

City of Union City

Fulton County

Atlanta MSA

2003 Population Estimate 13,054; +10.0% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

ARTICLE IX TREE PRESERVATION AND LANDSCAPE ENHANCEMENT

First adopted 1995. Last revised 2000.

Addresses public and private property.

Includes landscape requirements.

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*Process for Receiving a Timber Harvesting Permit
Requirements for Construction Permits*

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ARTICLE IX

TREE PRESERVATION AND LANDSCAPE ENHANCEMENT

9-1 Purpose

The purpose of this ordinance is to create and maintain a structure of standards that will preserve and conserve the rural and urban wooded environment of Union City now and into the future. There is great value in trees and they are a resource that belongs to the whole community. Because trees are a resource that is like any other valuable resource, they will be maintained and protected. Union City will plant tree species that are best suited for this environment (hardy, durable and highly adaptable) and encourage private citizens to do the same. Union City will require replanting of trees by construction companies, developers, and other businesses that remove trees in our community.

Furthermore, trees generate public benefits including:

1. The purification of air;
2. The moderation of the micro-climate;
3. The reduction of noise and glare;
4. The conservation of energy in terms of heating and cooling;
5. The prevention of soil erosion;
6. Reduced costs in terms of stormwater management;
7. The minimization of flood potential;
8. Improve water quality;
9. The enhancement and stabilization of property values;
10. Improved aesthetics;
11. The preservation of rural character.

9-2 Applicability.

- A. This ordinance shall apply to any activity that requires a Land Disturbance Permit.
- B. Exemptions from The City of Union City Tree Protection and Landscape Enhancement Ordinance are:
 1. Trees found to be dead, diseased, insect-infested, or severely damaged by storms or wind as determined by the Zoning Administrator or his or her designee, an Arborist, a Registered Forester or the Georgia Forestry Commission.
 2. Orchards and tree nurseries in active commercial operations;
 3. All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields) or livestock operation;

4. Playgrounds, golf courses, athletic fields or courts approved by the City; and,
 5. The removal, replacement, planting, pruning, or transplanting of trees on an existing single-family or duplex residential property that has formerly received a Certificate of Occupancy and remains in residential use.
- C. Non-conforming Uses. This Ordinance shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Ordinance, subject to all time constraints relating the permit issued and provided that all requirements of Chapter 5-34 that were in effect upon the date of issuance of the land disturbance permit shall be met, except requirements duly varied as provided by Article XIII of the Union City Zoning Ordinance.

9-3 Procedure.

A. Application Procedure. A Tree Protection Plan (TPP) must be submitted to the Zoning Administrator or his designee upon application for a Land Disturbance Permit. For purposes of the Tree Protection and Landscape Enhancement Ordinance the Zoning Administrator's designee is the City Engineer. The TPP may be combined with required Construction Plans or Site Plans when possible. The TPP must be prepared by a qualified Landscape Architect, Registered Forester or Arborist except when the land disturbing activity is for a detached single-family development or lot within such development. In the case of a detached single-family development or lot within such development, the TPP may also be prepared by the owner, developer or contractor applying for a Land Disturbance Permit.

B. Application Requirements.

1. Tree Survey. A tree survey shall be submitted along with a Tree Protection Plan in the construction plan and site plan approval process. The tree survey shall be prepared in the field by an Arborist, Registered Landscape Architect or Registered Forester and recorded on a site plan using a scale of not greater than 1"=50'. It shall identify the location, size, and species (common name) of all trees existing on the site. All trees 12 inches and larger shall be shown on the Tree Survey. Trees larger than two (2) inches shall be identified if they are to be counted toward required tree density for the Tree Protection Plan. Trees other than specimen trees that are outside the protected zone are not required to be counted, but shall be identified as a stand, with information concerning the approximate number, size, and species noted on the survey drawing.
2. Tree Protection Plan (TPP). Three (3) copies of a TPP shall be submitted with other documents required for construction plan or site plan approval before any land disturbance occurs. The TPP shall be prepared by an Arborist,

Registered Landscape Architect or Registered Forester. The TPP shall be submitted on a current topographic survey of the site, and drawn to the same scale as the Tree Survey, but not less than 1"=50'. The TPP shall clearly show all of the information listed below:

