

STATE OF GEORGIA
COUNTY OF DEKALB

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA TO AMEND CHAPTER 16, DIVISION 6 (TREE PRESERVATION) OF THE CODE OF THE CITY OF DUNWOODY, GEORGIA; TO DELETE, MODIFY AND ADD PROVISIONS PERTAINING TO THE REGULATION TREE REMOVAL; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Dunwoody; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Dunwoody (the “Code”) to further protect the public health, safety, and welfare of the citizens of Dunwoody; and

WHEREAS, the citizens of Dunwoody value trees and the benefits they bring to the community, and have expresses concerns about unnecessary tree removal; and

WHEREAS, under the current code, outside construction activity, there is no process to review and enforce tree removal on Non-Residential, Mixed-Use, and Multi-Family zoned lots not otherwise part of a development permit or substantial building permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Dunwoody, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION 1: Chapter 16, Division 6 of the Code relating to tree preservation is hereby amended as follows:

DIVISION 6. - TREE PRESERVATION^[6]

Sec. 16-~~106~~105. - General.

- (a) *Intent.* The intent of this section is to provide standards for the preservation of trees as part of the land development and building construction process for the purpose of making the City of Dunwoody a more attractive place to live, provide a healthy living environment, and to better maintain control of flooding, noise, glare and soil erosion.

- (b) *Purpose.* The purpose of this section is to facilitate the preservation and/or replacement of trees as part of the land development, construction, [and tree removal permit process as defined in Section 16.106.](#)
- (c) *Benefits.* Benefits derived from tree protection and replanting include:
 - (1) Improved control of soil erosion;
 - (2) Moderation of stormwater runoff, and improved water quality;
 - (3) Interception of airborne particulate matter, and the reduction of some air pollutants;
 - (4) Enhanced habitat for desirable wildlife;
 - (5) Reduction of noise and glare;
 - (6) Climate moderation and the reduction of the heat island effect;
 - (7) Aesthetics, scenic amenity;
 - (8) Increased property value; and
 - (9) Assistance in traffic calming.
- (d) *Applicability.* The terms and provisions of this section apply to any activity on real property which requires the issuance of a ~~development permit~~, ~~or~~ substantial building permit, [or tree removal permit](#) within the City of Dunwoody. No development permit or substantial building permit may be issued by the city without it being determined that the proposed development is in conformance with the provisions of these regulations.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.10), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

[Sec. 16-106. Tree Removal Permit.](#)

[\(a\) *Applicability.* The tree removal permit is established on Non-Residential, Mixed-Use, and Multi-Family zoned lots for tree removal occurring outside of a land development permit or substantial building permit. A tree removal permit is required for the removal of:](#)

- [\(1\) Any hardwood with a diameter at breast height \(DBH\) of 10 inches or greater;](#)
- [\(2\) Softwoods with a DBH of 20 inches or greater; and/or](#)
- [\(3\) Understory with a DBH of 6 inches or greater.](#)

[\(b\) *Requirements.*](#)

- [\(1\) A site plan, or a detailed map sketch illustrating the species, approximate size, and location of each existing tree to be removed and preserved;](#)
- [\(2\) Picture of the tree\(s\) to be removed;](#)
- [\(3\) Payment of the applicable tree removal permit fee as listed on the City of Dunwoody fee schedule; and](#)
- [\(4\) In cases where the aforementioned information is not sufficient to accurately review the removal and replacement of trees, the City Arborist may request](#)

additional information from the applicant (i.e. tree survey, tree replacement plan, and planting plan).

(c) Exemptions. A tree removal permit is not required under the following circumstances:

- (1) Removal of any dead, dying, diseased, or hazardous tree as prescribed in Section 16-108(d);
- (2) Removal of a hardwood less than 10 inches, softwood less than 20 inches, and understory trees less than 6 inches on Non-Residential, Mixed-Use, and Multi-Family zoned lots;
- (3) Removal of trees outside of a land development or a substantial building permit on single-family developed lots; and
- (4) Removal as necessary for construction, repair, or maintenance of public assets, including but not limited to the right-of-way, public roads, utilities, or drainage structures.

(d) Permit Application. The Community Development Director and their designee(s) shall develop such forms as necessary to facilitate the tree removal permit application process.

(e) Approval. A tree removal permit is subject to the review and approval of the City Arborist, provided the following standards are met:

- (1) Site must be sufficient to produce a total site density factor of 20 units per acre; and
- (2) Section 16-110 (d) Removal of Specimen Trees

Sec. 16-107. - Permit procedure.

(a) *Submittal of tree protection plan.* All applications for a development permit or a substantial building permit must be accompanied by a tree protection plan prepared and sealed by a registered landscape architect, certified arborist, or registered forester. The tree protection plan must include the following information:

- (1) *Tree survey.* The tree survey must be a to-scale map or site plan that has been prepared and sealed by a registered landscape architect, certified arborist, registered forester, registered surveyor, or registered engineer. The tree survey must include the following minimum requirements:
 - a. All specimen trees are to be located and labeled with their size and species. Their critical root zone must be delineated and the spot elevation at the base of their trunk must be indicated. They must also be labeled in a way to determine if they are intended for removal or preservation.
 - b. All trees with a DBH measurement of 12 inches or larger must be located and their size and species must be indicated.
 - c. Sampling methods may be used to determine tree density calculations for forested areas over five acres.

