

ORDINANCE NUMBER 0-07- 71

AN ORDINANCE

AN ORDINANCE OF THE CITY OF DOUGLASVILLE, GEORGIA TO AMEND AND REVISE THE TREE ORDINANCE FOR THE CITY; TO AMEND THE DEVELOPMENT CODE WITHIN WHICH THE TREE ORDINANCE IS CONTAINED; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Douglasville, Georgia;

SECTION 1. The Development Code of the City of Douglasville is amended by deleting Article III thereof in its entirety and inserting the following Article III in lieu thereof:

ARTICLE III. LANDSCAPING, BUFFERS AND TREE CONSERVATION

Section 3.01. Purpose; benefits and authority.

The purpose of this article is to improve the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- a. Providing for quality and consistency in the design of landscaping and screening.
- b. Providing for the separation of incompatible types of land use.
- c. Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.
- d. For the improvement of air quality and water quality and a higher standard of environmental living.

3.01.01. *Benefits of landscaping and tree conservation.* Benefits to the City of Douglasville derived from tree protection and replanting include:

- a. Improved control of soil erosion.
- b. Moderation of storm water runoff and improved water quality.
- c. Interception of airborne particulate matter and the reduction of some air pollutants.

- d. Enhanced habitat for desirable wildlife.
- e. Reduction of noise and glare, and the establishment of wind breaks.
- f. Production of oxygen and reduction in the level of carbon monoxide in the air.
- g. Purification of the air through transpiration.
- h. Climate moderation.
- i. Aesthetics and scenic amenity enhancement.
- j. Increased property value.

3.01.02. *Authority.* This article is enacted pursuant to the City's planning authority granted by the Constitution of this State, including but not limited to Ga. Const. Art. IX, Section II, paragraphs 3 and 4; O.C.G.A. § 36-70-3; the City's general police power; and all other state and local laws that authorize municipalities to act on behalf of the public health, safety, and welfare.

Section 3.02. Landscaping; where required.

3.02.01. *Residential subdivisions, single-family or two-family lots.* Landscaping requirements are imposed on any residential subdivision for single-family or two-family development, or on the lot when a single-family or two-family dwelling is to be constructed, only to the extent required under this article.

3.02.02. *Multi-family and nonresidential uses.* Landscaping shall be installed on the property of any multi-family or nonresidential use or development as a condition of site plan approval, or issuance of a development permit or building permit, whichever occurs first. Landscaping shall be provided in accordance with the requirements of this article, which includes the following:

- a. Within the yard areas of the property, in landscape strips along the street frontages, and within the minimum side and rear principal building setbacks.
- b. Within parking lots containing five or more parking spaces and between such lots and streets from which they are visible.
- c. As buffers between incompatible land uses and zoning districts.
- d. As replacement trees for those removed during construction, or as a supplement, in order to achieve the tree conservation requirements of this article.

Section 3.03. Calculation of “tree units.”

3.03.01. *Use of tree units.* Where the requirements of this article with regard to the preservation or planting of trees are not expressed in terms of number of trees, they are expressed in terms of "tree units". This approach provides the developer with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

3.03.02. *Establishment of tree unit values.* The diameter of a tree’s trunk establishes the "tree unit" value of an existing tree, as shown on table 3-1, or for a newly planted tree as shown on table 3-2. The values assigned to trees of the same size are different for existing and new trees, as indicated in the tables. One "unit" is not the same as one "tree." Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 inches in diameter = 5 inches).

Table 3-1: Tree Units for Existing Trees

<u>Tree Diameter (DBH) in inches</u>	<u>Tree Units</u>	<u>Tree Diameter (DBH) in inches</u>	<u>Tree Units</u>
Seedlings	0.0	19	4.4
1	0.0	20	4.6
2	0.0	21	4.8
3	0.0	22	5.0
4	0.6	23	5.2
5	0.8	24	5.4
6	1.0	25	5.6
7	1.2	26	5.8
8	1.4	27	6.0
9	1.6	28	6.2
10	1.8	29	6.4
11	2.0	30	6.6
12	2.3	31	7.2
13	2.5	32	7.8
14	3.0	33	8.4
15	3.3	34	9.0
16	3.6	35	10.0
17	4.0	36	11.0
18	4.2	37 or greater	12.0 + 1.0 for each inch in diameter greater than 37

Table 3-2: Tree Units for New (Replacement) Trees

Tree Diameter (caliper) in inches		Tree Diameter (caliper) in inches	
	<u>Tree Units</u>		<u>Tree Units</u>
Seedlings	0.0	9	1.3
1	0.0	10	1.5
2	0.3	11	1.7
3	0.4	12	1.9
4	0.5	13	2.2
5	0.6	14	2.5
6	0.7	15	2.8
7	0.9	16	3.1
8	1.1	17 or greater	3.5 + 0.5 for each inch in diameter greater than 17

3.03.03. *Minimum Standards.* On each property for which a Tree Conservation Plan is required by this Development Code, existing trees may be retained and new trees shall be planted so that the property shall attain or exceed the required tree density standard for the proposed use, exclusive of any acreage within a zoning buffer area (as required under this article) or a stream buffer. Existing tree retention, as opposed to tree clearing and replanting, is encouraged by this Development Code. The minimum required tree density standard shall be as follows:

Residential – 18 tree units per acre.

Office/Commercial – 20 tree units per acre.

Industrial – 15 tree units per acre.

3.03.04. *Proposed Project's Tree Density Calculation.* The proposed project's tree density shall be calculated by summing the credits for trees to be retained and trees to be planted, and dividing that number by total acreage of the project (excluding zoning buffer and stream buffer acreage).

EXAMPLE

CALCULATION OF TREE UNITS REQUIRED

EXAMPLE: 24.6 acre commercial project with 3.2 acres in zoning buffers and 2.6 acres in stream buffers on the site.

Total Property 24.6 acres

Area in Zoning Buffers -3.2 acres

Area in Stream Buffers -2.6 acres

Net Area Subject
to Tree Conservation 18.8 acres

Times minimum units x 20.0
per acre

3.03.05. *Achieving tree density required.* Every reasonable effort must be made to achieve the minimum required tree density standard on each development site. However, this Development Code contemplates that, due to topographic or other conditions, the exact number of tree units required by the proposed project's tree density calculation may not be able to be planted and still meet professional standards for spacing and survival. A method of alternative compliance, therefore is provided.

3.03.06. *Alternative compliance to tree density requirements.*

- a. *Overview.* The intent of the tree conservation requirements is to insure that the required density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide a viable alternative for such cases, the developer may be allowed to contribute to the City of Douglasville Tree Replacement Fund. The Development Official must review and approve all requests for alternative compliance to ensure that physical compliance with established standards cannot be achieved due to site considerations. As many trees as can reasonably be expected to survive must be planted on the site in question. In no instances shall more than 50 percent of the required tree site density be met through alternative compliance.

- b. The number of newly planted trees that can reasonably be expected to survive on a site shall be determined from the following criteria:

Overstory Trees – 200 square feet of pervious root zone.

Understory Trees – 75 square feet of pervious root zone.

- c. Developers are required to plan their projects in such a manner as to comply with the standards provided by this Development Code. Overdevelopment of a lot will not be recognized by the City as a criteria allowing use of the alternative compliance method. Site characteristics permitting use of alternative compliance are limited to those physical features outside the control of the owner and/or developer, such as the presence of rock, unusually steep grades, or ravines.
- d. The land disturbance permit will only be issued after the Development Official has verified entitlement to use the alternative compliance under the standards of this section.
- e. *Tree Replacement Fund.* If, in the determination of the Development Official, conditions do not allow for the planting of the required tree units on site due to physical characteristics of the lot outside the owner/developer's control, the permit holder may pay the City 125 percent of the total cost of purchase, delivery and installation (including a 2-year warranty) of trees at 2" (two inch) caliper, and the City will use this money to plant trees on public property. Actual fees shall be set by the City Council from time to time pursuant to the Administration and Enforcement Article of this Code regarding schedules and fees.
- f. *Fund Administration.* The City of Douglasville Tree Replacement Fund will be maintained by the Finance Director. A report for the City of Douglasville Tree Replacement Fund will be made available to the City Council no less often than annually. Use of funds from the Tree Replacement Fund shall be approved by City Council.

