

MEMORANDUM

To: City Council
 From: John Olson, AICP
 Planning Manager
 Date: July 23, 2018

Subject: Amendment to City of Dunwoody Ordinances
 Chapter 16, Article II, Division 6 – Tree Preservation
 Chapter 16, Article IV, Division 2, Section 16-238 – Street Trees
 Chapter 16, Article II, Division 4, Section 16-79 – Exemptions and Special
 Administrative Permits

ITEM DESCRIPTION

The subject items are a consideration of zoning text amendments to the Tree Preservation provisions found in Chapter 16-Article II, Division 6; Chapter 16, Article IV, Division 2; and Chapter 16, Article II, Division 4 of Dunwoody’s Code. The general emphases of these amendments are two-fold:

- 1.) To establish an enforcement procedure for the City’s current tree preservation ordinance by applying the tree removal permit process to any tree removal occurring in City’s 75-foot stream buffer; and
- 2.) To establish a general tree and street tree list that is currently referenced but not provided in the City Code.

A copy of the text amendments are provided as attachment A.

BACKGROUND

The City of Dunwoody has many residential and commercial properties that contain stream buffers. These buffers consist of many different species of native trees, shrubs and grasses with minimal encroachment and human disturbance. Our stream buffers are important to Dunwoody because they play a vital role in providing water quality, tree canopy, wildlife habitat, and recreation for the City’s residents. However, as Dunwoody continues to grow, our stream buffer canopy has come under increased tree removal pressure. In fact, the Community Development Department has been receiving weekly phone calls and/or emails from residents that have questions or concerns about trees being removed within the City’s Stream Buffer. As an example, Attachment B highlights the locations of approximately 26 stream buffer tree removal complaints that have come up in the last two years. These issues and concerns have prompted us to make a few simple revisions to our Code to clarify acceptable activities associated with the impact of trees within the City’s 75-foot Stream Buffer. The following outlines some of the recommended changes:

- Review of the attached code amendments make light of revisions to “Section 16-106 – Tree Removal Permit” wherein new verbiage is included stating a tree removal permit is required for the removal of any tree located within the City’s 75-foot stream buffer.

- Under *Requirements* for a tree removal permit, we recommend adding the language that clarifies more specific permit information, such as photos that indicate particular evidence of dead, diseased, dying, insect-infested and hazardous trees and a report from a third-party arborist as required by the City Arborist. This removes the burden of proof from the City Arborist and places it on the land owner for proper documentation.
- Section 16-108 is amended to clarify what can or cannot happen to trees within the stream buffer. In particular, it removes an informal review process for the removal of dead, dying, diseased, or insect-infested as spelled out in section 16-108(d). In its place, stream buffer trees believed to be dead, dying, diseased, insect-infested or hazardous trees are now proposed to be reviewed through the Tree Removal Permit process as prescribed in Section 16-106 – Tree Removal Permit. For damage that incurred to stream buffer trees, verbiage has been added stating, “no person shall intentionally or unintentionally damage, cut, carve, transplant, or remove a tree within a stream buffer”. Finally, to align with state requirements, staff has added verbiage stating that no land disturbing activity can occur within the stream buffer. Overall, these revisions will provide a means for the City Arborist and Code Enforcement to respond to tree issues that occur within stream buffers.
- Under the *Exemptions* section staff inserted verbiage that states a tree removal permit is not required for the removal of any trees on the portion of single-family lots, located outside of a stream buffer. We have also included a tree removal permit exemption for the removal of any damaged trees during natural disasters and/or emergencies, such as a tornado, ice storm, wind storm or other acts of nature.
- Section 16-107(a)(b) is a simple revision that is made to align with the tree removal standards already adopted in Section 16-106(a)(1). Currently Section 16-106(a)(1) requires trees that are 10-inch diameter at breast height(dbh) and larger, and understory 6 inch dbh and larger be identified on tree removal permits for on non-residential, mixed-use and multi-family zoned lots. This revision fixes the disparity so the tree measurements match between each section.
- Section 16-110(d) has verbiage that states “prior written approval of the city arborist” is required for the removal of specimen trees. Staff has recommended removing this clause, as it does not follow the current tree removal permit process as referenced in section 16-106.
- Under Section 16-114 – Enforcement and Penalties, staff recommends adding “His or her designee” to remove the sole responsibility of enforcement of tree preservation from the City Arborist.
- Under a new code Section 16-116 – General Street List and Street Trees, we provide a tree chart that lists a recommended tree species for streetscapes, building sites and stream buffers. The purpose of this list is to guide tree planting in Dunwoody. This list includes the growth characteristics of each tree and its Dunwoody tree classification (i.e. understory, street tree, softwood or hardwood). The verbiage in the code has also changed to state that these lists will be maintained by the Community Development Department instead of the City Clerk.

