

**TREE ORDINANCE**  
**Of**  
**THE CITY OF ACWORTH, GEORGIA**



**The City of Acworth  
Department of Community Development  
Planning and Zoning Division  
4415 Senator Russell Avenue  
Acworth, Georgia 30101**

## **TREE PROTECTION AND LANDSCAPING**

### **A. Intent and Purpose**

The purpose of these standards is to facilitate the preservation and/or replacement of trees as part of the land development process within the municipal boundaries of the City of Acworth. Benefits derived from tree protection and replanting include: improved control of soil erosion, moderation of storm water runoff and improved water quality, dust filtration, shading, cooling, enhanced habitat for desirable wildlife, reduction of noise and glare, climate moderation, increased property values and aesthetic/scenic amenities.

### **B. Applicability**

These regulations shall apply to all real property in the City now and in the future and to all property on which renovations to an existing building are greater than 51 percent of the building's appraised value as shown on the current tax records. In accordance with the Subdivision platting procedures, all plats (preliminary and final) and subdivision improvement plans must contain a tree protection plan which meets the standards set forth in this section. Exempt from these standards are:

1. Any singular residential lot occupied by not more than one dwelling structure containing (in aggregate) not more than two dwelling units.
2. The plantings of public and private plant nurseries, tree farms or botanical gardens which are for sale to the general public.
3. Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the City prior to the adoption of this ordinance.
4. Any property within the Central Business District.

### **C. Definitions**

1. *Buildable Area* - The portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located.
2. *Buffer* - A natural undisturbed portion of a lot which is set aside to achieve a visual and noise barrier between land uses. A buffer is achieved with natural vegetation, except for approved access and utility crossings, and must be replanted when sparsely vegetated subject to the approval of the Zoning Administrator.
3. *Caliper* - American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inch above the ground for up to and including 4 inch caliper size, and 12 inches above the ground for larger sizes.
4. *Crown Dripline* - The vertical line extending from the outer surface of a tree's branch tips down to the ground containing the tree's critical root zone (see Figure A).
5. *DBH* - Diameter-at-breast-height is a standard measure of tree size and is a tree trunk diameter measured 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at the point directly beneath the split.
6. *EDF* - Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units.
7. *Land Disturbance Permit* - An official authorization issued by the Department of Public Works, allowing defoliation or alteration of the site, or the commencement of any land disturbing activities.
8. *Protected Zone* - All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in green space, and/or all areas required as landscaping strips and/or buffers according to provisions of the City of Acworth Tree Protection Ordinance.
9. *RDF* - Replacement Density Factor (RDF) is the density of new trees necessary to meet the minimum Site Density Factor.
10. *Re-vegetation* - The replacement of trees or landscape plant materials into the minimum required landscape areas.
11. *SDF* - Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site.

12. *Specimen Tree* - Any tree which has been determined to be of a high value because of its species, size, age, or other arboreal criteria [see Subsection (D)(4)(d)].
13. *Tree* - Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of at least two inches.
14. *Tree Density Factor* - A unit of measurement used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size and are not equal to individual tree counts.

**D. Tree Preservation and Replacement**

A tree protection and landscaping plan shall be submitted with all other permit drawings as part of the land disturbance permit process on any non-exempt parcel of land. Land disturbing activity includes any activity which 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, excluding agricultural practices. The intent of these standards is to provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the provisions of the ordinance are administered in the most effective manner.

In general, it shall be required that a minimum of fifty percent (50%) of existing trees, exclusive of acreage contained within any street right-of-way, setback, stream, or wetland buffers, shall be retained after development in all zoning districts, as identified and defined in this Ordinance. In determining the number of existing trees to be retained, counts of individual trees shall be utilized. However, upon approval of the Zoning Administrator, a calculated percentage of tree canopy coverage (based on average trees per acre) may be used instead. All cleared or disturbed areas shall be planted with trees of suitable species and to densities specified in this section of the Zoning Ordinance.

