

ORDINANCE NO. 1562

An Ordinance to amend Chapter 8-4 of the Augusta Georgia Code entitled "Trees" to provide for the preservation of existing trees on sites subject to the minimum standards of the Tree Ordinance.

THE AUGUSTA COMMISSION HEREBY ORDAINS:

SECTION 1. That Chapter 8-4 "Trees" is amended by deleting in its entirety Chapter 8-4 "Trees" and replacing it with the following amended Chapter 8-4 "Trees":

**AUGUSTA  
TREE COMMISSION  
MEMBERS  
2016**

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PAUL THOMPkins	DISTRICT 2
HENRY FRISCHKNECHT	DISTRICT 3
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# **AUGUSTA TREE ORDINANCE**

**AND**

## **TREE ORDINANCE ILLUSTRATED GUIDE (IGO)**

Prepared and adopted by the  
Augusta Tree Commission

Roy Simkins, Chairman  
Melanie Wilson, Secretary

Adopted by the  
Augusta Commission

Hardie Davis, Jr, Mayor  
Grady Smith, Mayor Pro Tem

These documents provide standards for the protection of public trees, for the designation of landmark trees, and landscaping, tree protection and tree establishment standards for the development of private property in Augusta, GA. Included are Chapter 8-4 of the Augusta, Georgia Code entitled "Trees" (Ordinance No. 6095) and amendments thereto, and the "Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance" (Ordinance No. 94-1, adopted December 7, 1993).

Updated JANUARY 2017

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**Chapter 8-4-1. PURPOSE AND INTENT.**

This Chapter of the Ordinance provides standards for the protection of public trees, and for the designation of landmark trees, and further provides landscaping, tree protection and tree establishment standards for the development of public or private property in Augusta, Georgia. Consistent with the expressed purpose of this article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined herein.

It is the intent of this Ordinance that all applicable sites within the City maintain or obtain a *thirty percent (30%) minimum tree canopy*, as defined and explained herein.

It is the purpose of this Ordinance to promote the public health, safety, and general welfare of provisions designed to:

- (a) Aid in stabilizing the environment's ecological balance / offset negative effects of climate change by contributing to the processes of air purification, oxygen regeneration, wildlife habitat, groundwater recharge, and storm water runoff retardation, while concurrently facilitating noise, glare, and heat abatement;
- (b) Encourage the preservation of existing trees and vegetation on-site and replanting of trees to increase canopy coverage across the city in order to maximize carbon sequestration;
- (c) Prevent soil erosion;
- (d) Protect and enhance the aesthetic qualities of the community;
- (e) Prevent structural and pavement saturation;
- (f) Safeguard and enhance private property values and protect private and public investments;
- (g) Conserve energy.

**Chapter 8-4-2. MINIMUM CANOPY REQUIRED.**

**PURPOSE.** The City desires that a minimum amount of tree canopy coverage be required on all new development sites, redevelopment sites, and all sites with additions or expansions, on all land uses within the City's jurisdiction.

**REQUIREMENTS.** All land undergoing development shall provide for thirty percent (30%) minimum tree canopy coverage. Tree canopy coverage is the sum total of preserved trees and replacement trees at their anticipated canopy coverage ten (10) years from the time that the site is developed. As set forth in the IGO.

The canopy may be achieved by preserving existing trees, by planting new trees according to the minimum standards in this Ordinance, or by a combination of the two. Minimum tree canopy shall be calculated and established pursuant to the formula and analysis set forth in this Ordinance and illustrated in the Illustrated Guide (IGO). Any existing tree, from the approved list in the IGO, of not less than six inches (6") diameter at breast height (DBH) left in good growing condition on the property is eligible to be counted toward the minimum required canopy and has to be protected. The property owner shall be subject to the minimum tree canopy requirement set forth in this section. The property owner shall base the canopy calculation on the gross site area.

- If a site over one (1) acre in size was formerly in a forested state and fifty percent (50%) or more the land area was "clear cut" within three (3) years of the plan submittal date without an approved Site Plan, that includes approved grading and erosion and sedimentation practices, for any land disturbing activity that took place, then the property will be prohibited from developing for three (3) years. It will be the applicant's responsibility to provide proof that any clear cutting activity on the site was done by an approved Site Plan than included an approved grading and erosion and sedimentation plan or took place greater than three years prior to the current submittal date.
- (1) Calculation of Tree Canopy Coverage
- (a) The baseline canopy measurements on a proposed development site shall be provided by the developer/property owner and submitted as part of the tree survey and Tree Protection / Tree Establishment Plan. The percent canopy cover preserved may be calculated by actual ground measurement (field survey) or by aerial photographs from Augusta, Georgia's GIS, to scale.
  - (b) All trees to be preserved shall follow tree preservation guidelines established by this Ordinance in Chapter 8-4-9 and in Chapter 8-4-11 for Landmark Trees.

(c) The Minimum Canopy Requirement shall be calculated by the following formula:

$$\text{MCR} = \text{SA} \times 0.3$$

Where:

MCR = Minimum Canopy Requirement (in square feet – 30%)

SA = The gross Site Area ( in square feet)

Calculation: example

Step 1: SA– 43,560 sq. ft. x .30 = 13,068 sq. ft. MCR

Step 2: Preserved Canopy from Tree Survey = 5,350 sq. ft.

Step 3: MCR (13,068 sq. ft.) - Preserved Canopy (5,350 sq. ft.) = 7,718 sq. ft. to meet MCR

Step 4: Select enough overstory and understory trees to equal area to meet MCR

Step 5. Trees planted or replanted to achieve canopy requirements shall be selected from the Augusta Tree Species Selection list set forth in this Ordinance. In addition, replanting / new planting shall be at the ratio of not less than one overstory tree for every three understory trees. Canopy credit may be met by planting all overstory trees, but not by planting only understory trees. All replacement trees shall be maintained for a period of three years under a Tree Establishment Bond (see Section 8-4-15) to ensure their survivability. Required trees on the site must be maintained / retained in perpetuity or replacement plantings of the same size and species must be planted should the tree become diseased, die, become a public health hazard, or is removed for any reason.

(2) Mitigation Policy

(a) If a tree designated as a protected tree on tree survey or a Tree Protection / Tree Establishment Plan is required to be removed due to building footprint, damage from construction, or dies during development, the developer shall be required to replant a tree(s) of equal size and caliper on the site.

(3) All mitigation shall follow requirements established in Chapter 8-4-20 of this Ordinance.

(4) Tree Survey

(a) In order to assure that the location of existing trees and vegetation on the development site is acknowledged prior to preparing any design plans for development, a tree survey is required. The tree survey must be submitted to the Planning & Development Department

(b) in advance of, or with a Tree Protection / Tree Establishment Plan, and prior to any land disturbing activity and will be reviewed as part of the Tree Plan review process.

- o Elements required as a part of the tree survey include: a map, drawn to scale, and a written component, identifying any potential landmark, specimen and significant trees, and identifying all existing trees on the site with identification of what is to be preserved and what is to be removed.

(c) A certified arborist, landscape architect, or forester shall evaluate the tree survey to determine what existing trees will be preserved, and how it can be incorporated into the Development Plans / Site Plans for the site. Critical Root protection zones for all trees to be preserved shall be indicated on the tree survey.

(d) Details for planting, mulching and watering shall be included on the plan.

**(4) Canopy Credit for Tree(s) Planted to Meet Canopy Coverage**

(a) The area devoted to newly planted areas may be counted as part of the tree save area. The land devoted to tree save areas that is represented by newly planted trees will be calculated on the basis of the following credits for new trees. A planted large maturing overstory tree shall be counted as equivalent to one thousand four hundred square feet (1,400 sq. ft.) of canopy; a medium maturing overstory tree shall be counted as the equivalent of seven hundred and fifty square feet (750 sq. ft.) of canopy; and a small maturing understory tree shall be counted as the equivalent of three hundred square feet (300 sq. ft.) of canopy.