(2) *Definition of spatial limits.*

- a. Limits of land-disturbance, clearing, grading, and trenching.
- b. Tree protection zones.
- c. Areas of revegetation.
- d. Indication of staging areas for parking, material storage, concrete washout, debris burn, and other areas where tree protection may be affected.
- e. Locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, utilities, etc.

(3) *Detail drawings of tree protection measures (where applicable).*

- a. Protective tree fencing;
- b. Erosion control fencing;
- c. Tree protection signs;
- d. Transplanting specifications;
- e. Tree wells and aeration systems;
- f. Staking specifications; and
- g. Other applicable drawings.

(4) *Tree density calculations.* See appendix A.

(5) *Installation and maintenance measures* Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.

- (b) *Site inspection.* An on-site inspection will be made by the city arborist prior to the commencement of any development activity.
- (c) *Review.* All landscape plans, tree protection plans, and related documentation must be reviewed by the city arborist for conformance to the provisions of these regulations and either approved, returned for revisions, or denied within 30 days of receipt. If denied, the reasons for denial must be annotated on the landscape plan or otherwise stated in writing.
- (d) *Permit issuance.* Issuance of the development permit or a substantial building permit is contingent upon approval of the required tree protection plan and landscape plan and an on-site inspection by the city arborist for tree protection measures.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.20), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-108. - Tree removal.

- (a) Nothing in these regulations may be construed as allowing the removal of vegetation in a natural, undisturbed buffer required by zoning or land development regulations.

- (b) Trees may not be removed from any protected zone. When preserving trees in a protected zone will result in a documented economic hardship, an exception may be made. The documentation proving the hardship must be submitted as part of the tree protection plan.
- (c) When no trees are present in a protected zone or when it is proposed that any portion of a protected zone be disturbed, it is the responsibility of the owner/developer to landscape the areas (where improvements are not constructed) with trees or other plant materials.
- (d) The city arborist is authorized to ~~permit~~ approve the removal of dead, diseased, insect-infested or trees that pose a hazard to life or property, if the property owner provides evidence of the condition of the trees prior to their removal. Documentation may include photographs or a report by a certified arborist.
- (e) Trees may not be removed from a floodplain or stream buffer except as follows:
 - (1) Those trees found to be hazardous, dead, diseased, or insect-infested by the city arborist, the county extension service, the Georgia Forestry Commission, or a registered forester.
 - (2) As necessary for construction, repair, or maintenance of public roads, utilities, or drainage structures.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.30), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-109. - Tree replacement and revegetation.

- (a) *Applicability.* Replacement of trees in the minimum required landscape areas, as determined by this section, must occur under the following conditions:
 - (1) To establish the minimum tree density requirements for the site.
 - (2) Where grading occurs outside the buildable area of the lot.
 - (3) If the buildable area of the lot leaves no protected zone.
 - (4) If no trees are present within an existing protected zone.
 - (5) Where specimen trees or specimen stands of trees within the buildable portion of the lot are to be removed.
 - (6) Where specimen trees or specimen stands of trees, and trees within otherwise designated tree protective zones have been irreparably damaged or removed through development or construction activities.
- (b) *Replacement quantity.*
 - (1) Except as specified for single-family residential lots in subsection (b)(2), the quantity of replacement trees on a site must be sufficient to produce a total site tree density factor of no less than 20 density units per acre (Note: the terms unit and tree are not interchangeable). Procedures for determining the site density requirements and the subsequent tree replacement requirements are provided in appendix A. A required buffer or trees located

in the floodplain may not be counted towards tree density. Understory trees may constitute no more than 25 percent of the required replacement trees, but lots smaller than 8,000 square feet in area are exempt from this limit.

- (2) The following number of trees must be planted or preserved on all single-family residential lots developed in the city:

| Lot Size | Number of Required Trees |
|------------------------------|--|
| ≤8,000 square feet | 1 tree |
| 8,001 to 15,000 square feet | 2 trees |
| 15,001 to 20,000 square feet | 3 trees |
| 20,001 to 25,000 square feet | 4 trees |
| 25,001 to 30,000 square feet | 5 trees |
| ≥30,001 square feet | 1 tree per 5,000 square feet of lot size |

- (c) *Spacing.* The spacing of replacement trees must be compatible with spatial limitations, and within responsible considerations towards potential species size.
- (d) *Specimen trees.* All reasonable efforts be made to save specimen trees. ("Reasonable effort" includes alternate building design, building location, parking area layout, parking area location, water retention location and equivalent or similar measures).
- (e) *Tree save areas.* Tree save areas are encouraged and will be given credit of up to 50 percent individual lot requirements when the number of trees in the tree save areas is equal to or greater than the total number of trees required on the total number of lots within the subdivision.
- (f) *Tree replacement fund.* Occasionally, the tree replacement requirements of this section cannot be met because a project site will not accommodate the required density of trees. In this case, the city arborist is authorized to approve a contribution to the City of Dunwoody Tree Replacement Fund. The following standards have been established for administering these contributions:
- (1) The city arborist must review and approve all requests for alternative compliance. In no instance may 100 percent of the required site density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.

