

## ***ARTICLE VI. TREE PROTECTION***

### **Sec. 14-516. Purpose and applicability.**

(a) *Statement of purpose.*

- (1) The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of land development in the city.
- (2) The City of Stonecrest mayor and council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare and aesthetics of the City of Stonecrest and all its citizens.
- (3) The citizens of the city and their many communities enjoy many benefits that can be directly attributed to our trees.
  - a. Trees produce oxygen, which is essential to the well-being of all animal life, including humans.
  - b. Trees help to reduce the amounts of airborne pollutants. For example, trees remove carbon dioxide, that is a major environmental concern due to its current high levels.
  - c. Trees and their foliage intercept dust and particulate matter, thereby helping to purify our air and limiting health risks.
  - d. Trees and their root systems reduce soil erosion and stormwater runoff. This decreases sedimentation problems and improves water quality.
  - e. Trees provide food and shelter for desirable urban wildlife.
  - f. Trees provide screening, which in turns aids in the reduction of noise and glare.
  - g. Trees help moderate our air temperature to provide us with a comfortable environment.
  - h. Trees provide scenic amenities to soften the harshness of city buildings and streets. They are aesthetically pleasing to all that view them.
  - i. Trees may affect property values and can have a positive impact upon the economy of an area.
  - j. Trees can enhance the natural functions of streams and related buffers.
- (4) Protect specimen and historical trees in a manner consistent with the City of Stonecrest Tree Protection Ordinance.
- (5) Provide standards for the preservation of trees as part of the land development process.
- (6) Prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.
- (7) Protect trees during construction to enhance the quality of life in the City of Stonecrest.
- (8) Protect trees in construction of public facilities and utilities.

(b) *General applicability.*

- (1) The terms and provisions of the tree protection ordinance shall apply to all real property in the City of Stonecrest except as otherwise provided in this article.

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- (2) The terms and provisions of the tree protection ordinance shall further apply to any residential or nonresidential development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided in this article.
  - (3) The terms and provisions of the tree protection ordinance shall also apply to development on any city-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this article.

(Ord. No. 2018-06-03, § 14-516, 6-3-2018)

### **Sec. 14-517. Exemptions.**

(a) The following are exempt from this article:

- (1) The removal of five or fewer trees, other than specimen trees, on any single-family residential property, within a single calendar year.
- (2) The removal of more than five trees, other than specimen trees, from an owner-occupied, single-family lot may be approved by the Director of Community Development if the owner must remove trees in order to build a newly permitted structure, or to build an addition to or make improvements to an existing structure, or to improve the health of other trees in the landscape.
- (3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said zoning contains specific conditions for both tree preservation and tree replacement.
- (4) The removal of trees found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, the Director of Community Development or urban forester.
- (5) The removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include tree harvesting.
- (6) The removal of any tree which has become, or threatens to become, a danger to human life or property.
- (7) Agricultural activities on land zoned RE.
- (8) Approved utility construction within permanent utility easements.
- (9) Construction, expansion, and operation of county landfills.
- (10) Building permits that do not require or authorize land disturbance.

(Ord. No. 2018-06-03, § 14-517, 6-3-2018)

### **Sec. 14-518. Procedures.**

(a) Application requirements.

- (1) *Pre-application conference.* Prior to submission of an application for development, the applicant is encouraged to meet with the Director of Community Development to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.

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- (2) *Tree survey.* Except as provided elsewhere in this article, a tree survey shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. Except as provided elsewhere in this section, all trees 18 inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than two inches (DBH) may be identified and counted for unit credit on the tree protection plan. Single residential lots on which the applicant intends to reside may be exempted from the tree survey requirements at the discretion of the director. With the prior approval of the Director of Community Development sampling methods may be used to determine tree densities for forested areas.
- (b) Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:
- (1) Definition of spatial limits:
- (i) Limits of land disturbance, clearing, grading, and trenching;
  - (ii) Tree save areas;
  - (iii) Specimen trees; and
  - (iv) Areas of revegetation.
- (2) Detailed drawings of tree protection measures and their location:
- (i) Location, species and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.
  - (ii) Tree fences;
  - (iii) Erosion control fences;
  - (iv) Tree protection signs;
  - (v) Tree wells;
  - (vi) Aeration systems;
  - (vii) Transplanting specifications;
  - (viii) Staking specifications; and
  - (ix) Other applicable drawings as determined by the Director.
- (3) The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lighting lines. The applicant shall coordinate the location of these utility lines with the utility companies in order to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.
- (4) Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.
- (5) Calculations of tree density proposed on-site per section 14-520, tree preservation and replacement requirements.
- (6) Tree protection inspection. Following the receipt of a complete application, the Director of Community Development shall schedule and conduct an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

