



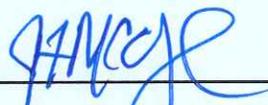
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** November 8, 2013
FROM: John McDonough, City Manager
AGENDA ITEM: Tree Conservation Ordinance
MEETING DATE: For Submission onto the November 12, 2013, City Council Work Session Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Proposed Framework
Power Point Report

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 11/12/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development



Date: November 5, 2013 for submission onto the November 12, 2013 City Council Work Session

Agenda Item: Tree Conservation Ordinance

Background:

At the September 2, 2013 City Council meeting, Councilwoman McEnery presented a proposed framework for staff review of the City's Tree Conservation Ordinance. Staff was directed to review and develop recommendations regarding the proposed framework. Additionally staff was directed to review the Ordinance for ambiguity and to make recommendations regarding improvements.

Discussion:

Staff has reviewed the City's Tree Conservation Ordinance, focusing on each of the items in the framework, as well as for other areas where improvements to the Ordinance are warranted. Additionally, staff conducted an assessment of several area governments to compare their regulations governing tree removal to the Sandy Springs Tree Conservation Ordinance. Staff's recommendations are outlined in the attached report.

While staff does not recommend significant changes in the areas outlined in the framework, we do have recommendations regarding an increase in the minimum size upon planting for recompense trees and amendments that clarify and simplify the Ordinance.

Department of Community Development Recommendation:

Staff recommends that the amendments to the Tree Conservation Ordinance outlined in the attached slides be prepared for Council action.

Attachment:

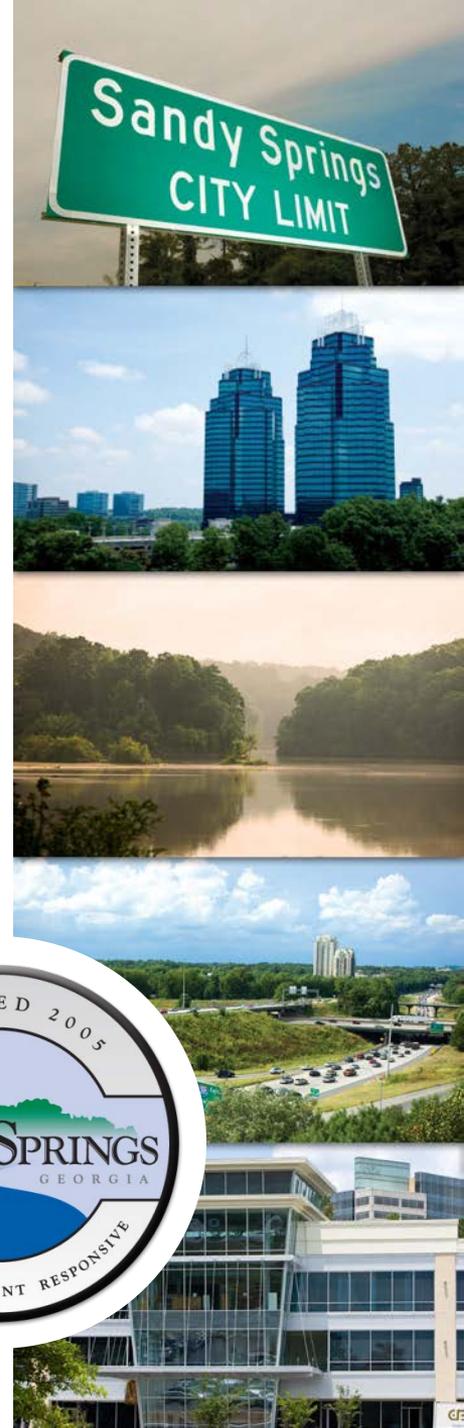
Proposed Framework for Staff Review of the Tree Conservation Ordinance
Power Point Slide Summary Report