CITY TREE REPLACEMENT FUND

Calculating Contribution Amounts

EXAMPLE: A 4.0 acre commercial development project site has the following:

- A required Tree Density Factor of 80.0 (20 units per acre x4.0 acres).
- Existing trees that will remain, totaling 36.0 tree units.
- Enough room on the property to accommodate some new trees, but only 32.0 tree units.
- Substantiation that sufficient open acreage exists to meet the ordinance standards, but physical features of the site preclude installation of the remaining required tree units.

1. Determine the Tree Density Deficit as follows:

80.0 tree units required minus 36.0 existing tree units on site minus 32.0 new tree units = a deficit of 12.0 tree units.

2. Determine the acceptable contribution as follows:

Deficit of 12.0 tree units/2-inch tree units (0.3) x
\$FEE*

In this example, $(12.0 \div 0.3) \times \$FEE = 40 \times \FEE

*Estimated cost of purchase, delivery, installation and 2-year warranty of a 2-inch caliper tree, times 125%.

3.03.07. *Specimen Trees.* The City of Douglasville strongly advocates the preservation of specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, the following shall apply:

- a. All specimen trees shall be located on the grading plan and the landscaping, buffers, tree conservation, and land disturbance plans, whether or not the trees are proposed to be retained.
- b. The tree unit values shown on Table 3-1 may be increased by 100 percent for an existing tree that meets the definition of a “specimen tree” or for a “specimen tree stand” as defined herein, provided that extraordinary measures as needed are taken to protect the tree and assure its survival. Such measures may include, but are not limited to, the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the Development Official according to the provisions of this article.
- c. *Removal of Specimen Trees.* Specimen trees may not be removed from property other than single family residential property for any reason not specifically enumerated as an exemption in section 3.14.18 without first obtaining a variance. Such variance must be granted by the City Council under the standards set for in section 10.03 of this Development Code.

DIVISION 1. LANDSCAPING OF PROJECTS IN GENERAL

Section 3.04. Landscaping of yard areas.

3.04.01. *Minimum requirements.*

- a. The front yard of every single-family and two-family residential lot shall have a minimum of two shade trees, each of which shall be at least two and one half inches in diameter. Every single-family and two-family residential lot shall have a minimum of one tree unit, the calculation for which may include the individual trees required in the front yard. The tree units required by this subsection may be counted toward compliance with the requirement for the tree density standard for the development.
- b. The minimum landscaping requirement for all uses, excluding single-family and two-family uses or developments, is two shrubs per 5,000 square feet of total lot area.

3.04.02. *Open yard areas.* All portions of the site not covered with paving or buildings shall be landscaped. Open areas not covered with other materials shall be covered with turf or ground cover. Turf or ground cover utilized on all slopes in excess of 25 percent (1 foot of rise in four feet of run) must be specifically selected to stabilize the slope.

3.04.03. *Screening of trash receptacles, storage and loading docks.* All storage areas, loading docks or areas, trash receptacles, equipment storage, and service vehicles which are visible from any public right-of-way shall be attractively screened from all streets or public rights-of-way by any dense planting of evergreens or by an attractive solid wall or fence or combination thereof.

Section 3.05. Landscape strips along front lot lines.

3.05.01. *Landscape strips along front lot lines; where required.* A minimum 10-foot wide landscape strip shall be provided along the full length of any street frontage of a multi-family or nonresidential development.

3.05.02. *Location of structures in frontage landscape strip.* Frontage landscape strips shall contain no structures, parking areas, patios, storm-water detention facilities or any other accessory uses except for the following:

- a. Retaining walls or earthen berms constructed as part of an overall landscape design.
- b. Pedestrian-oriented facilities such as sidewalks.
- c. Underground utilities.
- d. Driveways required to access the property.
- e. Signs otherwise permitted by this Code.

3.05.03. *Landscaping required in frontage landscape strips.*

- a. All portions of a frontage landscape strip shall be planted in trees, shrubs, flowers, grass or ground cover, except for those ground areas that are mulched or covered by permitted structures.
- b. Trees shall be provided within the frontage landscape strip at the rate of one tree unit for every 75 feet of length of street frontage, or portion thereof. Such trees may be deciduous or evergreen, but must be of a type that is suitable to local growing conditions and that will normally reach a height of at least 15 feet upon maturity.
- c. Upon planting, new trees shall have a caliper of no less than two inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

- d. Trees and shrubs in the frontage landscape strip are not to extend into the street right-of-way, and must not obstruct vision for ingress and egress.

Section 3.06. Landscape strips along side and rear lot lines.

3.06.01. *Landscape areas along side and rear lot lines; where required.* All portions of a lot containing a multi-family or nonresidential use, between a side or rear lot line and the minimum required side or rear setback line for principal buildings shall be landscaped as required by this section. Buffers, where required under section 3.09, shall be installed in lieu of the landscaping required under this section.

3.06.02. *Location of structures in side or rear landscape areas.* Side and rear yard landscaping areas shall contain no structures, parking areas, patios, stormwater detention facilities or any other uses except for the following:

- a. Retaining walls or earthen berms constructed as part of an overall landscape design.
- b. Underground utilities.
- c. Driveways required in order to access neighboring property.

3.06.03. *Landscaping required in side and rear landscaping areas.*

- a. All portions of a side or rear landscaping area shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are mulched or covered by permitted structures.
- b. Trees shall be provided within the side yard landscape strip at the rate of at least one tree unit for every 75 feet of length or portion thereof, or the side yard landscape strip may be planted in a continuous hedge or junipers (except for approved access drives and utility easements).

DIVISION 2. PARKING LOT AND LOADING AREA LANDSCAPING

Section 3.07. Parking lot trees.

3.07.01. *Parking lot trees; where required.* Shade trees shall be provided within any parking lot designed or intended to accommodate five cars or more, in accordance with the requirements of this section.

3.07.02. *Parking lot trees; minimum standards.*

- a. Shade trees shall be provided within the parking lot at a ratio of at least one tree unit for every 30 parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer under this article may not be counted toward this requirement.
- b. New trees shall have a caliper of no less than two inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

3.07.03. *Parking lot islands and planting areas.*

- a. As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass, or ground cover except for those areas that are mulched.
- b. Tree planting areas shall be no less than eight feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be located less than two and one-half feet from the back of curb. All parking lot landscape islands, strips or other planting areas shall be curbed with minimum six-inch high rolled or vertical curbs.
- c. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

Section 3.08. Street-side screening for parking and loading areas.

3.08.01. *Parking lot and loading area screening; when required.* Any parking lot designed or intended to accommodate five cars or more, and any area set aside for loading or unloading of trucks or vans, that are visible from a street right-of-way, must provide a visual screen of the parking lot or loading area that meets the requirements of this subsection.

3.08.02. *Street-side screening; minimum standards.*

- a. Screening to a height of two and one-half feet must be provided along the edge of the parking lot or loading area closest to and parallel to the street, and along any edge closest to and within 30 degrees of being parallel to the street. A driveway to the parking lot or loading area may interdict the landscaping.

- b. The visual screening shall be decorative and opaque to a height of two and one-half feet above the elevation of the parking lot or loading area or the street, whichever is highest.

3.08.03. *Street-side screening; techniques.* Parking lot or loading area screening may be provided in any of the following ways:

- a. *Planted only.* A hedge consisting of at least 12 shrubs per 40 linear feet that will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 18 inches tall at the time of planting, and be certified by a registered Landscape Architect to be of a species that will normally exceed two and one-half feet in height at maturity and are suitable for the parking lot application.
- b. *Earthen berm.* An earthen berm constructed to a height of two and one-half feet above the adjacent elevation of the street or loading area, wherever is highest, shall not exceed a slope of one vertical in two horizontal (1:2) and shall have a crown of at least two feet. The berm shall be planted in ground covers or other plant materials to achieve a decorative effect.
- c. *Wall.* A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity, and landscaped with plant material to achieve a decorative effect.
- d. *Combination.* Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of two and one-half feet and achieves a decorative effect through appropriate use of landscaping and plant material.

