

CHAPTER 10. LANDSCAPE AND TREE ORDINANCE

***Cross references:** Savannah Park and Tree Commission, § 2-5061 et seq.; commercial waste, construction and demolition debris, and land clearing debris, § 4-2016 et seq.

Sec. 4-10001. Title.

This chapter shall be known and cited as the City of Savannah Landscape and Tree Ordinance

Sec. 4-10002. Jurisdiction.

The provisions of this chapter shall apply to all lands within the City of Savannah.

Sec. 4-10003. Purpose.

The purposes of this chapter are to:

1. Protect and maintain the urban forest by managing the impact of development
2. Preserve the environmental and aesthetic assets of the community by requiring tree planting and landscaping for development
3. Provide protection from removal for all trees, without a permit, within the City of Savannah unless exempted.

Sec. 4-10004. Definitions.

For the purposes of this chapter, certain words or terms shall be defined as follows. Words not defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

1. *Administrator.* The City Manager for the City of Savannah, or designee.
2. *Buffer.* Any visual buffer or screening required by section 8-3065 or any other pertinent section of the City of Savannah zoning regulations.
3. *Caliper.* The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.
4. *Canopy trees.* A tree that will grow to a mature height of at least 40 feet with a spread of at least 30 feet.
5. *Clearing.* The removal of trees or other vegetation of two inches DBH or greater.
6. *Critical Root Zone.* The minimum area surrounding a tree that is considered essential to support the viability of the tree and is equal to a radius of one foot per inch of trunk diameter (DBH).

7. *Development.* The act, process or state of erecting buildings or structures, or making improvements to a parcel or tract of land.
8. *Diameter, breast height (DBH).* The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.
9. *Director of Development Services.* The director of the Development Services Department of the city.
10. *Exceptional tree.* Any tree determined by the mayor and aldermen, as provided for in this chapter, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.
11. *Green space.* Any area retained as permeable unpaved ground and dedicated on the site plan to supporting vegetation.
12. *Green space plan.* A map and/or supporting documentation which describes for a particular site where vegetation is to be retained or planted in compliance with these regulations. The green space plan shall include a tree establishment plan, or a tree protection plan, and a landscape plan.
13. *Impervious surface.* A solid base underlying a container that is nonporous, unable to absorb hazardous materials, free of cracks or gaps and is sufficient to contain leaks, spills and accumulated precipitation until collected material is detected and removed.
14. *Landscape plan.* A map and supporting documentation which describes for a particular site where vegetation, is to be retained or provided in compliance with the requirements of this chapter. The landscape plan shall include any required buffer elements.
15. *Landscape quality point.* A unit of measurement which quantifies the relative value of small trees, shrubs and ground cover which are planted or retained on a given site.
16. *Native Tree.* Any tree species which occurs naturally and is indigenous within the region.
17. *Plot plan.* A map and supporting documentation which describes for a particular site where the building(s), driveway, utility corridors and easements are to be located and where green space is to be retained or planted in compliance with these regulations.
18. *Preliminary plan.* A map which shows the proposed design for a commercial project or subdivision, as specified in the City of Savannah subdivision regulations.
19. *Quality points factor.* A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the tree quality points for any tree retained on a site.
20. *Set-asides.* A piece of land dedicated to open space by the developer or owner. Examples of set-asides include wetlands, parkland, recreation areas, medians of boulevards, etc.
21. *Sketch plan.* A conceptual layout for a subdivision as specified in the City of Savannah subdivision regulations.

22. *Species diversity.* A planting or retention of diverse tree species on a site or within the community to prevent dominance by any single type of tree. The purpose of this diversity is to prevent the destruction of the entire urban forest in the event of disease or pestilence.
23. *Tree easement.* An easement, not less than ten feet in width and not in conflict with any other planning requirements under the zoning and subdivision regulations, for the public planting and/or maintenance of canopy street trees exclusive of utility, drainage or other easements. Administrative approval is required for easements greater than ten feet in width.
24. *Tree establishment plan.* A map and supporting documentation which describes, for a particular site where existing trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.
25. *Tree Fund.* The City of Savannah Tree Protection Escrow Fund, established to receive funds paid in lieu of required Tree Quality Points, or for compensation for damage or removal of City owned trees.
26. *Tree protection plan.* A map and supporting documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.
27. *Tree protection zone.* The area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of these regulations.
28. *Tree quality point.(TQP)* A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree quality points quantitatively express the desirable qualities of the species with regards to size for each tree that is retained on a site. For planted trees, tree quality points are an expression of species desirability and the expected mature size of each tree.