1. No land disturbance permit shall be issued for projects/lots until the landscaping plan has been reviewed and approved by the Zoning Administrator. All tree protection measures shall be installed prior to land disturbance and no land disturbance permit shall be issued for full site development without it being determined that the proposed development is in compliance with the provisions of these regulations. For each development, the Zoning Administrator, or other City designee, shall visit the development site, prior to issuance of any clearing permits. The tree preservation plan may either be a separate drawing or part of the overall landscape plan and shall include the following information:
  - a) The name of the project
  - b) The name of the owner and/or developer, including 24 hour contact
  - c) The location of proposed building(s) and corresponding dimensions
  - d) Spatial limits of land disturbance, clearing, grading and trenching
  - e) All required undisturbed buffers, landscape strips and parking islands
  - f) The location of all specimen trees or stands of specimen trees
  - g) The location of all hardwood trees with a DBH > 4" and softwoods with a DBH > 10"
  - h) Areas of tree protection and re-vegetation and all relevant tree density calculations
  - i) The specific name and location of all materials to be planted or maintained on the site
  - j) Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
  - k) Planting and staking specifications
2. The destruction within any two (2) year period of more than twenty percent (20%) of the trees on any parcel of land shall be considered as timbering and regulated as such unless site development plans are submitted and approved as per all applicable City regulations. When site development plans are not submitted, a timbering permit must be obtained prior to any tree cutting, clearing or clearing and grubbing. This standard shall apply to all properties which are not zoned exclusively for single family use and to all properties over two acres in size irrelevant of zoning. Such permits shall be in accordance with current land disturbance permit plan review procedures and shall meet the following standards:

- a) The exterior boundary of the site shall have an undisturbed 50 foot buffer area. This buffer area shall remain undisturbed except for improved perpendicular access points, which may be no wider than 24 feet. Sites over 2 acres in size must retain a minimum of 50% of those hardwood trees with a DBH greater than 6 inches and 50% of those softwood trees with a DBH greater than 12 inches (inclusive of the required buffer).
  - b) Submitted plans shall include the following information:
    - 1) Owner's name and address
    - 2) Closed property boundary showing bearing and distances of all property lines
    - 3) Limits of land disturbance activity
    - 4) 24 hour emergency contact name and phone number
    - 5) Location of and detail for the truck exit (crushed stone pad)
    - 6) Delineation and labeling of all required buffer zones
    - 7) Documentation of all existing hardwood trees with a DBH > 6" and all existing softwood trees with a DBH > 12"
  - c) All timber harvesting activities shall be in accordance with the U.S. Clean Water Act, Section 404 and *Recommended Best Management Practices for Forestry in Georgia*.
3. In the event that any tree on any nonexempt parcel of land shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare, the tree may be removed upon the written authorization of the Zoning Administrator. In the case of a specimen tree which is included as part of an approved tree preservation plan, the Zoning Administrator may consult with the City's designated professional arborist.
  4. The Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site based upon the total site area (see Table A). This density requirement must be achieved whether or not a site had trees prior to development. The required unit density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two.

**TABLE A – MINIMUM TREE DENSITY CALCULATIONS**

Total area of developed site (acres)	Minimum density units provided (per acre)
< 25	15
> 25	20

Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units using Table B.

**TABLE B – DENSITY CREDIT FOR EXISTING TREES**

DBH (inches)	Density Units (pine species)	Density Units (hardwoods)
3-4"	0.2	0.3
5-8"	0.3	0.6
9-12"	0.4	0.9
13-16"	0.6	1.2
17-20"	0.8	1.9
21-24"	1.2	2.8
25-31"	2.0	4.5
32-45"	2.5	6.0
46+"	3	7.5

- b) Replacement Density Factor (RDF) is the density of new trees to be planted on a site. Calculate the RDF by subtracting the EDF from the SDF. The density factor credit for each

caliper size of replacement (new) trees is shown in Table C. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

**TABLE C – DENSITY CREDIT FOR PLANTED TREES**

DBH	Density Units
1" or 7 gallon	0.05
2"	0.3
3"	0.5
4-5"	0.8
6-7"	1.2
8-9"	1.5
10+"	2.0

- c) For additions to existing projects, the tree density requirements are calculated as noted above for only those areas in which new land disturbance is taking place.