PLANNING COMMISSION

The proposed changes were reviewed by the Planning Commission at their April 10th, May 8th, and June 12th meetings. A summary of the Planning Commission's recommendations and the staffs' responses are listed below:

1. The Commission requested the removal of any non-native species from the tree list:

Response: Staff added an asterisk next to all native tree species that are suitable for planting within the stream buffer;

2. To assure that the arborist is the only person approving tree related permits, Planning Commission requested removal of the verbiage "his/her designee" from the text amendment:

Response: Staff removed the "his/her designee" verbiage from *Section 16-106(e) Approval* so it assures only the city arborist can approve of tree removal permits. Under Section 16-114. – Enforcement and Penalties, however, the "his/her designee" verbiage was kept in the as a text change, as the City's code enforcement would serve as designee to the City Arborist to enforce the tree ordinance.

3. The Commission requested the addition of text that states it is a violation to intentionally or unintentionally damage a tree.

Response: For damage that incurred to stream buffer trees, verbiage has been added stating, "no person shall intentionally or unintentionally damage, cut, carve, transplant, or remove a tree within a stream buffer".

4. The Commission asked staff to compile a record of tree violations that have occurred in the stream buffer recently.

Response: Staff pulled records from the last 24 months and was able to find 26 potential violations; these issues were depicted on a map presented at their May 8th meeting.

5. The Commission raised concerns that Section 16-114(b) *Violations and penalties* allows the City to issue separate violations to multiple people, including but not limited to homeowners, agents, and contractors, for one single offense.

Response: staff has removed the verbiage: "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."

At the June 12th meeting a Motion was made to support the text amendments with a motion to revise text in **Section 16-114(b) *Violations and penalties*** to further address concern of multiple violations, to read:

~~Any~~ The person, firm, or corporation responsible for violating any of the provisions of this section may be deemed guilty of an ordinance violation. ~~wherein e~~ Each tree cut, damaged, or poisoned shall constitute a separate offense and the responsible party shall be subject to a fine up to \$1,000 per tree"

The motion passed unanimously 7-0.

RECOMMENDATION

Staff recommends approval of the text amendments to the Tree Preservation requirements that are found in Chapter 16, Article II, Division 6, Chapter 16, Article IV, Division 2, and Chapter 16, Article II, Division 4 of Dunwoody's Code.

Attachments:

- A. Zoning Ordinance and text Amendments
- B. Stream Buffer Map and Complaints

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;

WHEREAS, outside construction activity within the current code there is no formal process to review and enforce the removal of dead, diseased, dying, insect-infested, and hazardous trees within the City’s 75-foot stream buffer; and

WHEREAS, the City of Dunwoody does not have an approved general tree list that includes street trees.

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 I: Chapter 16, Article II, Division 6 of the Code relating to “Tree Preservation”;

SECTION II: Chapter 16, Article IV, Division 2 of the Code pertaining to Section 16-238 “Street Trees”; and

SECTION III: Chapter 16, Article II, Division 4 of the Code pertaining to Section 16-79 “Exemptions and Special Administrative Permits” is hereby amended as described herein the below sections of this ordinance:

DIVISION 6. - TREE PRESERVATION^[6]

Sec. 16-105. - 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, 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 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, softwoods with a DBH of 20 inches or greater, and understory with a DBH of 6 inches or greater on non-residential, mixed-use, and multi-family zoned lots; and
 - (2) Any tree located within the City's 75-foot stream buffer.
- (b) *Requirements.* To obtain a Tree Removal Permit, the Owner/Applicant shall submit the following information:
- (1) A completed Tree Removal Permit Application;
 - (2) A site plan, or a detailed map sketch illustrating the species, approximate size, and location of each existing tree to be removed and preserved;

- (3) Picture of ~~the each~~ tree(s) to be removed, including any particular evidence of dead, diseased, dying, insect-infested, or hazardous trees;
- (4) Payment of the applicable tree removal permit fee as listed on the City of Dunwoody fee schedule; and
- (5) 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, third party arborist report, and/or planting plan).

(c) *Exemptions.* A tree removal permit is not required for the removal of:

~~(1) Any dead, dying, diseased, or hazardous tree as determined by the city arborist as prescribed in Section 16-108(d);~~

- (1) Any 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, with exception of any tree located within the City's 75-foot stream buffer;
- (2) Any tree 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;
- (3) Any trees found on single-family lots, located outside of the 75-foot City stream buffer; and
- (4) Any trees damaged during the period of an emergency, such as a tornado, ice storm, wind storm or other act of nature whereby the Community Development Director or his/her designee may waive the requirements of this section.

(d) *Tree Removal 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.* The City Arborist or his/her designee will approve the removal of the tree(s) within five business days of receipt of a completed Tree Removal Application ~~A tree removal permit is subject to the review and approval of the City Arborist,~~ provided the following applicable standards are met:

- (1) On non-residential, mixed use, and multi-family lots, the site plan and/or tree replacement plan must be sufficient to produce a total site density factor of 20 units per acre;
- (2) For Specimen trees located outside of a stream buffer on non-residential, mixed use and multi-family lots, the tree replacement plan shall demonstrate that the removed trees will be replaced by species with potential for comparable size and quality as noted in Section 16-110 (d) "Removal of Specimen Trees"; and
- (3) Stream buffer tree(s) that are deemed dead, dying, diseased, insect-infested or hazardous.