Sec. 4-10005. General Provisions.

1. *Ordinance Administration.* The City Manager, or designee, shall administer the provisions of this chapter.
2. *Permit required for clearing or tree removal.* Except as provided in this chapter, a property owner shall not clear (as defined in section 4-10004) or permit the clearing of property or the removal of any tree without first obtaining a clearing permit as provided for in section 4-10006.
3. *Protected Trees.* The following trees are protected within the City of Savannah and shall not be removed unless a permit has been approved or the requirement waived.
 - A. On undeveloped property, any tree greater than two inches (2") DBH
 - B. On developed property, any tree equal to or greater than fifteen (15") DBH.
 - C. Any tree retained for the purpose of Tree Quality Points or green space requirements.
 - D. Any tree planted for the purpose of Tree Quality Points

- E. Any tree in a wetland.
 - F. Any tree designated as an "Exceptional Tree"
4. *Exemptions.* The following are exempted from compliance with the permitting requirements of this chapter:
- A. Utility easements for power lines, pipelines, or similar facilities, except where such utilities cross tree easements, set-asides or natural buffers.
 - B. Those portions of airports and heliports which require clear areas for safety purposes, including runways and taxiways, approach and departure clear zones.
 - C. Land currently zoned and used for agricultural purposes for the duration of such use, provided that property rezoned for purposes other than agriculture shall be subject to the requirements of this chapter.
 - D. Residential lots with an existing single family or duplex provided that the residential use continues and the property is not rezoned for other use.
 - E. Any tree determined by the Administrator to be hazardous or an imminent threat to public safety.
5. *Tree/Landscape Quality Points required.*
- A. A total of not less than 1,600 Tree Quality Points per acre is required for any parcel of land developed, and may include existing trees retained and new trees planted.
 - B. A total of 400 Landscape Quality Points per acre is required for commercial, industrial and multifamily development.
 - C. A total of 1200 Tree Quality Points per acre is required for any parking area included in a commercial, industrial or multifamily development
 - D. Any previously developed site that is proposed for redevelopment, building addition or other improvements requiring submittal of a site plan, shall comply with the Tree Quality and Landscape Quality Points requirements for that portion of the site affected by the redevelopment, addition or improvement.
6. *Landscape and Tree Ordinance Compliance Manual.* The City of Savannah Landscape and Tree Ordinance Compliance Manual, which provides detailed information and standards in reference to the provisions of these regulations, is hereby adopted by reference. All land clearing, tree protection, tree establishment and landscaping shall be done in a manner consistent with the provisions contained in said manual.
7. *Establishment of a Tree Fund.* There is hereby created a City of Savannah Landscape and Tree Escrow Fund for the purpose of receiving money paid to the City in lieu of required landscape or tree planting, or for compensation for damage or removal of City owned trees. The fund will be used by the City to plant trees or landscaping on public rights-of-way, easements, or other public property.
8. *Designation of an Exceptional Tree.* A tree may be designated as an "Exceptional Tree" and will thereafter be considered a public landmark and shall not be destroyed or endangered.

A. *Procedure.* A tree may be nominated by written request to the Park and Tree Director, or may be nominated by the Director. The nomination will be reviewed by the Park and Tree Commission and approved or denied by the City Manager.

B. *Criteria.* The designation of an exceptional tree shall be based upon an evaluation of the tree in relation to one or more of the following criteria:

- i. The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
- ii. The tree has unusually high aesthetic value.
- iii. The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
- iv. The designation of an exceptional tree shall also meet all of the following criteria:
 - a. The tree is free of disease, pests and other serious injury.
 - b. The tree has a life expectancy of more than ten years.
 - c. The tree is free from structural defects which would present a hazard to the public.