*Ex: Sample Tree Density Calculation*

(1) A 2.2 acre site has a Site Density Factor (SDF) of  $2.2 \times 15 = 33$

(2) The Existing Density Factor (EDF) of trees to be preserved is calculated by converting the diameter of individual trees slated for preservation to density factor units as follows (all existing trees are assumed to be hardwoods):

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>	<u>Totals</u>
24"	2	$x \ 2.8$	$= \ 5.6$
18"	8	$x \ 1.9$	$= \ 15.2$
10"	10	$x \ 0.9$	$= \ 9.0$
<i>Total EDF</i>			<i>29.8</i>

(3) Replacement Density Factor (RDF) calculates the minimum density of new trees to be planted by subtracting the EDF from the SDF:

$$RDF = 44 - 29.8 = 14.2 \text{ units required}$$

(4) Table B is used to determine the RDF as follows:

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>	<u>Totals</u>
2"	20	$x \ 0.3$	$= \ 6.0$
4"	8	$x \ 0.8$	$= \ 6.4$
6"	3	$x \ 1.2$	$= \ 3.6$
<i>Total RDF</i>			<i>16.0</i>

$EDF (29.8) + RDF (16.0) > SDF (45.8)$  therefore **DENSITY SATISFIED**

- d) Specimen trees warrant special consideration and encouragement for preservation. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purpose [subsections (I)(3) and (I)(4)]. Credit for any specimen tree thus saved shall be calculated at twice the assigned unit value shown in Table E.

If a specimen tree is to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Administrator. Specimen trees must be replaced by species with potentials for comparable size and quality based on the unit value of the tree (for example, a 30" hardwood specimen tree worth 4.5 units per Table B shall be replaced with 4.5 units worth of

comparable species trees). Any specimen tree which is removed without the appropriate review and approval of the Administrator must be replaced by trees with a total density equal to one and one half (1 ½) 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.

The following criteria are used by the Zoning Administrator and the appointed City Arborist to identify specimen trees. Both size and condition criteria must be met for a tree to qualify.

Size:

- Large hardwoods: 18-inch diameter or larger
- Large softwoods: 24-inch diameter or larger
- Understory trees: 9-inch diameter or larger

Condition:

- Life expectancy of greater than 15 years
- Relatively sound and solid trunk with no extensive decay
- No more than one major and several minor dead limbs (hardwoods only)
- No major insect or pathological problem

**E. Methods of Tree Protection**

1. The protective zone for designated tree save areas shall include no less than the total area beneath the tree(s) canopy, as defined by the farthest canopy dripline of the tree(s).
2. Construction site activities such as material storage, concrete washout, burnhole placement, etc., may not encroach into designated tree protective zones.
3. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the Zoning Administrator.
4. The use of tree save islands and stands is encouraged over the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization, increase the effectiveness of protection measures and prevent pathology.
5. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed between tree protective zones or incorporate those techniques described in subsections (I)(3) and (I)(4).

**F. Protective Barriers**

1. Prior to any land disturbance, active protective fencing shall be installed so that it surrounds the critical root zones of all protected tree zones.
2. Active protective tree fences must be at least 4 feet high and may be either a wood and post construction or orange polyethylene laminar safety fencing.
3. All tree protection zones should be designated as such with “tree save area” signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances although the developer shall be held responsible for any violations found.
4. All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion control. Silt screening must be placed along the outer uphill edge of tree protective zones at the land disturbance interface and shall be backed by twelve (12) gauge two (2) inch x four (4) inch wire mesh fencing in areas of steep slope.
5. All erosion control must comply with the City’s Soil Erosion Control ordinance. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until landscaping is installed.

