



# Tree Canopy Conservation Ordinance

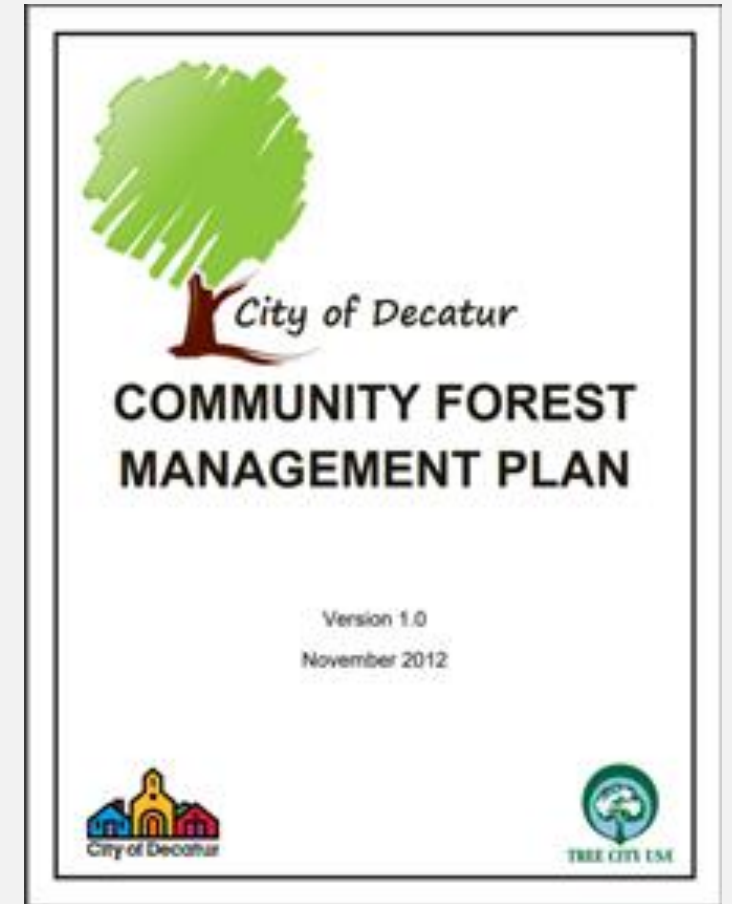
November 15, 2021

Background



# Community Forest Management Plan - 2012

- Canopy Cover
  - 1991 – **50.9%**
  - 2005 – **46.8%**
  - 2008 – **45.7%**
  - 2010 – **45.1%**
- Key Recommendations:
  - No-net loss of tree canopy cover
  - Increase canopy cover to 50% by 2037
  - Hire full-time City Arborist
  - Revisions to tree canopy conservation ordinance and administrative standards to a canopy-based ordinance from density-based
  - Diversity of funding sources and establishment of tree utility fund



# Current Ordinance

Adopted July 2014

## Key provisions

- Tree canopy cover is the key measurement
- Commercial and High-Density Residential properties must provide at least 45% canopy cover
- Single-Family Residential and Townhome properties must conserve at least 25% of existing canopy cover
  - Properties that fall below 25% requirement must plant back to achieve no-net loss
- Allows property owners to remove 3 healthy, protected trees every 18 months
- Newly planted trees receive 100% canopy credit for potential at maturity