**Chapter 8-4-3. ESTABLISHMENT OF TREE COMMISSION.**

(a) There is hereby created the Augusta Tree Commission which shall consist of ten (10) members appointed by the Augusta Commission plus an additional two (2) members appointed by the Richmond County Legislative Delegation. All appointments shall be for four (4) year terms. The role of the Tree Commissioners will be to define problems, suggest solutions, and provide support to the Director; review any appeals or variances and recommend acceptance or rejection to the Director; annually review the Illustrated Guide to Implementing the Augusta Tree Ordinance (IGO) and update it as needed; review petitions for landmark trees; conduct educational programs with respect to tree care and preservation; and promote and support the city's effort to become/maintain a Tree City USA designated Community. The Tree Commission shall meet no less than quarterly. All members shall be residents of Augusta, Georgia. All vacancies shall be filled for the unexpired terms.

(b) All Tree Commissioners shall serve without compensation. The Augusta Commission and the Richmond County Legislative Delegation, when appointing members to the Tree Commission, shall appoint persons from the following fields of association: registered landscape architect; realtor / developer of commercial property (licensed broker who is member of board of realtors); urban forester; an extension agent; architect; engineer; an

- (c) appointee from the Garden Council of Augusta; a master gardener; and 3 citizens at large who have knowledge of, and interest in trees and the urban forest appointed by Director. The Georgia Forestry Commission Urban Forester may serve as an ex-officio member.
- (d) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.
- (e) Members shall not receive a salary, although they may be reimbursed for authorized expenses.

**Chapter 8-4-4. ADMINISTRATION.**

- (a) The Augusta Planning & Development Department shall have the responsibility for administering all provisions of this Ordinance that relate to the development of private lands. The Augusta Tree Commission shall have the responsibility of administering all provisions that relate to the development of public lands.
- (b) Fees. Reasonable fees sufficient to cover the costs of administration, plan review, inspection, appraisal, and publication of notice, as applicable, shall be charged to applicants as established by this Article. The amount of such fees shall be fixed by the Augusta Commission.
- (c) Enforcement Officer. The City Arborist, with the Code Enforcement Officer as his designee, is the designee who shall be given the authority to enforce the Ordinance against the City's citizens in the event of compliance failure. This designee shall also have enforcement responsibility and control over all regulated, unsafe and diseased trees located on public and private property.

**Chapter 8-4-5. PUBLIC TREE PROTECTION.**

- (a) Any request for the severing from the stump and removal of a tree on a public right-of-way shall be directed to the Augusta Tree Commission for approval. In the event approval is given, Augusta, GA shall notify the local neighborhood association, if any, and shall post on such tree for a period of fourteen (14) days a notice of their intent to remove said tree. Decisions of the Tree Commission shall be final, and there shall be no appeal to the Augusta Commission.
- (b) Trees deemed a danger to the public or the adjoining property by the Tree Commission or the appropriate City Department shall be exempt from the restrictions of this section and can be removed for the safety of the public and/or adjacent properties.
- (c) Nothing herein shall be construed as prohibiting the cutting and/or removal of a tree or trees incidental to a road improvement project, a drainage project, or a water and sewerage project of Augusta, Georgia or the Georgia Department of Transportation.

- (d) All other projects causing disturbance within rights-of-way which may cause extensive damage to trees therein shall likewise be reviewed by the Augusta Tree Commission for recommendations.
- (e) No person or organization, outside of City authorized personnel, or City contract personnel, shall do any of the following acts to any public tree without first obtaining the proper permission from the Augusta Tree Commission:
  - (1) Cut, prune, break, damage, remove, kill or cause to be killed.
  - (2) Cut, disturb, or interfere, in any way, with the soil or any root within the dripline.
  - (3) Place, spray, or apply any chemical that is known to be toxic to trees in a location that may be absorbed by any part of the tree.
  - (4) Fasten any rope, wire, sign or other device whether invasive to the tree or not.
  - (5) Remove or damage any guard devices placed to protect any tree.
  - (6) Conduct razing, removal, demolition, expansion, or renovation of any structure if deemed by Augusta, GA to be damaging to neighboring public trees.
  - (7) Maintain a stationary fire or device which vaporizes noxious fumes deleterious to tree health.
  - (8) Pave with concrete, asphalt, or other impervious material within the dripline of any public tree unless approved construction techniques are followed as prescribed. (Ord. 5933, June 17, 1997)

**Chapter 8-4-6. LICENSING.**

- (a) It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, spraying, or to otherwise treat trees, shrubs or vines on public or private property, within the City of Augusta, without first producing evidence of a business license.
- (b) The Augusta Commission shall require anyone who removes or maintains trees as a business on public or private lands, within the City of Augusta, must first be examined by the Director or their designee, or the City Arborist, on his/her ability to carry out such work before being granted a license to practice as a tree expert. Passage of the examination administered by the International Society of Arboriculture (ISA) for certified arborist or certified tree worker may be accepted in lieu of said examination. A fee shall be set by the Augusta Commission and all fees shall be made to Augusta, Georgia to accompany the application for examination for each applicant.

**Chapter 8-4-7. REGULATION OF TREE CARE.**

**(a) ON CITY OWNED LAND**

- (1) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees or trees within City owned public rights-of-way without first applying for and procuring a Tree Disturbance Permit. Such a permit will only be granted to individuals, businesses or companies who employ a Certified Arborist to perform or supervise all tree work.
- (2) In order to receive a Tree Disturbance Permit, applicants must first sign an affidavit agreeing to abide by ANSI 300 Standards for tree care. Specifically, the "topping" of trees shall be prohibited except in cases where the top of the tree has been injured beyond repair by a storm or related incident.
- (3) Before any permit shall be issued, each applicant must first file evidence of possession of liability insurance and workman's compensation insurance in the minimum amounts as required by the City of Augusta; indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.
- (4) At the recommendation of the Director, in conjunction with the City Arborist, the Code Enforcement Officer is authorized to issue a Notice of Violation (NOV) and a Stop Work Order (SWO) in order to suspend or revoke the right of any person or business to perform work for the City of Augusta that engages in work practices which do not comply with tree care standards as specified in this Ordinance and the related ANSI Standards.

**(b) ON PRIVATE LAND**

- (1) The City shall require all companies providing tree care services on private property have a current business license and must have passed the City test for tree care qualifications or be a ISA Certified arborist, or be under the direct supervision, at all times while on the job site, of such an individual.
- (2) At the recommendation of the Director, in conjunction with the City Arborist, the Code Enforcement Officer is authorized to issue a Notice of Violation (NOV) and a Stop Work Order (SWO) in order to suspend or revoke the right of any person or business to perform work on private property that engages in work practices which do not comply with tree care standards as specified in this Ordinance and the related ANSI Standards.

**Chapter 8-4-8. TREE PROTECTION ZONE; OFFICIAL TREE LIST.**

- (a) There is hereby established a tree protection zone which shall include all public rights-of-way and all public lands of Augusta, Georgia.
- (b) The Augusta Tree Commission is hereby charged with the duty of determining the types of species of trees approved for planting, as well as those prohibited, and the conditions under which such trees shall be planted along streets, in parks, and in public places within Augusta, Georgia. When completed, the list shall be presented to the Augusta Commission for its approval. When approved, the said report shall be known as the Official Tree List. Revisions in the Official Tree List should be reviewed annually and updated every three (3) years, as needed by the Augusta Tree Commission.

