

Proposed Tree Ordinance -SUMMARY AS OF 1/6/14-

Introduction to the Draft of the Tree Canopy Conservation Ordinance

This ordinance draft was developed to address the results of tree canopy assessments and consultant recommendations upon review of the current tree conservation ordinance and 2008 draft revision. Input has been provided by citizens, design and construction professionals, realtors, city staff, the Environmental Sustainability Board, and the City's tree consultant.

Foundation of Draft Recommendations:

- Trees function as part of the city's infrastructure; provide environmental, economic and social services; and those services have measureable value.
- Trees grow larger and their value appreciates through maturity if the tree remains healthy and structurally sound.
- Proactive tree maintenance and protection are necessary to keep trees healthy and structurally sound.
- Decatur has community-wide commitment to protecting existing trees and increasing tree canopy whenever and wherever practical.
- Property owners have varying levels of interest in having trees on their property and a variety of objectives for their landscapes.
- In order for this ordinance and a community forest management program to be administered in an effective manner a full time city arborist must be hired or contracted to execute city arborist responsibilities.

Summary of Draft Recommendations:

- Sets a community-wide tree canopy cover goal of 55% to be achieved by 2039.
- Relies on the city arborist to administer the tree ordinance and promote tree conservation and planting beyond the tree ordinance through information, education, and public tree maintenance programs (planting, pruning, other maintenance, and tree risk management).
- Identifies a single class protected trees. Protected trees includes all public trees and all trees conserved or planted to meet requirements (regardless of size), and all trees 6 inches diameter at breast height (dnh) and greater. This protected tree class includes trees that were designated as significant, specimen and landmark in the current ordinance. simplifies the regulations and focuses simply on tree canopy cover.
- Regulations set on any project that will disturb 20% or more of the tree protection zone of any protected tree.

- Provides a clear definition of boundary trees and requires protection if the tree is being impacted by a project.
- A separate set of administrative guidelines will be created to facilitate implementation.
- A tree species list is included as an appendix.
- The fee schedule, inspection fees and value of tree canopy used to calculate contributions to the tree bank have been removed from the ordinance. These fees and values will instead be included in the city's planning and zoning fee schedule which is reviewed and updated annually.

Future Improvements

- Provide support and education for tree planting and maintenance for private citizens on private property.
- Link stormwater regulations and the Tree Conservation Ordinance.
- Regularly measure tree canopy cover by section of the city (downtown, NE, SE, SW, and NW) and monitor trends.

Common Questions about the Proposed Ordinance

1. What is Decatur's canopy coverage?

Decatur's canopy is estimated to be 45%. Data from 2 sources indicates a declining trend in coverage. The University of Georgia's Natural Resource Spatial Analysis Laboratory (NARSAL) estimates that our canopy has declined from 51% in 1990 to 47% in 2008. A recent study commissioned by City of Decatur using aerial photographs shows coverage at 45.7% in 2005 and 45.1% in 2010.

2. Where does Tree Bank money go?

Currently, it is spent on planting trees in public rights of way. It can also be used to purchase greenspace or maintain existing public trees. The proposed ordinance would also allow the funds to be used for a full or part time arborist. Since 2004, it has been used to plant approximately 380 trees, and support restoration projects in the Woodlands Garden and Decatur Cemetery.

3. What is the tree protection standard?

If 20% or more of the tree protection zone of a protected tree is being impacted, the Tree Conservation Ordinance is triggered. Protected trees include any public trees, healthy trees of any size conserved or planted to meet tree ordinance requirements **AND** any healthy tree 6 inches diameter at breast height (dbh) or greater. This includes boundary trees.

4. What is a boundary tree and what protection methods are proposed?

A boundary tree is defined as any tree growing on a property boundary line between two lots resulting in joint ownership by the adjacent property owners, or a tree whose critical root zone extends a minimum of 20% across a property boundary line into an adjacent property.

If a boundary tree is in the protected class and is being impacted by a project, protection methods are required in the draft ordinance. As part of the permitting process, applicants will be required to establish an escrow account, prior to final inspection to ensure the health and survival of boundary trees.

5. What is the canopy goal and why is it important?

A *Canopy Tree* is a large or medium tree with a crown size and shape that will typically provide significant shared and beneficial effects on temperature, air quality, water quality, and other environmental conditions, at maturity. The canopy (the top of the tree with leaves and branches) is used to meet the canopy goal.

Establishing a tree canopy coverage goal ensures that our community has “green cover” for our developed areas. The 25-year goal in the proposed ordinance is set at 55%. This is not the same as lot coverage, because canopy can extend over your house, sidewalks, or other paved areas. You also receive credit for canopy that extends over your property, but the trunk is on your neighbor’s property.

6. Do I get credit for canopy that is over my property, but the trunk is on a neighbor’s property?

Yes.

7. How will this impact the single-family homeowner?

- A permit will be required for removal of any protected tree
- For any project which requires a permit, requirements for replanting will be determined based on the scope of work and the existing tree canopy on the site.

8. When can I remove a tree?

- A certified arborist designates it as a hazard that cannot be mitigated.
- Site plan modifications to prevent irreparable damage to the tree are impossible or not practical, based on a cost and benefit analysis
- Intended use of property cannot be achieved without tree removal

9. What if a home is remodeled?

If the impervious surface of the site is increasing by over 10%, the entire site will need to be brought into compliance with the 55% canopy coverage goal.

10. Is there the opportunity to work with the City earlier in the permit process?

One of the underlying assumptions of this proposal is that the City will hire a full time Community Forest Manager to act as the City Arborist. This will allow the City to provide additional support for property owners who are working to conserve, maintain, or plant trees.

11. Will there be a tree species list?

Yes, there is species list included as an appendix in the draft ordinance. On a site where the planting of 10 or more trees is required, no more than 30% of any one species shall be planted, and on a site where the planting of 30 or more trees is required, no more than 10% of any one species shall be planted, unless otherwise approved by the city arborist.

12. How different is this from other cities' tree protection ordinances?

Canopy ordinances have become the standard, replacing the type of ordinance Decatur has in place now, which measures tree density, the size of the trunk, and does not factor in tree canopy.

13. What is the timeline for implementing the new ordinance? Who approves?

The City Commission will review the ordinance for adoption on January 21st, during their regularly scheduled meeting at 7:30pm. Staff has recommended that the ordinance become effective on May 5th. This will provide adequate time to develop the necessary administrative resources and fee structures, and hire a full-time Community Forest Manager.