- (2) No permit may be issued until the required contribution has been made to the tree replacement fund.
- (3) The amount of the contribution must be determined from the fee schedule for the community development department.
- (4) The City of Dunwoody Tree Replacement Fund must be used for planting trees on public property. Funds may be used for the purchase of trees, installation of trees and irrigation, and the purchase of mulch and soil amendments for the planted areas.
- (5) Species selected for replacement must be quality specimens and must be ecologically compatible with the specifically intended growing site. No single tree species may be used for more than 35 percent of replacement trees. Evergreens may not be used for more than 25 percent of the trees in non-buffer areas. Standards for transplanting and selecting quality replacement stock must be in accordance with standards of the International Society of Arboriculture, National Association of Arborists, American Standard for Nursery Stock and appendix B.
- (6) Understory replacement trees may account for no greater than 25 percent of the required tree density units. The city arborist is authorized to approve the additional use of understory trees for meeting density requirements on single-family lots if the size and/or layout of the lot does not allow for large overstory trees.
- (7) Species selection and replacement densities are subject to approval by the city arborist.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.40), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-110. - Specimen and special trees.

(a) *Criteria.* Some trees on a site warrant special consideration and encouragement for preservation. These trees are referred to as specimen or special trees. The following criteria are used by the city arborist to identify specimen and special trees. Both the size and condition must be met for a tree to qualify.

(1) *Tree size.*

| Criteria | Special Trees | Specimen Trees |
|-----------------------------------|----------------------|-----------------------|
| Minimum size for hardwoods | 14" to 23" DBH | 24" DBH |
| Minimum size for softwoods | 20" to 29" DBH | 30" DBH |
| Minimum size for understory trees | 4" to 5" DBH | 6" DBH |

| | | |
|-------------------------|----------|----------|
| Minimum Life Expectancy | 25 years | 15 years |
|-------------------------|----------|----------|

- (2) *Tree condition.*
- a. Relatively sound and solid trunk with no extensive decay.
 - b. No more than one major and several minor dead limbs.
 - c. No major insect or pathological problems.
 - d. No major pruning deficiencies, i.e. topping.
 - e. At least 75 percent of the critical root zone in a natural, undisturbed state.
- (b) *Tree density credit.* In order to encourage the preservation of specimen and special trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen and special trees which are successfully saved and maintained. Credit for any specimen or special tree thus saved would be one and one-half times the assigned unit value shown in appendix A. Should the property owner retain the services of a certified arborist to improve the quality of the trees (services include, but are not limited to, installation of cabling and bracing, installation of lighting protection, corrective pruning, removal of deadwood, supplemental irrigation, introduction of mycorrhizae, etc.), the density credit will be increased to two times the assigned value designated in appendix A. The property owner must supply a letter of commitment from the certified arborist and/or provide documentation of services provided in order to receive the increased density credit.
- (c) *Preservation of tree stands.* The city arborist may identify and require the preservation of a tree stand if it contains one or more specimen or special trees and the trees are interlocked with other members of the stand in such a manner as to imperil the individual tree if other members of the stand were to be removed.
- (d) *Removal of specimen trees.* No specimen tree may be removed without the prior written approval of the city arborist.
- (1) Specimen trees that are approved for removal must be replaced by species with potential for comparable size and quality. All specimen trees must be replaced with three-inch caliper or larger trees at a density of one and one-half times the unit value of the tree removed, i.e. a 30-inch DBH specimen tree (4.9 density units) must be replaced with 7.35 units. Specimen tree replacement density is in addition to the minimum required density for the site.
 - (2) Any specimen tree which is fatally damaged during construction, as determined by the city arborist, or removed without the appropriate review and approval of the city arborist, must be replaced with four-inch caliper or larger trees with a total density equal to three times the unit value of the

tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval. Additionally, the area that encompassed the critical root zone of the specimen tree must remain undisturbed to allow for the planting of replacement trees.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.50), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-111. - Tree protection measures.

The following minimum tree protection measures must be in place for all tree save areas:

- (1) *Tree protection fencing.* Trees identified for preservation must have protection fencing that is a minimum of four feet high installed at the edge of the critical root zones. The city arborist is authorized to require the installation of four-foot ~~high minimum chain link~~ fencing in those areas where the likelihood of possible encroachment occurs. All tree protection zones must be designated as such with signage posted visibly on all sides of the fenced area. Signs requesting workers' cooperation and compliance with tree protection standards are recommended at the site entrance(s).
- (2) *Silt fences.* All tree protection zones must be designed to prevent the sedimentation of erosion material. Silt fences must be placed along the outer uphill edges of tree protection zones at the development interface.
- (3) *Encroachment.* No person may encroach into the tree protection zones. Construction activities, including but not limited to, parking, vehicle and foot traffic, material storage, concrete washout, debris burning, and other activities must be arranged so as to prevent disturbance within the protected areas.
- (4) *Utilities.* Reasonable efforts must be made to locate utility lines along corridors between tree protection zones. If utility lines must encroach into the protection zones, they must be installed by tunneling rather than trenching.
- (5) *Maintenance of tree protection.* All tree protection devices must remain in fully functioning condition until the certificate of occupancy is issued.
 - a. Any tree, designated for preservation, which is negligently damaged during construction or removed without the appropriate review and approval, as determined by the city arborist, must be treated in accordance with the National Arborists Association Standards. If fatally damaged, the tree(s) must be replaced with four-inch caliper trees equal to the unit value of the tree removed. Any specimen tree damaged as described above must be replaced with trees equal to three times the unit value of the tree removed.