All trees hereafter planted on public property or on private development property within Augusta, Georgia must be on the Official Tree List, unless otherwise specifically approved by the Augusta Tree Commission.

**Chapter 8-4-9. STANDARDS OF TREE CARE MANAGEMENT**

**General Tree Care Management**

- a) The City of Augusta shall have the authority to insist that all property owners treat or else allow the City to treat trees suffering from transmittable diseases or insect infestations which are on private property but are affecting the health of public trees on public property. If the disease infestation warrants drastic action to curb its spread to healthy public trees, the Augusta Planning & Development Department will notify in writing the owners of such trees. Removal shall be done by said owners at their expense within thirty days after the date of service of letter. In the event of failure of the said owners to comply with this provision, the City shall have the authority to remove such trees and charge the cost of the removal on the property owners' property tax notice.
- b) In case of emergencies, such as windstorms, or other disasters, the removal of broken limbs or uprooted trees, using proper Best Management Practices (BMP) practices, shall be allowed during the emergency period so that the requirements of this Ordinance would in no way hamper private or public work to restore order to Augusta, Georgia. This work is to be done in accordance with the emergency standards as outlined by Augusta, Georgia.
- c) The City shall have the right to remove, or cause or order to be removed, any tree, or part thereof, which is in an unsafe condition, or which, by reason of its nature, obstructing the view of any street intersection, is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest, whether on public or private property. The Augusta Planning & Development Department will notify in writing the owners of such trees. Removal shall be done by said owners at their expense within thirty days after the date of service of letter. In the event of failure of the said owners to comply with this provision, the City shall have the authority

to remove such trees and charge the cost of the removal on the property owners' property tax notice.

- d) The Augusta Tree Commission, in conjunction with the Director and a qualified International Society of Arboriculture (ISA) certified arborist shall review annually and formulate, revise and administer changes in the IGO every three years, as needed, on current standards of arboriculture practices as it relates to tree care on public and private land.

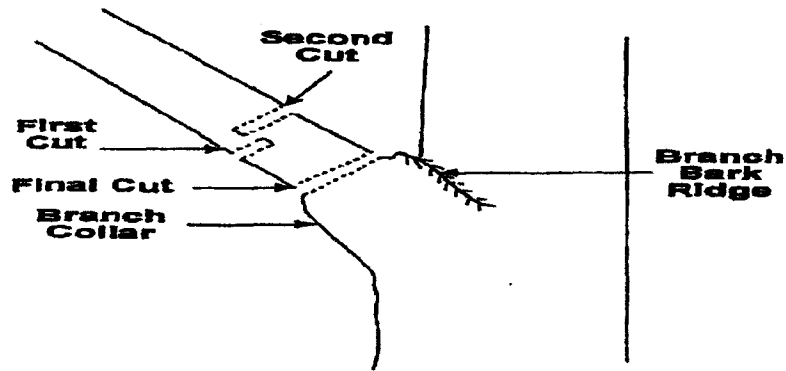
The Tree Commission shall make provision for educating the public about trees and include (but not be limited to) an inventory of tree resources, standard planting practices, tree maintenance, tree replacement and tree cover specifications. and needed maintenance work complete with estimated cost and time schedules. The Tree Commission will coordinate and facilitate events for the City such as Arbor Day and is encouraged to be active and participate in events such as Earth Day and other community tree-related outreach or lecture events.

#### **Tree Preservation / Protection Plan**

- (a) A tree preservation / protection element shall be incorporated into the Tree Protection / Tree Establishment Plan that is a part of the permit for land disturbance, which incorporates current industry standards for tree preservation / protection for development of property and during site disturbance. A detail listing of preservation / protection plans are attached in the IGO manual.

## Tree Pruning Standards

- a) All pruning on any tree required by this Ordinance shall be performed in strict compliance with the "American National Standards" as set forth in the ANSI A300 (Part 1) – 2008 Pruning, or current ANSI standards and ANSI Z133 Safety Standards. A copy of the standards is available at the Augusta Planning & Development Department for review or can be purchased at ANSI.org.
- b) Examples:



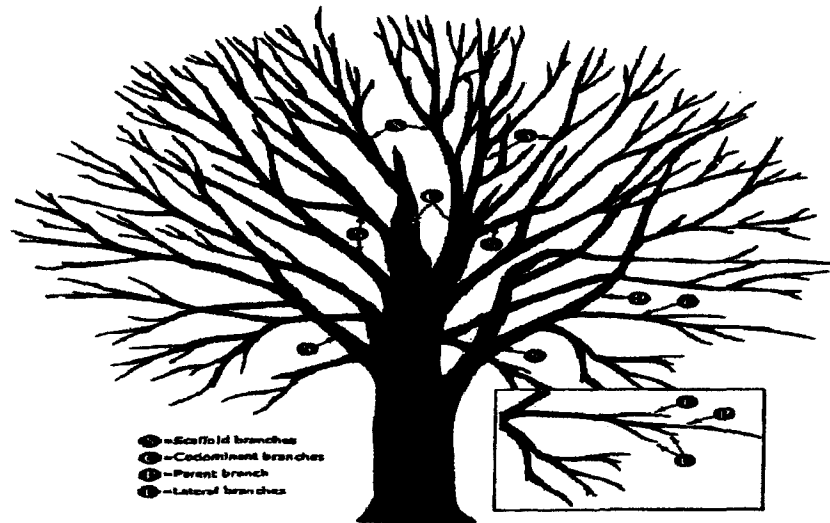
cut that removes a branch at its point of origin. (See Annex A – Pruning cut guideline).

- c) Trees trimmed for clearance from utility lines shall be trimmed in such a manner, using current industry standards, as to provide clearance from lines for a designated period of time or cycle, not to exceed three (3) years. In all cases where conditions permit, directional pruning or side trimming methods shall be used to obtain necessary clearance. *Topping* is prohibited.

### Topping of Trees:

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Ordinance at the determination of the Tree Commission or their designee(s).)

“Tree Topping” means the severe cutting back of limbs to stubs of three (3) inches or more in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree. Tree Commission should reference the (ANSI Z133.1 – 2000) document as it applies to Tree Topping.



**Standard branch definitions.**

**topping:** Reduction of tree size using internodal cuts without regard to tree health or structural integrity. Topping is not an acceptable pruning practice

**Tree Removal Standards:**

- a) A Permit is required for removal of all public and protected trees.
- b) Removal shall follow all current ANSI Z133 standards for safety.
- c) Stump removal On Public Property.

The stump and root flares of all removed trees shall be ground to a depth of at least eight-inches (8”) below the ground level so that the top of the stump shall not project above the surface of the ground. All grindings shall be removed and the soil cavity shall be filled with clean topsoil and the area leveled and seeded. If the area where the tree is removed is to be paved, the stump shall be removed to a suitable depth to allow adequate paving.

**Tree Planting Standards:**

- a) All trees planting shall be conducted in accordance with the most recent Arboricultural Specifications and Standards of Practice of the International Society of Arboriculture as published in the American National Standard for Tree Care Operations (ANSI 300 – Part 5 & 6) and herein referenced in this Article, and the Augusta IGO manual.
- b) All planted trees shall have a minimum tree establishment zone based upon its mature size (Table No.1). Refer to the tree species list located in the Augusta IGO manual for information on the size and tree quality rating for a specific species. No one species shall make up over fifteen percent (15%) of the total number of trees planted on the development site.

