plant growth.

Impervious area. Unsuitable for growing trees.

Mulch. Material placed on the surface around plants to retain moisture.

Natural area. Area of natural vegetation that is generally undisturbed, not maintained, and is self-perpetuating.

Overstory. Canopy of large trees—typically includes any tree taller than 35 feet at maturity.

Parking lot. An impervious surface used for parking vehicles.

Planting season. The planting season begins November 1st and ends March 31st.

Pruning. Elimination of branches from a tree to improve tree structure, enhance vigor, and/or maintain safety.

Replacement Tree. A new tree planted on site to meet minimum site density requirements .

Shrub. Woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Site plan. Plan that reflects existing and proposed conditions on a site intended for construction. This shall include but is not limited to topography, structures and/or additions, grading, drainage, erosion control measures, trees to be saved or planted to comply with the requirements hereof, best management practices, parking requirements, streets and other type improvements.

Specimen tree. A healthy deciduous tree with a DBH of 20 inches or larger.

Street tree. Tree on the street right-of-way.

Timber harvest. Harvesting timber as a timber management activity as part of a demonstrated ongoing agricultural land use.

Tree density. Minimum number of tree density units per acre that must be achieved on a property.

Tree density unit. Credit assigned to a tree, based on diameter, in accordance with tables herein.

Tree protection area. Portion of a site with existing trees to be preserved; shall include the total area within the drip line.

Tree save area. Areas designated for tree density requirements and/or preserving natural buffers.

Understory. Tree less than 35 feet at maturity; to be a minimum of five feet tall with a caliper of at least 1.5 inches at planting.

Utility easement. The right-of-way acquired by a utility company or government agency.

11. EXCEPTIONS. The following tree removal shall be exempt:

- A. Horticultural or silvicultural operations such as farms, nurseries or orchards.
- B. By a utility company within utility easements.
- C. On public rights-of-ways conducted by, or on behalf of, a governmental agency in pursuance of its lawful activities .
- D. From lakes, detention ponds, and drainage easements.

E. Hazardous Trees; provided, all reasonable efforts shall be made to save specimen trees.

12. APPLICATION REQUIREMENTS. When an application is filed for a construction permit for multiple residential lot subdivisions or commercial development, it shall include a detailed integrated Tree Protection Plan to protect and preserve trees before, during and two years after construction. It shall be a to-scale site plan with attachments, sealed by a registered surveyor, engineer, or landscape architect. It must show locations and details of the following:

- A. All items found on the Erosion and Sedimentation Control Submittal checklist pertinent to normal plan review;
- B. Site area (roads, utility lines, detention ponds, etc.);
- C. Existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.;
- D. Phase lines or limits of construction;
- E. All tree protection areas with dimensions and the devices used to mark and protect these areas identified;
- F. Calculations showing compliance with the Tree Density Factor (Appendix B);
- G. Utility lines and easements;
- H. Boring sites for underground utilities;
- I. Specimen Trees by DBH and species and whether they are to be preserved;
- J. Tree save areas ;
- K. Permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, etc.); and
- L. Additional information as required on a case-by-case basis.

An application for development of a single-family residential lot shall comply with these requirements except for 12(F). In lieu of 12(F) these applications must detail compliance with 13(B).

The above items may be integrated into the normal application requirements and submittals. Minor additions to existing development require only a sketch showing changes to be submitted to the Administrator for review and approval.

13. MINIMUM TREE DENSITY FOR RESIDENTIAL DEVELOPMENT.

- A. Multiple-residential lot subdivisions shall maintain a minimum of 20-percent of the gross acreage in permanent green space. This area shall be shown on the site plan plat and protected from all construction disturbances. The development shall also have a minimum tree density averaging 20-units per acre over the remaining area. Excluded from the calculation are areas in buffers, roads, parking lots, permanent forested green space, detention ponds, and utility lines.
- B. All newly constructed single-family residential lots shall maintain a minimum tree density based upon the maximum number of trees that can be maintained within thirty percent (30%) of the lot's plantable area, taking into consideration the standards established in this section for tree size and separation. The density requirement must be met whether or not the individual lot had trees prior to development. The density requirement is calculated by determining lot size and deducting the impervious area, assigning the necessary root zone for trees (800 sq. ft. for overstory trees and 400 sq. ft. for understory trees). An example of this calculation is found in Appendix C.
- C. Each residential lot will have one overstory street tree per sixty feet of street frontage if no overhead utilities are present. If overhead utilities are present there must be one understory street tree per twenty five feet of street frontage.
- D. Notwithstanding the foregoing, all reasonable efforts shall be made to save Specimen trees. (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area location, water retention location and the like). Specimen trees that cannot be saved must be "replaced" by contributing \$30.00 per DBH inch to the City of Social Circle Tree Replacement Fund. Specimen Trees removed without prior approval shall be "replaced" by contributing \$60.00 per DBH inch to the City of Social Circle Tree Replacement Fund.