3.08.04. *Street-side screening; location.* The loading area screening treatment may be located within the frontage landscape strip required under this article.

DIVISION 3. BUFFERS BETWEEN INCOMPATIBLE LAND USES.

Section 3.09. Land use buffers; where required.

A land use buffer shall be required in any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 3-3. Situations Where Land Use Buffer Required.

	1. Provide a buffer on the lot of this use			
2. Along a side or rear lot line next to this use or zoning	1-or2-Family Residential	Multi-Family	Office Commercial or	Industrial
1 or 2-Family Residential		X	X	X
Multi-Family			X	X
Office or Commercial				X
Light or Heavy Industrial				

X = buffer required

Section 3.10. Buffer design standards.

3.10.01. *General.* Buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this development code. Utilities may be permitted to cross a buffer if the screening standards of this development code will be subsequently achieved. Vehicular access through a buffer may be allowed only as a condition of rezoning, special use or planned development approval by the city council.

3.10.02. *Minimum Required Screening.* Minimum required screening shall consist of a natural buffer utilizing existing vegetation or, if existing vegetation is inadequate to provide an opaque screen, a structural buffer, in order to achieve an opaque continuous visual screen to a height of six feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six feet high within two growing seasons.

3.10.03. *Natural buffers.*

- a. Width. A natural buffer shall have a minimum width of 50 feet, or greater as required to achieve an opaque visual screen.
- b. Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

3.10.04. *Structural buffers.* Structural buffers shall meet the following criteria:

- a. Width. A structural buffer shall have a minimum width of 25 feet, or greater as required to achieve an opaque visual screen.
- b. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
 - (1) All earthen berms shall have a maximum side slope one vertical of rise to two horizontal (2:1). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
 - (2) Trees shall be located or planted within any structural buffer at a density of no less than one tree unit for each 30 feet of buffer length or portion thereof. New trees shall have a caliper of no less than two inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
 - (3) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
 - (4) Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

3.10.05. *Examples of Buffers.* The accompanying illustration provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this section are also acceptable. See Exhibit A.

Section 3.11. Maintenance of buffers.

Every buffer and every fence required by this ordinance, by the zoning ordinance or by special stipulations of zoning shall be maintained by the property owner. Every buffer required by this article shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque continuous visual screen to a height of six feet on a continuous, year-round basis.

Section 3.12. Buffer modifications.

3.12.01. *Automatic reduction in buffer width.* If a structural buffer is provided that creates an opaque screen to a height of no less than eight feet instead of six, the buffer may be reduced to a width of no less than 15 feet.

3.12.02. *Location of buffers.*

- a. Buffers may be relocated on the site to best achieve the screening required.
- b. Buffers may be located on adjoining property upon approval of the mayor and council.

Section 3.13. Waiver for unnecessary buffers.

The mayor and council may waive a buffer requirement or reduce its extent to a temporarily appropriate level of screening if the comprehensive plan anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Code once the adjoining property is rezoned or developed.

DIVISION 4. TREE CONSERVATION

Section 3.14. Tree conservation; where required.

3.14.01. *Application to new development or disturbed areas.* The requirements of this Development Code shall apply to any activity on real property within the City of Douglasville, including, but not limited to, the following:

- a. Single-family and two-family lots. Single-family and two-family lots which are fully developed and occupied, or which were and have remained under development since July 1, 1999.
- b. All new commercial, office, institutional, industrial, and/or manufacturing development and expansion of existing commercial, office, institutional, and/or manufacturing development into undisturbed areas;

- c. All new residential subdivisions and expansion of existing subdivisions (new units and/or phases);
- d. All new mixed use developments and expansion of existing mixed use developments into undisturbed areas;
- e. All new multi-family developments and expansion of existing multi-family developments into undisturbed areas; and
- f. All new townhouse developments and expansion of existing townhouse developments into undisturbed areas.

3.14.02. *Residential Subdivisions.* Residential subdivisions shall achieve the total tree density required under this article upon completion of infrastructure construction. At a minimum, the subdivider must fully meet the tree density requirements of this article prior to approval of a final plat, or commit to such achievement through performance surety for tree planting.

3.14.03. *Nonresidential Subdivisions.* New commercial and industrial subdivisions are subject to a two-staged review process by the Development Official (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net disturbed site area defined by the limits of clearance and construction. The phase 1 plan shall address the method and timing of ultimate compliance with this article.

3.14.04. *Nonresidential Out-lots.* Out-lots and separate parcels of a phased development must collectively meet minimum requirements for site density; however, in no case may an individual out-lot have less than 14 tree units per acre.

3.14.05. *Additions to Existing Projects.* For additions to existing projects, the density requirements may be met in either of the following two ways:

- a. Calculate the area of any new land disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or
- b. Base density requirements on the total site area and count any existing trees on the site, exclusive of zoning buffers and stream buffers.

3.14.06. *Phased Projects and Reduced Net Site Areas.* Where development is going to occur in phases (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.

Similarly, a reduced net site area may be achieved by using only the area of actual site disturbance (new projects only), provided that a limits of construction line is clearly shown on the plan (existing trees elsewhere on the site may not be counted with this option).

In both instances, the following criteria are applied regarding existing trees:

- a. Existing trees to be counted toward meeting the density requirements should be within the phase line or limits of construction.
- b. If the tree save areas must be established outside these areas, they must be located where future development will not impact them.

The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

3.14.07. *Alternative Calculations.* Calculations for alternative compliance to tree density requirements shall be made according to the guidelines set forth at section 3.03.06.

3.14.08. *Exemptions from tree conservation requirements.* The tree conservation requirements shall not apply to the following:

- a. Horticultural or agricultural operations, as follows.
 - (1) All plant or tree nurseries, Christmas tree farms, and botanical gardens shall be exempt in relation to those trees that are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.
 - (2) All orchards of trees in active commercial operation shall be exempt for bona fide agricultural purposes.
 - (3) Land clearing or clearing and grubbing activities for clearly agricultural purposes. Clearing or grubbing conducted as part of the land development process may be authorized only in accordance with the issuance of a land disturbance permit under the requirements and provisions of this article. A development permit may not be issued on any property that has been cleared or grubbed as an exempt agricultural activity within the past 12 months, unless approved by the mayor and council.
 - (4) Timber harvesting (selective cutting or clear cutting) for pulpwood or sawtimber shall be exempt when conducted as a bona fide agricultural activity. Timber harvesting conducted as part of the land development process may be authorized only in accordance with the issuance of a land

disturbance permit under the requirements and provisions of this article. A development permit may not be issued on any property that has had its timber harvested as an exempt agricultural activity within the past two (2) years.

- b. *Removal of disease or infestation.* Removal of diseased or infested trees, upon the verification of the Development Official or other qualified forestry professional acceptable to the Development Official, is exempt.
- c. *Imminent Hazards to Property Owners.* Removal of trees that have become, or threaten to become, a danger to human life or property, upon the verification of the Development Services Director or other qualified forestry professional acceptable to the Director of Development Services, are exempt.
- d. *Roadway construction.* Land clearing for designated roadway projects of the Georgia Department of Transportation and the City of Douglasville is exempt.
- e. The removal of trees from detention ponds and drainage easements is exempt.
- f. *Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets, are exempt.*

3.14.09. *Summary of applicability and exemptions.* Table 3-4 summarizes the circumstances under which tree conservation requirements apply to specific projects.

Table 3-4. Summary: Applicability and Exemptions (See Text for Further Details).