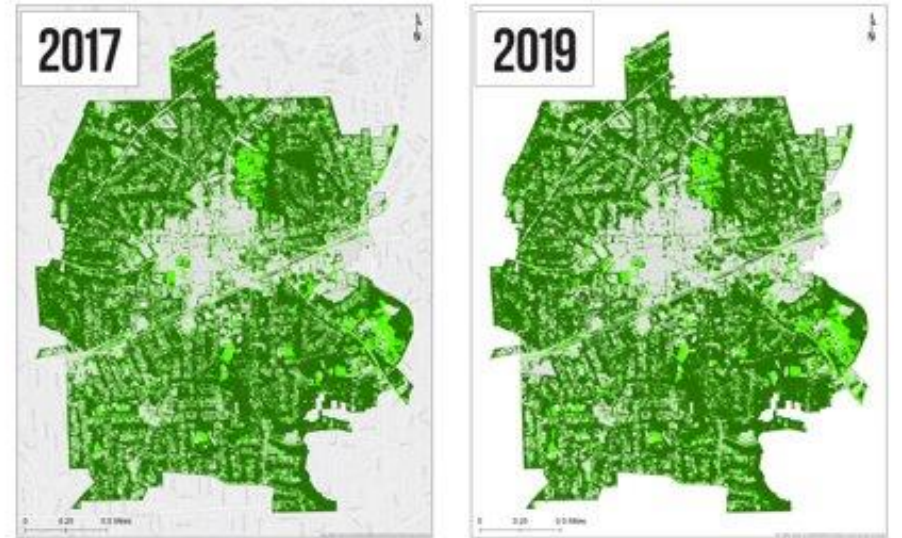
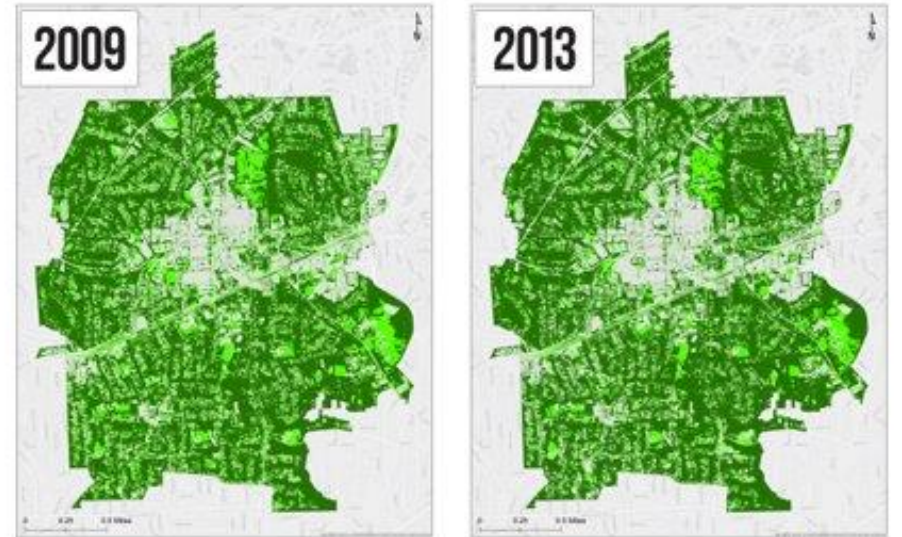
# Tree Ordinance Revision Process

In 2018, the City Commission requested staff to revise ordinance to address tree loss, primarily due to development of single-family dwellings. City staff began considering priority issues to include in ordinance revisions.

## Priorities

- Preliminary development review with City Arborist to assess opportunities for tree conservation
- Limits on site disturbance and grading
- Canopy coverage credit limited to on-site trees
- Improved boundary tree protection
- Increasing minimum canopy to be conserved
- Protection for landmark trees
- Increased enforcement
- Limiting discretionary tree removal (i.e., 3 protected trees every 18 months)