(d) Denial. If tree(s) are denied removal, they may be appealed per section 16-114(c).

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 ~~42~~ 10 inches or larger over-story and 6 inches or greater for understory 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. – Protected zones. ~~Free 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 appeal exception may be made to the Community Development Director or the Zoning Board of Appeals, pursuant to section 116-114(c). The documentation proving the hardship must be submitted as part of the tree protection plan and submitted variance application.
- (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 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.~~
- (d) 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 as prescribed in Section 16-106; ~~and 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.
- (e) No person shall intentionally or unintentionally damage, cut, carve, transplant, or remove any tree in a stream buffer; attach any rope, wire, nails; allow gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
- (f) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural

canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

(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 by species with potential for comparable size and quality with three-inch caliper or larger trees at a density of one and one-half times the unit value of the tree removed; for example, 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.

~~(1)~~ 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~~ up 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 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 and his/her designee duty to enforce this section. The City Arborist and his/her designee 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~~ The person, firm, or corporation responsible for 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 single separate offense and the responsible party shall be subject to a fine up to \$1,000 per tree. ~~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 or his/her designee 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.

(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~~ approved by the City Council from time to time and are kept and maintained by the ~~clerk~~ Community Development Department:

- (1) Lists of approved street trees as listed in Section 16-116, ~~their locations, and the locations of the root barriers~~;
- (2) Standards for substantial building permits and tree removal 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)

Sec. 16-116. – General Tree List and Street Trees.

Common Name <i>(*Indicates native to Georgia and approved for stream buffer replanting)</i>	Scientific Name	Growth Characteristics				Class	Flowering/Fruit/Nuts	Drought Tolerance	Dunwoody Tree Classification			Characteristics and Ideal Locations	
		Canopy Size Category	Mature Growth Form	Height	Growth Rate				Street Tree (located between back of curb & sidewalk)	Understory Tree (Specimen - 6" dbh and larger)	Hardwood Tree (Specimen - 24" dbh and larger)		Softwood Tree (Specimen - 30" dbh and larger)
American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X		X		Riparian Zones and Drainage Areas
American Elm	<i>Ulmus americana</i>	Large	Upright	100 feet	Medium	Deciduous		High	X		X		Road frontage-yard, Riparian Zones and Drainage Areas
American Fringe (Grancy Grey Beard)	<i>Chionanthus virginicus</i>	Very Small	Oval	12-20 feet	Slow- Medium	Deciduous	X	Low	X		X		Road frontage-yard, Buffers, Utility Corridors. Fragrant, lacy, white flowers in spring. Dark blue, grape-like clustered fruit.
American Holly	<i>Ilex opaca</i>	Very Small	Pyramidal	40-50 feet	Slow- Medium	Evergreen		High	X		X		Road frontage-yard, Buffers
American Hornbeam (Ironwood, Blue Beech)*	<i>Carinus caroliniana</i>	Medium	Oval	20-40 feet	Slow	Deciduous		Medium	X		X		Parking Lots, Road Frontage-Yard, Riparian Zones and Drainage Areas, Buffers
American Snowbell	<i>Stryrax americanus</i>	Very Small	Irregular	6-10 feet	Slow	Deciduous	X	Low	X		X		White, bell-shaped flowers in spring. Hairy, grayish-brown fruit in fall.
American Sycamore	<i>Platanus occidentalis</i>	Large	Oval	80-100 feet	Fast	Deciduous		Medium			X		Road frontage-yard. Parking lots, riparian zones.
American Yellowwood	<i>Cladrastis kentukea</i>	Medium	Upright	30-50 feet		Deciduous	X	Medium	X		X		White flower in spring, Road Frontage-yards, Parking Lots
Ann Magnolia	<i>Magnolia liliiflora</i> 'Nigra' x <i>stellata</i> 'Rosea'	Small	Spreading	8-10 feet	Medium		X	High	X		X		Deep purple-red blooms that resemble tulips in March
Bald Cypress*	<i>Taxodium distichum</i>	Medium	Pyramidal	50-70 feet	Medium	Deciduous conifer		High	X		X		Road frontage-yard, Parking Lots, Buffers, Riparian Zones and Drainage Areas
Black Tupelo*	<i>Nyssa sylvatica</i>	Large	Spreading-Oval	30-50 feet	Slow - Medium	Deciduous		Medium			X		Bluish-black fruit in late September to early October. Greenish-white flowers in spring.
Black Walnut	<i>Juglans nigra</i>	Large	Rounded	50-75 feet	Medium	Deciduous	X	Low	X		X		Edible nuts in early to mid-autumn. Road frontage-yard. Riparian zones.
Carolina Cherry Laurel	<i>Prunus caroliniana</i>	Medium	Oval	15-36 feet	Medium	Evergreen	X	High			X		Stalked white-cream flowers in spring. Tiny black cherries in winter. Road frontage-yard, buffers.
Carolina Silverbell	<i>Halesia tetraptera</i>	Medium	Irregular	30-40 feet	Medium	Deciduous	X	Low	X				White blooms in April. Road frontage-yard, Parking lots, Riparian zones.
Chalkbark Maple	<i>Acer leucoderme</i>	Medium	Spreading	20-40 feet		Deciduous		High	X		X		Road frontage-yard, Parking Lots, Buffers
Chaste Tree	<i>Vitex angus-castus</i>	Very Small	Multi-stemmed	10-20 feet	Medium	Deciduous	X	High			X		Fragrant lilac blooms in summer. Road frontage-yard, parking lots, utility corridors.