**Table No. 1:**

<b>Mature Size</b>	<b>Canopy area in square feet</b>
Small Canopy Trees (Less than 25')	300
Medium Canopy Trees (30'--50')	750
Large Canopy Trees (50' and larger)	1400

- c) **Minimum caliper.** The minimum caliper (measured at six inches (6") above the soil level) for planted trees is three inches (3"). Multi-stemmed trees shall not have more than three to five stems with each stem being a minimum of one inch (1") and be eight feet tall.
- d) **Site Selection:** Minimum distances, at the time of planting to avoid conflicts with city infrastructure and structures shall follow listed guidelines in Table No. 2:

**Table No. 2:**

Structure/Infrastructure Description	Mature Tree Size In Height			
	Large 50 – 70'	Medium 30 – 40'	Small 15 – 20'	Evergreen 40 – 50'
Minimum Width of Tree Planting Space	6' +	6'	4'	8' +
Spacing between trees (o.c.)	45'	40'	20'	30'
Overhead utilities	Not Within 30'	Within 20''	Okay	Within 30''
Intersections (sight distance)	40'	40'	40'	40'
Stop signs, traffic signs, street lights, traffic signals	20'	20'	20'	20'
Fire hydrant, gas or water valves, storm drains	8'	8'	8'	8'
Underground utilities	5'	5'	5'	5'
Building	15'	10'	5'	15'
Mailboxes	10'	10'	10'	10'

The Director may waive or modify the minimum space requirements as circumstances warrant and/ or on a case by case basis.

e) Distance from curb and sidewalk:

1. The distance public and private trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes in the Augusta, GA Recommended List of street trees and no trees may be planted closer to the curb or sidewalk than the following:
  - a. Small trees two feet (minimum of a four foot wide treelawn)
  - b. Medium trees three feet (minimum of a six foot wide treelawn)
  - c. Large trees four feet (minimum of a six foot wide treelawn) except in special plantings designed or approved by the Augusta Planning and Development Department

For purposes of this Ordinance, “treelawn” is defined as the strip of land between the sidewalk and the street

- f) Certain trees shall be prohibited from being planted within Augusta, GA (See Appendix) The Augusta Tree Commission may add trees to the list as necessary. Existing trees will be grand-fathered.

**Chapter 8-4-10. MOVING BUILDINGS OR OTHER LARGE OBJECTS.**

No person shall move any building or other large objects which may injure any public tree or parts thereof along any street without first having obtained written permission from the Director of Planning and Development.

**Chapter 8-4-11. LANDMARK TREES.**

The Augusta Commission may, upon petition by the property owner, designate a tree as a landmark tree, as defined herein. All nominations for landmark trees shall be reviewed by the Tree Commission which shall make a recommendation on such nomination to the Augusta Commission. Trees so designated shall thereafter be considered public landmarks and shall not be destroyed nor endangered except as recommended by the Tree Commission. The designation of a Landmark Tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

Upon designation as a Landmark Tree, the tree shall be protected as provided in this Ordinance.

(a) **Removal of Landmark Trees on Public Property: "All located and designated (whether by signage or not) Landmark Trees"**

(1) A person requesting to remove a Landmark tree must obtain a permit from the Planning and Development Department by Tree Commission before the tree removal activities commence. A start date for removal must be given. Owners and persons who remove a Landmark Tree without a permit are subject to the civil penalties set out in Chapter 8-4-19. For purposes of this Ordinance, a Tree Protection / Tree Establishment Plan approved by the City and issued a Land Disturbing Permit constitutes a permit. Permits for the removal of Landmark trees will be granted only where:

- The tree is located in the buildable area or yard area where a structure or improvement may be placed and there is no other reasonable location and/or preservation would unreasonably restrict use of the property.
- The tree is diseased, injured, in danger of falling, creates unsafe sight distance or conflicts with other sections of this Ordinance or provisions of other ordinances or regulations.
- Mitigation for each healthy Landmark tree removed will require replanting with designated trees from the approved planting list that meet the canopy square footage removed.

(b) Replacement of Landmark Trees

- (1) When a Landmark tree(s) is removed from a site during construction, or dies within five (5) years following construction, the developer shall replace such tree on the subject property with an amount of trees and/or landscaping of equal value. Valuation of the tree removed or lost shall be determined by the Director of Planning and Development Department in consultation with a person qualified by training or experience to have expert knowledge of the subject. Valuation of trees and vegetation shall be established in accordance with standards established by the Council of Tree and Landscape Appraisers (CTLA).
- (2) If replacement isn't feasible or desired on the subject property, as determined by the Director, a monetary sum equal to the value, as determined by an ISA certified arborist based on the ISA Trunk Formula Method of Appraisal, of the lost or removed Landmark Tree(s) may be paid to a tree-planting fund (hereinafter known as the Tree Mitigation Fund) maintained by the Augusta Commission for the purposes of planting and maintaining trees throughout the jurisdiction of the City.

**Chapter 8-4-12. NUISANCE TREES AND SHRUBS.**

Any tree or shrub or parts thereof growing on public or private property which interferes with or endangers the use of the public streets or obscures sight distance or creates a traffic hazard on intersections or endangers the life, health, safety or property of the public, shall in the opinion of the Tree Commission be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and be given a fifteen (15) day period of time for the commencement of its correction or removal. If not corrected or removed within thirty (30) days, the Augusta Planning and Development Department shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner as provided by this Ordinance.

**Chapter 8-4-13. TREE PROTECTION/TREE ESTABLISHMENT REQUIREMENTS FOR PRIVATE AND PUBLIC DEVELOPMENT.**

- (a) Application. The regulations set forth in this Ordinance shall apply to all properties affected by development proposals requiring site plans pursuant to Section 30-2 of the Comprehensive Zoning Ordinance for Augusta, Georgia. Permits for clearing land and grading of land shall not be granted until plans as required by this Ordinance have been approved.
- (b) Exemptions. The following types of developments are exempt from compliance with any and all provisions of this Ordinance:
  - (1) Construction (including clearing) of single-family residential structures on individual lots; and

- (2) Site Plans that require grading only (no construction of improvements) may be exempt from providing Minimum Canopy Requirement of development at the discretion of the Director; however a streetyard must be installed per 8-4-13-(d)-(5) and required side and rear buffers shall be installed per 8-4-13-(d)-(9) and 8-4-13-(d)-(10), except for silviculture operations. Note: Grading / land disturbance activities that result in violations of state water buffers may result in civil penalties.

If water is not available onsite, water must be extended to the property to meet the irrigation requirement of this Ordinance,

- (3) Telecommunication facilities in LI or HI zoning unless the site is in view of a residential use in a residential zone, as viewed from the base of the tower.
  - (4) Federal, State and local government utility infrastructure (water, sanitary sewer and storm sewer) projects only.
- (c) Tree Protection / Tree Establishment Plan required. Except as herein provided, there shall be a Tree Protection / Tree Establishment Plan for every development requiring a Site Plan. Such Tree Protection / Tree Establishment Plan shall include a tree survey/inventory, a tree establishment element, a tree protection element, and a landscaping element.
- (d) Landscape element design principles and standards.

- (1) A minimum of thirty percent (30%) of the total land area of any development shall be devoted to tree canopy.

(All Tree Protection / Tree Establishment Plan designs shall follow the thirty percent (30%) Minimum Canopy Requirements of this Ordinance.)

- (2) No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.
- (3) All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as a lowered water table) or land disturbance resulting from any building or facility construction or site grading / land disturbance.
- (4) Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace area shall not count towards the thirty percent (30%) minimum canopy requirement or the street yard requirement.
- (5) A streetyard area shall be provided along any existing or proposed public street right-of-way or private right-of-way adjacent to or adjoining the property except for those portions of the lot used for driveways. Detention or retention ponds at the front of the property near the right-of-way do not relieve the developer from installing the required street yard.