### **G. Vehicle Use Areas**

1. Interior landscaping: Interior landscaping of at-grade parking lots shall contain planter islands located so as to relieve the expanse of parking, provide shading and channel water runoff. A maximum of 12 parking spaces in a row shall be permitted without a planter island. In addition, planter islands shall be placed at the ends of all parking bays. Planter islands shall have a minimum of 125 square feet in area and shall contain at least one hardwood overstory shade tree having at installation a minimum DBH of 3 inches and 10 feet in height for each row of parking. If a double row of parking (spaces facing each other) is utilized, a single planter island shall be provided at each end of the rows, each planted with two trees. This requirement may be waived in those instances in which facing parking rows are separated by a continuous island at least five feet in width containing at least one tree every fifteen feet. The remaining area shall be landscaped with appropriate materials.
2. Each area of the site which abuts public right-of-way (or improved accessways providing access to the interior of a development) must provide a planted border not less than 10 feet in width parallel to right-of-way lines (5 feet minimum for accessways). These planted border areas must have at least one tree having a minimum DBH of 2 inches for each 20 lineal feet of border area with a minimum of 2 trees if the strip is greater than 25 feet in length. Pine species are excluded from parking islands and along right-of-ways/accessways. The remainder of the planted area shall be landscaped with appropriate materials.
3. Accessways: Landscaped border areas may be interrupted to provide perpendicular vehicular and/or pedestrian ingress and egress, maximum 24 feet wide.
4. Encroachment: Landscaped areas shall require protection from vehicular encroachment. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

### **H. Encroachment**

Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated protected tree zones, the following preventative measures shall be employed:

1. Clearing activities: Roots often fuse and tangle among trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum 2 foot deep trenches (e.g. with a ditch-witch) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.
2. Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum four inch layer of processed pine bark or wood chips, or a six inch layer of pine straw.
3. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching.
4. Grade changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. A decrease in grade is best accomplished through the use of retaining walls or terracing.
5. When irreparable damage has occurred to trees within the tree protective zones, the trees must be removed and replaced with new trees of comparable size.

### **I. Remediation**

Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the trees' growing site and the damage is repairable. If encroachment is anticipated, these horticultural practices should be employed as preemptive measures to improve tree survival.

1. Once a tree has been damaged, it is advisable to delay pruning until the deadwood becomes evident (1-3 years). Pruning for deadwood removal is then recommended. The removal of live plant tissue from a damaged tree can accelerate decline. Pruning of root severed trees may reduce the possibility of windthrow. Trees which have not been affected by construction activities can be pruned for maintenance of the tree's health, appearance and safety.

2. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development.
3. A tree's adequate root development, and ultimately its chances for survival, is improved with reclamation of the growing site. Whenever possible, the soil should be brought back to its natural grade. Compacted soils within the critical root zones of trees should be aerated. The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. A 4 to 6 inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites, is extremely beneficial.
4. The availability of water to trees on construction sites should be monitored. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, if grade changes or prolonged periods without rain cause a drought situation, then irrigation may be necessary.

