City of Dunwoody Georgia
Community Development

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MEMORANDUM

To: Planning Commission

From: Amy Bledsoe, City Arborist

Date: April 12, 2022

Subject: Text Amendment
Chapter 16— Residential Regulations for Tree Ordinance

ITEM DESCRIPTION

This item is a proposed text amendment that requires tree removal permits for single-family residential properties. It establishes that owners can remove up to six non-specimen sized trees without obtaining a tree removal permit. This item also increases the number of trees that are required on single-family residential lots to meet site density requirements and makes further changes to facilitate the tree removal requirement.

DISCUSSION

Currently, residents of single-family residential neighborhoods do not have to obtain tree removal permits for tree removal that occurs outside of the City's 75-ft stream buffer. On one hand, the proposed amendments protect the tree canopy in Dunwoody's residential neighborhoods by applying sections of the tree ordinance to single-family residential properties that are currently only applicable to non-single-family residential properties. On the other hand, it provides allowances to ensure that regulations do not become burdensome for homeowners and developers. .

This item would require a tree removal permit for the following actions:

- Removal of six or more non-specimen sized trees per calendar year (i.e. trees with a diameter at breast height (DBH) of ten inches or greater for hardwoods, 20 inches or greater for softwoods, or six inches or greater for understory trees)
- Removal of any number of specimen trees
- Removal of any number of healthy trees within the 75-foot stream buffer

No permits are required under specific circumstances, for instance for trees damaged during an emergency or as part of a utilities project.

Tree removal in Dunwoody's established neighborhoods is a common concern amongst the City's residents. The 2021 Sustainability Plan included an action item to consider a residential tree policy, which this item addresses.

This item attempts to strike a balance between protecting the tree canopy in Dunwoody's neighborhoods and allowing residents to utilize their properties as they see fit. To make it less burdensome on both homeowners, this item provides generous allowances for smaller trees – residents can remove up to six trees per year. On the other hand, this item slightly increases tree density standards and requires residents to provide mitigation for removed trees by planting new trees or contributing to the City's Tree Fund.

RECOMMENDATION

Staff recommends **APPROVAL.**

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2022-__-__**

AN ORDINANCE TO AMEND CHAPTER 16, DIVISION 6 (TREE PRESERVATION) OF THE CODE OF THE CITY OF DUNWOODY, GEORGIA TO MODIFY AND ADD PROVISIONS PERTAINING TO PERMITTED AND UNPERMITTED TREE REMOVAL ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, SITE DENSITY REQUIREMENTS, AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have 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, a healthy tree canopy has long been recognized as improving health, livability, aesthetics, and land values in cities; and

WHEREAS, numerous studies show that living near trees provides environmental, physical, mental, and social health benefits; and

WHEREAS, the citizens of Dunwoody value trees and the benefits they bring to the community, and have expressed concerns regarding unpermitted tree removal from single-family residential properties; and

WHEREAS, the City of Dunwoody does not currently have a requirement for the removal of trees on single-family residential properties located outside of the City's 75-ft. stream buffer.

WHEREAS, the City of Dunwoody's extensive tree canopy is a well-recognized and integral part of the City's identity, and one that coincides with its designation as a "Tree City USA"; and

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:

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2022-__-__**

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

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; Ord. No. 2017-10-19, § I, 10-9-2017)

Editor's note— Ord. No. 2017-10-19, § I, adopted Oct. 9, 2017, renumbered former § 16-106 to § 16-105.

Sec. 16-106. - Tree removal permit.

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2022-__-__**

(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 ten inches or greater, softwoods with a DBH of 20 inches or greater, and understory with a DBH of six 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~~.~~; and

(3) Any specimen tree from a single-family residential property as defined in Sec. 16-110(a)(1) with a condition that meets the requirements of Sec. 16-110(a)(2); and

(4) More than six hardwood or softwood trees, other than specimen trees, that meet the size requirements of Sec. 16-106(a)(1) from a single-family residential property within a single calendar year.

(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 each tree 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 hardwood less than ten inches, softwood less than 20 inches, and understory trees less than six inches on residential, 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~~ -Six or less non-specimen, hardwood or softwood 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; and~~.~~

(5) Six or less uUnderstory trees found on single-family lots, located outside of the 75-foot city stream buffer.