- b. All tree protection zones must be mulched with at least four inches and not more than eight inches of organic mulch, such as pine straw, wood chips, tree leaves, or compost.
 - c. Construction activity is prohibited inside the tree save areas, including but not limited to, grading, paving, and construction of buildings and other structures.
 - d. The site must be designed and maintained in a manner to ensure proper drainage in tree save areas during and after construction.
- (6) *Tree protection supervisors.* The developer must designate a tree protection supervisor. This person must demonstrate knowledge in the area of tree protection practices during construction and must be on-site to ensure tree protection measures are enforced. The tree protection supervisor must participate in a pre-construction conference with the city prior to the commencement of any development. The tree protection supervisor must notify the city arborist immediately should any tree damage occur on the site.
- (7) *Inspections.* Tree protection inspections must be performed by a certified arborist or registered forester during construction. The inspections must be conducted prior to the commencement of development, immediately following the clearing and grubbing phase, immediately following the grading phase, and at the end of the project before a certificate of occupancy (commercial developments) is issued or the final plat approved (residential developments). The site must be inspected to ensure all tree protection regulations are being met and to identify any existing or developing tree-related problems that require treatment. An inspection report must be prepared and certified by the inspector and submitted to the city arborist. Any damage noted must be treated in accordance with the recommendation of the inspector prior to the issuance of a certificate of occupancy or approval of the final plat. The city arborist is authorized to require additional reports should he/she determine significant construction damage has occurred, the tree protection supervisor has failed to enforce minimum protection standards, or if other development processes, including but not limited to utility placement and building construction, may impact the tree save areas.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.60), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-112. - Maintenance.

All maintenance activities performed on preserved or planted trees to be included in the tree density requirements must be performed in accordance with the most current professional standards, including, but not limited to, the standards described below. It is the responsibility of the property owner to ensure such work is in compliance. Should maintenance activities on the trees not be in compliance with such professional standards, the property owner will be responsible for

replacing the damaged trees with new trees of an equivalent density value, based on the DBH at the time damage occurs.

- (1) *Nursery stock.* All nursery stock must meet standards defined in the American Standard for Nursery Stock ANSI Z60.(1).
- (2) *Pruning.* All pruning must be done in accordance with ANSI A300 (Part 1) Standards for Tree Care Operations—Pruning. Tree topping is not allowed. Crown reduction pruning must be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree density requirements.
- (3) *Fertilization.* All tree fertilization must be performed in accordance with ANSI A 300 (Part 2) Standards for Tree Care Operations—Fertilization.
- (4) *Cabling and bracing.* All cabling and bracing installation and maintenance must be performed in accordance with ANSI A300 (Part 3) Standards for Tree Care Operations—Cabling and Bracing.
- (5) *Lightning protection.* All lightning protection installation and maintenance must be performed in accordance with ANSI A300 (Part 4) Standards for Tree Care Operations—Lightning Protection.
- (6) *Safety.* All tree-related work must be performed in accordance with ANSI Z13(3)1 Standards for Tree Care Operations—Safe Work Practices.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.70), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-113. - Alternative compliance.

The city arborist is authorized to approve alternate methods of compliance with the provisions of this division when he/she determines the overall intent of the division and/or specific guidelines can be met.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.80), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-114. - Enforcement and penalties.

- (a) *Enforcement.* It is city arborist's duty to enforce this section. The city arborist has the authority to revoke, suspend, or void any development permit and the authority to suspend all work on a site or any portion thereof.
- (b) *Violation and penalties.* Any person, firm, or corporation violating any of the provisions of this section may be deemed guilty of an ordinance violation wherein each tree cut, damaged, or poisoned shall constitute a separate offense and shall be subject to a fine up to \$1,000 per tree. ~~Each day's continuance of a violation is a separate offense.~~ The owner of any property upon which a violation exists, and any builder, contractor, agent who may have assisted in

the commission of any violation, is guilty of a separate offense. The Dunwoody Municipal Court has jurisdiction to try offenses to these regulations.

- (c) *Appeal.* Any person aggrieved or affected by any decision of the city arborist relating to the application of this section may appeal to the Community Development Director for relief or reconsideration within 30 days from the date of the adverse determination by the city arborist. Decision by the community development director made pursuant to this division may be appealed to the zoning board of appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. ~~zoning board of appeals for relief or reconsideration within 30 days from the date of the adverse determination by the city arborist.~~

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.90), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-115. - Additional information.