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		Canopy Size Category	Mature Growth Form	Height	Growth Rate				Street Tree (located between back of curb & sidewalk)	Understory Tree (Specimen - 6" dbh and larger)	Hardwood Tree (Specimen - 24" dbh and larger)	Softwood Tree (Specimen - 30" dbh and larger)		
American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X			X		Riparian Zones and Drainage Areas
Cherrybark Oak	<i>Quercus pagoda</i>	Large	Rounded	100-130 feet		Deciduous		Medium	X			X		Road frontage-yard, Parking Lots, Riparian and Drainage Areas
Chinese Evergreen Oak	<i>Quercus myrsinifolia</i>	Large	Rounded	30-50 feet	Slow	Evergreen	X	High				X		Acorns, Road frontage-yard.
Chinese Pistache	<i>Pistacia chinensis</i>	Small	Oval-Rounded	25-35 feet	Medium	Deciduous	X	High			X			Xeriscape tree. Greenish flowers in April-May.
Chinese Redbud	<i>Cercis chinensis</i>	Very Small	Irregular	8-15 feet		Deciduous	X	Medium			X			Rosy-purple spring blooms.
Chinkapin Oak	<i>Quercus muehlenbergii</i>		Rounded	40-50 feet	Slow - Medium	Deciduous	X	Medium	X			X		
Contorted Willow (Corkscrew Willow)	<i>Salix matsudana 'tortuosa'</i>	Small	Multi-stemmed	20-30 feet		Deciduous	X	Low				X		Pale yellow blooms from April - May. Raingarden
Crabapple	<i>Malus callaway</i>	Small	Rounded	15-25 feet	Slow	Deciduous	X	Medium	X			X		Pink buds to white blooms and bright red crabapples in April.
Crapemyrtle	<i>Lagerstroemia indica x I. fauriei 'Tuscarora'</i>	Very Small	Multi-stemmed	15 feet	Medium	Deciduous	X	High				X		Pink blooms in summer. Road frontage-yard, buffers, utility corridors.
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	Medium	Pyramidal	70-200 feet	Fast	Deciduous conifer		Medium					X	
Deodar Cedar	<i>Cedrus deodara</i>	Medium	Pyramidal	40-70 feet	Medium	Evergreen		High					X	Reddish-brown oval cones.
Dolgo Crabapple	<i>Malus x 'dolgo'</i>	Small	Spreading	25-30 feet	Medium	Deciduous	X	Medium				X		White bloom in spring. Fruit in fall.
Downy Serviceberry	<i>Amelanchier arborea</i>	Small	Irregular	15-25 feet	Medium	Deciduous	X	Medium	X			X		White clustered blooms in March-April. Road frontage-yard, buffers, riparian zones, utility corridors.
Eastern Hophornbeam (American)	<i>Ostrya virginiana</i>	Medium	Oval	20-30 feet		Deciduous	X	High	X			X		Road frontage-yard, parking lots, Riparian zones. Papery capsules containing nuts. Sensitive to deicing salts.
Eastern Red Cedar (Aromatic Red Cedar)	<i>Juniperus virginiana</i>	Medium	Pyramidal	40-50 feet	Medium	Evergreen		High	X				X	Road frontage-yard, Parking Lots, Riparian and Drainage Areas, Buffers
Eastern Redbud*	<i>Cercis canadensis</i>	Small	Spreading	20-30 feet	Medium	Deciduous	X	Medium	X			X		Rosy-pink flowers in April. Road frontage-yard, buffers, riparian, utility areas. Softwood.
Flowering Dogwood*	<i>Cornus florida</i>	Small	Spreading	15-30 feet	Medium	Deciduous	X	Low	X			X		White showy spring blooms, Bright red fruit in late summer and early fall. Road frontage-yard, buffers, utility corridors.