For site plans that include fewer than one hundred (100) total parking and loading spaces, the minimum width of the streetyard shall be ten feet (10') and the streetyard shall be that area immediately adjacent to the right-of-way. Street yards shall be landscaped and properly maintained by the owner and shall have live vegetation including groundcover, grass, trees, shrubs and may, unless otherwise prohibited, include fences and walls and plantings for parking areas. Each street yard shall have at least one (1) large tree for each forty-five linear feet on center (45' o.c.) of street frontage, with a large tree being located within twenty feet (20') of each side property line. All planted trees must be a minimum of eight feet (8') in height, be at least three inches (3") in caliper, have a single trunk, and be unbranched to six feet (6').

In zoning districts where zero setbacks are permitted by the Comprehensive Zoning Ordinance for structures adjoining public street rights-of-way, the street yard and its plantings may be located upon the public property if approved by the Engineering Department. In all other cases, the street yard must be located on private property.

For site plans that include one hundred (100) or more total parking and loading spaces, the minimum width of the streetyard shall be fifteen feet (15') and the streetyard shall be that area immediately adjacent to the right-of-way.

When a use of land is intensified or expanded in such a way that the required parking must be increased more than twenty percent (20%) (except for parking areas where a twenty percent (20%) increase would be less than five (5) new spaces) then the entire site including the already developed area must be provided with a street yard. The minimum width of the streetyard shall be five feet (5') and the streetyard shall be that area immediately adjacent to the right-of-way.

Where a property adjoins a right-of-way such as gas, power, railroad, etc., that is adjacent to and parallel with a public or private street, the subject property shall be deemed to front on the public or private street and streetyard requirements shall be adhered to.

When a major subdivision (ten (10) lots or more) of property occurs along an existing or proposed public street, a streetyard ten feet (10') in width, adjacent to the right-of-way, shall be installed and have at least one (1) large tree for each forty-five linear feet on center (45') of street frontage, with a large tree being located within twenty feet (20') of each side property line. All planted trees must be at least three inches (3") in caliper, have a single trunk, and be unbranched to six feet (6'). Streetyards shall be landscaped and properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs, and may, unless otherwise prohibited, include fences and walls and plantings for parking areas.

In areas, where overhead power lines conflict with the planting of the required streetyard, trees from the approved list, "Trees to be Planted Under Power Lines",

may be utilized and shall be installed to have at least one (1) tree for each thirty linear feet on center (30' o.c.) of street frontage, with a tree being located within fifteen feet (15') of each side property line.

As of January 2003, any existing streetyard tree may not be cut or removed without permission of the Director.

- (6) Parking lots providing over five (5) spaces shall contain interior landscaped areas. This section shall apply to any surface parking lot or loading area or vehicular service area or portions thereof built after the adoption of this Ordinance. The number, size, and shape of interior tree planting islands areas shall be at the discretion of the owner subject to the following provisions:

- (a) A minimum of five percent (5%) of the total interior area of parking lots, loading areas, and vehicular use areas shall be devoted to tree planting islands areas. A single island size shall be a minimum of 8' x 18' (144 sq. ft.) measured inside of curb to inside of curb. Required street yards may not count toward the five percent (5%). There shall be no more than twelve (12) consecutive parking spaces in any row between planting islands, which must contain a large tree, and which must be at least one hundred forty-four (144) square feet in area with a minimum width of eight feet (8') measured inside of curb to inside of curb. On such site plans one of every five (5) required planting islands must be a minimum of thirty six feet (36) in length and eight feet (8') in width, inside of curbing, unless all parking spaces are arranged around the perimeter of the parking lot. When row parking is utilized, the end of each row of parking must be a double planting island with a minimum of one large tree per row of parking (two trees per island).

The soils within tree planting islands shall be clean and free from debris, loose from compaction and with the proper soil mix for planting.

When a use of land is intensified or expanded in such a way that the required parking must be increased more than fifty percent (50%) (except for where such an increase would be less than twenty (20) spaces), the new parking area must conform to the requirements of this subsection and the already developed parking area must be retrofitted with planting islands at a rate of one for every twelve (12) which is no less than one hundred square feet (100 sq. ft.) in area and with a minimum width of eight feet (8').

All internal planting areas shall be landscaped with approved plant materials compatible with accepted arboricultural practices as set forth in the IGO. The area devoted to interior planting islands may be deducted from the required parking area pursuant to Section 4-2 of the Zoning Ordinance at a rate of one (1) space per two hundred square feet (200 sq. ft.) of planting island except that the requirement of spaces shall not be reduced over ten percent (10%).

Note: Pedestrian aisles and handicap aisles count as one or more parking spaces, based on width, for the purposes of calculating consecutive parking spaces.

As of January 1, 2003, any existing parking lot tree may not be cut or removed without permission of the Director.

- (b) No parking space shall be further than sixty five feet (65') from the trunk of a large tree with no intervening building.
  - (c) Within existing parking areas, all new curbing around landscaped islands shall match existing curbing within the site. If no curbing is present within the site, then concrete curb and gutter, per City of Augusta standards and specifications, shall be used around landscaped islands.  
In new parking areas, all curbing around landscaped islands shall be concrete curb and gutter, as approved by the City Engineer.
- (7) Lighting serving to illuminate a parking area shall not be located within a required planting island. Further, no light pole shall be within twenty feet (20') of a required tree.

As of December 31, 2008, all light pole locations shall be indicated on the Tree Protection / Tree Establishment Plan.

- (a) No flag poles shall be located within a required landscaped island nor within twenty feet (20') of a required tree.
- (b) No signs, except for directional signs, shall be located within a required landscaped island nor within twenty feet (20') of a required tree provided that no such directional sign shall exceed thirty inches (30") in height nor more than four square feet (4 sq. ft.) in area.
- (c) No bicycle racks, utility boxes, fire hydrants, transformers or other site appurtenances shall be located in a required landscaped island.

Notes shall appear on the Plan as follows:

No lighting can be within twenty feet (20') of a required tree or within a required landscape island.

Lighting on the Electrical Plan must be consistent with lighting delineated on the Tree Protection / Tree Establishment Plan; if conflicts between the two Plans arise, the lighting on the Tree Protection / Tree Establishment Plan supersedes lighting on the Electrical Plan.

No signs, with the exception of small directional signs (these signs may not exceed thirty inches (30") in height nor more than four square feet (4 sq. ft.) in area), may be located within twenty feet (20') of a required tree or within required landscape islands.

No bicycle racks, fire hydrants, utility boxes, transformers or other site appurtenances may be located in required landscape islands.

- (8) A permanent water source shall be provided not more than one hundred feet (100') from any planted tree. Gator bags, water storage tanks, water trucks and other similar devices cannot be used as a permanent water source.

A note shall appear on the Plan as follows:

A permanent water source must be within one hundred feet (100') of all required trees.

- (9) Where the rear property line in a multiple-family residential, professional, commercial or industrial zone abuts an R (Residential) zone or single-family residence, a buffer strip not less than twenty feet (20') in width shall be provided. Further, where the rear property line in a commercial zone abuts an A (Agricultural), R-MH (Residential Manufactured Home), R-2 (Two-family Residential), or R-3 (Multi-family Residential) zone or single-family residence within one of these zones, a buffer strip not less than twenty feet (20') in width shall be provided. This buffer strip shall be designed to provide a year-round visual screen that is at least eight feet (8') in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. It shall consist of six foot (6') solid board or 'shadowbox' style fence or masonry wall that has two finished sides and is approved by the Tree Commission, unless a fence already exists on the adjoining property that meets the requirements of this Ordinance. The buffer strip shall be planted with medium or large trees spaced on forty-five (45') centers with interplanted evergreen plant material, berms, mounds or combinations thereof to achieve the objective within a maximum three (3) year period. No buildings, structures, storage of materials, or parking shall be permitted within this buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds.