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- (7) Following inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, the tree protection ordinance, and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.
  - (8) No development or building permit shall be issued until the tree protection plan has been approved by the Director of Community Development.
  - (9) All tree protection measures shall be installed prior to land disturbance.
  - (10) Single lots in platted residential subdivisions on which the applicant intends to reside may be exempted from the tree protection plan requirements at the discretion of the Director.
- (c) Final inspection. No certificate of occupancy shall be issued by the Director with respect to any permit subject to this article unless and until the Director of Community Development shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this article.
  - (d) Issuance of a building or land development permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.
- (Ord. No. 2018-06-03, § 14-518, 6-3-2018)

#### **Sec. 14-519. Fees (reserved).**

(Ord. No. 2018-06-03, § 14-519, 6-3-2018)

#### **Sec. 14-520. Tree preservation and replacement requirements.**

The following tree preservation and replacement requirements are hereby established:

- (1) If significant trees exist on a tract of land for which a permit subject to this article is sought, either 120 inches (DBH) per acre or 25 percent of existing significant trees per acre of such significant trees, whichever is less, shall be preserved on the site. Except for zoned C-1, C-2, M, or M-2 sites, trees and tree save areas counting toward this requirement shall not be located in required buffer zones. Trees and tree save areas counting toward this requirement on sites zoned C-1, C-2, M or M-2 may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director of Community Development determines that special constraints of a site result in an inability to build or develop without removing significant trees on a site, where there are only 120 inches (DBH) per acre or less of existing significant trees, the arborist may permit the removal of one or more significant trees. Trees removed pursuant to this section must be replaced with trees one (1.0) times the diameter inches of those removed.
- (2) There shall be at least two two-inch (DBH) over story trees in every front yard of properties zoned RE, RLG, R-100, R-85, and R-75. There shall be at least one two-inch (DBH) over story tree in every front yard of properties zoned RSM and R-60.
- (3) The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:
  - (i) Residential developments. All residential subdivisions shall have an average density of 15 density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly-owned property may be located on such commonly-owned property.

- (ii) Nonresidential and multifamily developments. The quantity of total existing/replacement trees on-site must be sufficient so as to produce a total site density factor of no less than 30 density units per acre.
- (iii) With the exception of C-1, C-2, M, or M-2 zoned property, the total tree density units required for a parcel or lot shall be computed based on the area of the parcel or lot, excluding all area within the 100-year floodplain. Total tree density units required for C-1, C-2, M, or M-2 zoned property shall be computed based on the area of the parcel or lot, including all area within the 100-year floodplain.
- (4) Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this article. Tree unit values are assigned as follows:

CHART 1. Conversion from Diameter to Density Factor Units for Existing Deciduous Trees to Remain On-Site

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2
16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

CHART 2. Conversion from Diameter to Density Factor Units for Evergreens and Conifers

DBH	
2 to 9	0.2 less unit than deciduous trees
10 to 15	0.1 less unit than deciduous trees
All others	Same as deciduous trees

CHART 3. Conversion from Caliper Diameter to Density Factor Units for Deciduous Replacement Trees

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	0.4
3.0 to 3.9	0.5
4.0 to 4.9	0.7
5.0 to 5.9	0.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1

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8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	0.05

The use of one- and three-gallon pines will be permitted only with prior approval. There will be no replacement value given for such trees.