Agricultural operations	Land clearing for bona fide agricultural purposes, including timber harvesting, plant or tree nurseries, orchards, tree farms, and botanical gardens.	Exempt ¹
Diseased or infested trees	Removal upon verification of Development Official.	Exempt
Imminent hazards	Removal based upon danger to life or property upon verification of Development Official.	Exempt

Roadway construction	Land clearing for roadway projects.	Exempt
Detention ponds	Removal of trees from detention ponds and drainage easements.	Exempt
Public utilities	Removal conducted by public utilities or government agencies to assure uninterrupted services.	Exempt

¹ No land disturbance or development permit may be issued within two years of agricultural clearing, clearing and grubbing or timber harvesting on a property unless variance pursuant to the Development Code is approved.

Section 3.15. Trees to be provided or retained.

3.15.01. *Number of tree units upon completion of development.*

- a. *Minimum standard.* On each property for which a tree protection plan is required by this article, existing trees may be retained and new trees shall be planted such that the property shall attain or exceed a tree density, standard meeting section 3.03.03. The trees, both existing and new, where feasible shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees may be retained or planted for credit within a public right-of-way if granted approval by the development official.
- b. *Tree density standard calculation.* The tree density standard shall be calculated by summing the following credits and dividing by the total acreage of the project included within the limits of the permit application.
 - (1) Credit for existing trees to be retained shall be calculated by multiplying the number of trees (by diameter) times the units assigned in table 3-1 for existing trees. Credit shall be given all trees retained on a property having a diameter at breast height (DBH) of three inches or more, except for those trees retained to create a land use buffer required under section 3.09.
 - (2) Credit for new trees proposed on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in the table 3-2 for new trees. Credit shall be given all new trees on a property, except for

new trees of less than one inch in caliper and those trees provided to create a land use buffer required under section 3.09.

- (3) Additional credits shall be granted under the following circumstances:
- (a) A total tree density credit not to exceed twice the units shown on table 3-1, may be granted by the development official, under the standards set forth in this article, for existing trees to be retained which have greater value as outstanding specimen trees or having historic value or being a rare or unique species.
 - (b) Existing trees to be retained within a 100-year floodplain shall be granted a bonus of 50 percent of the units assigned in table 3-1.

3.15.02. *Retention of specimen trees.* Existing specimen trees (as defined in this development code) shall not be removed from property other than single-family residential property, unless development would cause irreparable damage to the critical root zones.

Section 3.16. Protection of existing trees.

The following guidelines and standards shall apply to existing trees proposed to be retained for credit toward meeting the minimum required tree density standard on a property.

3.16.01. *Tree protection area.* The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.

- a. The tree protection area shall include, as a minimum, the total area within the dripline plus an additional 3 (three) feet.
- b. Layout of the project site utility and grading plans shall avoid disturbance of the tree protection areas.
- c. All construction activities are prohibited within the tree protection area. Construction site activities such as parking, materials storage, concreted washout, burn-hole placement, etc., shall be arranged so as to prevent disturbances within the tree protection area.
- d. Once tree protection areas are established and approved, no changes shall be made without first obtaining approval from the Development Official of the change, subject to the standards set forth in this article.

3.16.02. *Protective barriers.*

- a. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the tree protection area. The plan shall indicate whether the tree protection device is to be active or passive. Active protection is required where tree protection areas are located in proximity to construction activity. The locations of all tree protection devices will be verified by the Development Official prior to the issuance of the construction permit for clearing and/or grading. Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material.
- b. *Signage.* All tree protection areas shall be designated as such with "Tree Protection Area" signs. These signs are intended to inform subcontractors of the tree protection process. Such signs shall be a minimum of 16 square feet in sign face area and shall state with minimum three inch lettering "Attention Subcontractors. You must observe Tree Protection Area – No Construction or Equipment Encroachment. You are responsible for damages" or similar wording. Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted visibly at sight entrances.
- c. *Erosion and sedimentation control.* All tree protection areas must be protected from soil erosion and sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree protection area. All erosion and sedimentation control measures shall be installed in a manner that will not result in the accumulation of sediment in a tree protection area.
- d. All tree protection devices and erosion control barriers shall be installed prior to any clearing, grubbing, grading or any land disturbance activity. The Development Official must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the Development Permit. Tree protection must remain in functioning condition throughout all phases of development, but is to be removed prior to issuance of a Certificate of Occupancy.

3.16.03. *Encroachment.* If encroachment into a tree protection area occurs that causes irreparable damage to the trees, the Tree Conservation Plan shall be revised by the permittee to compensate for the loss, and the revised plan must be accepted by the Development Official, subject to the standards set forth in this Article. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this article, nor shall plan revision activities estop the department from instituting action for violation of this article.

3.16.04. *Damage Prohibited to Specimen Trees.* No person shall:

- a. Cut, carve, or otherwise damage or remove any specimen tree on nonresidential property except in accordance with the provisions of this Development Code.
- b. Attach any wire, nails, advertising posters, or other contrivance harmful to any specimen tree on property other than single family residential property.
- c. Allow any gaseous, liquid, or solid substance that is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with specimen trees on property other than single family residential property.
- d. Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any specimen tree on property other than single family residential property.

3.16.05. *Prohibited Activities.*

- a. *Compaction Prohibited.* All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the tree protection area. Where a limited amount of encroachment is unavoidable, the tree protection area shall first be cut cleanly, then immediately mulched with a four (4) inch layer of processed bark or wood chips or in a six (6) inch layer of straw.
- b. *Grade change prohibited.* There shall be no raising or lowering of the ground level within the tree protection area. Stripping of topsoil in the tree protection area shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the tree protection area shall be prevented by placement of sediment barriers, which shall be backed by two inch by four inch (2" x 4") wire mesh in areas of steep slope.
- c. *Ditches prohibited.* No person shall excavate any ditch within the tree protection area. Where such encroachment is unavoidable, ditches or trenches shall be located as to minimize root damage. Any such excavation in a tree protection area shall require protective measures designed by a certified arborist and approved by the Development Official. If roots must be cut, they must be cut cleanly and immediately mulched.
- d. *Paving prohibited.* No person shall pave with concrete, asphalt, or other impervious material within the tree protection area.

3.16.06. *Purpose of tree protection devices.* Tree protection devices required by this Article ameliorate the effects of activities detrimental to trees including, but not limited to:

- a. Soils compaction in the tree protection area resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
- b. Root disturbance due to cuts, fills or trenching;
- c. Wounds to exposed roots, trunks or limbs by mechanical equipment;
- d. Other activities such as chemical storage, cement truck cleaning, fire, or other activities that will damage the critical root zone.

3.16.07. *Other specifications.*

Clearing. Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Felling trees into tree protection areas or disturbing roots inside the protection areas is prohibited. Roots shall be cut cleanly before tree removal.

Section 3.17. Tree Replacement Standards.

New trees proposed to be planted for credit toward meeting the minimum required tree density standards on a property shall comply with the following guidelines and standards.

3.17.01. *Placement and quality.*

- a. The spacing of new trees must be compatible with the spatial site limitations and with responsible consideration towards species size when mature.
- b. Species selected for planting must be ecologically compatible with the specifically intended growing site. When practical, the replanted trees shall be of the same or similar species as those removed. Standards for transplanting shall be in compliance with those established by the International Society of Arboriculture, as included in the Tree and Shrub Transplanting Manual, latest edition or similar publication. Unless otherwise approved by the Development Official pursuant to the standards set forth in this article, trees selected for replanting must be on the tree planting list in Table 3-5.
- c. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor so as to assure a reasonable expectation of survivability.