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		Canopy Size Category	Mature Growth Form	Height	Growth Rate				Street Tree (located between back of curb & sidewalk)	Understory Tree (Specimen - 6" dbh and larger)	Hardwood Tree (Specimen - 24" dbh and larger)		Softwood Tree (Specimen - 30" dbh and larger)
American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X				Riparian Zones and Drainage Areas
Georgia Oak*	<i>Quercus georgiana</i>	Large	Rounded	26-49 feet	Medium	Deciduous	X	Medium	X		X		Threatened species. Road frontage-yard. Pale reddish-green blooms in late spring. Acorns.
Ginkgo (Maidenhair)	<i>Ginkgo biloba (male)</i>	Large	Pyramidal	25-50 feet	Medium	Deciduous		High	X		X		Heat tolerant, Shade, Ornamental, Road frontage-yard
Goldenraintree	<i>Koelreuteria paniculata</i>	Small	Rounded	30-40 feet	Medium - Fast	Deciduous	X	High					Fruit like a three-sided lantern. Yellow blooms in summer. Road frontage-yards, parking lots, buffers.
Greenleaf Holly (American Holly)	<i>Ilex opaca 'Greenleaf'</i>	Very Small	Pyramidal	20-25 feet	Slow	Broadleaf evergreen	X	High			X		Road frontage-yard, Parking lots, buffers. Greenish-white blooms in May. Bright red or orange berries in fall.
Hackberry*	<i>Celtis laevigata 'Sugar'</i>	Large	Irregular	60-80 feet	Medium	Deciduous	X	Low			X		Green blooms April - May. Dull, red fruit. Rain garden. Wind tolerant.
Hawthorn	<i>Crataegus viridis 'Winter King'</i>	Small	Spreading	25-35 feet	Slow-Medium	Deciduous	X	High	X		X		White flowers in spring, small red edible fruit in fall
Higan Cherry	<i>Prunus subhirtella var. 'Autumnalis'</i>	Small	Round-Symmetrical	20-35 feet		Deciduous	X	Medium			X		Pink blooms in April, sporadic blooms in Fall.
Japanese Apricot	<i>Prunus mume</i>	Small	Spreading	25 feet	Fast	Deciduous	X	Low			X		Pale pink fragrant flowers in early spring. Small yellow-orange, tart fruit.
Japanese Crabapple	<i>Malus floribunda</i>	Small	Rounded	15-25 feet	Medium	Deciduous	X	Low			X		Fragrant deep pink to red blooms. Yellow and red fruits in fall. Road frontage-yard, buffers, utility corridors.
Japanese Flowering Cherry (Yoshino Cherry)	<i>Prunus x yedoensis</i>	Small	Rounded	40-50 feet	Medium	Deciduous	X	Low			X		White-pink spring flowers. Road frontage-yard, Buffers, Utility corridors.
Japanese Magnolia	<i>Magnolia x soulangiana</i>	Medium	Upright	15-25 feet	Medium	Deciduous	X	Low			X		Pink saucer-like blooms in late winter. Road frontage-yard, Utility corridors.
Japanese Maple	<i>Acer palmatum</i>	Small	Oval	15-20 feet	Slow	Deciduous		Low			X		Road frontage-yard, Utility corridors.
Japanese Zelkova	<i>Zelkova serrata</i>	Large	Upright	50-80 feet	Medium	Deciduous	X	High			X		Road frontage-yard, Parking Lots. Fruit in fall.
Japanese-Cedar	<i>Cryptomeria japonica 'Yoshino'</i>	Medium	Pyramidal	30-40 feet	Fast	Needled evergreen		High				X	Screen, wind break, Road Frontage-yards, Buffers
Kousa Dogwood (Japanese Dogwood)	<i>Cornus kousa</i>	Small	Rounded	15-25 feet	Slow - Medium	Deciduous	X	Low			X		White star-like spring blooms. Road frontage-yard, buffers, utility corridors.