The following rules and regulations are established by the council from time to time and are kept and maintained by the clerk:

- (1) Lists of approved street trees, their locations, and the locations of the root barriers;
- (2) Standards for substantial building permits; and
- (3) Tree replacement and planting rules and regulations.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.100), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2017.

Approved:

Denis L. Shortal, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Office of City Attorney



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MEMORANDUM

To: City Council
From: John Olson, AICP
Planning Manager
Date: September 11, 2017
Subject: Amendment to City of Dunwoody Ordinances
Chapter 16, Article II, Division 6 – Tree Preservation

ITEM DESCRIPTION

The subject item is a consideration for a zoning text amendment to the Tree Preservation provisions found in Chapter 16-Article II-Division 6 of Dunwoody’s code. The emphasis of this amendment is the formation of a tree removal permit process intended to be applied to cases of tree removal on Non-Residential, Mixed-Use, and Multi-Family zoned lots not otherwise part of a development permit or substantial building permit. A copy of amendment is provided as attachment A.

BACKGROUND

The provisions of Dunwoody’s Tree Ordinance apply only to the removal of trees associated with land development and substantial building permits. Outside of construction activity, however, there is no process to review and enforce tree removal. Consequently, if a land owner wants to remove a tree outside of the construction process, they can do so without getting a tree removal permit; therefore, tree removal occurring outside of a building and land development permit is difficult to enforce. While nearby cities such as Chamblee, Doraville, Brookhaven, Atlanta, Decatur, Alpharetta, and Roswell all have a process for a tree removal permit, Dunwoody has no such process. The City recently experienced a situation with the Perimeter Mall that heightened awareness of this issue. In short, the Perimeter Mall approached staff about the removal of 69 specimen understory trees along the Ashford-Dunwoody side of the Mall. Because this removal was unrelated to any construction related permits, they asked staff for guidance on reviewing the removal the trees. After a thorough review of the ordinance, however, it became evident that their requested tree removal would not require a permit. Another issue at hand is that tree removal companies have taken advantage of the fact that Dunwoody does not have a process for tree removal occurring outside of construction activity. As a result, large trees have been targeted by tree companies after big storms. And unfortunately, otherwise savable trees with only minor storm damage have been removed.

These issues and concerns have prompted us to make a few simple revisions to our Code in order to reign in the needless removal of trees that occurs outside of construction related activity. Review of the attached code amendment make light of revisions to the “Purpose”, and “Applicability” of the Tree Preservation Ordinance. Equally as important, the amendment creates “Section 16-106. Tree Removal Permit” to establish a process for tree removal occurring outside of a land development permit or substantial building permit on Non-Residential, Mixed-Use, and Multi-Family zoned lots. For a baseline requirement, a tree

Denis Shortal Mayor Pam Tallmadge City Council Post 1 Terry Nall City Council Post 4
Eric Linton, ICMA-CM City Manager Jim Riticher City Council Post 2 Lynn Deutsch City Council Post 5
Sharon Lowery, CMC City Clerk Doug R. Thompson City Council Post 3 John Heneghan City Council Post 6

removal permit would be required for the removal of specimen understory trees (e.g. dogwoods, sourwoods, and crape myrtles) six inches trees or greater, special hardwood trees 14 inches or greater, and specimen softwoods 30 inches or greater. The fee for a tree removal permit is recommended at \$25 per application and fines for violation are recommended at up to \$1,000 per offense. Staff would note that these requirements are based on similar tree removal requirements that are found in other Atlanta metro cities (See Attachment B. Atlanta metro tree removal permit information). Based on discussions with the Planning Commission, it was determined the tree removal permit process would not apply to single-family developed lots. Furthermore, the tree ordinance has been updated to align with the stream buffer provisions in Section 16-79, stating that tree removal in the stream buffer may only occur if trees are found to be hazardous, dead, diseased, or insect-infested by the city arborist or as necessary for construction, repair, or maintenance of public roads, utilities, or drainage structures.

The Atlanta-Metro Area is comprised of people who do value trees and the benefits they bring to our communities. Numerous residents and businesses within the City of Dunwoody have reached out to staff, often weekly, to express their concern when seeing trees being removed and ask for direction with their own trees. However, many are shocked when they learn that our ordinance does not speak to the removal of trees outside of the construction process. The attached revisions function as means to better enforce Dunwoody's tree ordinance, thereby granting a process to review trees that are valuable to the community as a whole.