C. *After designation.* Any tree designated as an “Exceptional Tree” shall be protected from removal or encroachment on the Critical Root Zone, and may be credited toward Tree Quality Points required by this chapter based on quality points factor of 2.5.

Sec. 4-10006 Permit Application Requirements

1. *Application for land-clearing activities permits.*

A. *Submission requirements.*

i. *Application.* Applications for permits for land clearing activities shall be submitted by the landowner or an authorized agent on a form provided for this purpose. Such application shall be submitted to the Development Services Department along with all required attachments. Each land clearing activities permit application shall include the data items, plans, and other documents as long as clarity is maintained. Complete applications shall be transmitted to the administrator for review. The administrator shall certify approved applications to the Director of Development Services for the issuance of permits.

ii. *Project description and plans.* Such description shall include:

- (a) purpose of the requested permit
- (b) a drawing showing existing and proposed land uses, buildings, parking, and other pertinent elements of development
- (c) a boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries

(d) anticipated starting and completion dates for each phase of the project

(e) a location map at a scale of 1" = 1,500' or larger, showing the location of the property within the city. Required plans are specified in sections 4-10008 and 4-10009.

B. *Phasing of a project.* If a tract is to be developed in phases, a separate permit shall be required for each phase as appropriate. Requirements for TQP and LQP must be met for each phase.

C. *Time limit on approval.* A permit shall be valid for 12 months. In the event that the permittee has not begun the permitted work within 12 months, the permit shall lapse and a new permit must be obtained before work can begin. Once work is begun under a valid permit the permittee may continue the permitted work until the work is completed. Any permit, including grandfathered projects, will automatically lapse after 12 months of inactivity, unless the developer has obtained an extension from the Director of Development Services.

D. If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

E. The administrator may waive the requirement for one or more of the plans listed in subsection A, upon finding that three or fewer trees are being proposed for removal, no grading is to occur, and such removal will not be contrary to the purpose of these regulations.

2. *Procedures for land clearing permit for Commercial, Industrial, Institutional or Multi Family Development*

A. A predevelopment site visit shall be scheduled between the owner/agent and the administrator. This meeting may be waived by the administrator at the request of the owner.

B. The owner or developer shall submit the tree protection, tree establishment and the landscape plans, together with other required drawings, to the Development Services Department for review by the Administrator.

C All landscape and tree planting plans for sites over one acre shall be prepared by a registered Landscape Architect. Plans for sites of less than one acre may be prepared by other registered or certified professionals with competency in landscape design.

D. The owner/developer shall coordinate the location of utilities with the utility companies and the administrator prior to the issuance of a land clearing permit. If there is a potential tree and utility conflict, a new tree establishment plan and/or tree protection plan shall be submitted to the administrator showing the new, proposed utility locations or tree locations.

E. A preconstruction meeting shall be scheduled among the owner, agent, contractors, appropriate city staff and the administrator prior to issuance of land clearing permits. This meeting shall establish the location of temporary buildings or trailers, temporary utilities, installation of tree

protection and erosion control devices, storage of materials, etc. Forty-eight hours' notice shall be given to schedule the site visit.

G. Tree protection shall be installed by the owner/agent and inspected by the administrator prior to issuance of a land clearing permit.

3. *Procedures for land clearing permit for street right-of-way, utility and drainage easements in new single family residential subdivision development*

A. A land clearing permit is required as a prerequisite for clearing rights-of-way and drainage and utility easements in a new residential subdivision.

B. A predevelopment site visit shall be scheduled between the owner/agent and the administrator. This meeting may be waived by the administrator at the request of the owner.

C. After approval of the sketch plan, the centerlines and rights-of-way of the proposed roadways shall be staked at 100-foot stations to enable field review by the administrator.

D. The developer shall show how required tree quality points are to be met in the subdivision or phase of subdivision for which the land clearing permit is sought. This may be shown on a separate Green space Plan or on one of the other construction drawings and shall be submitted to the administrator for review. The Green space Plan shall show the total tree quality points for the site, any set-aside areas and trees to be protected, the number of required street trees to be provided, and the number of tree quality points to be allocated on each lot.