# Urban Tree Canopy Assessment

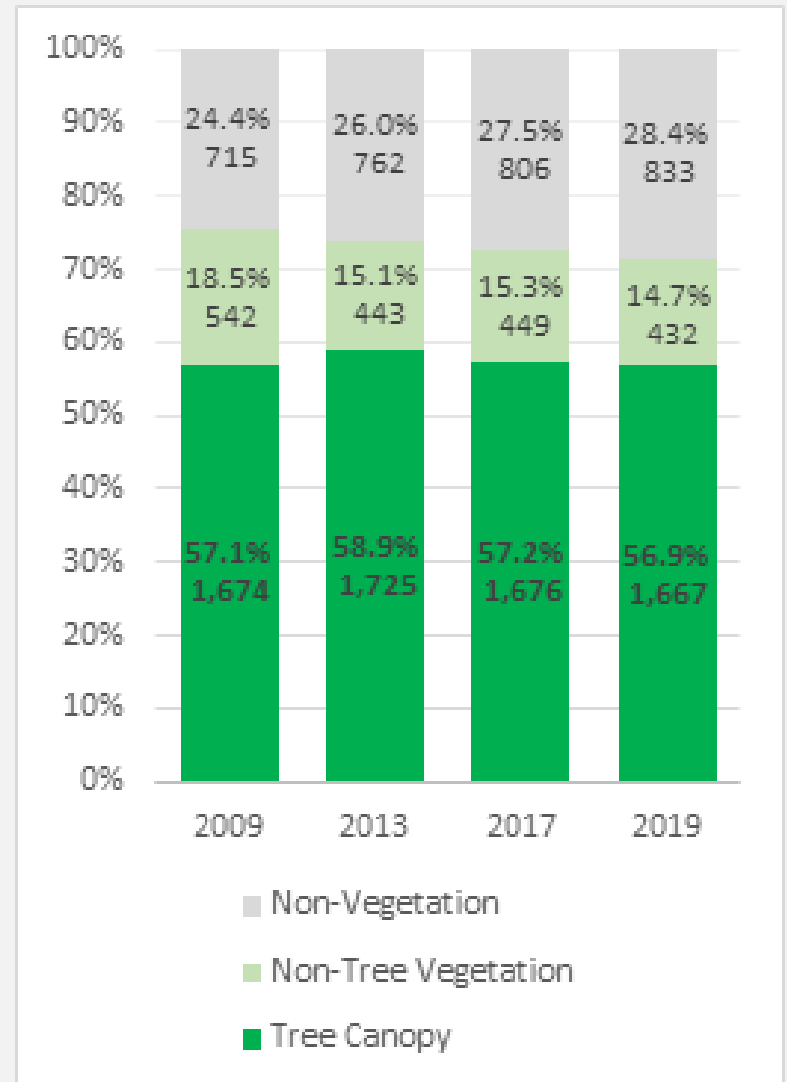


**LAND COVER**  
**2009-2019**

