

ORDINANCE NO. O-2022-01

**AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CERTAIN PROVISIONS OF CHAPTERS 5 AND 17 OF THE CITY CODE CONCERNING TREES; TO REQUIRE FIFTY PERCENT TREE CANOPY COVERAGE UPON MATURITY OF TREES IN RESIDENTIAL AREAS WHERE A TREE PLAN IS REQUIRED; TO AMEND THE LIST OF TREE SPECIES WHICH MAY BE PLANTED ON CITY PROPERTY; TO REQUIRE A TREE REMOVAL PERMIT TO BE OBTAINED PRIOR TO ANY SUBSTANTIAL LAND DISTURBANCE IN RESIDENTIAL AREAS; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.**

WHEREAS, trees are an important public resource that the Board of Mayor and Commissioners desires to preserve and protect; and

WHEREAS, the City has consulted with an arborist to determine the most desirable species of trees for planting on public property.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

Section 1. City Code subsection 5-401(b) is hereby deleted and replaced with the following text:

“The purpose and intent of this division is to protect the City’s existing healthy tree canopy and amplify it whenever possible so that coverage remains above 50% and increases over time, as well as to lessen the impact of tree removal, educate citizens and property owners on the value and methods of tree protection, and provide recourse to the city and its citizens for the unauthorized removal of healthy specimen trees in the residential areas of the city.”

Section 2. City Code subsection 5-410(b) is hereby deleted and replaced with the following text:

“The purpose and intent of this division is to protect the City’s existing healthy tree canopy and amplify it whenever possible so that coverage remains above 40% and increases over time, as well as to lessen the impact of tree removal, educate

citizens and property owners on the value and methods of tree protection, and provide recourse to the city and its citizens for the unauthorized removal of healthy tree canopy within the non-residential areas of the city.”

Section 3. City Code subsection 5-404(a) is hereby amended to delete the words “forty (40) percent” and to replace them with the words “fifty (50) percent”.

Section 4. City Code section 17-46 is hereby deleted and replaced with the following:

**“Sec. 17-46. Official tree species list.**

No tree may be planted on city property without prior written permission from the city manager. The following list constitutes the official list of tree species that may be planted in city rights-of-way and city parks/greenspaces, respectively. Wherever and whenever practicable, overstory (large) trees should be planted to further the City’s goal of protecting the City’s existing healthy tree canopy and amplifying it whenever possible.”

Botanical name	Common name
<b>Street Trees</b>	
<i>Recommended Overstory (Large) Street Trees</i>	
Fagus grandifolia	American Beech
Nyssa sylvatica	Black Gum
Quercus alba	White Oak
Quercus falcata	Southern Red Oak
Quercus rubra	Northern Red Oak
Tilia americana	Basswood
Ulmus americana	American Elm
<i>Acceptable Overstory (Large) Street Trees</i>	
Acer barbatum	Southern Sugar Maple
Acer saccharum	Sugar Maple
Ginkgo biloba (male only)	Ginkgo

Quercus coccinea	Scarlet Oak
Quercus hemisphaerica	Darlington Oak
Quercus lyrata	Overcup Oak
Quercus nuttallii	Nuttall Oak
Quercus pagoda	Cherrybark Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Quercus x comptonia	Compton Oak
Tilia heterophylla	Southern American Linden
Ulmus alata	Winged Elm
<b>Medium—Small street trees:</b>	
<i>to be planted under power lines or where root zones are small</i>	
Acer buergerianum	Trident Maple
Acer leucoderme	Chalkbark Maple
Acer truncatum	Shantung Maple
Amelanchier x grandiflora	Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Carpinus caroliniana	Hornbeam
Cercis canadensis	Redbud
Chionanthus retusus	Chinese Fringetree
Cornus florida	Flowering Dogwood
Cotinus obovatus	American Smoketree
Halsia diptera	Two Wing Silverbell
Lagerstroemia x (Indian Hybrids)	Hybrid Crape Myrtle
Magnolia x loebneri	Merrill Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia x (Little Girl Series)	Little Girl Magnolia
Parrotia persica	Persian Parrotia

Pistacia chinensis	Chinese Pistache
Quercus geogiana	Georgia Oak
<b>Park and Greenspace Trees</b>	
<i>Large deciduous shade trees</i>	
Acer barbatum	Southern Sugar Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Aesculus flava	Yellow Buckeye
Betula nigra	River Birch
Carya aquatica	Water Hickory
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockemut Hickory
Fagus grandifolia	American Beech
Ginkgo biloba	Ginkgo

Liriodendron tulipifera	Tulip Poplar
Magnolia acuminata	
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Gum
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus hemisphaerica	Darlington Oak
Quercus lyrata	Overcup Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus nuttallii	Nuttall Oak
Quercus pagoda	Cherrybark Oak

Quercus phellos	Willow Oak
Quercus prinus	Chestnut Oak
Quercus rubra	Northern Red Oak
Quercus shumardii	Shumard Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
Tilia heterophylla	Southern American Linden
Ulmus americana	American Elm
Ulmus alata	Winged Elm
<b>Small—Medium deciduous character trees</b>	
Acer buergerianum	Trident Maple
Acer leucoderme	Chalkbark Maple
Acer palmatum	Japanese Maple
Asimina triloba	Pawpaw
Betula nigra	River Birch
Carpinus caroliniana	Ironwood
Cotinus obovatus	American Smoketree
Cotinus x 'Grace'	Grace Smoketree
Gymnocladus dioica	Kentucky Coffeetree
Magnolia virginiana	Sweetbay Magnolia
Magnolia macrophylla	Bigleaf Magnolia
Magnolia tripetala	Umbrella Magnolia
Parrotia persica	Persian Parrotia
Pistacia chinensis	Chinese Pistache
<b><i>Flowering trees</i></b>	