E. Tree protection for set-asides and/or for any tree proposed for tree quality points adjacent to rights-of-way or easements where clearing is to occur shall be installed by the developer and inspected by the administrator prior to issuance of a land clearing permit.

5. *Procedures for approval of Under Brushing.* The administrator may approve under brushing and removal of trees or other vegetation up to two inch diameter upon finding that such action will not limit or prevent compliance with other requirements of this chapter

6. *Timber harvesting requirements for property not zoned for agricultural purposes.*

A. *Applicability.* All properties, other than those zoned and used for agricultural activities, which propose timber harvesting or clear cutting shall comply with the following provisions.

B. *Procedures.*

i. *Permits required for timber harvest.* A land clearing permit is required prior to the timber harvest.

ii. *Plans required for timber harvest.* A plan for development of the land and a harvest plan shall be reviewed and approved by the metropolitan planning commission (MPC) prior to the issuance of a land clearing permit.

iii. *Timber harvest and reforestation plan.* The timber harvest and reforestation plan shall identify areas where trees are to be retained on site, along with the density, species and tree quality

point value. All required buffers shall be retained or installed as per the buffer requirements in the city zoning regulations. The timber harvest and reforestation plan shall be prepared by a registered forester and shall be reviewed by the administrator.

iv. *Reforestation and tree protection standards.* A minimum of 1,600 tree quality points per acre shall remain on the parcel after the timber harvest, utilizing one or more of the following methods:

(a) *Residual stands of trees.* Tree quality points may be given to residual stands of trees which exist on the site and are protected during the harvesting process.

(b) *Buffer areas.* Tree quality points may be given to trees located within buffer areas.

(c) *Reforestation areas.* Where the site is to be used for continual timber growth or silviculture, such land shall be considered a reforestation area. In order to comply with the provisions of this section, a tree establishment plan shall be submitted. This shall consist of the establishment of native tree seedlings using traditional forestry methods and best management practices. A minimum of 600 seedlings per acre shall be planted on the site by the end of the first planting season following the timber harvest. A minimum survival rate of 350 trees per acre will be maintained after the first complete growing season.

(d) If an insufficient number of tree quality points are left on the site following the timber harvest, a tree establishment plan shall be submitted to the administrator showing the location of the trees to be planted, their species, size and tree quality point listing.

Sec. 4-10007 Tree Protection Requirements

1. *Protection of preserved or planted trees.* Tree protection zones shall be established and maintained on a site for all trees, preserved or planted, for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them:

A. A tree protection plan and details shall accompany all applications for land clearing and/or land disturbing activities identifying where and how existing trees are to be protected during clearing and construction of the project. Such plan and details shall be approved by the Administrator upon a finding that the plan adequately addresses the criteria set forth in the Landscape and Tree Ordinance Compliance Manual.

B. The minimum dimension of the Tree Protection Zone shall be one foot of radius per inch diameter breast height, measured from the center point of the trunk, provided that in no case shall the protection zone be less than a radius of 2.5 feet. The Tree Protection Zone shall be surrounded, at minimum, by a 4' temporary chain link fencing as illustrated in the City of Savannah's specifications and standards and in the Landscape and Tree Ordinance Compliance Manual.

C. If a determination is made by the Administrator that seventy five percent (75%) of the Tree Quality Points for a site are to be provided by one or more mature trees of greater than thirty inch (30") DBH, a contingency planting plan shall be required. The contingency plan will indicate locations where trees can be planted for TQP credits in the event of loss of retained trees.

D. The area within any Tree Protection Zone must remain open and unpaved. The use of a paving system that allows adequate infiltration of water and air to the root zone may be allowed subject to the approval of the Administrator.

E. No root raking shall be allowed within any Tree Protection Zone at any time during clearing, grading or construction of the project.

F. No trenching shall be allowed within any Tree Protection Zone at any time during clearing, grading or construction of the project.

G. No vehicles shall be parked, or construction material stored or substances poured or disposed of or placed, within any Tree Protection Zone at any time during clearing or construction of the project.

H. No change in grade within the Tree Protection Zone shall be allowed around existing trees except for a maximum addition of two inches of mulch unless approved by the Administrator.