14. MINIMUM TREE DENSITY FOR COMMERCIAL DEVELOPMENT.

- A. All areas not devoted to structures, site development features, and natural vegetation shall be landscaped. The landscape plan shall include as a minimum one overstory tree (with a minimum trunk caliper of 2.5-inches at four inches from the ground) and one understory tree (with a minimum trunk caliper of 1.0-inch at four inches from the ground) for each 3,000 square feet of permanently disturbed area on the site.
- B. If a development involves an addition or modification to an existing building or structure, the City may allow up to a 50 percent reduction in the tree requirements.
- C. The perimeter of all parking areas shall be landscaped. Parking areas for more than 20 vehicles must have interior landscaped areas so that no more than 12 adjacent parking spaces exist without a landscaped separation at least five feet wide. All landscaped areas within parking lots shall be 100-percent landscaped with deciduous trees, shrubs, ground cover (not requiring mowing), and/or flowers in mulched beds. Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. Landscaping shall not obstruct the view between 24-inches high and 60-inches high on access drives, streets or parking aisles. Curbs or wheelstops at least 30-inches from the tree trunk must protect trees in and around parking areas.
- D. All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner. It is required that assurances, acceptable to the City, be provided that watering will take place to maintain the health and vigor of the plants.

15. TREE PROTECTION STANDARDS.

- A. Cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other act harmful to trees within the tree protection area, is prohibited.
- B. Prior to any grading, construction or tree removal, a Tree Protection Area for any tree within 25 feet of any proposed disturbance must be established by physical barriers and maintained until work is completed.
- C. Any tree designated in the plan to be saved that is damaged shall be treated according to accepted National Arborists Association Standards.
- D. Any Specimen Tree that dies as a result of damage shall be "replaced" by contributing to the City of Social Circle Tree Replacement Fund at a rate of \$60.00 per DBH inch.
- E. If a tree designated in the plan to be saved becomes damaged and must be removed, the location of the tree's Critical Root Zone must remain pervious .

16. TREE PLANTING STANDARDS.

- A. Trees must be on the Tree Planting List below.
- B. Trees must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor.
- C. Planting shall be in keeping with industry's best practices standards.
- D. No more than 30% of all trees planted for replacement density credit may be of any one species.
- E. All overstory trees shall be at least six feet tall and have a trunk of not less than two caliper inches. All understory trees shall be at least four feet tall and have a trunk not less than one caliper inch.
- F. The intent of these Regulations is to insure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. Two alternative methods of compliance may, at the discretion of the Administrator, be approved: (a) planting at a location remote from the project site; or, (b) contributing to the City of Social Circle Tree Replacement Fund.

17. STANDARDS FOR ALTERNATIVE REPLACEMENT.

- A. The Administrator must review and approve all requests for alternative compliance. In no instance shall more than 50% of the required tree density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
- B. No permit shall be issued unless the Administrator approves the request and receives the plan meeting all applicable standards and/or funds for planting trees on public property.
- C. Replacement trees at off site locations shall be within 2 miles of the project site.
- D. If a donation to the City of Social Circle Tree Replacement Fund for planting trees on public property is approved, the Administrator shall establish the amount of the donation. The amount of the donation shall be based upon the number, size and type of trees that cannot be planted at the site. The amount shall be 100% of the estimated costs of the average two bids from reputable landscape contractors licensed to do business in the City, for the materials, labor and three-year maintenance requirements of the trees. .

Appendix A—RECOMMENDED TREE LIST

Recommended Species List of Overstory Trees

Scientific Name – Common Name

- Acer barbatum* – Southern Sugar Maple
- Acer floridanum* – Florida Maple
- Acer rubrum* – Red Maple
- Acer Saccharum* – Sugar Maple
- Betula Nigra* – River Birch
- **Carya illinoensis* – Pecan
- **Carya ovata* – Shagbark Hickory
- **Castanea mollissima* - Chinese Chestnut
- **Fagus grandifolia* – American Beech

Fraxinas pennsylvanica – Green Ash
Ginkgo biloba – Ginkgo, grafted
 **Liriodendron tulipifera* – Yellow-poplar
 **Magnolia grandiflora* – Southern Magnolia
 **Platanus occidentalis* – American Sycamore
Quercus accutissima – Sawtooth Oak
Quercus alba – White Oak
Quercus coccinea – Scarlet Oak
Quercus falcata – Southern Red Oak
Quercus nigra – Water Oak
Quercus phellos – Willow Oak
Quercus palustris – Pin Oak
Quercus prinus – Chestnut Oak
Quercus shumardi – Shumard Oak
Taxodium disticum – Bald Cypress
Ulmus parvifolia – True Chinese Elm