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		Canopy Size Category	Mature Growth Form	Height	Growth Rate				Street Tree (located between back of curb & sidewalk)	Undersory Tree (Specimen - 6" dbh and larger)	Hardwood Tree (Specimen - 24" dbh and larger)	Softwood Tree (Specimen - 30" dbh and larger)		
American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X			X		Riparian Zones and Drainage Areas
Kwanzan Cherry	<i>Prunus serrulata</i> 'Kwanzan'	Small	Rounded	15-25 feet	Medium	Deciduous	X	Low			X			Deep-pink double blooms in April. Buffers and Utility corridors.
Lacebark Elm	<i>Ulmus parvifolia</i> 'Emer II' ALLEE	Large	Rounded to Spreading	60-70 feet	Fast	Deciduous	X	Medium				X		Green blooms in September.
Lacebark Elm	<i>Ulmus parvifolia</i> Athena	Large	Spreading	30-40 feet	Fast	Deciduous		High				X		
Laurel Oak	<i>Quercus hemisphaerica</i>	Large	Rounded	60-90 feet	Fast	Semi-evergreen		High				X		
Leyland Cypress	<i>Cupressocyparis lelandii</i>	Small	Pyramidal	60-70 feet	Fast	Evergreen		Medium					X	Buffers
Loblolly pine*	<i>Pinus taeda</i>	Large	Pyramidal	60-90 feet	Fast	Evergreen		Medium					X	
London Planetree	<i>Platanus x acerifolia</i>	Large	Irregular	75-100 feet	Medium	Deciduous	X	High				X		Red blooms in April. Yields pendulous ball-like clusters of tightly packed seeds.
Northern Red Oak	<i>Quercus rubra</i>	Large	Rounded	60-75 feet	Fast	Deciduous		Medium	X			X		Road frontage-yard, Parking Lots
Nuttal Oak	<i>Quercus nuttallii</i>	Large	Rounded	100 feet	Fast	Deciduous		Medium	X			X		Road frontage-yard, Parking Lots
Okame Cherry	<i>Prunus</i> x 'okame'	Small	Upright-Rounded	20-30 feet	Fast	Deciduous	X	Medium			X			Early spring rosy pink blooms. Buffers.
Oklahoma Redbud	<i>Cercis reinformis</i> 'Oklahoma'	Small	Rounded	15-25 feet	Medium	Deciduous	X	High			X			Purple blooms in spring. Road frontage-yard, Parking Lots, Utility Corridors.
Overcup Oak	<i>Quercus lyrata</i>	Large	Rounded	45-70 feet	Medium	Deciduous		Medium	X			X		Road frontage-yard, Parking Lots, Riparian and Drainage Areas
Pawpaw	<i>Asimina triloba</i>	Small	Pyramidal	35 feet	Slow	Deciduous	X	Low	X		X			Deep purple-red blooms that resemble tulips in March. Edible large, yellowish-green to brown fruit.
Pecan	<i>Carya illinoensis</i>	Large	Upright	60' or greater	Slow	Deciduous	X	Low				X		Pecan nuts. Lifespan of 300+ years.
Pignut Hickory	<i>Carya glabra</i>	Large	Oval	100 feet	Slow	Deciduous		High	X			X		Road frontage-yard
Pin Oak	<i>Quercus palustris</i>	Large	Pyramidal	60-70 feet	Fast	Deciduous	X	Medium				X		Produces yellow-green catkins 5"-7" long in April - May. Yields acorns.
Pond Cypress	<i>Taxodium ascendens</i>	Medium	Pyramidal	49-59 feet	Fast	Deciduous conifer		High	X			X		Sidewalks, ponds, swampy areas
Post Oak	<i>Quercus stellata</i>	Large	Rounded	40-50 feet		Deciduous		High	X			X		Road frontage-yard
Purpleleaf Plum	<i>Prunus cerasifera</i>	Small	Rounded	25 feet	Medium	Deciduous	X	Medium			X			Pink and white blooms in spring. Road frontage-yard, Buffers, Utility corridors.
Red Maple	<i>Acer rubrum</i> 'October Glory'	Medium	Rounded, Oval, Upright, and Erect	40-50 feet	Medium	Deciduous	X	Low	X			X		Small, red, clustered flowers winter to spring. Good for shade, and rain garden

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		Canopy Size Category	Mature Growth Form	Height	Growth Rate				Street Tree (located between back of curb & sidewalk)	Undersory Tree (Specimen - 6" dbh and larger)	Hardwood Tree (Specimen - 24" dbh and larger)		Softwood Tree (Specimen - 30" dbh and larger)
American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X		X		Riparian Zones and Drainage Areas
Red Sunset Maple	<i>Acer rubrum</i> 'Franksred'	Large	Pyramidal to Rounded	45-50 feet	Medium - Fast	Deciduous	X	Medium			X		Red clusters of small flowers winter to spring. Winged, reddish fruit in summer.
River Birch	<i>Betula nigra</i> 'bnmtf' dura-heat	Medium	Pyramidal to Rounded	30-40 feet	Medium	Deciduous	X	Low	X		X		Brownish-green blooms April - May. Shade tree, rain garden, Riparian Zones
Sassafras	<i>Sassafras albidum</i>	Medium	Oval/Rounded	30-60 feet	Medium - Fast	Deciduous	X	High	X		X		Road frontage-yard, Buffers, Riparian Zones and Drainage Areas, Yellow flowers in early spring, Dark blue fruit in fall
Scarlet Oak*	<i>Quercus coccinea</i>	Large	Rounded	60-80 feet	Medium	Deciduous	X	High	X		X		Road frontage-yard, Parking Lots, Acorns
Shumard Oak	<i>Quercus shumardii</i>	Large	Rounded	60-80 feet	Medium	Deciduous		High	X		X		Road frontage-yard, Parking Lots, Acorns
Smoke Tree, Common	<i>Cotinus coggygria</i>	Very Small	Oval	10-15 feet	Slow-Medium	Deciduous	X	High			X		Road frontage and utility corridors. Pink-Purple blooms in late spring.
Sourwood	<i>Oxydendrum arboreum</i>	Medium	Spreading	25-30 feet	Medium	Deciduous	X		X		X		Road frontage-yard. Parking lots. White, fragrant blooms June to early July. Oval shaped fruit. Can live 100-200 years.
Southern Magnolia	<i>Magnolia grandiflora</i>	Large	Pyramidal	60-80 feet	Medium		X	Medium	X		X		White blooms May-June. Road frontage-yard, buffers.
Southern Red Oak*	<i>Quercus falcata</i>	Large	Rounded	70-90 feet	Medium	Deciduous	X	High	X		X		Road frontage-yard, Parking Lots, Acorns
Sparkleberry, Tree	<i>Vaccinium arboreum</i>	Very Small	Irregular	15-20	Slow	Deciduous	X	Medium			X		Riparian zones and drainage areas. Utility corridors. White blooms in spring.
Star Magnolia	<i>Magnolia stellata</i>	Very Small	Multi-stemmed	15-20 feet	Medium		X	Medium			X		White, showy fragrant flowers in spring. Road frontage-yard, Utility Corridor.
Sugar Maple	<i>Acer saccharum</i> 'Legacy'	Large	Spreading	60-75 feet	Medium	Deciduous	X	Medium	X		X		Small greenish-yellow blooms April - May.
Swamp Laurel Oak*	<i>Quercus laurifolia</i>	Large	Rounded	65-80 feet	Medium	Semi-evergreen	X	Medium			X		Yellow-green bloom March to April. Acorns
Sweetbay Magnolia	<i>Magnolia virginiana</i>	Medium	Oval	10-20 feet	Medium - Fast		X	Low	X		X		White lemon scented blooms May - June. Road frontage-yard, Parking lots, Buffers, Riparian zones.
Sweetgum*	<i>Liquidambar styraciflua</i>	Large	Oval	60-75 feet	Medium - Fast	Deciduous	X	Low			X		Burr-like rounded fruit.