I. To the extent possible all site work shall be planned and conducted in a manner that will minimize damage to protected trees from environmental changes such as lowered water table, altered site drainage, or any other land disturbance within or immediately adjacent to the critical root zones of the trees.

F. Tree wells or retaining walls may be constructed as needed to protect preserved trees from grade changes which result in changes of water

supply to the tree protection zone. Adequate means for drainage of excess water from the tree protection zone shall be provided if tree wells or tree walls are constructed.

2. *Protection of Public Trees Adjacent to Land Development Activities*

A. A property owner responsible for any land disturbing activity within the critical root zone of a tree located on city property shall provide for the protection of such tree to the standards of this chapter.

B. A property owner responsible for a land disturbing activity that causes damage to a tree which affects the health or growth of such tree, or requires removal of a tree, shall compensate the city for such tree loss or damage as set forth below.

1. The Administrator shall establish the tree quality points for the removed or damaged tree. The property owner shall compensate the city for such tree loss or damage under one of the following options, subject to the approval of the Administrator.

a. Plant or preserve additional trees on the development site that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.

b. Plant trees on adjacent city rights-of-way to equal or exceed the value of the tree quality points that were assessed for the removed or damaged tree.

c. Make payment to the Tree Fund to equal or exceed the value of the tree quality points that were assessed for the removed or damaged tree.

d. Meet any equivalent combination of the above as approved by the city arborist.

2. Upon approval by the Administrator of the method for compensating the city for the subject tree loss, the owner shall submit a revised tree protection and tree establishment plan which incorporates the approved tree compensation plan to the Administrator for approval.

C. Development activities shall be planned to the extent possible in order to preserve and protect trees on street rights-of-way. Any tree on public right-of-way that must be removed to accommodate development of an adjacent land parcel must be shown on the site plan, and a method of compensation approved as part of the site plan review process.

2. *General Protection of Trees on City Rights-of-way*

A. Unless otherwise directed or permitted by an applicable City of Savannah permit or license, no person shall plant, prune, or remove any tree on public property without procuring the written approval of the Administrator.

B. No person shall cause damage to trees on rights-of-way or other public property, by cutting, carving, attaching any rope, wires, nails, signs, or other object to any such tree; or allowing any harmful gas, liquid, or solid substance to contact any tree; or to set fire or permit any fire to burn which may injure any portion of any tree; or causing unnecessary harm to tree

roots through construction activities, vehicle parking, or material storage.

C. Any person causing damage or unauthorized removal of a tree on rights-of way or public property shall provide compensation to the City for the value of the tree damaged or removed.

Sec. 4-10008 Design Requirements

1. Commercial, Industrial, Institutional and Multi-Family Development

A. *Applicability.* Except as provided in this chapter, a green space plan shall be submitted for all proposed commercial, industrial or multifamily development. Such plan shall include a tree protection, tree establishment and landscape plan. Such plans shall conform to the standards and requirements of these regulations.

B. Green space standards.

i. A minimum of 20 percent of the total land area of the development shall be devoted to green space.

ii. Sidewalks, curbing, or any other paved or impermeable surfaces within the green space area shall not count towards the 20-percent minimum green space requirement.

iii. For all sites of one acre or larger no more than 50% of trees planted shall be of the same species in order to increase species diversity.

iv. Existing groups of trees shall be retained wherever possible.

C. Parking areas.

i. A minimum of 1,200 tree quality points per acre in canopy trees shall be planted and/or preserved within landscaped islands and medians located between parking bays. Landscape quality points may also be planted in these areas.

ii. Canopy trees planted in parking islands shall have 400 square feet of unpaved soil for root development. The standard tree island shall be 20 feet by 20 feet; provided, however, that where the islands are an extension of a ten-foot-wide landscape median, the islands may be reduced in width to 16 feet. Islands shall not be separated by more than 12 parking spaces, including the landscaped ends of drive aisles. Islands shall be designed so as to minimize foot traffic across them.

iii. The parking island requirements may be altered to minimize conflicts with lighting, or to accommodate innovative design provided that total area of unpaved area and number of trees is maintained.

