the city of Doraville

DIVERSITY | VITALITY | COMMUNITY

THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Land Disturbance Permit and Tree Ordinance

Date of Meeting: 8-16-10

Budget Impact: ■ Yes ☐ No

Budget Impact Amount: $ Unknown

Funding Source:

■ Annual ☐ Capital ☐ Grant ☐ N/A

Regular Meeting ■
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested:

Amend Ordinance 5-270 to require the tree ordinance to take effect only when the construction exceeds a certain % of the property OR if the construction requires the removal of any specimen trees.

History, Facts, Issues:

The tree ordinance was put in place to ensure that new construction did not destroy the city's tree canopy and required developers and construction personnel to submit surveys, tree protection plans, etc. Unfortunately, there was no minimum requirement put in place to trigger the enforcement of the tree ordinance. So ANY land disturbance, no matter how small, requires the tree ordinance to take effect and review the entire property for compliance with the minimum tree unit count, surveys, etc., even if no trees were being removed in the process.

Options: _____

Recommended Action:

Amend Ordinance 5-270 to stipulate minimum requirements need to be met for the ordinance to take effect.

Department: Brian Bates **Department Head:** Mayor

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

Drip line – shall mean an imaginary perpendicular surface from a tree's branch tips down to the ground; the circular area of land surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with critical root zone.

Georgia Highway 141 Tree Protection Zone – shall mean all property within a horizontal distance of 120 feet of right-of-way of Georgia Highway 141. At major intersections on Georgia Highway 141 having exit and/or entrance ramps, the protection zone shall be reduced to 60 feet. The reduction shall apply for the length of each ramp. The Georgia Highway 141 Tree Protection Zone is a buffer area.

Hardwood tree – shall mean any leaf-bearing (non needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessary reflect any true qualities of the tree.

Land disturbance permit – shall mean any official authorization for demolition, construction, grading or the like issued by the City of Doraville.

Overstory tree – shall mean a tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.

Revegetation – shall mean the replacement of trees and landscape materials into the minimum required landscape areas as determined by the Zoning Ordinance generally, conditions of zoning approval, or the provisions of this article.

Severe pruning – shall mean removal of more than one-third (1/3) of the crown of a tree.

Softwood tree– shall mean any coniferous (cone bearing) tree, such as pine, fir, hemlock, cedar, etc. This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

1. The Doraville Tree Board (hereinafter referred to as the "Board") is hereby established to advise the Mayor and Council on matters pertaining to the conservation of trees and tree canopy cover on public and private lands within the City and to take instruction from the Mayor and Council regarding such issues.

2. The Board shall consist of the members of the Planning Commission who shall be appointed by the Mayor and Council.

3. The Board shall give non-binding advice to the Mayor and Council on the Ordinance, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the Building Inspector or his designee in the development and maintenance of technical specifications and guidelines.

4. The Board shall produce and maintain a list of proposed changes to the kinds and species of trees described in the Tree Planting List attached as Appendix B to this Ordinance. Any such changes may be adopted by ordinance of the Council and may be changed from time to time by ordinance. Upon such adoption, the changes shall become a part of this Ordinance.

5. The Board may enlist technical advisors in the fields of land development, landscape architecture and horticulture or related professions as needed and approved by the Mayor and Council.

(d) Applicability and General Provisions.

1. Except as specifically exempted in this Section, the terms and provisions of this Ordinance shall apply to any activity which requires the issuance of a land disturbance permit.

2. No land disturbance permit shall be issued until it is determined that the proposed development is in conformance with the provisions of this Ordinance.

3. No person shall remove, cause to be removed, poison, damage, trim or transplant any tree with a trunk diameter of three (3) inches or more at breast height which normally attains a mature height of fifteen (15) feet or more but without first obtaining a permit, as provided herein.

(e) Exemptions. The following activities shall be exempt from the provisions of this article; provided however, that in cases where these exemptions would provide for the removal of one or more specimen trees as defined by this article, all reasonable efforts shall be made to preserve said specimen trees.

1. The removal of trees, other than specimen trees, from any lot of less than one acre in size and which contains or is zoned and platted or to be platted for purposes of constructing a detached, single family residence or duplex.

2. Nurseries or orchards. This exception shall not be interpreted to include timber harvesting or the removal of trees incidental to development of the land.

3. Easements, where necessary to install, remove, repair, or maintain utilities within said easements.

4. The removal of trees on public rights-of-way by or on behalf of any federal, state, county, municipal or other government agency with jurisdiction, where necessary to lawfully construct, maintain, repair or improve said public rights-of-way.

5. The removal of trees or other specimen trees, from detention ponds and drainage easements where necessary for the construction, maintenance, or operation of said ponds or drainage improvements within said drainage easements.

1 acre	# acres	Total SF	5% trigger	LDP #	3% trigger	LDP #	1% trigger	LDP #
43,560	20.00	871,200	0.05	43,560	0.03	26,136	0.01	8,712
43,560	5.00	217,800	0.05	10,890	0.03	6,534	0.01	2,178
43,560	1.00	43,560	0.05	2,178	0.03	1,307	0.01	436
43,560	0.50	21,780	0.05	1,089	0.03	653	0.01	218
43,560	0.25	10,890	0.05	545	0.03	327	0.01	109

Under the "3%" scenario, a resident on a 1/4 acre lot would be required to fall under the tree ordinance if the construction/land disturbance permit exceeded 327 square feet.

A 5 acre lot would fall under the ordinance if construction exceeded 6,534 square feet.

Under either scenario, the proposed modification would require compliance with the tree ordinance if any speciman tree was scheduled to be removed, no matter what size construction was planned.