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American Beech*	<i>Fagus grandifolia</i>	Large	Oval	50-70 feet	Slow - Medium	Deciduous		Low	X				Riparian Zones and Drainage Areas
Trident Maple	<i>Acer buergerianum</i>	Small	Rounded	20-35 feet	Fast	Deciduous		Medium			X		Road frontage-yard, parking lots, buffers, utility corridors.
Tulip Poplar	<i>Liriodendron tulipifera</i>	Large	Oval	70-90 feet	Fast	Deciduous	X	Low			X		Yellow blooms with orange band from May to June.
Virginia Pine	<i>Pinus virginiana</i>	Medium	Irregular	15-40 feet	Slow	Evergreen conifer		High				X	
Walking Stick	<i>Corylus avellana</i> 'Contorta'	Very Small	Irregular	8-10 feet	Slow	Deciduous	X	Medium	X		X		Pale yellow-gray blooms in March - April. Nuts ripen in late August - September.
Washington Hawthorn	<i>Crataegus phaenopyrum</i>	Small	Rounded	25-30 feet	Slow	Deciduous	X	Medium			X		White blooms in spring and red berries in fall. Road frontage-yard, utility corridors.
Water Oak	<i>Quercus nigra</i>	Large	Rounded	50-80 feet	Fast	Deciduous	X	Medium			X		Acorns. Riparian zones.
Weeping Willow	<i>Salix babylonica</i>	Large	Rounded	30-40 feet	Fast	Deciduous	X	Medium			X		Yellow flowers in April - May. Road frontage-yard.
White Oak*	<i>Quercus alba</i>	Large	Rounded	50-80 feet	Slow - Medium	Deciduous	X	Medium	X		X		Road frontage-yard, Acorns
Willow Oak	<i>Quercus phellos</i>	Large	Rounded	40-60 feet	Medium	Deciduous	X	High	X		X		Acorns, Road frontage-yard, Parking Lots Riparian Zones and Drainage Areas
Winged Elm	<i>Ulmus alata</i>	Large	Upright	45-70 feet	Slow	Deciduous	X	High	X		X		Road frontage-yard, Parking Lots, Flowering in March and April
Winterberry, Common	<i>Ilex verticillata</i>	Very Small	Multi-stemmed	5-15 feet	Medium	Deciduous		Low	X		X		Buffers. Riparian Zones and Drainage Areas. Utility Corridors.
Witchhazel	<i>Hamamelis virginiana</i>	Small	Spreading	15-30 feet	Medium	Deciduous	X	Medium	X		X		Fragrant yellow blooms October - December. Ornamental. Riparian Zones and Drainage Areas, Utility Areas
Yellow Buckeye	<i>Aesculus flava</i> (octandra)	Large	Oval	60-75 feet	Medium	Deciduous	X	Medium	X		X		Yellow blooms in May. Pale brown fruit

Sec. 16-238. - Street trees.