Table 3-5: Approved Species List for Proposed New Trees

<u>Large Trees</u>		<u>Small to Medium Trees</u>
Silver Linden Blackgum	Sycamore Red Oak Nuttall Oak	Trident Maple Virginia Pine

Chinese Pistache
 Cryptomeria
 Southern Magnolia
 D.D. Bianchard Magnolia
 Japanese Zelkova
 Dawn Redwood
 Bald Cypress
 Florida Maple
 Red Maple
 October Glory Maple
 Red Sunset Maple
 Autumn Blaze Maple
 Sugar Maple
 Autumn Flame Red Maple
 River Birch
 American Beech Tulip Tree

White Oak
 Shumard Oak
 Scarlet Oak
 Overcup Oak
 Pin Oak Chinese
 Willow Oak
 Water Oak
 Swamp Chestnut Oak
 Lacebark Elm
 Athena Elm
 Hybrid Elm
 Atlantic White Cedar

Redbud
 Sweetbay Magnolia
 Claudia Wannamaker Magnolia
 Chaste Tree
 Evergreen Oak
 Little Gem Magnolia
 Saucer Magnolia
 Crepe Myrtle
 Foster Holly
 American Holly
 Savannah Holly
 Emily Bruner Holly
 Wax Myrtle
 Mary Nelle Holly
 Nellie Stevens Holly
 Fringetree
 American Yellowwood
 Dogwood
 Japanese Maple
 Flowering Cherry
 Deodar Cedar

3.17.02. *Deferred planting.* In the event that new trees proposed to be planted to achieve the tree density standard are not installed upon application for a certificate of occupancy or a final plat approval, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provision of this development code.

3.17.03. *Warranty for new plant materials.* Upon final installation of new trees planted under the requirements of this article, and following acceptance by the Development Official, the owner shall warrant the new trees and provide for replacement of those which do not survive for a period of no less than one year.

DIVISION 5. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE

Section 3.18. Site landscaping plans.

3.18.01. *Site landscaping plans; where required.*

- a. Landscaping, buffer and tree conservation plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening, buffer or tree conservation requirements apply.
- b. In cases where approval of the landscaping, buffer and tree conservation plans would cause harmful delay to the start of construction, the development official may authorize footing and foundation permits for the project so that construction may proceed.

- c. Permits for construction beyond the footing and foundation shall not be issued until the landscaping, buffer and tree conservation plans have been submitted and approved.

3.18.02. *Site landscaping plans; criteria.* The technical specifications for landscaping, buffer and tree conservation plans are found under the "plans and permits" article of this Code.

3.18.03. *Exemptions from site landscaping plan requirements.*

- a. The provisions of this section shall not apply to structures for which site landscaping plans have previously been submitted and approved.
- b. Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Section 3.19. Plant materials; standards.

3.19.01. *Acceptable plant materials.* The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this article. Acceptable plant materials for landscaping, buffers and tree replacement shall be as approved by a registered Landscape Architect.

- a. New plant materials
 - (1) Medium shrubs, 18-24 inch balled and burlapped or 2-gallon container.
 - (2) Large shrubs, 24-30 inch balled and burlapped or 5-gallon container.
 - (3) Ground cover, two and one-half inch peat pot.
 - (4) Trees as required to meet the requirements of the tree conservation plan.
- b. The "American Standard for Nursery Stock," published by the American Association for Nurserymen, may be referred to for the determination of plant standards.
- c. Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:
 - (1) For evergreen trees, the height shall be at least six feet.
 - (2) Trees shall be free from mechanical injuries, insect infestations and disease.

- (3) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

3.19.02. *Approval of plant materials.* Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by a registered Landscape Architect that the proposed material is the most appropriate for:

- a. The specific location, given surrounding land uses and the type of screening used on nearby properties, and
- b. The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

Section 3.20. Installation and maintenance of plant materials.

3.20.01. *Installation of plant materials.* Plant materials, as required by the provisions of this article, shall be installed by the date specified on the approved site landscaping plan. The development official may allow one planting season in a 12-month period in which the installation of plant materials shall be completed. For the purposes of this development code, there shall be two planting seasons, which are from February 15 through May 31, and September 15 through November 30. Buffers, if required, shall be installed before an occupancy permit is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with guidelines of the engineering department.

3.20.02. *Maintenance of required plant materials.*

- a. The owner, tenant and their agent, if any, shall be jointly responsible for the maintenance in good condition of the plant materials used to meet the minimum requirements of this article for landscaping, buffer or tree conservation. The plant materials shall be kept free from refuse and debris.
- b. Plants that are not in sound growing condition or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as acceptable to the development official.
- c. Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

SECTION 2. The Development Code of the City of Douglasville is further amended by deleting Section 9.04.06 and inserting the following new Section 9.04.06 in lieu thereof:

9.04.06. *Landscaping, buffer, tree conservation, and land disturbance plans.*

a. *Landscaping, buffer, tree conservation, and land disturbance plans; in general.*

- (1) All proposed landscaping as required by the "landscaping, buffers, tree conservation, and land disturbance plans" article of this Code, and trees to be retained or planted as required by the tree conservation provisions of the same article, shall be illustrated.
- (2) The plans may be consolidated on one sheet or drawn separately. Each plan is to include:
 - (a) Project name, land district, land lot and parcel number, north arrow and scale.
 - (b) Developer's name, address, and telephone number.
 - (c) The name, address and telephone number of the professional landscape architect or urban forester responsible for preparation of the plan and the seal or statement of professional qualifications of said person, (which may be attached separately).

b. *Site landscaping plan.* A site landscaping plan shall be prepared whenever any frontage landscaping strip, side or rear yard landscaping area, parking lot landscaping or street-side landscaping is required by this development code or conditions of zoning approval. The site landscaping plan is to show:

- (1) Scale at one inch = 20 feet to 50 feet.
- (2) North reference.
- (3) The location and size of all utilities on the site.
- (4) The location of all existing and proposed parking areas, sidewalks and other paved surfaces.
- (5) The location of all existing and proposed buildings and structures.
- (6) The boundaries of each required landscape strip or area.
- (7) A planting plan showing the location, size and common name of proposed plant materials.

(8) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscaping.

c. *Buffer plan.* A buffer plan shall be prepared for any structural buffer required in accordance with the specifications and standards contained in this development code. Plans shall not be required for natural buffers, which are to be shown on the grading plan, but must be delineated on the buffer plan sheet. The buffer plan shall show:

(1) The boundaries of each required buffer area.

(2) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.

(3) A planting plan showing the location, size and type of proposed plant materials.

(4) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for buffers.

(5) Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

d. *Tree conservation plan.* A Tree Conservation Plan must be submitted along with the other required documents for the issuance of a land disturbance, construction, or other applicable permit by the Development Official. Tree Conservation Plans must be prepared by a professional Landscape Architect, Urban Forester, Arborist, Registered Land Surveyor, or Professional Engineer in accordance with the Plans and Permits Article of this Development Code.

The Tree Conservation Plan must be shown on a copy of the preliminary plat or site plan, drawn to the same scale as the other plan documents prepared for a land disturbance permit on the property, and shall cover the same area.

The Tree Conservation Plan shall comply with the *Community Planting and Establishment Guidelines* of the Georgia Forestry Commission, current edition, as applicable.

The tree conservation plan shall show the following:

(1) The extent of the development site or disturbed area.

- (2) Specimen trees.
 - (a) All specimen trees (as defined in this development code) that are proposed to be removed.
 - (b) All specimen trees that will remain on the development site and be protected during construction.
- (3) Utility lines.
 - (a) Locations of proposed on-site underground utility lines.
 - (b) Locations of other on and off-site utility lines. Indicate areas where trees cannot be planted because of interference with (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements and (2) existing utilities on adjoining properties.
- (4) Delineation of all minimum yard areas, buffers, and landscape areas as required by this development code, the zoning ordinance or conditions of zoning approval.
- (5) Total acreage of the site and total acreage.
- (6) Delineation of all areas located within the 100-year floodplain.
- (7) Existing trees to be retained in tree protection areas: Trunk location and size (to the nearest in diameter at four and one-half feet above the ground) of individual trees proposed to remain for credit toward meeting the minimum tree density standard on the property. Groups of three or more trees whose dripline combine into a single tree protection area may be outlined as a group and their number, by diameter, shown on a summary table. If the number and size of all existing trees to remain on the site exceeds the required tree density standard for the entire site, only those trees required to meet the minimum tree density standard must be shown. All tree protection areas are to be outlined and labeled.
- (8) Tree protection measures:
 - (a) A detail or description of the protective tree fencing or staking and the location of such measures, which at a minimum shall follow the dripline of all trees to be retained along the adjoining areas of clearing, grading, or other construction activity.