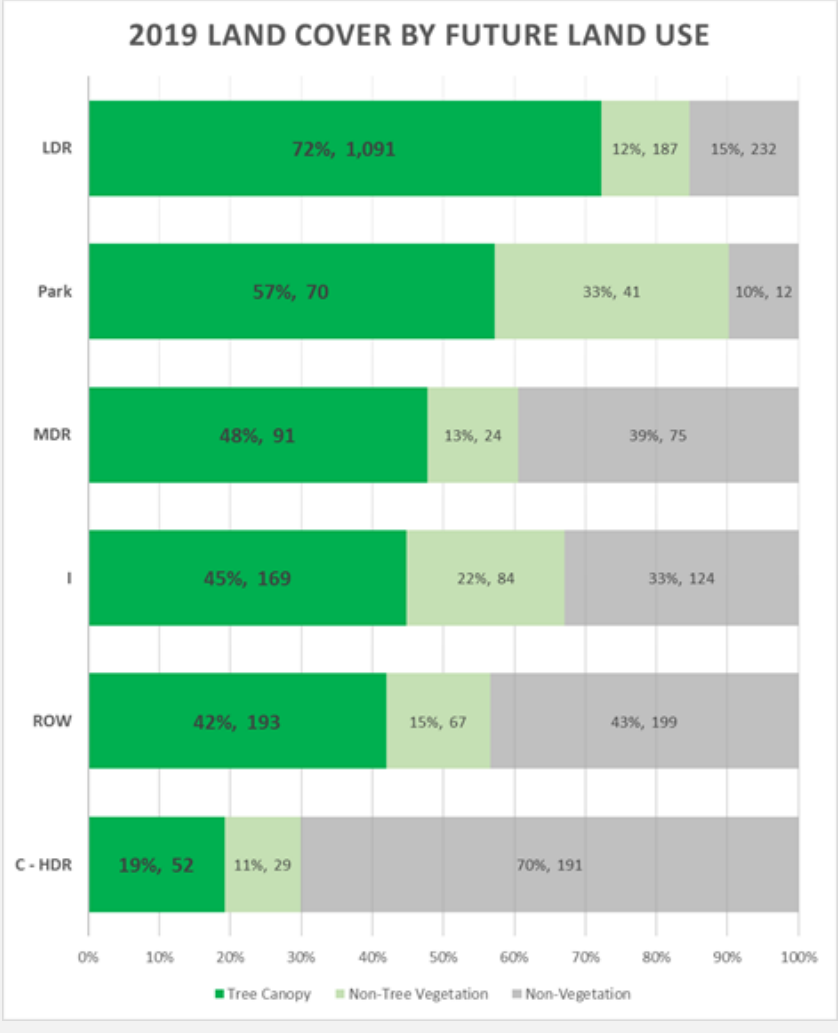
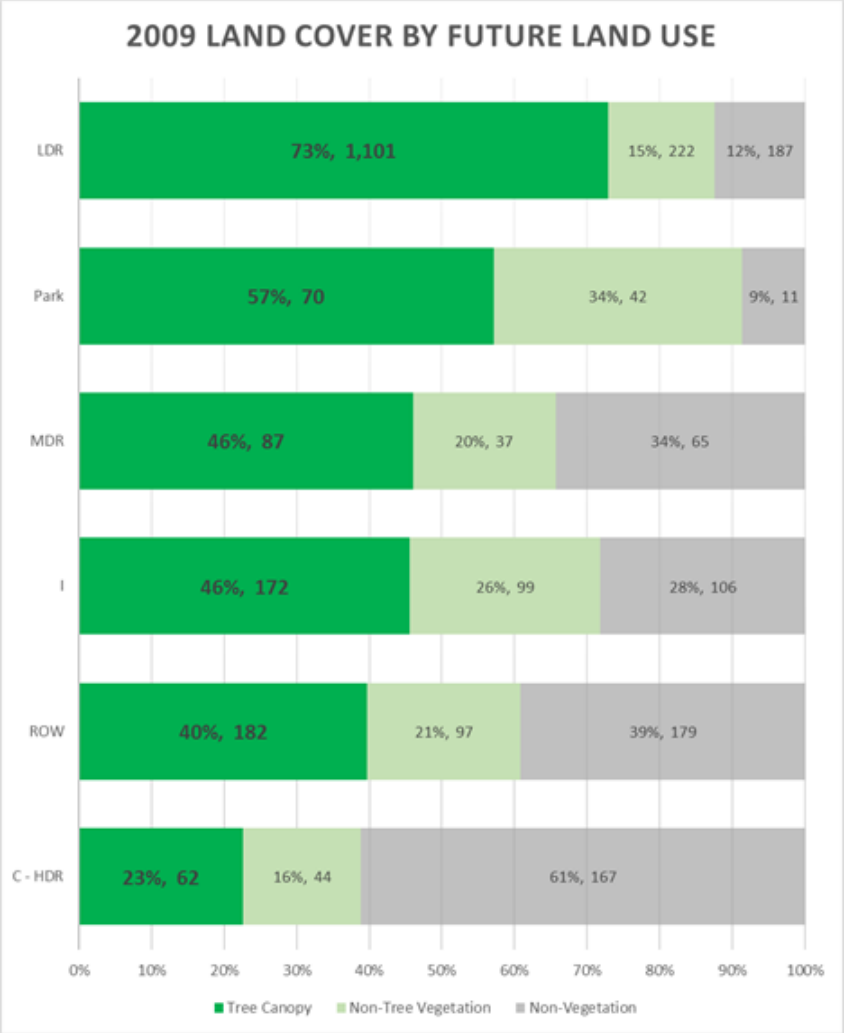
- Tree Canopy
- Non-Tree Vegetation
- Non-Vegetation