- a. The identity of the tract of land upon which trees sought to be removed are located, including land lot, land district, adjacent streets and all boundaries of the tract.
- b. The name, address, and phone number of the owner of the land and of the applicant, if not the owner.
- c. The type, location, and size of specimen trees, significant trees, and other trees being protected and preserved. Only trees designated on the TPP shall count toward required density.
- d. The location, size, species, and critical root zone of any specimen trees, including those intended to be removed.
- e. All protected areas, natural areas, landscape areas, zoning buffer areas, stream buffer areas, and areas of tree replacement.
- f. Locations, details and specifications for tree protection measures, including tree fencing, erosion control, retaining walls, tunneling for utilities, aeration systems, transplanting, staking and signage.
- g. Limits of clearing and land disturbance such as grading, cut and fill, indicating where these disturbances may affect tree protection zones.
- h. Locations of all existing and proposed utility lines or easements.
- i. Indicate staging areas for parking, material storage, burn pits and other areas where tree protection may be affected.
- j. Calculations showing compliance with the required tree density using existing trees, replacement trees, and alternative methods of compliance. Existing trees or stands of trees to be counted in the density requirements must be indicated and tabulated. Only existing trees with a DBH of two (2) inches or greater may be counted toward the minimum tree density.
- k. Site Improvements and Structures including but not limited to buildings, canopies, retaining walls, signs, parking, driveways, utility lines and poles, dumpster enclosures, fences, detention ponds, walkways, and other paved surfaces.
- l. Other information required by the City Engineer.

4. TPP Review and Approval. The City Engineer will review the TPP for conformance with the applicable requirements of this ordinance and will either approve the TPP or return it for revisions. The review will normally be completed within fifteen (15) working days after it was received. Required revisions will be stated in writing.
5. Final Inspection. No building permit or Certificate of Occupancy shall be issued with respect to any development or individual lot unless the Zoning Administrator or his or her designee shall have inspected the appropriate areas of the site and determined that all existing trees to remain are in healthy condition and all replacement trees are acceptable and have been planted in accordance with this section.
6. Compliance and Enforcement. Issuance of a Land Disturbance Permit shall be contingent on approval of the TPP. The Zoning Administrator shall have the authority to revoke, suspend, or void any Land Disturbance Permit, stop all work on a site or any portion thereof, or withhold a Certificate of Occupancy when there has been a violation or failure to comply with any of the provisions of Article IX.
7. Appeals and Variances. Any applicant who is aggrieved by the decision of the Zoning Administrator or City Engineer shall have the right to appeal said decision as provided under Article XIII of the Union City Zoning Ordinance. Any final decision of the City or courts in the case of an appeal which provides for limitations on the property of a tree owners, shall be recorded so the at record notice of the decision is given to successors in interest of the tree owner's property.
8. Violation and penalty. Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor. Each tree cut, damaged, or poisoned shall constitute a separate offense and each day's continuance of a violation shall be considered a separate offense. The Municipal Court shall have jurisdiction to try offenses of these regulations.

9-4 Standards of Tree Preservation and Replacement

A. Tree Preservation.

1. It shall be the policy of the City of Union City that preserving existing native species of trees is preferred to replacing them with newly planted trees. Tree removal may be disallowed where reasonable accommodations can be made to alter the proposed project to save significant trees and such accommodation has not been made in the grading plan, site plan, or building plan.
2. Specimen trees shall be preserved wherever feasible except for trees that are diseased, structurally unsound, or damaged to such a degree that they are

unlikely to survive and may pose a threat to human safety or cause serious property damage.

3. Specimen trees that are in good health and condition shall not be removed from any proposed right of way or from the protected area of any private property without approval from the City Engineer. The City Engineer may authorize removal of a healthy, sound specimen tree only if he or she finds the location of the tree is clearly within the buildable area of the lot or street right-of-way and the relocation of necessary permanent buildings or site improvements to save the tree would not be feasible. Removal of any other specimen tree from private property shall be prohibited.
4. Tree removal shall be disallowed if severe soil erosion or runoff problems will result due to topography, soil type, or proximity to flood plain or stream buffer, and the removal will substantially alter the existing soils and increase runoff and erosion.
5. Trees shall not be removed from the floodplain, except as follows:
 - a. Trees found to be diseased or insect infested by the Zoning Administrator, County Extension Service, the Georgia Forestry Commission, an Arborist, or a Registered Forester; or
 - b. As necessary for construction, repair or maintenance of public roads, utilities or drainage systems; or
 - c. As part of a Corp of Engineers approved wetland mitigation plan.
6. Existing trees to be preserved on a lot or site which is the subject of a permit allowing land disturbance shall be protected from damage due to physical root damage, indirect root damage, and trunk and crown damage. Protective measures should be defined in the TPP for trees that are not to be removed. Protection measures shall include but are not limited to:
 - a. Approved protective fencing installed to encircle critical root zones of trees to be preserved. All protective measures shall remain in functioning condition until completion of the project or until the Certificate of Occupancy is issued.
 - b. No person engaged in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six (6) feet of the area outside the critical root zone, as defined herein, of any existing tree that is subject to preservation in accordance with this section.