- (5) Nothing in these regulations shall be construed to allow the removal of any tree or vegetation in a required stream buffer, transitional buffer zone or state buffer zone except buffer improvements as authorized by the Director.
- (6) Tree relocation and credit for existing trees replacement units will be granted to trees relocated on-site. Tree relocation is subject to approval of the Director of Community Development. Existing trees between two caliper inches and 7.9 caliper inches may be used for credit on the tree replacement plan.
- (7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director of Community Development in order to allow the removal of undesirable groundcover or understory vegetation.
- (8) Specimen trees.
  - (i) Specimen trees shall be identified by the City Arborist, and shall be located on the tree protection plan.
  - (ii) Standards for the identification, preservation, and protection of specimen trees shall be as follows: Any tree in fair or better condition which equals or exceeds the following diameter sizes:
    - a. Large hardwoods, i.e., oaks, hickories, yellow poplars, and similar species: 30 inches DBH.
    - b. Large softwoods, e.g., pines, evergreens, and similar species: 30 inches DBH.
    - c. Small trees, e.g., dogwoods, redbuds, sourwoods, and similar species: Ten inches DBH.
  - (iii) A tree in fair or better condition should meet the following minimum standards:
    - a. A life expectancy of greater than 15 years.
    - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
    - c. No major insect or pathological problem.
  - (iv) A lesser-sized tree can be considered a specimen if:
    - a. It is a rare or unusual species or of historical significance.
    - b. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.
    - c. It is a tree with exceptional aesthetic quality.

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- (v) The Director of Community Development may identify and require the preservation of a tree stand if it contains one or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.
  - (vi) It shall be prohibited to cut specimen trees existing on a tract of land that is the subject of a land disturbance permit, development permit or building permit without a special exception granted by the Zoning Board of Appeals if removal of the specimen tree has not been approved by the Director of Community Development.
  - (vii) Any specimen tree removed from a parcel shall be replaced by 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of this section, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (9) Protection of trees during construction. Methods and standards for tree protection shall be established in administrative guidelines to this article.
- (i) Trees identified to be preserved and counted as credit for meeting required unit density shall have four-foot orange tree protection fencing installed at the critical root zones.
  - (ii) No person engaged in the construction of any structures or improvements or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet of the area outside the critical root zone, as defined herein, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.
  - (iii) All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.
  - (iv) Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the Director of Community Development, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to 1.5 times the equivalent inches (DBH) of the tree removed or damaged.
- (10) Removal of trees from floodplain not permitted. Trees shall not be cut or removed from the floodplain, except as follows:
- (i) Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester.
  - (ii) As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
  - (iii) As part of an approved wetland mitigation plan.
  - (iv) Trees in the 100-year floodplain or required stream buffer may not be cut nor shall they be counted, except as otherwise provided in this section, tree preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned property, to accomplish requirements of the tree protection ordinance.
- (11) The Director of Community Development shall be responsible for distribution of appropriate public educational materials concerning the procedures of the tree protection ordinance, the value of maintaining existing trees, and proper methods of tree planting, preservation, and care.

(Ord. No. 2018-06-03, § 14-520, 6-3-2018)

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## **Sec. 14-521. Tree replacement standards.**

- (a) The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this article. At least 50 percent of replacement trees must be overstory trees; no more than 25 percent may be of any single species, and no more than 25 percent may be of evergreen species.
- (b) Unless otherwise approved by the Director of Community Development, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this article. Trees selected must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to ensure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.
- (c) It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.
- (d) Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director of Community Development.
- (e) Planting and staking details are addressed in the administrative guidelines and shall be specified in the required tree protection plan.

(Ord. No. 2018-06-03, § 14-521, 6-3-2018)

## **Sec. 14-522. Buffers.**

- (a) *Stream buffers.* Stream buffers shall be consistent with the requirements of article VII of this chapter.
- (b) *Land use transition buffers.* Buffers shall be provided between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special land use permit or variance approval.
  - (1) Buffer planting shall meet the minimum width requirements contained in chapter 27 of the City of Stonecrest Code of Ordinances, except as authorized to be reduced by a condition of zoning, special land use permit or variance approval.
  - (2) Disturbance or encroachments.
    - (i) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g., stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
    - (ii) Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.
    - (iii) Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.
  - (3) Protection during land disturbing activities.