- (b) Measures to be taken to avoid soil sedimentation intrusion into tree protection areas and the location of such devices.
 - (c) Proposed location of temporary construction activities such as equipment or worker parking, material storage, burnholes, equipment washdown areas and entrance pads.
 - (d) Proposed type and location of any tree save area signs or other pertinent signage.
- (9) If new trees are proposed to be planted in order for the property to achieve the required tree density standard, the new trees shall be shown and their spacing and diameter identified, to the extent needed to achieve the minimum requirements. Trees grouped together in tree planting areas may be listed on the summary table by total number in the grouping, by size.
- (10) A summary table of the number of existing trees to remain and new trees to be planted, by diameter to the nearest inch shall be shown along with calculations showing the tree density achieved for the site. Additional credits shall be noted where applicable. Groupings of trees in tree protection areas and areas for new tree planting may be keyed to the summary table by area rather than having each tree individually labeled on the plan.

SECTION 3. The Development Code of the City of Douglasville is further amended by deleting Article XII, Glossary of Definitions, in its entirety and inserting the following in lieu thereof:

ARTICLE XII. GLOSSARY OF DEFINITIONS

The following is a glossary of all definitions specifically used in the text of this development code. Refer also to article I regarding the interpretation of figures, words and phrases as used in this Code.

12.01.01. *Access*: A way or means of approach to provide physical entrance to a property.

12.02.01. *Addition (to an existing building)*: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter, load-bearing walls is new construction.

12.03.01. *Agricultural Activities*: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

12.04.01. *Alley or Service Drive*: A minor, permanent, public serviceway which is used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

12.05.01. *Antenna*: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

12.06.01. *Applicant*: A property owner or their authorized representative who has petitioned the city for approval of a land disturbance permit, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the development of their property under the requirements of this development code.

12.07.01. *Application*: A petition for approval of a land disturbance permit, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the development of a property under the requirements of this development code.

12.08.01. *Area of Special Flood Hazard*: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (i.e., the "one-hundred-year flood"). The area is designated as Zone A on the Flood Hazard Boundary Map, or Zones A, AO, AH, A1-30, AE, A99, VO, or V1-30, VE, or V, on the Flood Insurance Rate Map.

12.09.01. *Arterial Street*: See under "Street Classifications."

12.10.01. *As-Built Survey Drawings*: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

12.11.01. *Available Head*: The depth of water that is present at the entrance to a pipe during a 100-year storm.

12.11.01. **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

12.13.01. **Berm:** A mound of earth, or the act of pushing earth into a mound.

12.14.01. Reserved.

12.15.01. **Block:** An area of land surrounded by streets.

12.16.01. **Bond:** A bond, letter of credit or approved surety method approved by the city attorney.

12.17.01. **Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

12.18.01. Reserved.

12.19.01. **Caliper:** The diameter of a tree (usually nursery stock) measured at a point six inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

12.20.01. **Canopy Tree:** A species of tree that normally reaches a height at maturity in excess of 50 feet and is used primarily for shade, such as red oak, shumark oak, Chinese elm, river birch, white oak, water oak, American elm, trident maple, pin oak, American beech, pecan, southern magnolia, sweetgum and willow oak.

12.21.01. **Cellular Tower or Antenna:** See "Transmission Tower."

12.22.01. **Center Line:** That line connecting the succession of midpoints between the identifiable limits of any improvements on the ground or of any easement, or between the banks of any river, creek or stream.

12.23.01. **City Arborist:** The Development Official or his/her designee responsible for the administering the provisions of this Development Code with respect to trees and landscaping.

12.24.01. **Clearing:** The removal of vegetation from a property, whether by cutting or other means.

12.25.01. **Collector Street:** See under "Street Classifications."

12.26.01. *Construction*: Any building or erection of a structure or preparation of a property for same.

12.27.01. *Construction Contractor*: An establishment engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges or utilities), or specialized in such construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting.

12.28.01. *Construction Sign*: A sign identifying the contractors, engineers, architects or financial institutions involved in the building construction or development of a property.

12.29.01. *Critical Root Zone*: The land area circular in shape and centered on the trunk of a tree, the radius of which circle is determined by the farthest extent of the drip line from the trunk.

12.30.01. *Crosswalk*: A right-of-way or public easement within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded.

12.31.01. *Cul-de-Sac*: A dead-end street that terminates in a permanent turnaround and not intended for future extension.

12.32.01. *Curb Break or Curb Cut*: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

12.33.01. *Cut*: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also know as "excavation."

12.34.01. *Cutting*: The removal of any soil or other solid material from a natural ground surface.

12.35.01. *Dead-End Street*: A street connected to another street at only one end.

12.36.01. *Dead Plant or Tree*: Any living plant material that has lost 33 percent or more of its branches or leaves, shall be considered dead.

12.37.01. *Deflection Angle*: The angle between a deviation in the direction of the center line of a street and the extension of the center line along a straight course from the point from which the center line changed direction. (See illustration at Exhibit B)

12.38.01. *Detention Facility*: See "Stormwater Detention Facility."

12.39.01. *Developed Property*: Any lot which contains any building or structure for which a certificate of occupancy has been issued and is current.

12.40.01. *Developer*: The person, corporation or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings or other improvements required for the habitation or use of property.

12.41.01. *Development*: (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

12.42.01. *Development Permit*: The authorization necessary to carry out the planned development of land and construction of such site improvements as streets, utilities, drainage structures and parking lots, and which may include authorization to initiate and conduct such land-disturbing activities as clearing, grubbing and grading. See also "Land Disturbance Permit."

12.43.01. *Development Site*: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

12.44.01. *Diameter Breast Height (DBH)*: The diameter of a tree trunk (usually a mature tree) measured at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

12.45.01. *Directional Sign*: A permanent sign, which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary, is not taller than 30 inches in height, and is not attached to a wall, with an area not greater than 480 square inches, located not closer than 12 feet from all rights-of-way and all property lines unless otherwise permitted by the building official.

12.46.01. *Drainage*: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

12.47.01. *Drainage Structure*: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

12.48.01. *Drainage System*: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

12.49.01. *Drip Line*: A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground, i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

12.50.01. *Easement*: A strip of land on which the property owner has granted to another entity the right to use such land for specific purposes.

12.51.01. *Elevated Building*: A nonbasement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of fill; solid foundation perimeter walls; pilings, columns, posts and piers, shear walls; or breakaway walls.

12.52.01. *Erosion*: The process by which land surface is worn away by the action of wind, water, ice or gravity.

12.53.01. *Erosion and sedimentation control plan*: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

12.54.01. *Excavation*: The mechanical removal of earth material.

12.55.01. *Existing Grade*: See under "Grade."

12.56.01. *Existing Manufactured Home Park*: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before December 13, 1994.

12.57.01. *Expansion to an Existing Manufactured Home Park or Subdivision*: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

12.58.01. *Fill*: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

12.59.01. *Filling*: The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

12.60.01. *Finished Grade*: See under "Grade."

12.61.01. *Flood or Flooding*: A general and temporary condition of partial or complete inundation of normally dry land areas from the: 1) Overflow of inland or tidal waters; or 2) Unusual and rapid accumulation or runoff of surface waters from any source.

12.62.01. *Flood Hazard Boundary Map (FHBM)*: An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

12.63.01. *Flood Insurance Rate Map (FIRM)*: An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard or the risk premium zones applicable to the community.

12.64.01. *Flood Insurance Study*: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

12.65.01. *Flood Plain*: Any land area susceptible to flooding.

12.66.01. *Flood Proofing*: Designing or altering a non-residential structure to render the structure, and attendant utility and sanitary facilities, watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. See FEMA Technical Bulletin 3-93, and FEMA-102, Floodproofing Nonresidential Structures, and subsequent revisions thereto.