Aesculus pavia	Red Buckeye
Amelanchier x grandiflora	Serviceberry
Amelanchier laevis	Allegheny Serviceberry

Cercis canadensis	Redbud
Chionanthus retusus	Chinese Fringetree
Chionanthus virginicus	American Fringetree
Cladrastis kentukea	Yellowwood
Cornus angustata	Evergreen Dogwood
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Crataegus spathulata	Littlehip Hawthorn
Crataegus viridis	Green Hawthorn
Halesia diptera	Two-wing Silverbell
Halesia tetraptera	Carolina Silverbell
Lagerstroemia fauriei	Japanese Crape Myrtle
Lagerstroemia indica	Crape Myrtle
Lagerstroemia x (Indian Hybrids)	Hybrid Crape Myrtle
Magnolia x loebneri	Merrill Magnolia
Magnolia macrophylla	Bigleaf Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia x (Little Girl Series)	Little Girl Magnolia
Magnolia stellata	Star Magnolia
Magnolia tripetala	Umbrella Magnolia
Magnolia x (acuminata hybrids)	Yellow Magnolia
Prunus serrulata	Asian Cherry
Prunus subhirtella	Higan Cherry
Prunus x (hybrid)	Hybrid Asian Cherry
Prunus x yedoensis	Yoshino Cherry
Styrax americanus	American Snowbell
Styrax obassia	Fragrant Snowbell
<b><i>Large—Medium evergreen trees</i></b>	

<i>Cedrus deodara</i>	Deodar Cedar
<i>Cryptomeria japonica</i>	Japanese Cryptomeria
<i>Cupressus arizonica</i>	Arizona Cypress
<i>Ilex opaca</i>	American Holly
<i>Ilex latifolia</i>	Lusterleaf Holly
<i>Ilex x attenuata</i>	American Hybrid Holly
<i>Ilex x wandoensis</i>	Aspire Holly
<i>Ilex x (latifolia hybrids)</i>	Lusterleaf Hybrid Holly
<i>Ilex aquifolium x comuta hybrid</i>	Nellie R. Stevens Holly
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Pinus echinata</i>	Shortleaf Pine
<i>Pinus glabra</i>	Spruce Pine
<i>Pinus palustris</i>	Longleaf Pine
<i>Pinus taeda</i>	Loblolly Pine
<i>Pinus thunbergiana</i>	Japanese Black Pine
<i>Quercus hemisphaerica</i>	Darlington Oak
<i>Quercus myrsinifolia</i>	Chinese Evergreen Oak
<i>Thuja x 'Green Giant'</i>	Green Giant Arborvitae
<b>Small evergreen trees</b>	
<i>Cornus angustata</i>	Evergreen Chinese Dogwood
<i>Ilex x attenuata</i>	American Hybrid Holly
<i>Ilex x (Red Holly Hybrids)</i>	Red Holly
<i>Ilex cornuta</i>	Chinese Holly
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Juniperus chinensis</i>	Chinese Juniper
<i>Magnolia virginiana</i>	Sweetbay Magnolia

Osmanthus x fortunei	Fortunes' Osmanthus
Osmanthus fragrans	Fragrant Tea Olive
Thuja occidentalis	American Arborvitae

Section 5. Subsections (b)(2) and (b)(3) of Code Section 5-402 of the Code, regarding exemptions for tree removals are hereby deleted and replaced with "Reserved."

Section 6. The following definition is hereby adopted and added to Section 5-403 of the Code, to read as follows:

*"Substantial Land Disturbance* means any work that (a) involves earth-moving mechanical equipment (including, but not limited to bobcats or tractors), or (b) results in fifty percent (50%) of a lot's permeable area being cleared of vegetation down to bare soil, or (c) requires installation of erosion control fencing pursuant to any applicable city, state or federal regulation."

Section 7. Subsection (a) of Code Section 5-405 is hereby repealed and the following language is hereby adopted in its place:

*"(a) When a tree removal permit is required.* A tree removal permit shall be obtained prior to conducting any "substantial land disturbance" or performing any aspect of a "project" on residential property, as defined by this division. When a tree removal permit is required, the property owner shall comply with all provisions of this division, including the following:

- (1) Applications for a tree removal permit shall be submitted to the city tree official using forms and fees established from time to time by the board of mayor and commissioners.
- (2) Each application for a tree removal permit shall include a tree survey, a tree preservation and replacement plan and other appropriate documentation established by the city tree official.
- (3) No land disturbance, demolition, or other construction activity may occur on the property prior to review and approval of the tree

preservation and replacement plan and posting of the tree removal permit on the property.

(4) A tree removal permit issued pursuant to this division shall expire one year from the date of issuance.

Section 8. Any provisions of the Code of Ordinances in conflict with the provisions set forth herein are hereby repealed.

Section 9. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

BE IT FURTHER ORDAINED that the city manager is hereby directed to cause an aerial survey of the city's tree canopy to be conducted and the results presented to the Board of Mayor and Commissioners during a public meeting during year 2022 and every five (5) years thereafter.

PUBLIC HEARING NOTICE PUBLISHED: 12-30-21

PUBLIC HEARING HELD: 1-12-22

SO ORDAINED this 12<sup>th</sup> day of Jan, 2022.

ATTEST:

**BOARD OF MAYOR AND  
COMMISSIONERS  
CITY OF AVONDALE ESTATES,  
GEORGIA**

By Gina Hill  
Gina Hill, City Clerk

Jonathan Elmore  
Jonathan Elmore, Mayor

Approved as to Form:

*Stephen Quinn*  

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Stephen G. Quinn,  
City Attorney