PROPOSED FRAMEWORK for STAFF REVIEW of THE TREE CONSERVATION ORDINANCE: 2/6/2007

- 1. Consider expanding the protection of existing canopy trees**
Evaluate whether additional tree preservation can occur on larger lot residential developments.
- 2. Evaluate the effectiveness of the current Boundary Tree provisions**
Should there be modifications made to further discourage encroachment? Is the ordinance fair to the adjacent property owner on whose property the Boundary Tree is located? Is the ordinance provision readily enforceable, or should it be modified to make enforcement more effective?
- 3. Consider whether the removal of Landmark trees from Tree Protection Zones should be considered by the Board of Appeals.**
Since these trees are significant, their removal from residential lots may require additional consideration by the Board of Appeals, similar to the same situation for trees in tributary buffers.
- 4. Consider adding Historic trees to Protected status in the ordinance (hardwoods of 37" diameter or greater) and assess what provisions would be appropriate for such trees.**
These large old trees can add to the character of the City, as well as providing significant canopy with many valuable years of useful remaining life left.
- 5. Consider providing additional language in the ordinance to address intent more clearly, specifically with relation to:**
 - Landmark trees, bigger trees, Historic trees and Boundary trees;
 - Whether the intent should address the character of tree canopy on adjacent lots in order to provide for consistency in a neighborhood;
 - Whether the 4 primary evaluation criteria should be weighted equally or not.
 - Whether it is the intent to allow (i) off-site mitigation for the larger residential lots, and (ii) clear cutting, except where Tributary buffers are required.
- 6. Evaluate how to address the removal of trees in contemplation of an upcoming building permit so that the provisions of Section 6 apply to new construction.**
- 7. Amend Section 10 of the Tree Conservation Ordinance to add an additional item requiring the Director of Community Development to prepare and present annually a plan for the use of funds in the Tree Bank.**
- 8. Address the need for a regularly scheduled tree canopy study to allow the City to assess the effectiveness of the Tree Conservation Ordinance.**

TREE CONSERVATION ORDINANCE

November, 2013



Canopy Coverage

2

Consider expanding protection of existing canopy on larger lots

Canopy Requirements:

- Commercial canopy requirement: 40% canopy
- Residential canopy requirement: 30% canopy

Canopy Coverage

3

Increase in required canopy cover would have:

- No significant impact on new construction
- No significant impact on larger lots
- Potential impact on smaller lots where homeowner wants to cut trees

