

## **5.03.00 TREE AND VEGETATION PROTECTION**

### **5.03.01 Purpose**

The purpose of this section is to provide for the protection, conservation, and replacement of trees and landscaping in order to improve the urbanized and natural environment of Henry County. It is the policy of Henry County to minimize the removal of trees on development sites and, upon proper site completion, achieve replacement of trees by uniform standards set forth in this section.

### **5.03.02 Applicability**

- A. The terms and provisions of this section and the standards set forth shall apply to:
  - 1. Individuals engaged in any activity, private and/or governmental, on real property which requires the issuance of a land disturbance permit within the County according to Section 12.02.06(F-H).
  - 2. Individuals engaged in the building and/or development of single-family homes or subdivisions, multifamily and manufactured home developments, and all nonresidential uses.
  - 3. Owners of individual properties more than five (5) acres in size and which are not part of a platted subdivision.
- B. Nothing in this section shall be construed to allow the removal of any tree or vegetation in a required stream buffer, watershed buffer, buffer adjacent to waters of the state, or other undisturbed or planted buffer located for protection of natural resources, except where such removal has been specifically authorized as set forth in this ULDC.

### **5.03.03 Specific Requirements for Timber Lands**

- A. Land that is used for silviculture shall comply with the requirements of Section 5.03.03(B) or Section 5.03.03(C) below.
- B. Land that is declared silviculture shall be exempt from the requirements for tree protection provided that the following conditions are met:
  - 1. A certificate from the Tax Assessor indicating agricultural preference;
  - 2. A forest management plan, demonstrating compliance with the erosion control standards set forth in Section 8.05.00; and
  - 3. A commitment to follow the Georgia Forestry Commission's "Best Management Practices" as set forth in paragraph (E) below.
- C. Land that has been designated silviculture may subsequently be developed, provided that a development plan has been prepared and

approved by the administrator prior to any clearing, grading, clear-cutting, or other land disturbance. The purpose of the development plan is to ensure that cutting or harvesting of trees occurs in such a manner as to avoid the practice called "clear-cutting" prior to any subsequent development.

D. Prior to clearing, harvesting, or cutting trees, or any grading or land disturbance, a combined timbering and logging permit shall be obtained from the County, according to procedures set forth in Section 12.02.06(H). The development plan shall include a forest management plan for the timberlands site. The management plan shall demonstrate compliance with erosion control standards set forth in Section 8.05.00, protection of soil and water resources, and compliance with best management practices.

E. Georgia Forestry Commission's "Best Management Practices" (BMPs) include, but are not limited to:

1. Analyze and plan site preparation, taking into account all aspects of streamside management zones.
2. Avoid the cutting of roads or trails unless absolutely necessary. If roads/trails are necessary, do not locate them on ridge-tops and avoid use of soft roads/trails during wet ground conditions.
3. Avoid harrowing, root raking, or bulldozing.
4. When forestry activities are completed for a particular period of time, temporary access roads shall be retired. This includes re-shaping, mulching, and seeding, in combination with water bars.
5. Leave logging debris on exposed soil, dry washes, and at points of concentrated drainage from skid trails and road. Do not pile debris in live or wet-weather streams.
6. Do not service logging equipment where it will have an impact on soil or water quality.
7. Skidding on steep slopes shall be done on a gradual grade rather than straight up the slope, and skidding shall be alternated between several skidding trails to minimize soil exposure and disturbance.

F. In addition to the BMP's set forth above and by the Georgia Forestry Commission, the property owner shall not conduct any other land disturbing activities for a period of three (3) years after the completion of such forestry practices. (See Section 8.05.01(A)(6))

#### **5.03.04 Exemptions**

The following situations are exempt from the provisions of Section 5.03.00.

- A. Individual homeowners within platted subdivisions. The exemption does not include an exemption from requirements for protective buffers along streams, creeks, and reservoirs as set forth in Chapter 3.
- B. All properties for which a covenant has been established with the Henry County Board of Tax Assessors, pursuant to sections 48-5-7.1 and 48-5-7.4 of the O.C.O.G, shall be exempt from the terms of this ordinance so long as such covenant has not been breached and/or remains in effect.
- C. The following situations within all residential districts shall also be exempted:
  - 1. Where the addition to a principal structure will constitute structural and exterior changes to the home.
  - 2. Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted, including an accessory residential living facility (a.k.a. guest quarters).
  - 3. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, or other structure.
  - 4. Mass grading is allowed for lots 10,890 square feet or smaller.

#### **5.03.05 Requirements in All Zoning Districts**

- A. The mass grading and/or clear-cutting of properties and/or parcels of land which are five (5) acres in size or greater for residential development is strictly prohibited, except as noted in Section 5.03.04(c). As to each such development, only so much land area shall be cleared as is necessary for the development and construction of roadways, utilities, and amenity areas (i.e., parking lots for clubhouses, pool areas, tennis courts, etc.).
- B. Mass grading and clear cutting of any lot in a residential subdivision are prohibited, except as noted in Section 5.03.04(c). On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot. Clearing shall be limited to the specific development and an area not to exceed ten (10) feet from the specific development, including areas for:
  - 1. The placement of the individual home;
  - 2. The placement of driveways and sidewalks;
  - 3. The placement of utilities and detention ponds;
  - 4. The placement of septic systems;
  - 5. The placement of roads;

6. The placement of decks and patios; and
  7. Proper drainage as required by the County.
- C. Developers and builders shall coordinate the location of all utilities with all utility companies in order to prevent root damage within the critical root zones of protected trees, so as to minimize damage to trees in the protected zones.
  - D. Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the development of a site. The administrator shall have final approval of the site. Failure to follow the approved development plan shall result in denial of the issuance of a certificate of occupancy.
  - E. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees as indicated by each zoning district.
  - F. Efforts should be taken to preserve existing trees, especially those trees which are eight (8) inches dbh or larger and which are of a considerable age but not dying or diseased. The preservation of large specimen trees is encouraged.
  - G. It is desirable that planted trees be ecologically compatible with the site and neighborhood.
  - H. Replacement trees shall be planted in a manner that will provide adequate space for nourishment, light, and maturation.

#### **5.03.06 Protection of Trees During Construction.**

Methods and standards for tree protection shall be required as follows:

- A. Trees identified to be preserved and/or planted, and being counted as credit for meeting the requirements of Section 5.03.00, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.
- B. No person engaged in the construction of any structure(s) or improvement(s) shall encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.
- C. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees

should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of a four (4) foot high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the non-invasive drip line area.

- D. The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area