(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 will approve the removal of the tree(s) within five business days of receipt of a completed tree removal application, 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; and

(2) On single-family residential lots, the site plan must be sufficient to meet the site density requirements of Sec. 16-109(b)(2).

(3)~~(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

(4)~~(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).

(Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

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 ten inches or larger over-story and six 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; Ord. No. 2018-07-13, § I, 7-23-2018)

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2022-__-__**

Sec. 16-108. - Protected zones.

(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 hardship, an appeal 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) 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

(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; Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

Editor's note— Ord. No. 2018-07-13, § I, adopted July 23, 2018, changed the title of § 16-108 from "Tree removal" to read as herein set out.

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2022-__-__**

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) Not including trees that are located within the 75-foot stream buffer, t~~T~~he following number of overstory 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	3~~2~~ trees
15,001 to 20,000 square feet	4~~3~~ trees
20,001 to 25,000 square feet	5~~4~~ trees
25,001 to 30,000 square feet	6~~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; Ord. No. 2017-10-19, § I, 10-9-2017)

… *No changes in following sections (Sec. 16-110 through Sec. 16-125).* …

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 all conflicting ordinances and amendments.

SO ORDAINED, this ___ day of _____, 2022.

Approved:

_____
Lynn Deutsch, Mayor

ATTEST:

_____
Sharon Lowery, City Clerk
(Seal)

Approved as to Form and Content:

_____
City Attorney

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2022-__-__

DIVISION 6. - TREE PRESERVATION[7]

Footnotes:

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Editor's note— Section 1 of Ord. No. 2015-01-04, adopted Jan. 26, 2015, renumbered former §§ 16-126—16-135 as §§ 16-106—16-115.

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; Ord. No. 2017-10-19, § I, 10-9-2017)

Editor's note— Ord. No. 2017-10-19, § I, adopted Oct. 9, 2017, renumbered former § 16-106 to § 16-105.

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 ten inches or greater, softwoods with a DBH of 20 inches or greater, and understory with a DBH of six 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 each tree 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 hardwood less than ten inches, softwood less than 20 inches, and understory trees less than six 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 will approve the removal of the tree(s) within five business days of receipt of a completed tree removal application, 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).

(Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

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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 ten inches or larger over-story and six 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; Ord. No. 2018-07-13, § I, 7-23-2018)

Sec. 16-108. - Protected zones.

(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 hardship, an appeal 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) 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

(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; Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

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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; Ord. No. 2017-10-19, § I, 10-9-2017)

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.* 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, 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 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; Ord. No. 2018-07-13, § I, 7-23-2018)

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; Ord. No. 2017-10-19, § I, 10-9-2017)

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.* The person, firm, or corporation responsible for violating any of the provisions of this section may be deemed guilty of an ordinance violation. Each tree cut, damaged, or poisoned shall constitute a single offense and the responsible party shall be subject to a fine up to $1,000.00 per tree. 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) subject to the process established in section 16-33.

(Ord. No. 2013-10-14, 1(Exh. A § 16-8.90), 10-14-2013; Ord. No. 2015-01-04, § 1, 1-26-2015; Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018; Ord. No. 2021-09-13, § III, 9-27-2021)

Sec. 16-115. - Additional information.

The following rules and regulations are approved by the city council from time to time and are kept and maintained by the community development department:

(1) Lists of approved street trees as listed in section 16-116;

(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; Ord. No. 2018-07-13, § I, 7-23-2018)

Sec. 16-116. - General tree list and street trees.