Canopy Coverage

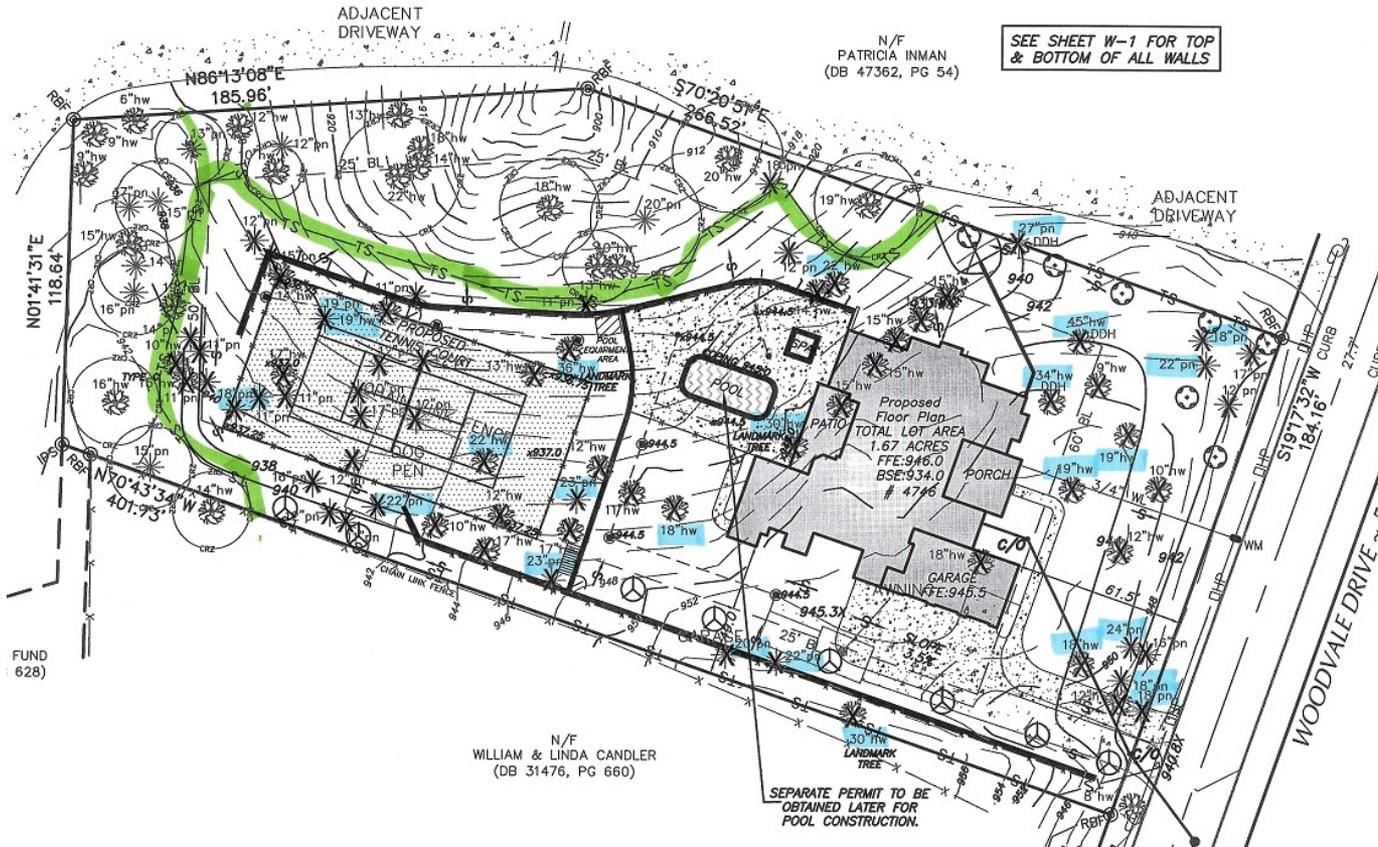
4

Saving trees on large lots

- Larger lots usually meet canopy requirements with recompense tree planting required only for removal of Landmark Trees
- A large development footprint and associated grading results in a large impacted area
- Given the available land, protection of Landmark Trees and Buffer Trees is more easily accomplished

Typical Plan

5



Canopy Coverage

6

Consider expanding protection of existing canopy on larger lots

- Large lot development results in the protection of more existing canopy
- Further review of required canopy coverage percentage should occur upon completion of future canopy studies

NO CHANGE RECOMMENDED

Boundary Trees

7

Evaluate the effectiveness of Boundary Tree provisions

Per Administrative Guidelines encroachment into the critical root zone of greater than 25%:

- Requires escrow held for three years to cover the replacement and removal cost
- Provides incentive to protect boundary trees

CHANGE RECOMMENDED

Ordinance Amendment to add this provision will enhance boundary tree protection

Landmark Tree Removal Appeal

8

Require Board of Appeals action to cut Landmark Tree from buffer area

- Initial ordinance required Board of Appeals action
- Step did not result in saving a significant number of landmark trees
- Obtaining BOA approval will increase permitting process by several months