12.67.01. *Flood Resistant Materials*: Building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term "prolonged contact" means at least 72 hours, and the term

"significant damage" means any damage requiring more than low-cost cosmetic repair (such as painting). See FEMA Technical Bulletin 2-93, and subsequent revisions thereto.

12.68.01. *Floodway*: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

12.69.01. *Floor*: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

12.70.01. *Floor, Lowest*: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor"; provided, that such enclosure is built in compliance with other applicable flood damage reduction standards.

12.71.01. *Flowering Ornamental Tree*: A tree, other than a canopy tree, that produces seasonal flowers and blossoms and is used primarily for aesthetic or ornamental purposes.

12.72.01. *Functionally Dependent Water Related Facility*: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

12.73.01. *Gated Community*: A subdivision approved as such, which may be served by private streets.

12.74.01. *Grade*: The level of the surface of the ground.

a. *Existing Grade*: The original elevation of the ground surface prior to cutting or filling.

b. *Finished Grade*: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

c. *Highest Adjacent Grade*: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building. If fill has been placed, it refers to the original ground level beneath the fill.

12.75.01. *Grading*: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

12.76.01. *Grading Permit*: Authorization necessary but limited to the initiation and conduct of a land-disturbing activity on a property.

12.77.01. *Greenway*: An area along the course of any state waters to be maintained in an undisturbed and natural condition.

12.78.01. *Ground Cover*: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

12.79.01. *Ground Elevation*: See under "Grade."

12.80.01. *Guy Tower*: See under "Transmission Tower."

12.81.01. *Handicapped Parking Space*: A space laid out and designated by signage in accordance with the requirements of the federal Americans with Disabilities Act.

12.82.01. *Hardwood Tree*: Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on a colloquialism, and does not reflect any true qualities of the tree.

12.83.01. *Heavily Landscaped Area*: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25 percent of its area covered in turf (seed or sod). The remaining 75 percent shall contain shade trees (2 inch caliper minimum), flowering ornamental trees (1 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2 and ½ inch pot minimum). All plant materials shall be mulched.

12.84.01. *Highest Adjacent Grade*: See under "Grade."

12.85.01. *Historic Structure*: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Any building, site or object designated as historic individually or as a part of a district by the city.

12.86.01. *Impermeable*: Something that water cannot pass through or be absorbed by, such as a layer of rock.

12.87.01. *Impervious Surface*: Man-made structures, improvements and surfaces that prevent or significantly limit the infiltration of stormwater. Examples of impervious structures and improvements are: buildings, structures, roads, driveways, parking lots, decks, swimming pools, patios and sidewalks. Examples of impervious materials often used to construct such improvements are asphalt, concrete, brick, stone, wood, asphalt shingles, metal, and composite materials.

12.88.01. *Improvements*: The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

12.89.01. *Intersection*: (1) the place where two streets cross; (2) the point at which the centerline of a street intersects the center line of another street or railway.

12.90.01. *Land-Disturbing Activity*: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including agricultural practices that are exempt under the "erosion and sedimentation control" article of this development code.

12.91.01. *Land Disturbance Permit*: Any permit other than a building permit issued by the city that authorizes clearing or grading activities or any other land-disturbing activity on a site or portion of a site. Said permit may be a clearing,

clearing and grubbing or grading permit as defined and authorized under any regulations of the city. See also "Development Permit."

12.92.01. *Landscape Materials*: Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

12.93.01. *Landscape Plan*: A component of a development plan on which it is shown: the scale at one inch; the North reference; the location and size of all utilities on the site; the location of all existing and proposed parking areas, sidewalks and other paved surfaces; the location of all existing and proposed buildings and structures; the boundaries of each required landscape strip or area; a planting plan showing the location, size and common name of proposed plant materials; the location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscaping; and any other information that can reasonably be required in order that an informed decision can be made by the Development Official.

12.94.01. *Landscaping*: (1) an expanse of natural scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

12.95.01. *Lattice Tower*: See under "Transmission Tower."

12.96.01. *Live Detention*: The quantity of water capable of being effectively contained by a stormwater detention facility for a specified period of time.

12.97.02. *Lot*: A parcel or tract of land held in single ownership.

a. *Corner Lot*: Any lot bounded by two streets at their intersection.

b. *Double-Frontage Lot*: A lot bounding on two or more streets, but not at their intersection, so that it is not a corner lot.

c. *Interior Lot*: A lot having frontage on only one street.

12.98.03. *Lot Line*: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

a. *Front Lot Line*: Any boundary line of a lot that abuts a street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.

b. *Rear Lot Line*: Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.

c. *Side Lot Line*: Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.

12.99.01. *Major Street*: A street, thoroughfare or highway classified as an arterial or collector in the comprehensive plan.

12.100.01. *Manual for Erosion and Sediment Control in Georgia*: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

12.101.01. *Mean Sea Level*: The average height of the sea for all stages of the tide. For purposes of this Code, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD).

12.102.01. Reserved.

12.103.01. *Monopole Tower*: See under "Transmission Tower."

12.104.01. *Motel*: See "Hotel or Motel."

12.105.01. *Mulch*: Pine straw, pine bark, pebbles, lava rock, or processed cypress trees. By-products of unprocessed grinding operations may not be used for mulching under landscaped plants or trees.

12.106.01. *National Geodetic Vertical Datum (NGVD)*: As corrected in 1929, is a vertical control used as a reference for establishing varying elevations.

12.109.01. *Natural Ground Surface*: The ground surface in its original state before any grading, excavation or filling.

12.110.01. Reserved.

12.111.01. *New Construction*: Any structure for which the start of construction commenced after May 4, 1994, and includes any subsequent improvements to the structure.

12.112.01. *New Manufactured Home Park of Subdivision*: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 13, 1994.

12.113.01. *Non-Safe-Fall Tower*: See under "Transmission Tower."

12.114.01. *One-Hundred-Year Flood*: A 100-year frequency flood that has the probability of occurring once every 100 years and thus has a one percent chance of occurring each year.

12.115.01. *One-Hundred-Year Flood Plain*: A land area adjoining a river, stream, watercourse or lake that has a probability of being flooded up to and including the 100-year flood.

12.116.01. *Opaque*: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

12.117.01. *Overstory Tree*: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference *Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Micheal Dirr, 1983, Castle Books).

12.118.01. *Owner*: A person having or controlling a majority fee simple interest in a property, or their authorized representative.

12.119.01. *Parking Aisle*: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

12.120.01. *Parking Area*: Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

12.121.01. *Parking Bay*: Three or more parking spaces adjacent to one another and aligned side-by-side.

12.122.01. Reserved.

12.123.01. *Pervious Surfaces*: Surfaces capable of being significantly infiltrated by stormwater.

12.124.01. *Professional engineer*: An engineer licensed and registered to perform the duties of a professional engineer (P.E.) by the State of Georgia.

12.125.01. *Project*: The entire proposed development project regardless of the size of the area of land to be disturbed.

12.126.01. *Project Entrance Sign*: A sign located at a discernible entrance into a particular subdivision, development, or office or industrial park.

12.127.01. *Projecting Sign*: See "Building Sign."

12.128.01. *Public Improvement*: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

12.129.01. *Public Utility*: A utility owned and operated by a government or public authority.

a. *Public Sewerage System*: A sanitary sewerage system for the collection of water-borne wastes complete with a sewage treatment plant that is owned and operated by a public agency or authority.

b. *Public Water System*: A system for the intake, treatment and distribution of potable water that is owned and operated by a public agency or authority.

12.130.01. Reserved.

12.131.01. *Registered Land Surveyor*: A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

12.132.01. *Reserve Strip*: A strip or tract of land reserved for the purpose of controlling or limiting access from properties to abutting streets.

12.133.01. *Restaurant, Family*: A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

12.134.011. *Restaurant, Fast Food*: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where take-out service is provided incidental to a family restaurant or a quality restaurant (custom service restaurants).

12.135.01. *Restaurant, Quality*: A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

12.136.01. *Right-of-Way*: Land reserved for and immediately available for use as a street or other public purpose.