- c. Increasing the grade by adding soil layers onto the tree's root system or trenching below a tree's roots shall only be done with the approval of the City Engineer.

B. Tree Density Requirements.

1. Property subject to Article IX shall be developed so as to provide a minimum tree density of 100 inches per acre of the entire tract being developed. The tree density shall be calculated as a collective measurement of tree trunk diameter of existing and replacement trees. Existing trees to be preserved shall be given density credit based on their size measured in DBH. The size of replacement trees shall be measured according to nursery standards using tree caliper.
2. Within the protected areas of the site at least 50 percent of all significant trees shall be preserved.
3. Replacement trees required to be planted on the site may include street trees.
4. Parking Lot Landscaping. Off-street parking lots, which contain more than five (5) off-street parking spaces on any single lot, shall contain landscaping and plantings along streets as provided in Article X. Such trees may be counted toward tree density requirements.
5. Alternative compliance. Where the City Engineer determines that minimum tree density cannot be met due to natural site constraints, the number of trees to be planted on a site or lot shall be determined by the City Engineer based on site review. Thereafter, the owner/ developer/ builder shall, with the concurrence of the City Engineer, provide the remaining balance of required trees to be planted on City property, including rights of way of existing streets. When this approach is exercised, the City shall first determine the variety, size, and number of trees to be furnished by the owner/ developer/ builder. The City then will obtain prices from a minimum of two (2) Plant Nurseries and/ or Landscape contractors, selected by the City to supply and plant the required plant materials. Prior to issuance of the Certificate of Occupancy, an amount equal to the lower of the bid prices will be paid by the owner/ developer/ builder to the City. The City, at its option, may elect to proceed to have planting done on City land or right of way or to hold these funds until more suitable planting conditions prevail. Upon payment, the owner/ developer/ builder will be relieved of any further responsibility for the fulfillment of these requirement for the subject property.

C. Tree Planting Standards

1. Replacement trees must meet the standards of *American Standards for Nursery Stock* (ANSI Z60.1, latest edition) and be quality specimens free of disease, injury, or infestation and planted in accordance with standards established by the International Society of Arboriculture.
2. Tree Species List:
 - a. The following trees are suitable as replacement for specimen trees.
 - i. American Beech (deciduous)
 - ii. Blackgum (deciduous)
 - iii. Florida Maple (deciduous)
 - iv. Hickory (deciduous)
 - v. Loblolly Pine (evergreen)
 - vi. London Plane Tree (deciduous)
 - vii. Northern Red Oak (deciduous)
 - viii. Pecan (deciduous)
 - ix. Post Oak (deciduous)
 - x. River Birch (deciduous)
 - xi. Shumard Oak (deciduous)
 - xii. Southern Magnolia (evergreen)
 - xiii. Southern Red Oak (deciduous)
 - xiv. Sweetgum (deciduous)
 - xv. Water Oak (deciduous)
 - xvi. White Oak (deciduous)
 - xvii. Yellow Oak (deciduous)
 - xviii. Yellow Poplar (deciduous)
 - b. The following trees are suitable as replacement for understory trees

- i. American Holly (evergreen)
 - ii. Carolina Basswood (deciduous)
 - iii. Cherry (deciduous)
 - iv. Plum (deciduous)
 - v. Crabapple (deciduous)
 - vi. Dogwood (deciduous)
 - vii. Eastern Redbud (deciduous)
 - viii. Hop hornbeam (deciduous)
 - ix. Hornbeam (deciduous)
 - x. Red Maple (deciduous)
 - xi. Sassafras (deciduous)
 - xii. Sourwood (deciduous)
 - xiii. Virginia Pine (evergreen)
- c. The following trees are unsuitable trees for replacement
- i. Eastern Hemlock
 - ii. Eastern White Pine
 - iii. Lombardy Poplar
 - iv. Mimosa
 - v. Norway Pine
 - vi. Paper Birch
 - vii. Silver Maple
 - viii. Spruce
 - ix. Box Elder
 - x. Willow
 - xi. Royal Paulownia