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- (i) During authorized land disturbing activities, transitional buffer zones, stream buffers, and state buffer zones shall be clearly demarcated and protected prior to commencement of, and during, construction.
  - (ii) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the arborist.

(Ord. No. 2018-06-03, § 14-522, 6-3-2018)

#### **Sec. 14-523. Parking lot landscaping.**

- (a) Off-street parking lots which contain more than 20 off-street parking spaces on any single lot shall contain landscaping and plantings as provided in chapter 27 of the City of Stonecrest Code of Ordinances.
- (b) Variances to reduce required parking spaces may be granted by the Zoning Board of Appeals when necessary to preserve a significant tree that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if the arborist certifies to the Zoning Board of Appeals that such trees will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the trees.
- (c) Any variance granted under the provisions of this article shall include a condition that should the subject trees die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the arborist.
- (d) The maximum variance allowed under this provision shall be four parking spaces, or ten percent of the total number of parking spaces required by the zoning ordinance, whichever is greater.

(Ord. No. 2018-06-03, § 14-523, 6-3-2018)

#### **Sec. 14-524. Street trees.**

Street trees and continuous landscape strips shall be provided, in conformance with the design requirements specified in chapter 27 of the City of Stonecrest Code of Ordinances, along newly constructed streets, and along existing streets which are widened or realigned subsequent to the adoption of this chapter, in all office, commercial, and industrial developments and along newly constructed streets of residential developments with a net residential density exceeding three dwelling units per acre or as otherwise directed by conditions of zoning or special land use permits.

(Ord. No. 2018-06-03, § 14-524, 6-3-2018)

#### **Sec. 14-525. Maintenance.**

Trees which are used to meet the density requirements for this article, except on single-family residential lots, shall be maintained for two growing seasons after the date of final inspection. The property owner shall maintain required tree density. The applicant or builder will be responsible for identifying newly planted trees to the homeowner and to inform the homeowner as to their proper maintenance.

(Ord. No. 2018-06-03, § 14-525, 6-3-2018)

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## **Sec. 14-526. Alternative compliance.**

The Director of Community Development must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required site density be met through alternative compliance. Where the Director of Community Development has determined that special constraints of a site result in an inability to provide the required tree density, the number of trees will be determined by the Director of Community Development based on-site review. Such site review shall require the developer to re-landscape each parcel using a density calculated as the maximum number of trees that can be sustained on the parcel less the impervious area of that parcel. The balance of trees shall be provided in common areas. If common areas are not sufficient, any remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the Director. The minimum size of trees replanted through the tree bank shall be two caliper inches and shall be planted in accordance with the species list attached as Appendix A hereto and in accordance with the requirements in section 14-521, tree replacement standards.

- (1) *Common area planting.* If trees are to be planted at another location, the following note must appear on the approved tree protection plan: "A tree protection plan addendum for this project shall be submitted to the Director of Community Development at least 30 days prior to requesting a final inspection. This plan shall include the species, size and location of trees to be planted off-site to meet the tree density deficit shown. Issuance of a certificate of occupancy is subject to approval of this plan, as well as verification of the installation of the trees."
- (2) *Tree banking.* If trees cannot be planted on-site and there is insufficient common area for replanting, the balance of trees will be accepted by the director for tree banking within the City of Stonecrest. Participants in the tree banking program administered by the Director, including the signing of an off-site reforestation agreement.

(Ord. No. 2018-06-03, § 14-526, 6-3-2018)

## **Sec. 14-527. Tree harvesting.**

Selective tree harvesting may be permitted upon authorization by the Zoning Board of Appeals in consultation with the arborist. Permits authorizing tree harvesting shall be in accordance with the following standards:

- (1) A 75-foot undisturbed buffer shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.
- (2) Notwithstanding the other provisions of this article, no property owner shall be required to preserve an undisturbed buffer that covers more than 25 percent of the total land area of the property, excluding area inside the 100-year floodplain. In any such case, an alternative buffer width shall be provided, as determined by the Zoning Board of Appeals pursuant to its review of the application for a tree harvesting permit.
- (3) The property shall be required to meet a tree density standard of 30 units per acre, not including the 75-foot buffer, upon completion of authorized land disturbing activities.
- (4) The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.
- (5) No tree harvesting shall be allowed within the city except after approval of a special exception by the Zoning Board of Appeals as is provided in article V, division 4 of chapter 27 of the City of Stonecrest Code of Ordinances. Further, subsequent to such approval of a special exception, no such tree

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harvesting shall be undertaken on any nonresidential parcel of land unless the transitional buffer zones required by the zoning regulations of the district in which located, are preserved in a natural and undisturbed state.