*Indicates not suitable for parking lot islands

Recommended Species List of Understory Trees

Scientific Name – Common Name

Acer buergeruannum – Trident Maple
Amelanchier arborea – Serviceberry
Carpinus caroliniana – American Hornbeam, Musclewood
Cercis canadensis – Eastern Redbud
Cercis chinensis – Chinese Redbud
Chionanthus virginicus – Fringe tree, Grancy Graybeard
Continus coggryria – Common Smoketree
Crataeetus phaenopyrum – Washington Hawthorne
Cupressocyparis leylandii – Leyland Cypress
Cryptomeria japonica – Japanese Cryptomeria
Halesia carolinia – Silverbell
Ilex x attenuata – Savannah Holly
Ilex decidua – Deciduous Holly
Ilex x Nellie R. Stevens - Nellie R. Stevens Holly
Ilex opaca – American Holly
Ilex vomitoria – Yaupon Holly
Koelreuteria bipinnata – Bougainville Golden Rain Tree
Koelreuteria paniculata – Panicked Golden Rain Tree
Largerstroemia species – Crapemyrtle improved hybrids
Magnolia virginiana – Sweetbay Magnolia
Magnolia x soulangiana – Saucer Magnolia
Magnolia sellata – Star Magnolia
Malus species – Flowering Crabapple
Myrica cerifera – Waxmyrtle
Ostrya virginia – Ironwood, Carolina Hornbeam
Oxydendrum aboreum – Sourwood
Pitachia chinensis - Chinese Pistache
Pyrus hybrids – Improved flowering Pear

Appendix B—TREE DENSITY CALCULATION

All applicable sites shall maintain a minimum tree density average of 20 tree density units per acre. An assessment of the existing tree density units may be calculated either by a 100 percent inventory or a sample employing a variable radius plot system using a calibrated factor prism. A minimum of two plots per acre uniformly spaced over the area is required. Open or sparse tree areas should be included in the sampling procedure. At each plot tally each “in” tree by DBH and species. Sum the total number of trees tallied, multiply the sum by the prism factor, and divide the product by the number of plots taken. This will result in the average basal area of tree units per acre. The working papers for this assessment should be included with the permit application to comply with Section 13(A) and 12(F).

DBH	UNITS	DBH	UNITS
2	.022	19	1.967
3	.049	20	2.182
4	.087	21	2.405
5	.136	22	2.640
6	.196	23	2.885
7	.267	24	3.142
8	.349	25	3.407
9	.442	26	3.685
10	.545	27	3.974
11	.660	28	4.273
12	.785	29	4.585
13	.922	30	4.906
14	1.069	31	5.239
15	1.227	32	5.582
16	1.396	33	5.937
17	1.576	34	6.312
18	1.767	35	6.678
		36	7.065

APPENDIX C – EXAMPLES OF THE NUMBER OF TREES TO BE PLANTED AND/OR RETAINED TO BE IN COMPLIANCE WITH SECTION 13B.

Example One – ½ acre lot

Where:

- 21780 sq. ft. equals ½ acre
- 5000 sq. ft. of impervious area, e.g. house, driveway, sidewalk
- 800 sq. ft. of pervious area per overstory tree
- 400 sq. ft. of pervious area per understory tree
- 30% of net area to be occupied by trees

21780 – 5000, x .30, divided by 800 = 6.3 or 6 overstory trees

Example Two – One acre lot

Where:

- 43560 sq. ft. equals one acre
- 8000 sq. ft. of impervious area, e.g. house, driveway, sidewalk
- 800 sq. ft. of pervious area per overstory tree
- 400 sq. ft. of pervious area per understory tree
- 30% of net area to be occupied by trees

43560 – 8000, x .30, divided by 800 = 13.3 or 13 overstory trees

or

9 overstory trees and 10 understory trees

or

any combination of overstory and understory trees that meet the minimum requirements of this standard.

Section 7-012 Unfit Buildings and Property

1. Purpose and authority.

This article is adopted pursuant to the authority granted by O.C.G.A. §41-2-1, et seq. for the purpose of maintaining the health and cleanliness of the City, and to ensure safe and sanitary conditions in private property by establishing a method for enforcing minimum standards. This section is necessary for the public health, safety and welfare.

2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Closing means causing a dwelling, building, structure or property to be vacated and secured against unauthorized entry.