D. *Buffers.* Existing and/or planted canopy, understory trees, and planted evergreen shrubs may be incorporated into buffer areas as defined by the City of Savannah Zoning Ordinance. Such planting shall be credited for quality points provide other standards and requirements of the chapter are met.

E. Landscaping standards.

- i. *Landscape quality points requirement.* The required 400 landscape quality points per acre shall be provided through the planting of small trees, shrubs, vines and/or ground cover.
- ii. *Locations for landscape quality points.* Such plantings may be located in the following areas:
 - a. Front yard development setback.
 - b. Parking areas: islands and medians.
 - c. Buffers.
 - d. Areas adjacent to buildings.

F. *Special cases.*

- i. *Insufficient space for trees on site.* If the required Tree Quality Points cannot be met on site due to lot size and allowable building setback, trees shall be planted off site or payment made to the tree fund. Off site planting location or payment must be approved by the Administrator.
- ii. *Insufficient space for landscaping on site.* If the required Landscape Quality Points cannot be met on site due to lot size and allowable building setback, payment shall be made to the tree fund.
- iii. *Car/boat/trailer sales lots.* The requirement of canopy cover in the outdoor display, sales and storage areas may be waived for such uses only if the requirements have been met elsewhere on the site. The required 400 landscape quality points per acre, however, shall be provided in this area to break up large expanses of pavement.
 - a. Employee and customer parking areas shall be clearly delineated to separate them from outdoor display, sales, and storage areas. Such parking areas shall provide 1,200 tree quality points per acre in canopy trees and 400 landscape quality points per acre in landscaping.
 - b. A paving system allowing water and air infiltration to the root zone may be used within outdoor display, sales and parking areas to provide root growth area for new and existing trees.

2. *Single Family Residential Subdivisions*

A. *Tree quality points required.* Sixteen hundred (1600) Tree Quality Points per acre shall be provided within the subdivision. The total TQP shall be achieved through the required planting of street trees within tree easements, protecting existing trees, planting within set-asides established and maintained by the developer or successor, planting on individual lots or as provided in this section for special cases.

B. *Plans required.*

- i. *For rights-of-way and drainage and utility easements.* Except as provided in this section, in order to obtain a land clearing permit for rights-of-way and easements, a green space plan shall accompany each preliminary plan for review. Such plan shall conform to the standards and requirements of these regulations.

ii. *For individual lots.* A plot plan which includes green space information shall be submitted by the building permit applicant in order to obtain a land clearing permit for an individual lot.

C. *Requirements for utilities crossing the tree easement.* Utilities crossing the tree easement shall be located outside of the critical root zone of trees, unless otherwise approved by the administrator. Utility locations shall allow for the unobstructed planting of street trees at a separation of an average of 50 feet.

D. *Tree requirements within new single-family subdivisions.*

i. *Planted street trees.*

a. Canopy street trees shall be planted within the right-of-way or in tree easements if sufficient right-of-way space is not available. Such trees shall be no less than two and one half (2 ½") inches in caliper at time of installation. Trees shall be planted at an average of 50 feet apart, along all street frontages within the subdivision. Each planted street tree shall have a value of 90 tree quality points.

b. The tree species for each street must be approved by the Administrator.

c. Upon mutual agreement between the City and the developer, the developer may pay to the Tree Fund an amount equal to the cost of purchase and installation of the required trees and the trees will be planted by the City after completion of the subdivision

ii. *Existing trees.* Existing trees for which tree quality points are sought, may be protected within tree easements as street trees (and counted for tree quality points), on individual lots, within set-aside areas, in buffers or elsewhere as approved by the administrator, provided that they be protected prior to clearing.

iii. *Trees on individual lots (other than within street tree easements).* Existing or planted canopy trees on new lots may count toward the required 1,600 tree quality points per acre provided they meet all other requirements of this section.

iv. *Trees within set-aside areas.* Existing and/or planted trees within set-aside areas, as defined by this chapter, may count towards the 1,600 tree quality point requirement if they meet the principles and standards within section 4-10007 of these regulations.

v. *Special cases.* Where circumstances prevent locating the required 1,600 tree quality points per acre on a site, one of the following shall apply, subject to approval by the Administrator:

a. *Tree fund.* The owner/developer shall contribute to the tree fund, based on the number and species of trees needed to meet the required tree quality points, the commercial price and installation cost for such trees.

b. The owner/developer shall establish a set-aside on property owned by the owner/developer. Such property shall be located within the City of Savannah limits. The set-aside shall be a permanent, recorded conservation easement, and shall have sufficient tree quality points to meet the requirements of these regulations.