NO CHANGE RECOMMENDED

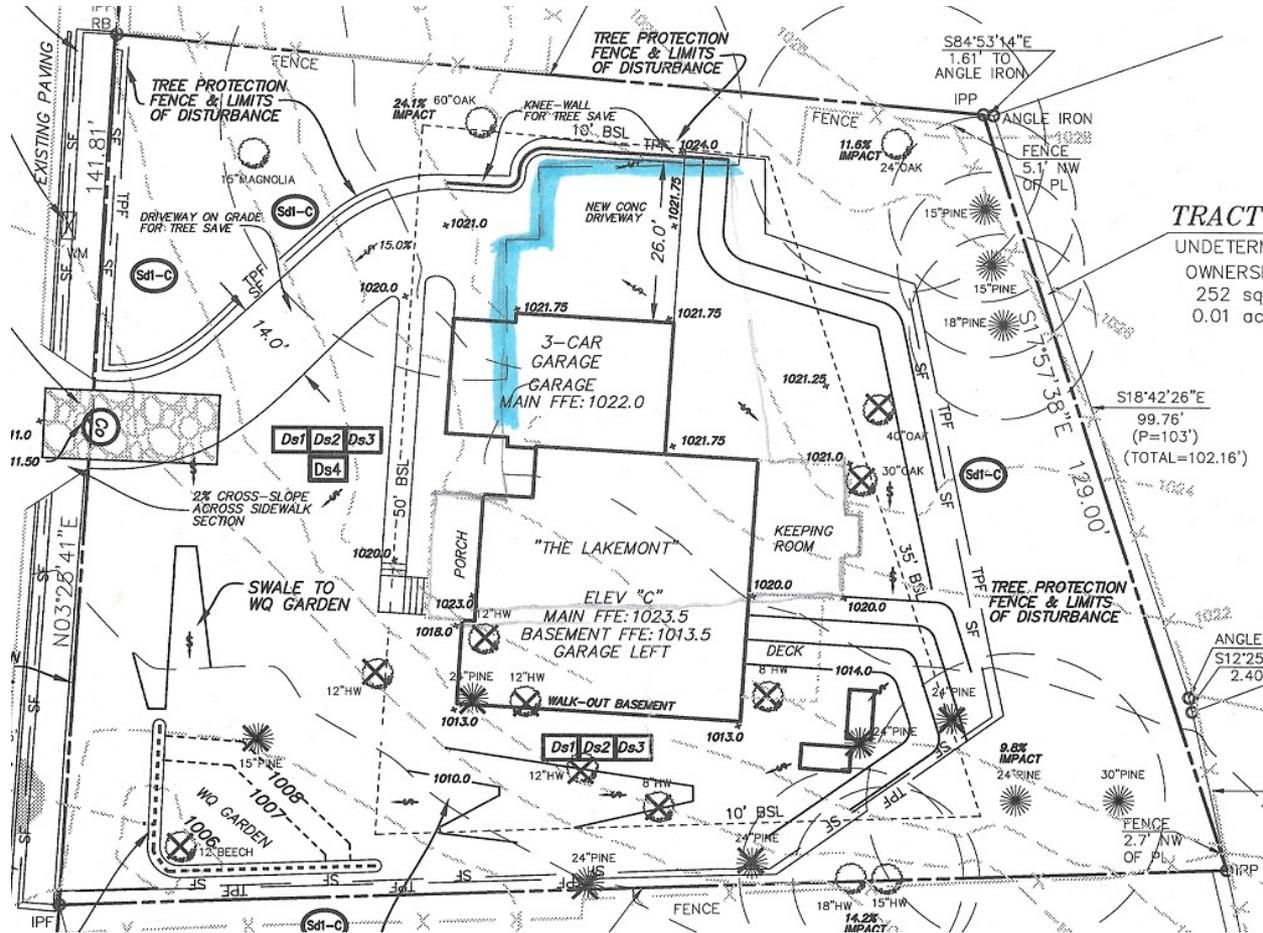
Establish Historic Tree Category

9

Enhance protection for trees 37" or larger

- All trees over 27" are already protected as Landmark Trees
- Most Landmark Trees in Sandy Springs are between 27 and 32 inches DBH
- It is difficult to save large trees in the buildable area and the side yard setbacks on smaller lots

Typical Plan



TRACT
 UNDETERM
 OWNERS
 252 sq
 0.01 ac

Establish Historic Tree Category

11

- Staff already works closely with the developer to save large trees, particularly landmark trees that are 40” or larger

NO CHANGE RECOMMENDED

Add Language to Enhance Intent

12

Should saving larger, landmark and boundary trees be further spelled out in the intent?

- The Ordinance focuses on the preservation of Landmark and Boundary Trees
- Penalty for impact to Landmark and Boundary Trees
- It is difficult to save landmark trees within and near the buildable area on smaller lots
- Landmark trees are easier to save on larger lots

NO CHANGE RECOMMENDED

Add Language to Enhance Intent

13

Should intent address the character of tree canopy on adjacent lots/neighborhood in order to provide consistency in a neighborhood?

- Focus of Ordinance is canopy cover, not character of landscape
- Replanting will address the canopy; over time the canopy will be the similar to adjacent lots

NO CHANGE RECOMMENDED

Add Language to Enhance Intent

14

Should the four evaluation criteria be weighted?

**Landmark, Boundary and Buffer Tree Removal
Evaluation Criteria:**

- Property size and configuration
- Condition of tree
- Existing tree canopy
- Factors creating undue hardship

Add Language to Enhance Intent

15

Should the four evaluation criteria be weighted?

- All of the criteria will not apply to every lot
- The weighting of the criteria is different for every lot
- If weighting is static it may restrict development on smaller lots
- The existing Ordinance allows flexibility

NO CHANGE RECOMMENDED

Add Language to Enhance Intent

16

Should offsite mitigation on larger lots be prohibited?

- Offsite mitigation does not occur on larger lots

Should clear cutting be prohibited?

- Clear cutting of a lot very rarely occurs

NO CHANGE RECOMMENDED

Tree Removal Before LDP

18

Revise Ordinance to make removing trees in contemplation of construction more difficult

The Ordinance does not allow this to occur unless the trees are not in fair or better condition.

NO CHANGE RECOMMENDED

Tree Bank Funds

19

- *Amend Ordinance to require annual plan for fund expenditure*
- With Council approval of this year's tree fund planting list, staff has already implemented this change

CHANGE RECOMMENDED

Canopy Study

20

Regularly conduct Canopy Study

- National Agricultural Inventory Program (NAIP) data is available every three years
- 2013 one meter resolution data will soon be available
- Staff will conduct a new study once data available

CHANGE RECOMMENDED

Other Recommended Changes

21

- Increase minimum size for replanting
- Modify various sections of the ordinance to improve, simplify and clarify standards

Other Recommended Changes

22

Revise minimum replanting size from 2" to 2 ½"

- Typically trees that are 2" caliper or less require additional structural care to develop into mature specimen
- Trees larger than 2 ½" caliper are more difficult to plant correctly and have a longer establishment curve

Other Recommended Changes

23

- Add language that refers to the Zoning Ordinance section buffers
- Change parking lot standards to incorporate flexibility of recent zoning amendment
- Specify ISA certified arborist can submit condition evaluation for Landmark Trees

Other Recommended Changes

24

- Revise the recommended tree list
- Clarify and improve calculation of existing canopy and canopy credits
- Simplify canopy and cost assignment table
- Develop provision for calculating canopy for multi-stem trees

Other Recommended Changes

25

Change Landmark Tree mitigation calculation

- The Ordinance allows use of an assigned canopy credit, which is significantly less than the canopy of larger trees
- Require mitigation for actual measured canopy

QUESTIONS?