RECOMMENDATION

Staff recommends approval of the text amendment to the Tree Preservation requirements that are found in Chapter 16-Article II-Division 6 of Dunwoody's code

Attachments:

- A. Proposed Amendment to Chapter 16-Article II-Division 6
- B. Atlanta metro tree removal permit information
- C. Amended fee schedule

ATLANTA METRO TREE REMOVAL PERMIT INFORMATION

| City | Tree Removal Permit Requirement | Fee Charged? | Fee Amount | A tree removal permit is required for: | Tree Replacement Requirements For Commercial | Tree Replacement Requirements For Residential | Enforcement/Penalties |
|---------------|---------------------------------|--------------|---|--|---|---|--|
| Atlanta | Yes | No | N/A | <ul style="list-style-type: none"> Any tree hardwood with a diameter at breast height (DBH) of six inches or greater requires a permit for removal; pines 12 inches or greater. Any Dead, dying or hazardous tree of any size. Any trees that are being removed a part of a landscaping application. | <p>All residential lots are subject to a no net loss rule, so replacement trees must be planted. The cumulative DBH of the replacement trees shall be equal to or greater than the cumulative DBH of the trees removed.</p> <p>R-5, R-4-A and R-4-B districts: 35 inches per acre R-3, R-3-A and R-4 districts: 40 inches per acre R-2 and R-2-A districts: 100 inches per acre R-1 districts: 150 inches per acre RG, PD and all other districts: 90 inches per acre</p> | <p>All residential lots are subject to a no net loss rule, so replacement trees must be planted. The cumulative DBH of the replacement trees shall be equal to or greater than the cumulative DBH of the trees removed.</p> <p>Commercial lot require a minimum of 90 inches per acre</p> | <p>\$500 fine per tree for first violation and an subsequent violations at \$1,000 per tree. If entire lot is cleared the assumption is that were 1,000 inches dbh per acre and the fine is \$60,000 per acre of land or prorated if smaller than an acre. Any tree six (6) inches dbh or larger except pines, or any pines twelve (12) inches or larger that are removed or destroyed will be recompensed according to Table 158-103.</p> |
| Decatur | Yes | Yes | \$50 | <ul style="list-style-type: none"> Any requested tree removal for all property LOCATED IN ZONING DISTRICTS OTHER THAN R60, R85, and HDSF, or Any requested fourth tree removal or greater on property LOCATED IN R60, R85, and HDSF zoning districts. Property owners in residential districts whom would like to remove dead, diseased, or hazardous trees (with moderate to high risk rating) and property owners in residential zoning districts are allowed to remove up to 3 healthy, protected trees during an 18 month period. | 45 percent tree canopy cover | 45 percent tree canopy cover | <p>Citation issued of up to \$1,000 for each separate violation or by imprisonment not exceeding (6) months or a combination. May require mitigation in the form of tree replacement payments to the tree bank for replacement tree canopy cover.</p> |
| Brookhaven | Yes | Yes | \$25 | <ul style="list-style-type: none"> Any tree removal on commercial property. The removal of six or more 10" or greater trees, from an owner-occupied, single-family residential property, within a single calendar year. | <p>100 inches per acre.</p> <p>Trees meeting the specimen criteria that are slated for removal shall be recompensed on an inch for inch basis with a combination of 2", 3" and 4" caliper Overstory Trees.</p> | 50 inches per acre. | <p>Citation of up to \$1,000 per day for each violation, imprisonment in jail up to 120 days or a combination thereof. Specimen trees are replaced at \$200/inch dbh.</p> |
| Alpharetta | Yes | No | N/A | <ul style="list-style-type: none"> A Tree Removal Permit Application must be submitted to the City of Alpharetta prior to the removal of any tree (dead or alive) from any property within the City limits. | 130 inches per acre | 130" or 30% canopy, based on the square feet calculations of city tree list | <p>Misdemeanor punishable by a fine up to one thousand dollars (\$1,000) per incident. Replacement plantings are required. Specimen trees removed will be replaced at eight (8) times the unit value.</p> |
| Sandy Springs | Yes | No | N/A | <ul style="list-style-type: none"> Any hardwood or pine tree 18" Diameter at Breast Height (DBH) or larger A Dogwood or Redbud 10" DBH or larger Any tree located within the Chattahoochee River Corridor or a Stream Buffer (the Chattahoochee River Corridor is any property within 2000 feet from the banks of the Chattahoochee River. A Stream Buffer is the 75' protection corridor along designated streams and bodies of water) | 40 percent tree canopy cover | 35 percent tree canopy cover | <p>Must replace the tree canopy at three (3) times the unit value of trees removed.</p> |
| Doraville | Yes | Yes | \$25 | <ul style="list-style-type: none"> Any owner, occupant, tree service contractor or other person cuts, removes or severely prunes any tree which is eight (8) inches dbh or greater on any owner occupied residential or commercial property. | 30 Density Units | 30 Density Units | <p>Fines up to \$1,000, imprisonment up to ninety (90) days and/or community service up to ninety (90) days. Each tree cut, damaged, or poisoned constitutes a separate offense.</p> |
| Chamblee | Yes | Yes | \$150 – Specimen, hazardous, and minor land development \$300 - Major land development | <ul style="list-style-type: none"> Property that is being used for single-family residential may remove no more than 5 non-specimen trees from a property in one given year without a permit. The removal of 6 or more non-specimen trees or a specimen tree will require a permit | 100 inches Per Acre | 50 inches per acre | <p>Fine of \$1,000 per specimen tree and \$500 per non-specimen tree. Specimen trees must be replaced at a total density equal to eight (8) times the unit value of the tree(s) removed</p> |