12.137.01. *Roadbed*: That portion of a street improved for vehicular travel, including the curbs and shoulders.

12.138.01. *Roadway*: The paved portion of a street improved for vehicular travel, measured from back of curb to back of curb, or from edge of pavement to edge of pavement for swale ditch roads.

12.139.01. *Roadway Drainage Structure*: A device such as a bridge, culvert or ditch, composed of a virtually nonerrodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

12.140.01. *Runoff*: The portion of precipitation on the land that reaches the drainage system.

12.141.01. *Runoff Rate Coefficient*: The numerical factor which, when multiplied with the average slope for a particular site, will give the release rate of water from that site.

12.142.01. *Safe-Fall Tower*: See under "Transmission Tower."

12.143.01. *Sediment*: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

12.144.01. *Sedimentation*: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

12.145.01. *Shade Tree*: A broadleaf hardwood tree having an average height at maturity of at least 20 feet and having a broad spread relative to its height (excluding trees with pyramidal, conical, or columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

12.146.01. *Slope*: The degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

12.147.01. *Soil and Water Conservation District approved plan*: An erosion and sediment control plan approved in writing by the Soil and Water Conservation District.

12.148.01. *Soils*: The upper layer of earth that can be dug or plowed; the loose surface material of the earth in which vegetation normally grows.

12.149.01. *Specimen tree*: Any tree which qualifies for special consideration for preservation due to size, type and condition as follows:

a. Any tree in fair or better condition which equals or exceeds the following diameter breast height (DBH) sizes:

(1) 20-inch dbh – Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.

(2) 30-inch dbh – Overstory softwoods such as pines, etc.

(3) 4-inch dbh – Understory small trees such as dogwoods, redbuds, sourwoods, etc.

b. A tree in fair or better condition must meet the following minimum standards:

(1) A life expectancy of greater than 15 years.

(2) A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.

(3) No more than one major and several minor dead limbs (hardwoods only).

(4) No major insect or pathological problem.

c. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, or of exceptional or unique quality, subject to approval of the Development Official pursuant to the standards set forth in this article.

d. A lesser-sized tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the Development Official pursuant to the standards set forth in this article.

12.150.01. *Specimen tree stand*: A contiguous grouping of trees which has been determined to be of high value in the opinion of the City Director of Development Services. Determination is based upon the following criteria:

- a. A relatively mature, even-aged stand.
- b. A stand with purity of species composition or of a rare or unusual nature.
- c. A stand of historical significance.
- d. A stand with exceptional aesthetic quality.

12.151.01. Reserved.

12.152.01. *Start of Construction*: The initiation of new construction or a substantial improvement, as follows:

a. For New Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.)

b. For a Substantial Improvement: The date the building permit was issued, provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

12.153.01. *State Waters*: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation. "State Waters" excludes channels and drainageways which have water in them only

during and immediately after rainfall events and intermittent streams which do not have water in them year-round.

12.154.01. *Stormwater Detention Facility*: A facility that provides storage and controlled release of stormwater runoff during and after a flood or storm.

12.155.01. *Stream*: A natural, free-flowing watercourse with either constant or intermittent flow sufficient to wrest the vegetation and form a defined channel.

12.156.01. *Street*: An improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks.

12.157.01. *Street Classifications*: Streets and roads are shown in the comprehensive plan according to their classification.

12.158.01. *Street Jog*: the incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street. (See illustration at Exhibit C)

12.159.01. Reserved.

12.160.01. *Subdivider*: Any person dividing or proposing to divide land under their ownership into two or more tracts or lots, including any agent of the property owner.

12.161.01. *Subdivision*: (1) The division of a property or tract of land into two or more tracts or lots; (2) a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

12.162.01. *Substantial Damage*: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

12.163.01. *Substantial Improvement*: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building should be:

a. The appraised value of the building prior to the start of the initial repair or improvement; or

b. In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of this development code and not solely triggered by an improvement or repair project.

12.164.01. *Substantially Improved Existing Manufactured Home Parks or Subdivisions:* Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, rehabilitation or improvement commenced.

12.165.01. *Tangent:* the straight-line distance between the ending of one curve of a line (center line of a street) and the beginning of another curve of the same line (center line).

12.166.01. *Ten-Year, 25-Year and 100-Year Storms:* Rainfall events having a probability of occurrence once every 10, 25 or 100 years, respectively, or a ten percent, four percent or one percent chance of occurring each year, respectively.

12.167.01. *Transmission Tower:* A structure constructed as a freestanding structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. The term includes radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers. The term excludes any tower and antenna under 70 feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antenna one meter in diameter or less, any receive-only home television antenna, and any satellite earth station antenna two meters or less in diameter which is located in a commercial or industrial zoning district.

a. *Guy Tower:* A transmission tower that is supported, in whole or in part, by guy wires and ground anchors.

b. *Lattice Tower:* A transmission tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

c. *Monopole Tower*: A transmission tower consisting of a single pole, constructed without guy wires or ground anchors.

d. *Non-Safe-Fall Tower*: Any transmission tower other than a safe-fall tower, including all guy towers and all monopole towers.

e. *Safe-Fall Tower*: A self-supporting transmission tower whose cross-sectional area diminishes with increasing height and which is certified by its manufacturer that any failure will result in a collapse that will fall entirely or substantially within the base of the tower.

12.168.01. *Tree*: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

12.169.01. *Tree Bank*: An account, maintained by the Finance Director of the City of Douglasville, of funds contributed from developers as a form of alternative compliance to the tree density requirements set forth in this article. Funds from the Tree Bank are to be used solely for the purchase and planting of trees on public property.

12.170.01. *Tree conservation plan*: A plan that identifies tree protection areas, existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements, as well as methods of tree conservation to be undertaken on the site and other pertinent information.

12.171.01. *Tree Density Standard*: The minimum number of tree density units per acre that must be achieved on a property after development.

12.172.01. *Tree diameter*: The cross-sectional dimension of a tree trunk measured at four and one-half feet above the ground for existing trees or at the ball for newly planted trees. If a tree has more than one trunk, only the largest trunk shall be used to establish the tree diameter for the tree.

12.173.01. *Tree Protection Area*: Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this article. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively, plus an additional 3 (three) feet.

12.174.01. *Tree Save Area*: An area designated for the purpose of meeting tree density requirements, saving natural trees, preserving the root system of natural trees and/or preserving natural buffers.

12.175.01. Reserved.

12.176.01. *Understory Tree*: Tree that grows beneath the overstory and will generally reach a mature height of under forty (40) feet.

12.177.01. *Utilities*: All public and private, above or below ground, infrastructure systems providing water, stormwater, sewer, gas, telephone or cable television, and any other service controlled by the Georgia Public Services Commission.

12.178.01. *Vegetation*: All plant growth, such as trees, shrubs, mosses and grasses.

12.179.01. Reserved.

12.180.01. *Watercourse*: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

12.181.01. *Yard*: An area that lies between the principal building on a lot and the nearest lot line.

a. *Front Yard*: A yard situated along any public street right-of-way or private street easement.

b. *Rear Yard*: A yard situated along a rear lot line.

c. *Side Yard*: A yard situated along a side lot line, but not extending into a front or rear yard.

SECTION 4. All ordinances or parts of ordinance in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 5. This Ordinance shall be effective April 1, 2008.

ADOPTED THIS 3rd day of December, 2007.


COUNCIL MEMBER


COUNCIL MEMBER

John A. Schmidt
COUNCIL MEMBER

Henry Mitchell
COUNCIL MEMBER

[Signature]
COUNCIL MEMBER

Ray E. Muns
COUNCIL MEMBER

[Signature]
COUNCIL MEMBER

Sam M. Thompson
MAYOR

ATTEST:

Jane Stone
CITY CLERK

DELIVERED TO MAYOR 12-3, 20 07 CITY CLERK 83
RECEIVED FROM MAYOR 12-4, 20 07 CITY CLERK 85