- (a) *General.* These street tree planting requirements apply in all districts.
- (b) *Tree planting requirements.*
 - (1) A street tree planting plan must be submitted to and approved by the City Arborist prior to issuance of a development permit. The plan must be prepared and sealed by a registered landscape architect, certified arborist or registered forester. All proposed trees must be individually identified on the plan with an included tree species list.
 - (2) Street trees must be planted in the right-of-way. Trees must be planted at intervals or no more than 50 feet and no closer than 25 feet to street intersections. Street trees are not required abutting each individual lot where spacing distances are inadequate. Street trees are required on both sides of the street. The City Arborist may approve alternate spacing when the 50-foot spacing requirement cannot be met due to driveways and other improvements.
 - (3) Street tree species shall be selected in accordance with appendix B [and the approved General Street List and Street Trees as defined in Section 16-116](#), subject to approval by the City Arborist. No more than 35 percent of any one species may be used throughout the development.
 - (4) Street trees must have a minimum caliper of three inches. They must be single-stemmed with a single, straight leader.
 - (5) The builder/developer must install the street trees specified on the street tree planting plan prior to the issuance of the certificate of occupancy. However, street tree plantings may be delayed from May 1 through October 1, provided that the builder enters into a performance surety agreement with the city guaranteeing tree planting by October 15. The performance surety agreement must be executed before the issuance of certificates of occupancy.
 - (6) Street trees count towards the minimum individual lot tree density requirements set forth in article II, division 6.
- (c) *Installation and maintenance.*
 - (1) *Installation.*
 - a. All trees must be installed in a sound workmanlike manner and according to accepted good planting procedures. No certificate of occupancy or similar authorization may be issued unless the requirements of this section have been met.
 - b. Impermeable rigid tree root barriers must be installed in a linear method in all tree planting areas. The barriers must be a minimum of 24 inches deep and include ribs to direct root growth downward. The root barriers must be installed in accordance with city standards and specifications.
 - c. Expandable plastic tree trunk protectors must be installed on each tree.

- (2) *Staking and guying.* Newly planted trees may not be staked or guyed unless approved by the City Arborist.
- (3) *Maintenance.* Street trees must be maintained by the property owner who owns the abutting lot or by the property owners' association. Maintenance must include watering, pruning, tree replacement and removal of leaves and litter from the sidewalks and street, as necessary. A maintenance responsibility statement must be provided on the final plat.

(Ord. No. 2013-10-14, 1(Exh. A § 16-14.30), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015)

Sec. 16-79. - Exemptions and special administrative permits.

- (a) *Exemptions.* The stream buffer regulations of this division do not apply to any of the following activities, provided that any activity within a state-mandated stream buffer must meet state requirements. Exemption of these activities does not constitute an exemption from any other activity proposed on a property or a requirement to obtain a building/land development permit.
- (1) Work consisting of the usual and customary repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section. Such usual and customary repair and maintenance activities cannot create any land disturbance, and must occur within the preexisting disturbed area;
 - (2) Maintenance, including the full replacement, of existing decks, porches or similar improvements attached to a dwelling that encroach into a city stream buffer so long as the work does not increase the degree of encroachment or any nonconformity. The complete replacement of these improvements is provided for, including the replacement of stairs and all supporting beams, posts and footings subject to compliance with applicable city codes. The necessary construction of new or improved footings as required to comply with current building codes is allowable up to a maximum of 100 square feet of land disturbance;
 - (3) Construction of new decks, porches or other similar additions no more than 200 square feet in area, to existing structures without a deck, porch or similar structure, provided that such construction does not require more than 100 square feet of land disturbance and does not further encroach more than ten feet into the city stream buffer;
 - (4) Existing development and on-going land-disturbance activities including existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land-disturbance activities on such properties is subject to all applicable buffer requirements;
 - (5) Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption may not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses expressly identified in this paragraph;
 - (6) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
 - (7) Land development activities within a dedicated transportation right-of-way existing at the time this section takes effect or approved under the terms of this section;
 - (8) Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land-disturbance activities and such

impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures;

- (9) Emergency work necessary to preserve life or property. However, when emergency work is performed, the person performing it must report such work to the community development department on the next business day after commencement of the work. Within ten business days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the community development department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area;
 - (10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land-disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer;
 - (11) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
 - (12) The removal of dead, diseased, insect-infested, or hazardous trees (without any associated land disturbance), provided [the property owner provides a tree removal permit pictures and a report by a certified third party arborist](#); and
 - (13) Multi-use trails and related improvements that are part of a city council-approved plan. Unless otherwise approved by the state, such encroachments must be located at least 25 feet from the banks of state waters when, after study of alternative trail alignments, the community development director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a city council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.
- (b) *Special administrative permits.* The following activities may be approved within the stream buffers required by section 16-78 by special administrative permit, pursuant to the process outlined in chapter 27, article V, division 7:
- (1) Stream crossings by utility lines, roads, driveways or similar transportation routes, including trails for nonmotorized transportation;
 - (2) Public water supply intake or public wastewater outfall structures;
 - (3) Land development necessary to provide access to a property;
 - (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
 - (5) Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high-flow velocities due to steep slopes;

- (6) Exclusive of the exemptions in [subsections] (a)(2) and (a)(3) above, minor land-disturbing activities totaling no more than 200 square feet in area and located more than 25 feet from the stream, for the construction of decks, porches, or other additions to existing structures, and accessory structures where riparian vegetation is restored or replaced in any disturbed areas; and
- (7) Construction and land disturbance that results in the reduction or removal of impervious surfaces.

(Ord. No. 2013-10-14, 1(Exh. A § 16-6.40), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015; Ord. No. 2016-04-04, § 1, 4-11-2016)

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 _____, 2018.

Approved:

Denis L. Shortal, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Office of City Attorney