ATLANTA METRO TREE REMOVAL PERMIT INFORMATION

| | | | | | | | |
|---------|-----|-----|---|--|--|---|--|
| Roswell | Yes | Yes | \$25/non-refundable app fee \$50/flat fee for SFR Removal \$50/per parcel acre, not to exceed \$500 \$500/per density unit for specimen tree | <ul style="list-style-type: none"> Any tree requested for removal | GA 400/Holcomb Bridge Node - 15 Density Units All Other - 30 DU | Downtown Historic Districts - 10 Density Units Estate, Suburban Residential - 20 Density Units | Twice the permit fee. Specimen trees removed must be replaced at \$500 a density unit. |
|---------|-----|-----|---|--|--|---|--|

| City | Tree Removal Permit Requirement | Fee Charged? | Fee Amount | A tree removal permit is required for: | Tree Replacement Requirements For Commercial | Tree Replacement Requirements For Residential | Enforcement/Penalties |
|---------------------|---------------------------------|--------------|------------|--|--|---|---------------------------|
| Dunwoody | No | No | N/A | N/A | 20 Density Units | ≤8,000 sf - 1 tree 8,001 - 15,000 sf - 2 trees 15,001 - 20,000 sf - 3 trees 20,001 - 25,000 sf - 4 trees 25,001 - 30,000 sf - 5 trees ≥30,001 sf - 1 tree per 5,000 sf of lot size | Not listed |
| Dunwoody (Proposed) | Yes | Yes | \$25 | <ul style="list-style-type: none"> Any hardwood with a diameter at breast height (DBH) of 14 inches or greater, pines 30 inches or greater, and/or understory 6 inch or greater found on Non-Residential, Mixed-Use, and Multi-Family zoned lots; | 20 Density Units | ≤8,000 sf - 1 tree 8,001 - 15,000 sf - 2 trees 15,001 - 20,000 sf - 3 trees 20,001 - 25,000 sf - 4 trees 25,001 - 30,000 sf - 5 trees ≥30,001 sf - 1 tree per 5,000 sf of lot size | Up to \$1,000 per offense |

**CITY OF DUNWOODY, COMMUNITY DEVELOPMENT - FEE SCHEDULE
EXHIBIT A**

| Zoning Fees | | | | | | |
|----------------------------|---|---|----------|---|------------|---|
| | TO: | ACREAGE | | | | |
| | | 0 to 5 | 5+ to 10 | 10+ to 20 | 20+ to 100 | 100+ |
| REZONING FROM ANY DISTRICT | Any R (single family) district | \$500 | \$1,000 | \$1,500 | \$2,000 | \$2,500 plus an additional \$40 per acre for any portion thereof over 100 acres. Maximum fee = \$10,000 |
| | Any RM (multi-family), Mixed Use, Commercial or Industrial District | \$750 | \$1,500 | \$2,000 | \$2,500 | \$3,000 plus an additional \$50 per acre for any portion thereof over 100 acres. Maximum fee = \$10,000 |
| | PD | Any acreage: \$2,000 plus \$50 per acre or any portion thereof. Maximum fee = \$10,000 | | | | |
| SPECIAL LAND USE PERMIT | Home Occupation | \$250 | | | | |
| | All Other Use Permits | \$500 | | | | |
| MODIFICATIONS | Any modification request | | | \$300 plus \$100 for each additional modification request on the same piece of property | | |

| Variances | | |
|--|---|---|
| Variances / Appeals / Special Exceptions | Single-Family Residential Zoning Districts | \$250 plus \$50 for each additional variance request on the same piece of property |
| | Multi-Family Districts, Non-Residential Districts, and Commercial Uses in Residential | \$350 plus \$100 for each additional variance request |
| | All Signs | \$350 plus \$100 for each additional variance request. For appeal costs see Section 20-26.C4 |

| Other | | |
|-------------------------------|--|-------------------------|
| SPECIAL ADMINISTRATIVE PERMIT | \$250 plus \$50 for each additional request reviewed concurrently on the same property | |
| ADMINISTRATIVE PERMIT | Event Type | Fee |
| | Temporary Outdoor Seasonal Sales (Christmas trees, pumpkins, etc.) | \$50 |
| | Temporary Outdoor Sales | \$50 plus \$10 per day |
| ZONING CERTIFICATION LETTER | Fee | |
| | \$30 | |
| PRELIMINARY PLAT | Use | Cost Per Unit |
| | Residential | \$350 plus \$5 per lot |
| | Commercial | \$350 plus \$5 per acre |
| FINAL PLAT | \$350 plus \$5 per lot | |
| MINOR SUBDIVISION | \$350 | |