As of January 2003, any existing rear bufferyard tree may not be cut or removed without permission of the Director.

- (10) Where the side property line in a multiple-family, professional, commercial, or industrial zone abuts an R (Residential) zone or single-family residence, a planted buffer strip not less than ten feet (10') in width shall be provided. Further, where the side property line in a commercial zone abuts an A (Agricultural), R-MH (Residential Manufactured Home), R-2 (Two-family Residential), or R-3 (Multi-

family Residential) zone or single-family residence within one of these zones, a buffer strip not less than twenty feet (20') in width shall be provided. This buffer strip shall be designed to provide a year-round visual screen that is at least eight feet (8') in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. Said buffer strip shall begin at the front setback line and extend along the entire remaining side boundary. It shall consist of a six foot (6') solid board or shadowbox" style fence or masonry wall that has two finished sides and is approved by the Tree Commission, unless a fence already exists on the adjoining property that meets the requirements of this Ordinance. The buffer strip shall be planted with medium or large trees spaced on forty-five foot (45') centers with interplanted evergreen plant material, berms, mounds or combinations thereof to achieve the objective within a maximum three (3) year period. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds. No buildings, structures, storage of materials, or parking shall be permitted within this area.

As of January 2003, any existing side bufferyard tree may not be cut or removed without permission of the Director.

- (11) The mature or ultimate spread of planted trees shall be shown on the Tree Protection / Tree Establishment Plan. Planted trees shall be diagramed according to the following minimum standards in order to qualify for Minimum Canopy Requirements:

- \*large trees – forty-five foot (45') spread
- \*medium trees – thirty foot (30) spread
- \*small trees – fifteen foot (15') spread

- (12) No new utilities (overhead or underground) shall be located directly above or below existing or proposed tree locations. (Proposed utilities must be routed away from all trees.)

A note shall appear on the Plan as follows:

No new utilities (overhead or underground) may be located directly above or below existing or proposed tree locations. Proposed utilities must be routed away from all required trees on this site.

- (e) Tree protection and tree establishment elements. Land cleared for development or land being proposed for development shall have, after development, not less than thirty percent (30%) Minimum Canopy Requirements of total area being developed.-Minimum Canopy Requirements shall only be calculated on the acreage of the site that is being developed. Undeveloped portions of the site shall not be required to provide Minimum Canopy Requirements (including street yard requirements) nor shall Minimum Canopy Requirements for existing trees on undeveloped portions of the site be counted toward the requirements of the developed portion of the site. Tree protection and tree establishment

elements may be provided separately or collectively depending on the nature, complexity, and scale of the development.

Such elements shall be included on the Tree Protection / Tree Establishment Plan:

- (1) Existing tree cover and tree cover that is to be removed.
- (2) The location and species of all trees to be retained on the developed portion of the site for which Minimum Canopy Requirements are to be claimed, including their DBH, health, and their tree protection zones. Where a grouping or cluster of twenty (20) or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the Plan, provided the number of trees for each species within the cluster is given and the average DBH is identified for each species. Existing trees on undeveloped portions of the site (i.e. future development) or trees within the right-of-way(s) cannot be counted toward Minimum Canopy Requirements.
- (3) The location, species, and DBH of all trees located on adjacent rights-of-way.
- (4) A listing in chart form of all trees to be planted on the site for which Minimum Canopy Requirements are to be claimed, giving their respective species, caliper, and mature spread.
- (5) A description of tree planting specifications if different from those listed in the Illustrated Guide to Implementing the Augusta Tree Ordinance (IGO).

IGO and any amendments thereto are hereby adopted by reference. The guide will be reviewed annually by the Tree Commission with the updated version being adopted by reference and each time made a part hereof. All Tree Protection/Tree Establishment Plans shall be provided in a manner consistent with provisions contained therein.

As of January 2003, any existing tree that would count toward the overall requirement for **Minimum Canopy Requirements** may not be cut or removed without permission of the Director.

- (f) **Tree Protection and Tree Establishment Standards.** Tree protection zones shall be established and maintained for all trees preserved or planted on a site for which Minimum Canopy Requirements are to be claimed. The following provisions apply to such zones and the trees within them.
  - (1) The tree protection zone shall have a dimension of not less than one-half (1/2) the distance to the dripline of the preserved tree, or the minimum tree protection zones for planted trees set forth in Table 1; whichever is greater. Tree protection zones shall be barricaded prior to the commencement of construction and until the Certificate of Occupancy has been issued.

- (2) The area within any tree protection zone must remain open and unpaved. The use of perforated pavement may be allowed subject to the approval of the Director.
- (3) Deleted
- (4) No vehicles shall be parked, construction material stored, substances poured, disposed of, or placed, within any tree protection zone at any time during clearing or construction of the project.
- (5) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two inches (2") of sandy loam topsoil covered with mulch.
- (6) Tree wells or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the tree protection zone. Adequate means for drainage of excess moisture from the tree protection zone shall be provided if tree wells or tree walls are constructed.
- (7) For planted trees, the minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.
- (8) The ground elevation where trees are to be planted in a street yard shall be within five feet (5') of the ground elevation of the street right-of-way.

Table 1

Minimum Tree Protection Zone for Planted Trees

<u>Mature Tree Size</u>	<u>Minimum Area Square Feet</u>	<u>** Protection Zone</u>
small *	16	2.0' radius
medium *	66	3.0' radius
large *	200	4.0' radius

\* A listing of small, medium, and large trees is found in IGO.

\*\* Protection Zone = Minimum distance from tree trunk to edge of dripline.

- (g) Tree selection and planting standards. (This section shall be shown on Tree Plan as notes.)
  - (1) All required trees are recommended to be grown within one climatic zone of Augusta, GA
  - (2) Trees planted for canopy cover credit shall meet quality and size standards as described in the ANSI Z60.1 American Standard for Nursery Stock dated 1990 and

published by the American Nursery and Landscape Association, as officially revised and amended from time to time. All trees shall be per IGO list.

- (3) All trees selected for planting should be of urban tolerant species and suitable for the site conditions of planting location, including growing space limits, soil moisture, soil volume, and classified as water wise plant once established. All trees shall be per IGO list.
- (4) All required trees shall be nursery grown, typical of their species or variety, with normal, densely developed branches and vigorous, fibrous root systems. Trees shall be sound, healthy, vigorous, free from defects, free from disfiguring knots, free from sun scald injuries, frost cracks and/or abrasions of the bark, and be free from plant diseases, insect eggs, borers, and all forms of infestation. All trees shall have a fully developed form without voids and open space. Trees shall not be loose in the container or root ball. It is recommended that dug trees shall have been root pruned at least once.
- (5) All required trees shall have straight, single central leaders. Trees that have the main trunk forming a "Y" shape are not acceptable. Trees that are not fully branched will not be accepted. Trees shall have no bark damage and shall not be leaning or have significant sweep, crook or bend. Trees shall have a minimum three inch (3") caliper and shall have no branch more than ½ the diameter of the main leader and shall have a straight unbranched trunk to six feet (6'). Trees specified as "multi-stemmed" shall have a minimum of three (3) and a maximum of five (5) separate canes a minimum of one inch (1") caliper each coming from the root ball and pruned into tree form with no branches on the lower half of the tree. Multiple plants shall not be used as a "multi-stemmed" plant.
- (6) All required trees shall be set in the planting pit to proper grade and alignment, and shall be set upright, plumb and faced to give the best appearance or relationship to other trees. Each tree shall be set one to two inches (1-2") above the finish grade and backfill shall be brought even with the top of the root ball. No fill shall be permitted atop the root ball.
- (7) All burlap, ropes, straps and wires shall be removed from the root ball. If it is not possible to remove the burlap and wire from the bottom of the root ball, the burlap and wire shall be cut away from the sides and removed from the hole.
- (8) After required trees are set, the backfill shall be muddled around the base of the root ball and all voids shall be filled.
- (9) All required trees shall have their planting pits mulched with approved mulching material immediately after planting. The mulched areas shall be thoroughly water. Note: Mulch shall be placed to a maximum thickness of three inches (3") no mulch within eight inches (8") of trunk of tree.