# Overview

- Completed in March 2021
- Performed by Tony Giarusso, Senior Research Scientist at the Georgia Institute of Technology, and Mike Edelson, Operations Director at Interdev
- Assessed Decatur's tree canopy cover in:
  - 2009
  - 2013
  - 2017
  - 2019
- Citywide canopy cover remains consistent @ **57% +/-**



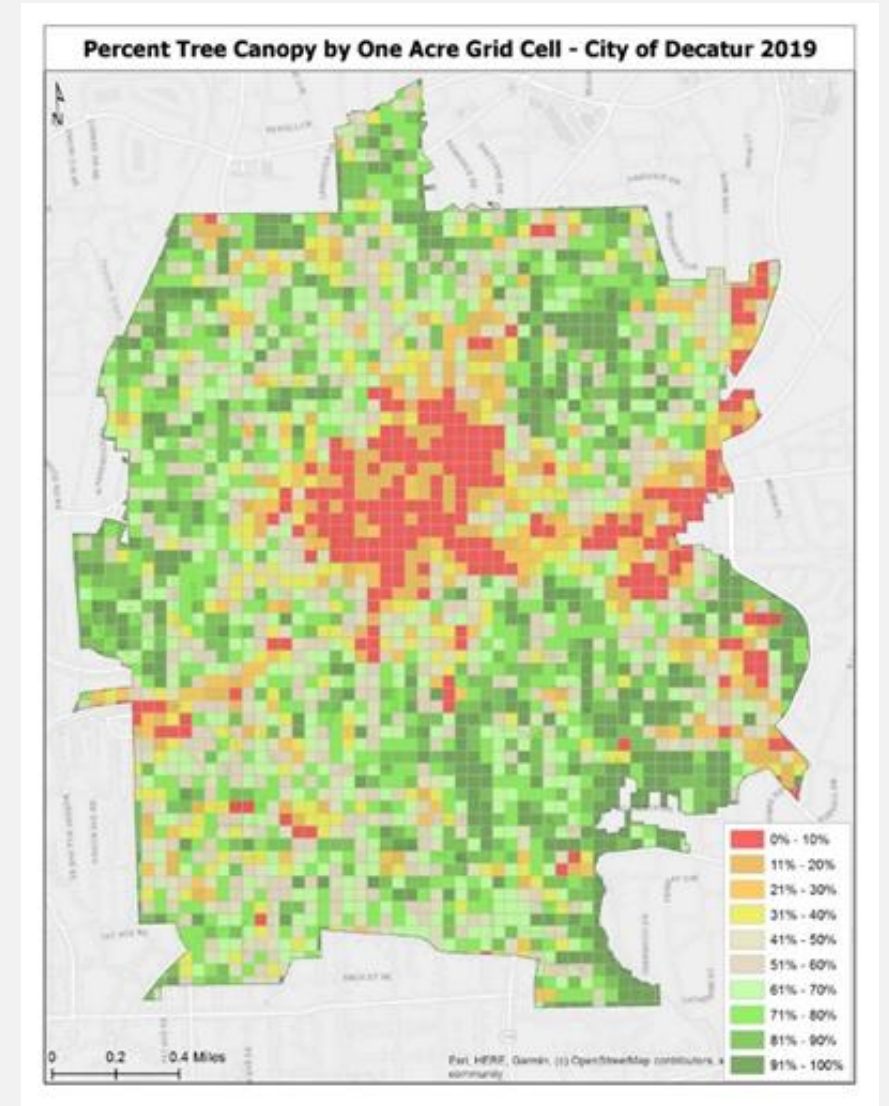
# Land Use and Canopy Cover





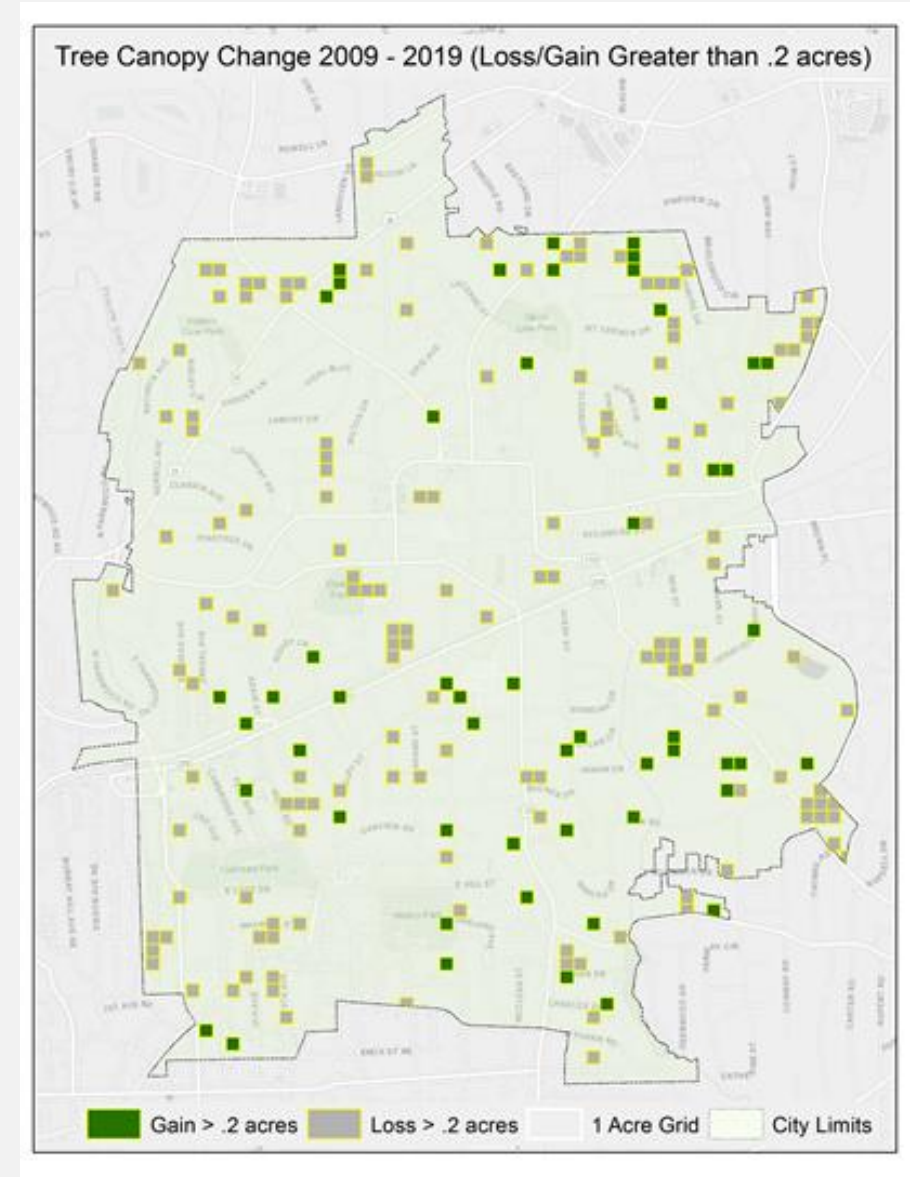
# Summary of Findings

- Land use drives canopy distribution
- Low density residential >70% canopy coverage
  - Neighborhoods in eastern portion of city have most canopy
  - Neighborhoods in southwestern portion of city have least canopy
- Downtown core and CSX rail corridor has the least canopy