- (6) Once tree harvesting takes place in conformity with the above regulations, no development of the property shall be permitted that would require the cutting of trees preserved under subsections (3) and (5) of this section for a period of five years following authorization of tree harvesting.

(Ord. No. 2018-06-03, § 14-527, 6-3-2018)

#### **Sec. 14-528. Utility company guidelines.**

- (a) All utility companies shall be required to obtain an annual permit issued by the Director. All applications for an annual permit shall include a list of subcontractors with names, addresses, and City business license numbers.
- (b) Periodic work schedules are to be submitted to the arborist showing the proposed location and extent of tree work to be performed.
- (1) All tree trimming and pruning to be performed by public utilities, public agencies, and their subcontractors on trees growing on private or public rights-of-way shall be done according to the National Arborist Association Standards for Pruning of Shade Trees.
- (2) The routing of public and private utility easements shall be subject to review and comment by the Director of Community Development.

(Ord. No. 2018-06-03, § 14-528, 6-3-2018)

#### **Sec. 14-529. Enforcement.**

It shall be the duty of the Director to enforce this tree protection ordinance. The Director shall have the authority to, and the Director of Community Development may recommend that, the Director revoke, suspend or void any land disturbance permit, development permit or building permit or suspend all work on a site or portion thereof in order to effect compliance with this article.

- (1) Violation and penalty. Any person, firm or corporation violating any of the provisions of this article, after having been first issued a warning, shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in violation of this article shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this section exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (2) Any trees eight inches (DBH) and over which have been removed in violation of this article shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of section 14-520, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (3) Additional legal remedies. In addition to all other actions and penalties authorized in this section, the City Attorney is hereby authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this article.

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- (4) Appeals; power and duty of the board to hear appeals of decisions of administrative officials. The Zoning Board of Appeals shall have the power and duty to hear and decide appeals where it is alleged by an aggrieved party that there is error in any final order, requirement, or decision made by the Director based on or made in the enforcement of the tree protection ordinance. All such appeals shall be heard and decided following the notice requirements, criteria and procedural requirements in chapter 27 of the City of Stonecrest Code of Ordinances.
- (5) Administrative variances. Front, side and rear yard setbacks and parking requirements may be reduced by an amount not to exceed 50 percent where it is determined by the Director of Community Development to be necessary in order to preserve existing specimen or significant trees. Appropriate conditions to said administrative variances shall be imposed so as to ensure the continued health of said trees following the granting of such variances, including mandatory replacement requirements. Such administrative variances shall be considered and decided consistent with the procedures and criteria contained in chapter 27 of the City of Stonecrest of Ordinances. Appeals of final decisions regarding administrative variances may be taken as provided in subsection (4) of this section.
- (6) Special exception. The Zoning Board of Appeals is authorized to consider requests for special exception for the removal of an unauthorized specimen tree. All such requests shall be filed, notice given, and all procedures shall be as is required in the zoning ordinance. No such special exception for the unauthorized removal of a specimen tree shall be granted by the Zoning Board of Appeals unless the applicant has demonstrated and the Board has found that the property is not capable of earning a reasonable economic return absent the grant of the special exception. In making this determination the Board shall consider the following factors:
- (i) Value of the trees in question, considering their age, size, health, and significance;
  - (ii) The current level of economic return on the property;
  - (iii) The marketability of the property; and the unfeasibility of alternate design or uses. Appeals from final decisions of the Board shall be as provided for in chapter 27 of the City of Stonecrest Code of Ordinances.

(Ord. No. 2018-06-03, § 14-529, 6-3-2018)