xii. Tree of Heaven

3. Replacement trees shall be at least one (1) inch caliper and six (6) feet high at time of planting.
4. Street trees placed on the same side of the right-of-way as overhead utilities must be selected from the list of acceptable understory trees.
5. Overstory trees shall be planted a minimum of 30 feet apart and understory trees shall be planted a minimum of 20 feet apart.
6. Trees shall be planted no closer than 15 feet from any building.
7. The distance trees may be planted from driveways, curbs or curblines and sidewalks will be in accordance with the tree species size classes listed, and no trees may be planted closer to any curb or sidewalk than the following:
understory trees – three (3) feet; overstory trees – five (5) feet.
8. No trees shall be planted closer than 15 feet from any street intersection with another public street or commercial driveway corner, measured from the intersection of the extended lines tangent to the nearest curbs or curblines of the intersecting street(s) or driveway.
9. No trees may be planted under or within seven (7) lateral feet of any overhead utility wire, utility pole, streetlight standard, or within five (5) lateral feet of any fire hydrant, standpipe, valve, underground water line, sewer line, transmission line or other utility.
10. Underground utilities shall not be run through existing street trees unless they are tunneled at a depth of at least twenty-four (24) inches in a manner that will minimize damage to the root system.
11. Trees that are planted pursuant to the requirements of this section that do not survive after the first year after issuance of a Certificate of Occupancy shall be replanted at the expense of the developer/builder.

D. Trees and Landscaping in Public Areas

1. The City of Union City shall prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, parks, and public grounds, as may be necessary.
2. No significant tree on public land shall be removed, except in an emergency situation without the approval of the City Administrator.

3. Newly planted trees shall be selected from native species consistent with trees on adjacent property and selected from the acceptable species found in the City's Tree Species list.

9-5 Severability.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

9-6 Repeal of Conflicting Provisions.

The provisions of any City ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, other than duly enacted conditions of zoning and variance approval, are hereby repealed.

9-7 Effective Date.

This section shall become effective upon its adoption by the City Council of Union City.

REQUIREMENTS FOR CONSTRUCTION PERMITS

1. Submit three (3) sets of site plans, including water and sewer plans, and if applicable, three (3) sets of grease trap plans, two (2) Hydrological Report, one (1) copy of the completed Engineer's Certificate on Flood Plan and Storm Water Run-off and \$200 review fee (made payable to City of Union City) to:

Charles Corbin, City Engineer
Keck & Wood Engineering, Inc.
2425 Commerce Avenue
Duluth, GA 30096
678-417-4000

- Plans may be submitted electronically in AutoCad .dwg files are preferred.
- Plans for all water line extensions over eight (8) inches must be submitted to State Department of Environmental Protection Agency for review and approval
- Each revision fee is \$200.00

2. If development site is over one acre, submit three (3) sets of site plans, and a copy of the Hydrological Study to the Georgia Soil and Water Conservation Commission, please address any questions to the following:

Georgia Soil and Water Conservation Commission, Region III Office
1500 Klondike Road, Suite A109
Conyers, GA 30094
770-761-3020

3. Submit three (3) sets of Construction Plans, including all related NFPA requirements, to the City of Union City Inspections Department for review and approval. The Construction Review Fee is based on contract amount. Address any questions to:

James Miley, Building Inspector
770-474-9393

4. If development is a subdivision or fee-simple townhouse complex, a Performance Bond is required for water, sewer, street and sidewalks. See attached Inspection Fee form.

5. For Health Department approval submit the following to:

Fulton County Health Department - Gene Ellis
99 Butler Street, S.E.
Atlanta, GA 730-1200
404-730-1200 or (404) 730-1325

- Three (3) sets of site plans for dumpster pad and drainage
- Three (3) sets of construction plans if proposed project is a food service facility
- Three (3) sets of construction plans for public swimming pools
- Non-sewered toilet permits are required on all construction sites and special events.
- Septic tank approval required submission of percolation test to Health Department for issuance of permit.

6. If property abuts any part of a State highway system, submit two (2) copies of the proposed development site plans to:

State Department of Transportation
District Seven
5025 New Peachtree Road, N.E.
Chamblee, GA 30341

Upon receipt by the City of a copy of approved plans listed above, the following may be obtained at the Permits Department located in City Hall

1. Land Disturbance Permit
2. Building Permit
3. Sewer Connection
4. Water Meter
5. Electrical, HVAC, Plumbing and Sign Permit