		Growth Characteristics							**Dunwoody Tree Classification**				
Common Name (*Indicates native to Georgia)	**Scientific Name**	**Canopy Size Category**	**Mature Growth Form**	**Height**	**Growth Rate**	**Class**	**Flowering/Fruit/ Nuts**	**Drought Tolerance**	***Street Tree (located between back of curb and sidewalk)***	***Understory Tree (Specimen - 6" dbh and larger)***	***Hardwood Tree (Specimen - 24" dbh and larger)***	***Softwood Tree (Specimen - 30" dbh and larger)***	**Characteristics and Ideal Locations**
American Beech*	*Fagus grandifolia*	Large	Oval	50—70 feet	Slow - Medium	Deciduous		Low	X		X		Riparian Zones and Drainage Areas.
American Elm	*Ulmus americana*	Large	Upright	100 feet	Medium	Deciduous		High	X		X		Road frontage-yard, Riparian Zones and Drainage Areas.
American Fringe (Grancy Grey Beard)	*Chionanthus virginicus*	Very Small	Oval	12—20 feet	Slow - Medium	Deciduous	X	Low	X	X			Road frontage-yard, Buffers, Utlity Corridors. Fragrant, lacy, white flowers in spring. Dark blue, grape-like clustered fruit.
American Holly	*Ilex opaca*	Very Small	Pyramidal	40—50 feet	Slow-Medium	Evergreen		High	X		X		Road frontage-yard, Buffers.
American Hornbeam (Ironwood, Blue Beech)*	*Carinus caroliniana*	Medium	Oval	20—40 feet	Slow	Deciduous		Medium	X	X			Parking Lots, Road Frontage-Yard, Riparian Zones and Drainage

													Areas, Buffers.
American Snowbell	*Stryrax americanus*	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	*Platanus occidentalis*	Large	Oval	80—100 feet	Fast	Deciduous		Medium			X		Road frontage-yard. Parking lots, riparian zones.
American Yellowwood	*Cladrastis kentukea*	Medium	Upright	30—50 feet		Deciduous	X	Medium	X		X		White flower in spring, Road Frontage-yards, Parking Lots.
Ann Magnolia	*Magnolia liliflora* 'Nigra' *x stellate* 'Rosea'	Small	Spreading	8—10 feet	Medium		X	High	X	X			Deep purple-red blooms that resemble tulips in March.
Bald Cypress*	*Taxodium distichum*	Medium	Pyramidal	50—70 feet	Medium	Deciduous conifer		High	X		X		Road frontage-yard, Parking Lots, Buffers, Riparian Zones and Drainage Areas.
Black Tupelo*	*Nyssa sylvatica*	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	*Juglans nigra*	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	Primus caroliniana	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	*Halesia tetraptera*	Medium	Irregular	30—40 feet	Medium	Deciduous	X	Low	X				White blooms in April. Road frontage-yard, Parking lots, Riparian zones.
Chalkbark Maple	*Acer leucoderme*	Medium	Spreading	20—40 feet		Deciduous		High	X		X		Road frontage-yard, Parking Lots, Buffers
Chaste Tree	*Vitex angus-castus*	Very Small	Multi-stemmed	10—20 feet	Medium	Deciduous	X	High		X			Fragrant lilac blooms in summer. Road frontage-yard, parking lots, utility corridors.
Cherrybark Oak	*Quercus pagoda*	Large	Rounded	100—130 feet		Deciduous		Medium	X		X		Road frontage-yard, Parking Lots, Riparian and Drainage Areas
Chinese Evergreen Oak	*Quercus myrsinifolia*	Large	Rounded	30—50 feet	Slow	Evergreen	X	High			X		Acorns, Road frontage-yard.