E. *Arterial and Collector Streets*

- i. For new arterial and collector streets a plan must be submitted providing for planting of canopy trees on both sides of the street spaced at an average of 75 feet.
- ii. Tree species must be approved by the Park and Tree Department
- iii. Upon mutual agreement between the City and the developer, the developer may pay to the Tree Fund an amount equal to the cost of purchase and installation of the required trees and the trees will be planted by the City after completion of the subdivision

3. *General Standards*

A. *Planted Trees*

- i. All large trees, except for conifers, must be of at least two and a half inch (2 ½”) caliper to qualify for Tree Quality Points when planted on the site.
- ii. All coniferous trees and all medium trees must be a minimum of two-inch (2”) caliper to qualify for Tree Quality Points when planted on the site.
- iii. All small trees must be a minimum of one-inch caliper to qualify for Landscape Quality Points when planted on the site.
- iv. If multi-trunk trees are planted or preserved the largest trunk only shall qualify for Tree Quality Points.
- v. For palms, two Tree Quality Points will be assigned per foot of stem height up to 10', regardless of whether the tree is preserved or planted on the site.
- vi. All planting of new trees shall be done in accordance with ANSI A-300-1995 or most recent edition.
- vii. All trees and plant materials shall conform to the most recent edition of the American Standard for Nursery Stock by the American Association Nurserymen.
- viii. A detailed list of qualifying species and their points is provided in Landscape and Tree Ordinance Compliance Manual.

B. *Retained Trees*

- i. All individual preserved trees must be greater than four inches DBH to be considered to qualify for Tree Quality Points.
- ii. Quality Points for trees retained on the site are directly related to the tree species quality and the Tree Protection Zone that must be provided for the tree. Tree Quality Points are calculated by the formula:

$$(\text{DBH})^2 \times (\text{Retention Points Factor}) = \text{Tree Quality Points}$$

- iii. The Retention Factor for each tree species can be found in the Landscape and Tree Ordinance Compliance Manual.
- iv. Trees located on public rights-of-way which have a significant portion of canopy extending over a commercial property can be applied toward TQP as follows: TQP value of public tree x percentage of canopy encroachment = point value.
- v. The preservation of mature native stands of trees and understory vegetation shall have the value of 0.25 Tree Quality Points and 0.10 Landscape Quality Points per square foot of preserved area.
 - a. The area proposed for preservation must be approved by the Administrator and must have sufficient quantity, size and quality of mature trees to warrant preservation.
 - b. All existing vegetation shall be left within the preserved stand with the exception of hazardous trees. Thinning of tree stands will be allowed pursuant to an approved plan created under the supervision of a registered Forester or Certified Arborist. No mechanical clearing of underbrush shall be allowed unless authorized by the Administrator.
 - c. The area shall be protected during the construction period using the same standards and specifications as required for a Tree Protection Zone.
 - d. The tree retention area shall be considered a set-aside and shall be shown within a permanent, recorded tree conservation easement.

C. *Landscape Material*

- i. Woody ornamental or native shrubs shall be a minimum of 3 gallon container size, fully rooted and appropriately sized to the container. Vines and ground cover material may be full one gallon size.
- ii. Small trees used of LQP shall be a minimum of one inch (1") caliper.
- iii. Qualified species and LQP values are listed in the Landscape and Tree Ordinance Manual.

D. *Planting Restrictions*

- i. No tree shall be planted closer to a building foundation, underground utility line, or storm drain than as follows
 - a. Five feet (5') for a small tree species.
 - b. Ten feet (10') for a medium or large tree species.
- ii. No large or medium tree species shall be planted within any power or utility easements or under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

E. *Irrigation*

- i. All trees and landscaped areas shall be provided with a means for delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants.
- ii. In ground irrigation systems installed which supply water to all newly planted trees and plant material shall result in a 40% reduction of the landscape establishment bond.
- iii. A water supply is not required for areas of established trees and other vegetation that are retained for green space requirements or Tree Quality Points, provided that site grading or development activities will not result in damage to said areas.