**J. Re-Vegetation**

1. The replacement of trees must occur if the EDF does not meet the calculated SDF. The quantity of replacement trees must be sufficient so as to produce a total site-tree density factor which meets the requirements established in subsection (D)(4). (Note: the terms 'unit' and 'tree' are NOT interchangeable).
2. Species selected for replacement must be quality specimens and ecologically compatible with the site. Table D lists those species of trees generally acceptable for credit in density calculations based upon use or need. The Zoning Administrator has information on trees and may accept alternatives to those listed in Table D. Pine species may only be planted in buffer or screening areas to the rear of the principal use and are specifically excluded from parking islands and along right-of-ways. Re-vegetation plans that consist of more than ten (10) new trees shall incorporate at least three (3) separate tree species whereby no single tree species accounts for more than 50% of all newly planted trees. In any case, no more than 50% of all new trees may be evergreen or pine species, regardless of their planting location.
3. Any portion of the subject property which is within a utility power easement is required to meet the height standards of the controlling entity. These areas may be required by the City to have additional vegetation installed to compensate for these restrictions, subject to approval from the Zoning Administrator.
4. All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in literature from the Georgia Forestry Commission or the Georgia Extension Service. All landscaping shall be completed within 6 months after the date of the issuance of the certificate of occupancy, however any required fencing shall be installed prior to issuance of the certificate of occupancy. Should the landscaping not be completed in this period, it shall be deemed a violation of this section. The Zoning Administrator shall have the authority to grant a two month temporary waiver to the planting requirement due to inclement weather, natural disasters or other such unforeseen instances. This waiver shall only be given upon written request from the owner/ applicant of the development project. The request shall state the reason(s) for the planting delay, and shall list the timeline for the plantings.
5. The owner, occupant, tenant or agent, shall be jointly responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation. Any dead vegetation and landscaping material or any damaged nonliving landscaping materials shall be promptly replaced.

A maintenance bond or letter of credit shall be posted prior to the issuance of a certificate of occupancy. This bond or letter of credit shall be derived through the average of three written estimates provided by the applicant from nurseries including the plant materials, labor and any other costs associated with the plantings. The bond or letter of credit shall be released by the City one year after the issuance of the Certificate of Occupancy.

6. In the event that the minimum tree density cannot be met on a parcel, and after all other measures of planting have been exhausted, two (2) alternates, at the discretion of the Administrator, are available



for compensation and issuance of approval. An allocation for alternate compliance shall not exceed more than fifty percent (50%) of the tree density for a specific plan.

a) Tree Bank:

It shall be at the discretion of the Administrator to designate site(s) other than said parcel for tree bank planting in order to achieve minimum density requirements.

b) Tree Replacement Fund:

It shall be at the discretion of the Administrator to allow contributions to the City of Acworth Tree Replacement Fund for planting of over-story trees at designated site(s) within the City of Acworth. Contributions shall be calculated as to reflect the current replacement cost (including labor) of the total number of trees that are required but are not planted. This amount shall be derived through an average of three written estimates provided by the applicant from nurseries including the plant materials, labor and any other costs associated with the plantings.

**K. General Landscaping Requirements**

Beyond tree protection and re-vegetation, the extent of permissible impervious surfaces and required landscaping are regulated through the standards of the controlling zoning district. Landscaping may include grass, hedges and trees as well as natural features. All site plans submitted for new construction or renovations to an existing building in which the construction costs exceed 51 percent of the building's appraised value as shown on the current tax records (subject to those exemptions specified in Subsection B) must contain a separate landscape plan which includes the following information:

1. The name of the project
2. The name of the owner and/or developer
3. The location of proposed building(s) and corresponding dimensions
4. Spatial limits of land disturbance, clearing, grading and trenching
5. All required undisturbed buffers, landscape strips and parking islands
6. The location and listing of all specimen trees or stands of specimen trees
7. Areas of tree protection and re-vegetation and all relevant tree density calculations
8. The specific name and location of all materials to be planted or maintained on the site
9. Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
10. Planting and staking specifications
11. The percentage of the total lot containing impervious surfaces
12. The percentage of the total lot which shall remain undisturbed
13. The percentage of the total lot devoted to landscaping

**L. Acceptable Tree Species**

Table D. denotes those species of trees which may be incorporated for full credit towards the tree replacement requirements of paragraph (D). Other trees may be approved on a case by case basis provided they are large growing and ecologically compatible with the site. Re-vegetation plans containing at least ten new trees must incorporate at least three separate tree species with no single tree species accounting for more than 50% of all newly planted trees. Pine trees can be utilized for screening and buffer areas only. All planting and replanting plans are subject to approval through the Zoning Administrator.