| Construction Permit Fees | | |
|--|--|--|
| ADMINISTRATIVE FEE | \$25 for all new permits and reissue of permits, certificates of occupancy, inspection sheets, and for installation lists when not attached to combination building permits | |
| | Building permits will be calculated based on the tables below | |
| | Use | Permit Fee |
| | | \$8 per \$1000 of the construction valuation listed below (or otherwise noted) \$6 per \$1000 for Residential |
| VALUATIONS FOR USES NOT COVERED UNDER THE ICC BUILDING VALUATION DATA CONSTRUCTION COST TABLE | Patio Cover, Deck, Balcony | \$15 per square foot |
| | Enclosed Patio, Sunroom, Screened Room | \$30 per square foot |
| | Shed Storage Building | \$20 per square foot |
| | Fences 6' in height or taller | \$1 per square foot |
| | Pools (value per square foot) | \$180 per square foot |
| | Public Garages | \$47 per square foot |
| | Retaining Wall (value per linear foot) | |
| | 8' or less in height | \$10 per square foot |
| | More than 8' in height | \$20 per square foot |
| | Tenant OR Interior Finish Improvements | \$50 per square foot |
| VALUATIONS FOR USES LISTED IN THE ICC BUILDING VALUATION DATA CONSTRUCTION COST TABLE | Use | Valuation |
| | New One & Two Family Residential | Use ICC Building Valuation Data Table, latest published edition |
| | New Non-Residential & Multi-Family | Use ICC Building Valuation Data Table, latest published edition |
| | The following valuation shall be used for the valuation of separate permits pertaining to the same structure: a. Building shell only: 80% of valuation above b. Mechanical only: 15% of valuation above c. Plumbing only: 15% of valuation above d. Electric only: 15% of valuation above | |
| OTHER FEES | Permit or Fee Type | Fee |
| | Building/Engineering review for retaining wall – site plan review | \$100 per review |
| | Occupational Tax Certificate (OTC) Inspection Required for a new Occupational Tax Certificate and/or Change of Tenant | \$125 covers initial and one follow-up inspection, \$75 per inspection thereafter |
| | Move In As-Is / Change of Occupancy Classification | \$375 covers building and fire plan review, initial and one follow-up inspection, certificate of completion |
| | Inspections outside of normal business hours | \$150/hour (min 2 hours) |
| | Reinspection fees | \$50/hour (min 1 hour) |
| | Inspections for which no fee is specifically indicated | \$50/hour (min 1 hour) |
| | Demolition Permit | \$100 |
| | Tree Replacement Fund Donation | \$1,000 per 1.0 unit of density credit required |
| | COMPONENT PERMITS not to be used for remodeling or new construction | \$50 minimum see permit forms for additional fees |
| | Temporary Certificate of Occupancy | \$250 |
| | Final Certificate of Occupancy | \$50 |
| | Tree Removal Permit | \$25 for 1 to 5 trees, and \$25 for every additional 1 to 5 trees |

| Review Fees | | |
|-------------------------|-------------|---|
| LAND DISTURBANCE PERMIT | Use | Cost Per Unit |
| | Residential | \$350 plus \$20 per lot |
| | | Additional review fee of \$200 assessed for the second and subsequent re-submittal of plans |
| | Commercial | \$350 plus \$20 per acre |
| | | Additional review fee of \$200 assessed for the second and subsequent re-submittal of plans |

| Permit Fees | | | |
|--------------------------|--|--|--|
| LAND DEVELOPMENT | Inspection | Cost Per Unit | |
| | Road Vert. & Sect. | \$16 per linear foot | |
| | Curb and Gutter | \$6.50 per linear foot | |
| | Base and Paving | \$2.50 per square foot | |
| | Commercial Driveway | \$0.75 per square foot | |
| | Storm Drainage | \$20 per linear foot | |
| | Wastewater | \$22 per linear foot | |
| | Water Main | \$16 per linear foot | |
| | Sidewalk | \$2 per square foot | |
| | | Other | |
| | Permit Fees | Cost Per Unit | |
| | Street Name Markers/Intersection | \$75 per intersection | |
| | Traffic Signs/Intersection | \$65 per intersection | |
| | Land Disturbance Permit (LDP) | Fee | |
| | LDP | \$125 | |
| | Fees for Land Disturbance Permits | | |
| | Valuation | Fee | |
| | \$1 to \$5,000 | \$300 | |
| | \$5,001 to \$20,000 | \$300 for the first \$5,000 and \$150 for each additional \$1,000, or fraction thereof | |
| | \$20,001 to \$100,000 | \$2,250 for the first \$20,000 and \$100 for each additional \$1,000, or fraction thereof | |
| | \$100,001 to \$250,000 | \$10,550 for the first \$100,000 and \$50 for each additional \$1,000, or fraction thereof | |
| | \$250,001 to \$500,000 | \$18,050 for the first \$250,000 and \$25 for each additional \$1,000, or fraction thereof | |
| \$500,001 to \$1,000,000 | \$24,300 for the first \$500,000 and \$15 for each additional \$1,000, or fraction thereof | | |
| \$1,000,001 and up | \$31,800 for the first \$1,000,000 and \$10 for each additional \$1,000, or fraction thereof | | |

| Sign Permit Fees | | |
|------------------|-------------------------------|-----------------|
| REVIEW FEE | \$15 | |
| SIGN PERMIT | Sign Message Area Size | Flat Fee |
| | 1 to 50 square feet | \$50 |
| | 51 to 100 square feet | \$100 |
| | 101 to 150 square feet | \$150 |
| | 151 to 200 square feet | \$200 |