- (10) If staking and supports have been installed on the required tree(s), all staking and supports shall be removed after one growing season.
- (11) As a general rule, the following guidelines for tree diversity within the tree planting site and population should be adhered to: 1) plant no more than ten percent (10%) of any species; no more than twenty percent (20%) of any genus; and no more than thirty percent (30%) of any family.

Note: All provisions of 8-4-13-(g) shall appear in note form on the Tree Protection / Tree Establishment Plan.

#### **Chapter 8-4-14. COMPLIANCE.**

All improvements shown in the Tree Protection / Tree Establishment Plan shall be constructed and all plant materials shall be in place and approved by Augusta before a Certificate of Occupancy will be issued for any use of land or structure(s) that is not exempted from this Ordinance. If at the time of request for a Certificate of Occupancy the required landscaping is not in place and it can be determined Augusta personnel that unavailability of plant materials or that weather conditions prohibit completion of this planting, then the developer may, at the discretion of the Director, provide an executed contract binding until December 31 of the calendar year in which the application is made that provides for the completion of such landscaping work, and also a Performance Guarantee or an Irrevocable Letter of Credit from a federally insured lender in an amount to be approved by Augusta Planning & Development commensurate with the cost of completing the required landscaping.

Existing trees or other landscape features as delineated on previously approved Site Plans and subsequently installed to conform with the minimum standards of this Ordinance may not be removed or altered without prior approval of the Planning Director.

In the event that trees cannot be planted on the site or in the proper location on the site (example: streetyard trees or parking island trees) due to hardship, a variance of the Tree Commission may be applied for. The variance request shall include: the variance fee, as set forth by Augusta, GA, a letter explaining the need for the variance, a mitigation package at a rate of two trees for every tree not planted on the site, (trees will be planted at another location on the site or at a location as set forth by the Augusta Tree Commission), and a Tree Establishment Bond in the amount of five hundred dollars (\$500) per tree in the mitigation package. If trees are to be planted offsite, installation of the trees will be the developer's responsibility, and maintenance for a three-year term, from the date that the trees are planted will also be the developer's responsibility. A Maintenance Agreement outlining proper care of trees to be planted offsite will also be required for a term of three years, unless waived by the Augusta Tree Commission. In lieu of the mitigation package, a fee in the amount of one thousand five hundred dollars (\$1,500) per tree to be mitigated shall be payable to Augusta Georgia, and deposited in a separate Tree Landscaping Account (hereinafter referred to as the "Tree Bank" or the "Tree Mitigation Fund"), for placement of or replacement of trees within the City. A Tree Establishment Bond nor a Maintenance Agreement will be required if this option is exercised.

The primary objective of the Tree Bank / Tree Mitigation Fund is to use payments for the installation and maintenance of trees on public property. The City shall also use all such payments for the cost associated with implementation of this Ordinance, for City sponsored tree management / tree education programs, and for the study, inventory, maintenance or treatment of public trees requiring the services of a Certified Arborist or other qualified consultant with the approval of the Director. Mitigation funds will not be used in lieu of General Fund support for the existing urban forest management program.

**Chapter 8-4-15. TREE ESTABLISHMENT BOND.**

A three-year Tree Establishment Bond shall be posted with the Augusta Planning & Development Department prior to issuance of the Certificate of Occupancy. This bond shall be in the amount of the contract award for landscaping or in an amount determined by the Augusta Planning & Development Department, whichever is higher. After thirty (30) months, Augusta Planning & Development staff shall inspect the site and make a determination as to whether or not the required trees and landscaping have not been removed, the required trees and landscaping are healthy, the growth and the integrity of the required trees have not been compromised, the canopy of the required trees have not been reduced in any fashion, and the required trees have a reasonable chance of surviving to maturity. Upon such a finding, the bond shall be released at the end of the three-year Tree Establishment Bond period. In absence of such a finding, the Tree Establishment Bond shall not be released and the owner/developer of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as required by Augusta Planning & Development staff. If the owner/developer fails to comply with the decision of Augusta Planning & Development staff within sixty (60) days of receiving a written notice, then the City shall use the Tree Establishment Bond to the extent necessary to bring the property into compliance with the provisions of these regulations.

**Chapter 8-4-16. APPEALS AND VARIANCES.**

- (a) Decisions of the Director may be appealed to the Augusta Tree Commission, who serves as an advisory body to the Planning Director. The Planning Director has the final say on any appeals matter.

The Tree Commission shall also hear requests for variances from the provisions of this Ordinance, at the request of the Planning Director. The variance request must be made in writing to the Director by the first Monday of any given month for that month's Tree Commission meeting. The Tree Commission shall review the appeal or variance and make its recommendations to the Director. The Planning Director has the final say on any variance matter.

- (b) Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief and when in the opinion of the Tree Commission, or the Director, relief is justified.

- (c) Variances shall only be granted upon:
  - (1) A determination that failure to grant the variance would result in exceptional hardship; and
  - (2) A determination that the granting of a variance will not adversely impact the intent and purpose of these regulations.
- (d) The Tree Commission may approve, deny, or approve with conditions a request for a variance. Conditional approval may be granted where mitigation of the impact is agreed upon by the Tree Commission and the petitioner and approved by the Director.
  - (1) The Tree Commission, at its discretion, may require mitigation plantings in City street right-of-ways, in City parks, or on other City-owned property, if mitigation plantings cannot feasibly be planted on the subject site. The Tree Commission, at its discretion, may require a mitigation fee to be paid to the City of Augusta, pursuant to Chapter 8-4-14 of this Ordinance, to be used for plantings in City Street right-of-ways, in City parks, or on other City-owned property, such as City-owned medians.

**Chapter 8-4-17. ABROGATION AND GREATER RESTRICTIONS.**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another regulation conflict or overlap, whichever regulation imposes the more stringent restrictions shall prevail.

**Chapter 8-4-18. SEVERABILITY.**

If any provision of this Ordinance is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this Ordinance.

**Chapter 8-4-19. INSPECTION, ENFORCEMENT, VIOLATION, AND PENALTY.**

(a) Inspection

The City may periodically inspect areas subject to the provisions of this Ordinance or may inspect a site based on a complaint registered with the Planning and Development Department.

- (1) Inspections shall be made during normal business hours – those hours being Monday through Friday, 8:30 am to 5:00 pm.

For areas that are gated, or locked, reasonable notice shall be given before a site visit

No person shall refuse entry or access to any authorized representative of the City who requests entry for the purpose of inspection, and who presents appropriate credentials.

(2) No person shall obstruct or interfere with such inspection.

(b) Enforcement and Violations

All violations of the provisions of this Ordinance or failure to comply with any of its requirements shall be reported to the Augusta Planning & Development Department. Once a violation is evident, the Augusta Planning & Development Department, acting on behalf of the Augusta Commission, shall notify the owner in writing of the apparent violation of this Ordinance. The written notice shall direct the owner to cease the violation until such time as the requirements and procedures of this Ordinance have been met. Upon failure of the owner to comply with this notice, the Augusta Planning & Development Department shall notify the Augusta City Attorney of the violation and the Augusta City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate, or terminate such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of a misdemeanor and shall be punished as provided in Chapter 1-6-1 of the Augusta Code. Each day such violations continue shall be considered a separate offense. Nothing herein contained shall prevent the Augusta Commission from taking such other lawful action as is necessary to prevent or remedy any violations.