**TABLE D – TREE SPECIES SELECTION LIST**

<b>Use</b>	<b>Common Name</b>	<b>Scientific Name</b>
<i>General</i>	Maples	Acer species
	American Hornbeam, Blue Beech	Carpinus caroliniana
	Hickories	Carya species
	Pecan	Carva illinoinesis
	Hackberry	Celtis occidentalis
	White Mulberry	Morus alba
	American Yellowwood	Cladrastis lutea
	Leyland Cypress	Cupressocyparis leylandii
	American Beech	Fagus gradifolia
	White Ash	Fraxinus americana
	Green Ash	Fraxinus pennsylvanica
	Ginkgo	Ginkgo biloba
	Sweetgum	Liquidambar styraciflua
	Tulip Poplar	Liriodendron tulipifera
	Southern Magnolia	Magnolia grandiflora
	Oaks, except Live Oaks	Ouercus species
	Blackgum, Black Tupelo	Nyssa sylvatica
	Black locust	Robinia pseudoacacia
	Sycamore	Platanus occidentalis
	Bald Cypress	Taxodium distichum
	Chinese Elm	Ulmus parvifolia
	Southern Catalpa	Catalpa bignonioides
	<i>Buffer/Screening</i>	Leyland Cypress
Shortleaf Pine		Pinus echinata
Loblolly Pine		Pinus taeda
Japanese Evergreen Oak		Quercus acuta
Carolina Cherry-Laurel		Prunus caroliniana
American Holly		Ilex opaca
Devilwood		Osmanthus americanus
Yellow Grove bamboo		Phyllostachys aureosulcata
Washington Hawthorn		Crataegus phaenopyrum
Eastern Red Cedar		Juniperus virginiana
Southern Magnolia		Magnolia grandiflora
Deodar Cedar		Cedrus deodara
Laurel Oak		Quercus laurifolia
<i>Power Easements</i>	<b>Crape Myrtle (does not count for unit value)</b>	Lagerstroemia indica
	Japanese Maple	Acer palmatum
	Devilwood	Osmanthus americanus
	Nellie Stevens Holly	Ilex 'Nellie R. Stevens'
	Flowering Dogwood	Cornus florida
	Smoketree	Cotinus coggyria
	Loquat	Eriobotrya japonica
<i>Water Retention Areas</i>	River Birch	Betula nigra
	Bald Cypress	Taxodium distichum
	White Mulberry	Morus alba

**M. Enforcement, Violations and Penalties**

Enforcement of the provisions of this section shall be the responsibility of the Zoning Administrator. In some cases, the City shall employ the expertise of a professional arborist to assist the Zoning Administrator. An arborist shall assist the City when: A) required as part of specific zoning stipulation and/or B) when an applicant has specifically identified significant sized specimen trees to save (Such as listed in Section D (4) d)). The arborist will become involved in the project over three time periods: 1) prior to any land disturbance the arborist would review the tree preservation plans, inspect the health of the proposed trees to save, and inspect the installed tree-save measures on-site, 2) During the construction of the project the arborist would work with the Zoning Administrator to inspect that the proper tree-save fencing and other measures are being maintained, 3) After the site is completed the arborist would make a final inspection of the saved trees.

If, after inspection of a project by the administrator or designee, the plant materials installed on the site do not comply with the approved plan, such deficiencies shall be noted in writing. If the administrator deems the deviations from the approved plan acceptable, they will so note, and the owner, occupant, tenant, and/or representative will be required to submit promptly a revised plan showing the actual plantings. This revised plan will be placed on file at the office of the Zoning Administrator. If, after inspection, the administrator or his/her designee determines the site does not comply with the approved plan and further determines it to be unacceptable, the owner developer, occupant, tenant and/or respective agent shall be notified in writing by the Zoning Administrator of said violations and given 30 days in which to correct all violations. Failure to make such corrections to plans not in accordance with the approved plan shall be a violation of this section and shall be punishable by a maximum fine or other punishment such as imprisonment, as set by the Municipal Court Judge.

**N. Appeal**

The Board of Aldermen shall have the authority to consider and act upon any application submitted for adjustment of standards provided herein.