# Summary of Findings

- Areas of **Gain**
  - Fast growth of new plantings and street trees
  - Continued growth of established trees
- Areas of **Loss**
  - Single-family redevelopment
  - New townhomes and commercial developments
  - Expansion of existing institutional properties (schools, city facilities, utility corridors)
  - Discretionary tree removal
  - Tree loss during storms



# Summary of Findings

Citywide canopy is stable at 57% +/-

Most of city's trees are on private property, primarily in low-density residential areas

Development has steadily increased over the past decade

Single-family residential development is the biggest cause of canopy loss

Canopy cover in rights-of-way over 40%

Canopy gain in newer developments, especially younger trees and street trees

Abundance of older trees requires strategy for replanting and canopy renewal

# Recommendations

Protect remaining large tracts of undisturbed forest and woodland areas. Consider measures to reduce impacts of invasive plants

Identify methods for reducing tree loss during redevelopment of single-family properties

Implement conservation measures for new subdivisions and townhouse developments

Ensure continued planting of trees that have similar canopies to trees that were removed and encourage the use of native and naturalized non-invasive trees to create a diverse, sustainable urban canopy.

# Summary of Proposed Revisions



# Proposed Revisions

Removal of untreatably diseased, dead, and hazardous trees only with Tree Removal Permit

Pre-permit conference with City Arborist required

60% citywide canopy goal

Land disturbance and grading on Single Family Residential (SFR) properties limited to 125% of lot coverage

Tree rating system established: Poor – Fair – Good – High

- Poor-rated trees do not receive canopy credit

Partial canopy credit for new trees based on potential at maturity

- Large: 800 sf (50%)
- Medium: 675 sf (75%)
- Small: 400 sf (100%)
- Extra-Small: 150 sf (100%)

# Proposed Revisions

Minimum 60% canopy cover required on SFR properties, and 75% of existing canopy from fair- or better-rated trees must be conserved

Minimum 45% canopy cover required on HDR & I properties, and 50% of existing canopy from fair- or better-rated trees must be conserved

Minimum 45% canopy cover required for C and MU properties

Up to 50% of canopy replacement requirement can be from rooftop solar and green infrastructure, including green roofs

- Provisions of Storm Water Ordinance, adopted in December 2020, gives credit for tree canopy towards utility fee and water quality requirements

# Proposed Revisions

Administrative setback adjustment for tree conservation

Exceptions permitted for affordable housing with City Commission approval

Canopy loss fee required to address community benefits lost from protected tree removal

City Arborist shall publish quarterly reports on tree removal, tree replacement, and new plantings

Additional arborist position recommended to assist with management and enforcement, pending adoption of revisions



# ESB Priority Recommendations

Increase canopy goal to at least 63%

Affordable housing projects must exceed minimum requirements of inclusionary zoning to be considered for special exception(s)

Newly planted trees should receive 50% canopy credit based on potential at maturity

Commercial requirements should be increased from 45% to 50% canopy coverage

Standard tree canopy value should be increased to \$1.50/square foot

City Arborist should be present at all ZBA hearings regarding appeals of this Section

# Community Feedback

## Proposed Revisions 2

- City 9/1/21

### Public Comments

goal inc

Aim higher  
70%

70% Minimum  
since adequate  
restrictions  
have not been  
enforced previously.  
Catch-up is Necessary  
63%?

Why are we going backward?  
Canopy goal should be increased  
to 70%!

70% - plan for  
future generations

Despite goal  
to increase  
canopy. No  
canopy added yet.  
loss of  
70% would  
be preferable.

70% increase canopy  
goal to at least  
70%!!

At least 65%  
70% preferable

70%  
better

Again, goal  
Limit grading to 115%  
of buildable area.

Follow recs  
of ESB  
115%

Limit grading  
to buildable  
area.

110% Land  
disturbance -  
125% too much

grading should be limited  
to the buildable area

and grading on  
residential  
limited to 125% of  
area permitted by  
rules (9.1.13.B)

# Summary of Community Engagement

Meetings with Environmental Sustainability Board (ESB)

Participation in Urban Tree Canopy Assessment and ground-truthing process

Scenario drawings to illustrate impacts of proposed revisions

Open House @ Legacy Park – October 21, 2021

- 52 attendees
- 134 comments (as of 11/12)

Dedicated email address:

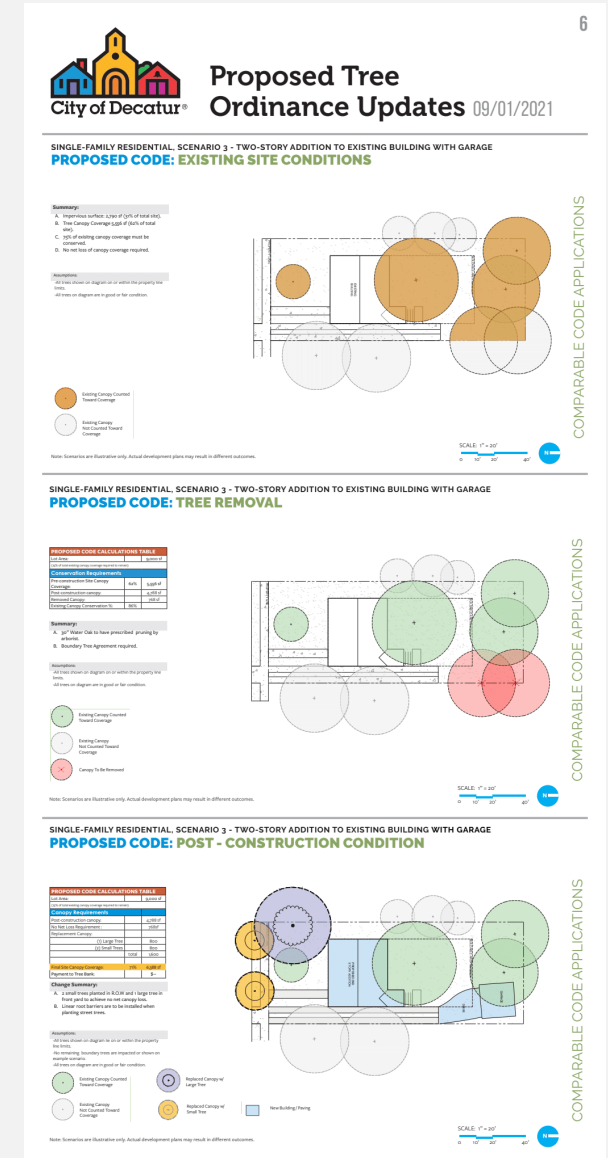
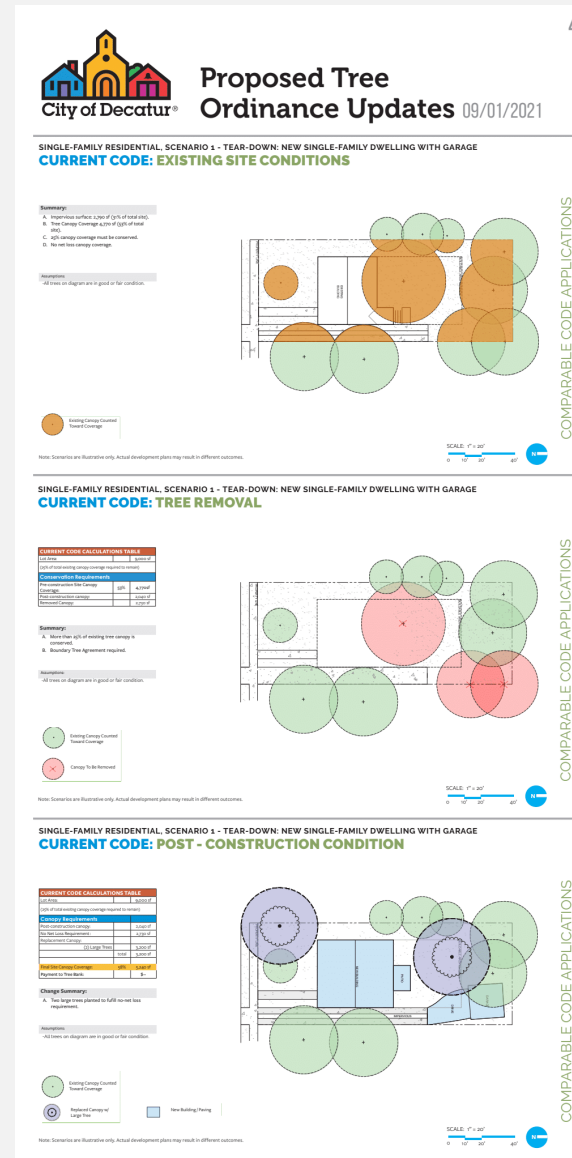
- [treeordinance@decaturga.com](mailto:treeordinance@decaturga.com)
- 57 email/written comments

Dedicated webpage:

- <https://www.decaturga.com/dec/page/decatur-tree-canopy-conservation-ordinance-update>

# Development Scenario Drawings

- Illustrate impact of proposed revisions on development process.
- Right: Proposed revisions result in conservation of more existing canopy, change in building size and placement, and planting of two medium street trees.
- Other scenario drawings are available on dedicated webpage
  - <https://www.decaturga.com/dec/page/decatur-tree-canopy-conservation-ordinance-update>