Chinese Pistache	*Pistacia chinesis*	Small	Oval-Rounded	25—35 feet	Medium	Deciduous	X	High		X			Xeriscape tree. Greenish flowers in April-May.
Chinese Redbud	*Cercis chinesis*	Very Small	Irregular	8—15 feet		Deciduous	X	Medium		X			Rosy-purple spring blooms.
Chinkapin Oak	*Quercus muehlenbergii*		Rounded	40—50 feet	Slow - Medium	Deciduous	X	Medium	X		X		
Contorted Willow (Corkscrew Willow)	*Salix matsudana* 'tortuosa'	Small	Multi-stemmed	20—30 feet		Deciduous	X	Low		X			Pale yellow blooms from April - May. Raingarden
Crabapple	*Mains callaway*	Small	Rounded	15—25 feet	Slow	Deciduous	X	Medium	X	X			Pink buds to white blooms and bright red crabapples in April.
Crapemyrtle	*Lagerstroemia indica x* l. fauriei 'Tuscarora'	Very Small	Multi-stemmed	15 feet	Medium	Deciduous	X	High		X			Pink blooms in summer. Road frontage-yard, buffers, utility corridors.
Dawn Redwood	*Metasequoia glyptostroboides*	Medium	Pyramidal	70—200 feet	Fast	Deciduous conifer		Medium				X	
Deodar Cedar	*Cedrus deodara*	Medium	Pyramidal	40—70 feet	Medium	Evergreen		High				X	Reddish-brown oval cones.
Dolgo Crabapple	*Malus* x 'dolgo'	Small	Spreading	25—30 feet	Medium	Deciduous	X	Medium		X			White bloom in spring. Fruit in fall.
Downy Serviceberry	*Amelanchier arborea*	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)	*Ostrya virginiana*	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)	*Juniperus virginiana*	Medium	Pyramidal	40—50 feet	Medium	Evergreen		High	X			X	Road frontage-yard, Parking Lots, Riparian and Drainage Areas, Buffers.
Eastern Redbud*	*Cercis canadensis*	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*	*Cornus florida*	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.
Georgia Oak*	*Quercus georgiana*	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)	*Ginkgo biloba (male)*	Large	Pyramidal	25—50 feet	Medium	Deciduous		High	X		X		Heat tolerant, Shade, Ornamental, Road frontage-yard
Goldenraintree	*Koelreuteria paniculata*	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)	*Ilex opaca* 'Greenleaf	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*	*Celtis laevigata* 'Sugar'	Large	Irregular	60—80 feet	Medium	Deciduous	X	Low			X		Green blooms April - May. Dull, red fruit. Raingarden. Wind tolerant.
Hawthorn	*Crataegus virdis* 'Winter King'	Small	Spreading	25—35 feet	Slow-Medium	Deciduous	X	High	X	X			White flowers in spring, small red edible fruit in fall.
Higan Cherry	*Prunus subirtella* var. 'Autumnalis'	Small	Round-Symmetrical	20—35 feet		Deciduous	X	Medium		X			Pink blooms in April, sparodic blooms in Fall.

Japanese Apricot	*Prunus mume*	Small	Spreading	25 feet	Fast	Deciduous	X	Low		X			Pale pink fragrant flowers in early spring. Small yellow-orage, tart fruit.
Japanese Crabapple	*Malus florib unda*	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)	*Prunus* x yedoensis	Small	Rounded	40—50 feet	Medium	Deciduous	X	Low			X		White-pink spring flowers. Road frontage-yard, Buffers, Utilitiy corridors.
Japanese Magnolia	*Magnolia* x soulangiana	Medium	Upright	15—25 feet	Medium	Deciduous	X	Low		X			Pink saucer-like blooms in late winter. Road frontage-yard, Utility corridors.
Japanese Maple	*Acer palmatum*	Small	Oval	15—20 feet	Slow	Deciduous		Low		X			Road frontage-yard, Utility corridors.
Japanese Zelkova	*Zelkova serrata*	Large	Upright	50—80 feet	Medium	Deciduous	X	High			X		Road frontage-yard, Parking Lots. Fruit in fall.
Japanese-Cedar	*Cryptomeria japonica* 'Yoshino'	Medium	Pyramidal	30—40 feet	Fast	Needled evergreen		High				X	Screen, wind break, Road Frontage-yards, Buffers

Kousa Dogwood (Japanese Dogwood)	*Cornus kousa*	Small	Rounded	15—25 feet	Slow - Medium	Deciduous	X	Low		X			White star-like spring blooms. Road frontage-yard, buffers, utility corridors.
Kwanzan Cherry	*Prunus serrulata* 'Kwanzan'	Small	Rounded	15—25 feet	Medium	Deciduous	X	Low		X			Deep-pink double blooms in April. Buffers and Utility corridors.
Lacebark Elm	*Ulmus parvifolia* 'Emer II' ALLEE	Large	Rounded to Spreading	60—70 feet	Fast	Deciduous	X	Medium			X		Green blooms in September.
Lacebark Elm	*Ulmus parvifolia* Athena	Large	Spreading	30—40 feet	Fast	Deciduous		High			X		
Laurel Oak	*Quercus hemisphaerica*	Large	Rounded	60—90 feet	Fast	Semi-evergreen		High			X		
Leyland Cypress	*Cupressocyparis leylandii*	Small	Pyramidal	60—70 feet	Fast	Evergreen		Medium				X	Buffers
Loblolly pine*	*Pinus taeda*	Large	Pyramidal	60—90 feet	Fast	Evergreen		Medium				X	
London Planetree	*Platanus x acerifolia*	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	*Quercus rubra*	Large	Rounded	60—75 feet	Fast	Deciduous		Medium	X		X		Road frontage-yard, Parking Lots.
Nuttal Oak	*Quercus nuttallii*	Large	Rounded	100 feet	Fast	Deciduous		Medium	X		X		Road frontage-yard, Parking Lots