Penalty

Any person who violates any of the provisions of this Ordinance, or rules of orders adopted or issued pursuant of this Ordinance shall be subject to any one or all of the combination of penalties authorized by this Ordinance.

(1) Public Property

- a. Any action resulting in the removal, death or destruction of a public tree on City property or within City right-of-way shall be subject to a fine depending on the size of the tree pursuant to the provisions set forth in this Ordinance.
- b. Trees of three inch to five inch (3"-5") caliper will be fined one thousand dollars (\$1,000) per removed, damaged/destroyed tree, plus the cost for replanting a replacement tree(s) of equal caliper and species by a reputable nursery. Replacement trees must carry a 3-year Tree Establishment Bond per the requirements of 8-4-15.
- c. Removal, damaged or destroyed tree(s) larger than five inch (5") caliper will be fined one thousand dollars (\$1,000) plus an appraisal of the Tree value by a Qualified Tree Professional using the current edition of the International Society of Arboriculture's Guide for Plant Appraisal using the Trunk Formula Method of Appraisal. The

appraised value of the tree will be the value placed on the tree in addition to the one thousand dollars (\$1,000) fine. The cost of the appraisal shall be paid by the Person(s) who removed, damaged/destroyed existing trees in violation of this Ordinance. The replacement tree shall be of three inch (3") caliper or of caliber designated by the Director up to six inch (6") caliper. Replacement trees must carry a 3-year Tree Establishment Bond per the requirements of 8-4-15. Nothing herein contained shall prevent the Augusta Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

(2) Private or Development Property Issued a Land Disturbance Permit

- a. Tree Disturbance Prior to Permit Approval: The penalty for the removal of or damage to trees, prior to the issuance of a Land Disturbance Permit shall be a civil penalty of ten thousand dollars (\$10,000) per acre or fraction thereof. (i.e., the civil penalty for a site of 0.35 acres that is cleared prior to Planning and Zoning Department approval or prior to the issuance of a Tree Disturbance Permit is three thousand five hundred dollars (\$3,500).

- (3) Additionally, the City may deny a building permit or site plan approval to any developer/landowner that clears land in anticipation of development in violation of this Ordinance for up to three (3) years after completion of the timber harvest. Removal or Damage to Individual Trees after Permit Approval: The penalty for removal of or damage to the Critical Root Zone of protected trees after the issuance of a Tree Disturbance Permit, within an approved Tree Protection Zone (without approval by the Director or his/her designee shall result in replacement of the tree by the developer on the subject property with an amount of trees and/or trees of equal value. Valuation of the tree damaged / removed or lost shall be determined by the Director in consultation with a person qualified by training or experience to have expert knowledge of the subject. Valuation of trees and vegetation shall be established in accordance with standards established by the Council of Tree and Landscape Appraisers (CTLA).

If replacement isn't feasible or desired on the subject property, as determined by the Director, a monetary sum equal to the value of the damaged or removed tree(s) may be paid to a tree planting fund (the Tree Mitigation Fund) maintained by the Augusta, Georgia for the purposes of planting and maintaining trees throughout the jurisdiction of the City.

- (4) Failure to Install or Maintain Tree Protection Devices: There shall be a civil penalty of five hundred dollars (\$500) per day for failure to install or maintain approved tree protection measures sufficient to protect the TPZ beginning with the date the citation is issued and ending when the site is in compliance.

**Chapter 8-4-20. MITIGATION**

- (1) Any protected trees, on land issued a Land Disturbing Permit for development, which is six inches (6") DBH or greater that is removed, destroyed or (receives more than fifty percent (50%) damage to the crown, trunk, or root system) and does not meet the exemption provisions of this Ordinance shall be mitigated per the requirements of this Chapter of the Ordinance. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees equal in value to the removed / destroyed / damaged tree, pay a mitigation fee to a tree planting fund (the Tree Mitigation Fund) maintained by the Augusta Commission for the purposes of planting and maintaining trees throughout the jurisdiction of the City, or a combination of both.
- (2) The mitigation authorized by this Chapter of the Ordinance is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.
  - a. Mitigation Through Planting New Replacement Trees:
    - A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal. Replacement trees shall be a minimum of three inches (3") diameter when measured six inches (6") above the soil line and a minimum of eight feet (8') in height when planted and unbranched to 6' or as exempted by the IGO.
    - All replacement trees shall equal value of canopy square footage of trees lost, based on Recommended Tree List in this Ordinance.
    - All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project.
    - The location of replacement trees is restricted from utility easements and rights-of-way (in the case of rights-of-ways, unless approved by the Planning Director).
    - Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees offsite. This proposal has to be approved by the Planning Director.
    - Replacement trees shall be planted prior to the issuance of the Certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before

project release, a fiscal security in the form of a Performance Guarantee is posted in the amount of \$500 per required tree

b. Mitigation Through Payment of Fee:

- In lieu of new planting of replacement trees, a monetary fee of two hundred and fifty dollars (\$250) per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the Augusta Commission. All mitigation fees shall be deposited into the City's Tree Mitigation Fund.

c. Mitigation of Landmark Trees:

- Landmark Trees, as defined in the Definitions section and noted in Chapter 8-4-11. A monetary fee of five hundred dollars (\$500) per diameter inch of the Landmark Tree removed or damaged shall be assessed and paid to the Augusta Commission and deposited into the City's Tree Mitigation Fund, or;

d. If replacement trees are to be planted, the total amount of replacement canopy to be planted shall be in an amount that is twice the square footage of the canopy Landmark Tree(s) removed and shall, otherwise, meet the requirements of Section A above. If any protected tree dies within three (3) years of the issuance of the Certificate of Occupancy, final inspection or acceptance of public improvements and is brought to the attention of the Director, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this Ordinance.

e. The primary objective of the Tree Mitigation Fund is to use payments for the installation and maintenance of trees on public property. The City shall also use all such payments for the cost associated with implementation of this Ordinance, for City sponsored tree management / tree education programs, and for the study, inventory, maintenance or treatment of public trees requiring the services of a Certified Arborist or other qualified consultant with the approval of the Director. Mitigation funds will not be used in lieu of General Fund support for the existing urban forest management program.

**Chapter 8-4-21. CITY CODE AND OTHER DEVELOPMENT REGULATIONS.**

All Development Plans / Site Plans and construction details must satisfy Augusta, Georgia Code Title 8 Planning and Zoning - Section 4 Trees, Section 5 Zoning, Section 8 Site Plan Regulations, and Section 9 Subdivision Regulations.

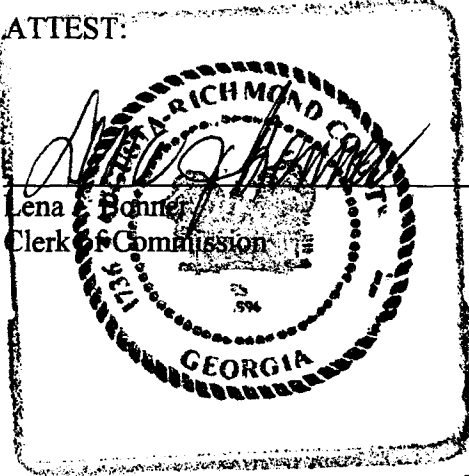
Done in Open Meeting under the Common Seal thereof this 21<sup>st</sup> day of February, 2017.

Approved by the Augusta Commission this 21<sup>st</sup> day of February, 2017.



Hardie Davis, Jr, Mayor

ATTEST:



Lena Bonner  
Clerk of Commission

First reading - February 6, 2017

Second reading - February 21, 2017