## Most Frequent Comments

Topic/Comment	Frequency
Increase canopy goal beyond proposed	51
Save the best trees (species, age, health) /create a class of priority trees	41
Reduce allowed tree bank payments to 25%	38
Misc	31
Grading/land disturbance should be limited beyond proposed revision	30
Tree Portal, Tree Task Force, Tree Board, and/or tree census needed to support ordinance	26
Monetary penalties should be increased/enforcement mechanisms strengthened beyond proposed revisions	21
Requirements for SFR are too strict and prevent desired uses/arbitrary	17

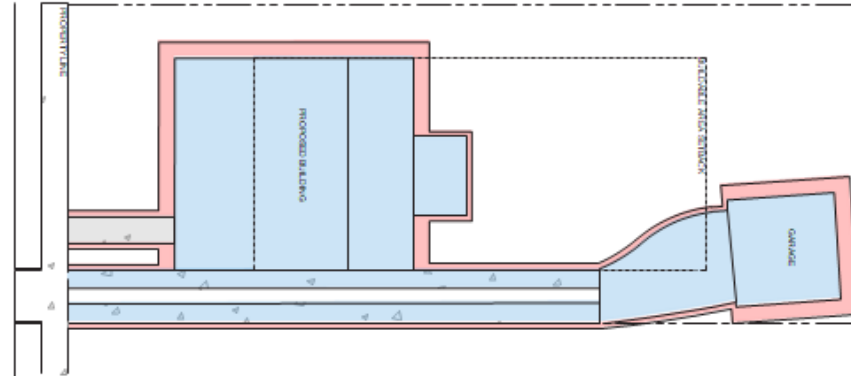
# Response to Comments

- *Reduce allowable tree bank payments to 25%*
  - **City Arborist works with property owner to maximize on-site tree plantings. Payments to the tree bank for up to 50% of replacement requirement may be necessary for sites that cannot accommodate canopy.**
- *Limit land disturbance/grading to 110% of buildable area*
  - **Proposed revisions limit grading to an amount equal to 125% of lot coverage permitted by zoning. Buildable area refers to area inside of required setbacks, and would not allow disturbance for driveways, garages, etc., permitted outside of buildable area. Disturbance of over 20% of critical root zone of protected trees without arborist prescription is prohibited.**

**SINGLE-FAMILY RESIDENTIAL, NEW SINGLE FAMILY DWELLING**

**PROPOSED CODE: LAND DISTURBANCE - 125% x MAXIMUM LOT COVERAGE**

PROPOSED CODE CALCULATIONS TABLE		
Lot Area:		9,000 sf
Lot Coverage:	40%	3,600 sf
Land Disturbance:	125%	4,500 sf
Buildings - 3' Construction Tolerance:		500 sf
Paving - 15' Construction Tolerance:		400 sf
	total	900 sf



-  Disturbed Area Limits
-  New Building /Paving

Note: Scenarios are illustrative only. Actual development plans may result in different outcomes

# Response to Comments

- *Proposed revisions will prevent removal of hazardous trees.*
  - Property owners may receive permit for removal of trees with a high or extreme risk of failure anywhere on property. Owners may also receive permit for removal of trees with a moderate or higher risk of failure with target present.
- *Ordinance should be based on DBH, not canopy.*
  - Arboricultural organizations, such as the ISA and the Georgia Tree Council, have recommended moving towards canopy-based ordinances. Many neighboring and peer communities have or are doing so, including Athens-Clarke Co., Brookhaven, and Chapel Hill, NC. Canopy-based ordinance allows the City to more easily measure and react to changes in canopy coverage.
- *Canopy goal should be higher than 60%*
  - Proposed goal would represent addition of ~83 acres of canopy cover and is higher than neighboring communities. Higher canopy percentages may be difficult to achieve in an urban environment due to numerous reasons, including limited root space and conflicting uses in parks, rights-of-way, and other areas.



# Response to Comments

- *Create a class of priority trees.*
  - Proposed landmark tree designation will provide for protection of highest quality trees. Proposed requirements will restrict the removal of fair- or better-rated trees.
- *An online tree portal should be developed to provide access to permit data, increasing transparency and supporting enforcement.*
  - Staff are evaluating software options with this functionality. Proposed revisions include requirement for City Arborist to publicly release a quarterly report with relevant information.
- *Monetary penalties should be increased/enforcement mechanisms strengthened beyond proposed revisions*
  - Penalties for violation of this Section, including monetary penalties, stop work orders, and holding of certificate of occupancy, are limited by City and state code.