Okame Cherry	*Prunus* x 'okame'	Small	Upright-Rounded	20—30 feet	Fast	Deciduous	X	Medium		X			Early spring rosy pink blooms. Buffers.
Oklahoma Redbud	*Cercis reinformis* 'Oklahoma'	Small	Rounded	15—25 feet	Medium	Deciduous	X	High		X			Purple blooms in spring. Road frontage-yard, Parking Lots, Utility Corridors.
Overcup Oak	*Quercus lyrata*	Large	Rounded	45—70 feet	Medium	Deciduous		Medium	X		X		Road frontage-yard, Parking Lots, Riparian and Drainage Areas
Pawpaw	*Asiminia triloba*	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	*Carya illinoinensis*	Large	Upright	60' or greater	Slow	Deciduous	X	Low			X		Pecan nuts. Lifespan of 300+ years.
Pignut Hickory	*Carya glabra*	Large	Oval	100 feet	Slow	Deciduous		High	X		X		Road frontage-yard.
Pin Oak	*Quercus palustris*	Large	Pyramidal	60—70 feet	Fast	Deciduous	X	Medium			X		Produces yellow-green catkins 5"—7" long in April—May. Yields acorns.
Pond Cypress	*Taxodium ascendens*	Medium	Pyramidal	49—59 feet	Fast	Deciduous conifer		High	X		X		Sidewalks, ponds, swampy areas.

Post Oak	*Quercus stellata*	Large	Rounded	40—50 feet		Deciduous		High	X		X		Road frontage-yard
Purpleleaf Plum	*Prunus cerasifera*	Small	Rounded	25 feet	Medium	Deciduous	X	Medium		X			Pink and white blooms in spring. Road frontage-yard, Buffers, Utilitiy corridors.
Red Maple	*Acer rubrum* '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.
Red Sunset Maple	*Acer rubrum* '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	*Betula nigra* '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	*Sassafras albidum*	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*	*Quercus coccinea*	Large	Rounded	60—80 feet	Medium	Deciduous	X	High	X		X		Road frontage-yard, Parking

													Lots, Acorns.
Shumard Oak	*Quercus shumardii*	Large	Rounded	60—80 feet	Medium	Deciduous		High	X		X		Road frontage-yard, Parking Lots, Acorns.
Smoke Tree, Common	*Cotinus coggygria*	Very Small	Oval	10—15 feet	Slow-Medium	Deciduous	X	High		X			Road frontage and utility corridors. Pink-Purple blooms in late spring.
Sourwood	*Oxydendrum arboreum*	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	*Magnolia grandiflora*	Large	Pyramidal	60—80 feet	Medium		X	Medium	X		X		White blooms May-June. Road frontage-yard, buffers.
Southern Red Oak*	*Quercus falcata*	Large	Rounded	70—90 feet	Medium	Deciduous	X	High	X		X		Road frontage-yard, Parking Lots, Acorns.
Sparkleberry, Tree	*Vacciniuim arboreum*	Very Small	Irregular	15—20	Slow	Deciduous	X	Medium		X			Riparian zones and drainage areas. Utilitity corridors. White blooms in spring.
Star Magnolia	*Magnolia stellata*	Very Small	Multi-stemmed	15—20 feet	Medium		X	Medium		X			White, showy fragrant flowers in