Sec. 4-10009 Requirements for Certificate of Occupancy, Maintenance and Perpetual Compliance

1. *Requirements for certificate of occupancy.*

A. *Final Inspection.* The Administrator or designee shall make a Final Inspection of trees and landscaping for completeness prior to issuance of the Certificate of Occupancy. The total required Tree Quality Points and Landscape Quality Points shall match the approved Plan.

B. *Temporary Tree and Landscape Bond*

i. The Owner shall post a temporary Tree and Landscape bond for tree and/or landscape installation which cannot be planted because of continued construction, weather, plant availability or other approved delay. The bond shall be posted with the City of Savannah Engineering Department. A deadline for completion of work shall be scheduled with the Administrator and the Engineering Department.

ii. The Administrator shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the Temporary Tree and Landscape Bond shall be refunded. If the landscaping is not complete at the scheduled deadline, the Temporary Tree and Landscape Bond shall be withheld based upon the amount of work incomplete.

C. *Two Year Tree and Landscape Establishment Bond*

i. A two-year Tree and Landscape Establishment Bond shall be posted with the City of Savannah Engineering Department after the administrator or designee gives an approval of the trees and landscaping at the Final Inspection and prior to issuance of the Certificate of Occupancy.

ii. Two years after the date of the bond, the Administrator or designee will inspect the site and make a determination of whether the required trees and landscaping are viable, in which case the bond will be released. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the City shall use the bond to the extent necessary to bring the property into compliance with the provisions of this chapter.

D. *Maintenance.* All trees and landscaping credited toward Tree Quality Points or Landscape Quality Points shall be maintained according to industry standards. All pruning shall be done in accordance with ANSI A-300-1995 or most recent edition.

E. *Perpetual Compliance.* All sites are required to remain in compliance with the total TQP and LQP required for the development, and are subject to inspection by the City for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the City will seek administrative or judicial relief, as appropriate.

Sec. 4-10010 Variance and Appeal Procedures

1. Request for variance from the provisions of this chapter shall be submitted in writing to the Director of the Park and Tree Department, stating the specific variance requested and reasons why a variance should be granted. The Director will review the request and render a decision within ten working days of the request.
2. A variance will be granted only upon a determination that the request is the minimum necessary to afford relief, and that the overall intent of this chapter will be implemented.
3. Any person aggrieved by a decision in administration of this Chapter may appeal to the City Manager and request a hearing. The hearing shall be held within 30 days after receipt or on a date mutually agreed upon by the appellant and the City Manager. The City Manager shall then make his findings in writing within ten working days of the appeal hearing.

Sec. 4-10011 Notice of violation; remediation and stop work.

1. *Notice of violation.* Whenever it is determined that a violation of this chapter has occurred, the Director shall immediately issue written or oral notice to the person in violation, identifying the nature and location of the violation and specifying that remedial action is necessary to bring the violation into compliance. The person in violation shall immediately, conditions permitting, commence remedial action and shall have seven calendar days after the receipt of the notice, or such longer time as may be specified in the notice, to complete the remedial actions required to bring the activity into compliance with this chapter.
2. *Stop work order.* The Director shall have the authority to immediately issue a stop work order in any of the following circumstances:
 - A. When clearing or other development of land is being implemented without an approved permit
 - B. When ongoing non-complying work is not immediately and permanently stopped upon receipt of a written or oral notice of violation
 - C. When tree protection measures have not been implemented or maintained and danger to protected trees exists or appears imminent
 - D. When remedial work required by notice of violation pursuant to subsection (1) of this section is not completed in the time period specified

Sec. 4-10012 Penalties for Violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished in accordance with the city Code, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this chapter shall prevent the City of Savannah from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 4-10013. Abrogation and greater restrictions; Severability.

1. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
2. If any provision of this ordinance is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this ordinance.

(Code 1977, § 4-10009; Ord. of 2-2-1995,)