

Article 27: Tree Preservation and Replacement

27.1 Title

This Ordinance shall be known as the "Cherokee County Tree Preservation and Replacement Ordinance."

27.2 Purpose and Intent

The purpose of this Ordinance is to provide standards for the protection and replacement of trees as part of the land development and building process, and to enrich the quality of life for the citizens of Cherokee County through education about and preservation of its tree resources. This is accomplished through the preservation, protection and planting of trees and other landscape material, particularly those trees recognized herein as "Specimen", "Heritage", "Overstory" and "Understory" trees, and the provision of natural and/or planted buffers between dissimilar uses as part of the land development process. The Ordinance is intended to further the County's policy of preserving trees as a natural resource as well as to provide clear direction for those instances where trees are either removed or where land is to be developed where no trees exist.

27.3 Definitions

In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof, where the context will permit, the definitions of words as contained in the adopted Zoning Ordinance of Cherokee County, supplemented by the following, shall apply:

Agriculture – The science or art of cultivating the soil, harvesting crops, and raising livestock.

Boundary Tree – A tree 10-inch DBH or larger located on a property adjacent to a permitting property whose Critical Root Zone or canopy extend into the permitting property. If a Boundary Tree cannot be saved or results in an encroachment into the Critical Root Zone of greater than 10%, evidence of notification to the owner of the tree will be required to be provided to the County Arborist prior to plan approval. This notification shall generally include the current condition of the tree, % encroachment, potential outcomes of the encroachment, and proposed Tree Prescription, if any, to offset the encroachment.

Buffer – A natural and/or landscaped area for buffering incompatible land uses for the purpose of visibly separating one use from another. This is accomplished through screening and distance to shield or block noise, light, glare, or visual or other nuisances, and/or for protecting natural features such as streams and wetlands.

Caliper – A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of six (6) inches above the ground for trees up to and including four (4) inch caliper and twelve (12) inches above the ground for trees larger than four (4) inches caliper.

Certified County Arborist ("Arborist") - The county official responsible for enforcing the Ordinance, reviewing Tree Preservation and Replacement Plans, etc., to include developing arboricultural standards relative to tree care, protection, construction impacts and administrative guidelines for

Ordinance compliance as well as the determination of tree removal in public places. Said individual shall also be responsible for coordinating the County's Arbor Day programs, grants and other similar programs.

Critical Root Zone – The area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone of a tree is established on the basis of the trunk diameter at DBH. Critical Root Zones are to be represented on plans by a concentric circle centered on the trunk location with a radius equal in feet to 1.5 times the number of inches of the tree's trunk diameter at DBH. Boundary Tree Critical Root Zones shall be reduced to a radius equal in feet to 1.3 times the number of inches of the tree's trunk diameter at DBH. The Critical Root Zone shall be used by plan reviewers to determine compliance with design standards and construction specifications. A circle is graphically efficient to produce and represents the most likely configuration of a tree's root pattern, even when the crown is skewed or one-sided. The ratio of circle diameter to trunk diameter is based on typical dripline distances noted on open grown trees with full crowns.

Density Factor – A unit of measure used to prescribe the calculated tree coverage on a site.

Diameter Breast-Height (DBH) – The standard measure of size for overstory and understory trees existing on a site. The tree trunk is measured at a height of four and one-half feet (4-1/2') above the ground. If a tree splits into multiple trunks below four and one-half feet (4 -1/2'), measure the trunk at its most narrow point beneath the split.

Drip Line -- The line enclosing the area directly beneath the tree's crown from which rainfall would drip from the outermost branch tips of the tree or group of trees collectively.

Heritage Tree – Any tree which is determined by Cherokee County to be of unique and intrinsic value to the general public because of its size, age, historic association, unique species to the region, ecological value or any tree designated a Georgia State Champion, United States Champion or World Champion by the American Forestry Association (Refer to Appendix B). This Ordinance calls for the Arborist to maintain a list of trees that are of special interest to the County. Upon recommendation by the Arborist, the Board of Commissioners may designate a tree as a Heritage Tree, provided the tree's health, aerial space, and open ground area for the root system have been certified by the Arborist as sufficient. The Arborist shall maintain a registry of Heritage Trees.

Land Disturbance Permit – The authorization granted by Cherokee County necessary to begin a Land Disturbing Activity.

Land Disturbing Activity – Any alteration of the natural environment that shall require a Land Disturbance Permit for removal of trees incidental to the development of land or to the marketing of land for development and includes, but it is not limited to, soil erosion permit, clearing and grubbing permit, Land Disturbance Permit or building permit.

Overstory Tree – Those tree species that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet. Replacement trees must be chosen from the list in Appendix D.

Parking Lot – Two or more Parking Spaces.

Parking Space, Exterior – The clear space containing one row of parking spaces.

Parking Space, Interior -- The clear space containing two rows of opposing parking spaces.

Pasture Land – Land cleared of trees and used for livestock grazing or crop production for the past 5 years as depicted on aerial photos from Cherokee County or other sources.
(Ord. 2015-O-011, 12-15-15)

Permanent Damage – Permanent Damage is defined as injury to a tree which will likely lead to decline or death of the tree or shortening the tree's expected lifespan.

Replacement Planting – The planting of trees on a site that before development had more trees, and after development shall have fewer trees per acre.

Site – Any plot or parcel of land, or a combination of contiguous lots or parcels of land, where grading, building, construction, or alteration is performed or permitted.

Site Density Factor -- The minimum number of Tree Density Units per acre which must be achieved on a property at completion of development. Reference Appendix C.

Soil Compaction – A change in the physical properties of soil which include an increase in soil weight per unit volume, and decreases in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gases, and can create an impervious condition to new root development.

Specimen Tree – Any tree that qualifies for special consideration for preservation due to its size, type, and condition (Refer to Appendix A). Individual trees may be considered important county resources because of unique or noteworthy characteristics or values.

Stop Work Order – An official order from the County for work to cease on a development site until such time as specific issues are resolved.

Timber Harvest – Under Georgia law all timber harvests or sales must be reported on Department of Revenue form PT-283T. The official code of Georgia Annotated defines Timber Harvest.

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 (3) inches at any point and a height of over ten (10) feet.

Tree Diameter - The widest cross-sectional dimension of a tree trunk measured at diameter breast height (DBH) or at a point below DBH for new trees or multi-trunked species, but in no case less than six (6) inches from the ground.

Tree Prescription – A plan that describes how a tree will be treated in response to land disturbing activity. The tree prescription may include one or a combination of the following: Instructions on how to minimize impacts that are close to the trunk, branches or roots; Specific treatments to improve the tree's recovery and a timeline for implementation of such treatments; Follow-up procedures for long term care. Proof of prepayment is required prior to plan approval when a Tree Prescription is accepted in lieu of recompense replanting for impacts in excess of 10% to saved Specimen trees.

remaining Specimen Trees on site, which are allowed to be removed or with Critical Root Zone impacts of 10% or greater, will require recompense planting equaling two (2) times their density unit value in Appendix C – Table A. Specimen trees must be replaced by species with potentials for comparable size and quality. Specimen recompense trees must be a minimum three (3) inch caliper at the time of planting. A Tree Prescription may be accepted in lieu of recompense replanting for Specimen trees with Critical Root Zone impacts between 10-20%. Such prescription is required to be prepaid and submitted with the plan prior to plan approval.

If a Specimen Tree is to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Arborist.

In addition to the penalties addressed in Section 4-1.1.2 of this Ordinance, any Specimen Tree which is removed without the appropriate review and approval of the Arborist must be replaced by trees with a total density of eight (8) times the unit value of the tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its condition.