													spring. Road frontage-yard, Utility Corridor.
Sugar Maple	*Acer saccharum* 'Legacy'	Large	Spreading	60—75 feet	Medium	Deciduous	X	Medium	X		X		Small greenish-yellow blooms April—May.
Swamp Laurel Oak*	*Quercus laurifolia*	Large	Rounded	65—80 feet	Medium	Semi-evergreen	X	Medium			X		Yellow-green bloom March to April. Acorns.
Sweetbay Magnolia	*Magnolia virginiana*	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*	*Liquidambar styracifula*	Large	Oval	60—75 feet	Medium - Fast	Deciduous	X	Low			X		Burr-like rounded fruit.
Trident Maple	*Acer buergerianum*	Small	Rounded	20—35 feet	Fast	Deciduous		Medium		X			Road frontage-yard, parking lots, buffers, utility corridors.
Tulip Poplar	*Liriodendron tulipfera*	Large	Oval	70—90 feet	Fast	Deciduous	X	Low			X		Yellow blooms with orange band from May to June.
Virginia Pine	*Pinus virginiana*	Medium	Irregular	15—40 feet	Slow	Evergreen conifer		High				X	
Walking Stick	*Corylus avellana* '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	*Crataegus phaenopyrum*	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	*Quercus nigra*	Large	Rounded	50—80 feet	Fast	Deciduous	X	Medium			X		Acorns. Riparian zones.
Weeping Willow	*Salix babylonica*	Large	Rounded	30—40 feet	Fast	Deciduous	X	Medium			X		Yellow flowers in April—May. Road frontage-yard.
White Oak*	*Quercus alba*	Large	Rounded	50—80 feet	Slow - Medium	Deciduous	X	Medium	X		X		Road frontage-yard, Acorns.
Willow Oak	*Quercus phellos*	Large	Rounded	40—60 feet	Medium	Deciduous	X	High	X		X		Acorns, Road frontage-yard, Parking Lots Riparian Zones and Drainage Areas.
Winged Elm	*Ulmus alata*	Large	Upright	45—70 feet	Slow	Deciduous	X	High	X		X		Road frontage-yard, Parking Lots, Flowering in March and April.
Winterberry, Common	*Illex verticillata*	Very Small	Multi-stemmed	5—15 feet	Medium	Deciduous		Low	X	X			Buffers. Riparian Zones and Drainage Areas. Utilitiy Corridors.
Witchhazel	*Hamamelis virginiana*	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	*Aesculus flava (octandra)*	Large	Oval	60—75 feet	Medium	Deciduous	X	Medium	X		X		Yellow blooms in May. Pale brown fruit.

(Ord. No. 2018-07-13, § I, 7-23-2018)

Secs. 16-117—16-125. - Reserved.

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; Ord. No. 2017-10-19, § I, 10-9-2017)

Editor's note— Ord. No. 2017-10-19, § I, adopted Oct. 9, 2017, renumbered former § 16-106 to § 16-105.

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 ten inches or greater, softwoods with a DBH of 20 inches or greater, and understory with

a DBH of six 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~~.~~; and

(3) Any specimen tree from a single-family residential property as defined in Sec. 16-110(a)(1) with a condition that meets the requirements of Sec. 16-110(a)(2); and

(4) More than six hardwood or softwood trees, other than specimen trees, that meet the size requirements of Sec. 16-106(a)(1) from a single-family residential property within a single calendar year.

(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 each tree 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 hardwood less than ten inches, softwood less than 20 inches, and understory trees less than six inches on residential, 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~~ Six or less non-specimen, hardwood or softwood 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; and~~.~~

(5) Six or less u~~U~~nderstory trees found on single-family lots, located outside of the 75-foot city stream buffer.

(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 will approve the removal of the tree(s) within five business days of receipt of a completed tree removal application, 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; and

(2) On single-family residential lots, the site plan must be sufficient to meet the site density requirements of Sec. 16-109(b)(2).

(3)~~(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

(4)~~(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).

(Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

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 ten inches or larger over-story and six 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; Ord. No. 2018-07-13, § I, 7-23-2018)

Sec. 16-108. - Protected zones.

(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 hardship, an appeal 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) 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

(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; Ord. No. 2017-10-19, § I, 10-9-2017; Ord. No. 2018-07-13, § I, 7-23-2018)

Editor's note— Ord. No. 2018-07-13, § I, adopted July 23, 2018, changed the title of § 16-108 from "Tree removal" to read as herein set out.

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) Not including trees that are located within the 75-foot stream buffer, t~~T~~he following number of overstory 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	32 ~~2~~ trees
15,001 to 20,000 square feet	43 ~~3~~ trees
20,001 to 25,000 square feet	54 ~~4~~ trees
25,001 to 30,000 square feet	6~~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; Ord. No. 2017-10-19, § I, 10-9-2017)

… No changes in following sections (Sec. 16-110 through Sec. 16-125). …