A preliminary guide book designed for communities developing new, or revising older, existing ordinances governing urban tree resources.

This workbook is designed for communities who are confronted with the task of developing effective urban tree ordinance for the first time. This information can also be very helpful for communities revising or expanding existing tree ordinances or looking for ways to more effectively impact the management of the community's forest canopy.

While this workbook contains some guidelines and tools that can enable communities to assess their particular situation and help identify areas of opportunity, it is not intended to be an all inclusive approach. Each community has their own character and conservation needs. Unfortunately many communities begin to develop ordinances when the perception of their need becomes immediate. The natural tendency is to quickly adopt another communities ordinance as a model with the idea of "fixing" it later. A note of caution: attempting to "jump start" tree ordinance development by "cloning" an existing ordinance might be an attractive route to success but, such efforts are seldom reflective of the communities true needs, and indeed in some situations, have even lengthened the process. Given most situations encountered, there is no substitute for a patient, thorough approach, through community interaction, to ordinance development.

The Georgia Forestry Commission's sponsorship of this document is intended to give local communities a "starting point" from which to go forward and begin assessing and conserving natural resources in a way local citizens feel appropriate.

Preliminary Outline

- 1. How to Start
- 2. Developing a Working Group
- 3. Issues and Focus
- 4. Needs Assessment & Issue Identification
- 5. The Vision
- 6. Ordinance Structure
- 7. Using Sample Ordinances
- 8. Developing a Draft
- 9. The Final Product

How to start

Many groups reviewing this workbook may be beyond the point of assembling a body of individuals from the community to begin ordinance formulation. However, because there are a number of communities trying to determine the best way to start, we shall begin at that point with some main ideas to keep in mind.

The catalyst to formulate a tree protection or conservation ordinance can come from many different quarters, but usually some event within the community has forced a cause for concern. Increased development activity, the loss of specimen trees, or a natural disaster, can generate "green activity" or a interest in conserving canopy cover as a natural resource. Once the need to "do something" has been realized the question becomes "Who do we talk to?"

The following is a partial list of groups you may find helpful:

- Community Government Leaders City Council representatives and County Commissioners are usually the initial contact. These bodies, if they feel the need or interest is sufficient, will often appoint a group to study the problem. Regardless of your expertise, try to be a part of that group or at the very least attend the public meetings and participate.
- Local Government Administration Parks & Recreation, Planning & Zoning, Development & Transportation Departments, Code Enforcement, and City and County Administration all need to know of your interests and intention, preferably in writing. Please remember that these folks may not be able to do much to help you because of political situations within the community but it is helpful to let everyone know your wishes and intentions.
- Non-government Community Leaders Volunteer and Community Service organizations, Local Clean & Beautiful/Clean City groups, Garden Clubs, Civic Organizations, and Homeowner Association groups. These are the citizens who have the "connections" and perhaps a shared interest pursuing ordinance development..
- <u>Environmental Organizations</u> These pro resource conservation groups can be a valuable resource of information and may have a vested interest in tree ordinance development.

Sometimes simply contacting the above groups and indicating your wish for a tree ordinance may not avail you of much in the way of results. This may be because the perceived need is not as great as you thought. Should this be the case, you, or a group of like minded folks you assemble, may have to conduct an education campaign to target decision makers within the community. Remember you educational effort needs to be

How to start (cont.)

factual with visual and graphic information detailing the issues and the "bottom line". Impassioned pleas with little factual backup usually have limited impact upon government officials. You may find the need to call in outside speakers and experts to plead your case relating their experience dealing with tree ordinances. Be positive, persistent, comprehensive, and business like in your approach and the likelihood of success will increase greatly.

Should all of your efforts fail you may have to form your own group and, at least preliminarily, begin the ordinance generation process without the benefit of as much organizational support as you had anticipated. Be persistent and open in your efforts.

Developing a working group

Selection of the group that will guide the development of the ordinance is probably the most crucial factor leading to success or failure. Group dynamics not withstanding, the idea is to gather no fewer than the number of individuals it takes to represent the needs of the community - and - no more than the maximum number individuals that can work together without being dysfunctional. Some groups may include only four or five individuals while other groups have exceeded well over thirty citizens. Perhaps a more efficient way to fill the group, other than simply trying to pick a workable number, is to identify "slots" or community perspectives to fill. A sample list of slots or professional perspectives might include:

- Realtor
- developer
- garden club officer
- local arborist
- planner
- environmental group representative
- landscape architect
- Commission or Council appointees (1 per member)
- Homeowners Association officers
- private individuals
- public forester

This is only a partial list but it may be inclusive of all the perspectives your group might need to cover. Be prepared to have left someone, or some organization with a particular perspective, out of your group - it is inevitable.

One way to limit the size of your group and still be effective and inclusive of many different interest is to compose your group of a minimum number of private individuals, perhaps appointed by the City Council or County Commission, and identify a list of professional individuals who would act as technical experts/consultants. These experts, could come from the list above, and while not being members of the "board" could provide answers to technical questions that will arise from time to time. This will limit the possibility of a group becoming overloaded with a particular interest group of individuals i.e. environmentalist, developers, etc.

Finally, it is important to select individuals that will work hard, expend the time available, stick with the process in a very public environment, and, if possible, be willing to subjugate their personalities to the process. High profile, well known, individuals can sometimes upset the groups dynamics simply because of their personality or need to be heard. It is wise to try to estimate the impact this type of individual may have on the group.

Remember, this group needs to be born out of cooperative effort and partnership toward a focused goal.

Issues and Focus

The attempt to generate an urban tree ordinance is a difficult, sometimes contentious process that may take many months or even years to accomplish. Existing ordinances also need to go through a process of periodic revision and renewal so that they might better address the issues of the day.

One key practice that will long serve those generating their first ordinance or revising existing documents is to focus on the issues *most* relevant to the task at hand. You will find that while there a large number of issues brought to the table by those "helping" or "assigned" to develop a workable ordinance there are many topics that may not be central to the task at hand. By way of example, the need for community park land or ball fields, greenspace planning and zoning, restrictions on speculative grading, or landscaping for parking lots may all be issues related to trees and community canopy cover. While it may be politically correct to address these issues, they may or may not be issues which should be part of a tree ordinance. Tree ordinances need to be about trees. Side issues, while attracting a lot of attention within the community, can be very distracting to the ordinance construction process. Further, issues easily become politicized, particularly when discussions relate to restrictions or burdens to be placed upon future development.

The problems associated with maintaining an issue focus are obviously many. Because the identified topics are particular to the community itself there is no "one size fits all" magic key to help you toward your task. The most productive efforts seem to whittle away at long lists in an attempt to arrive at a consensus of focus from those involved. Sometimes this consensus forms early, sometimes not, but the effort is always beneficial to the long term process. Should it occur that consensus is not achievable you may find your list of issues need to expand.

Developing a tree ordinance is a long process and, even with exhaustive efforts to identify all the issues, players, and constituents, it is inevitable that something, or someone, will be overlooked and some earlier work will need to be revisited. For these, and many other reason you will discover, it is important to remain focused - and persistent.

Needs Assessment & Issue Identification

Now that you have your group together, lets refer to them as an Ordinance Board.

Current accomplishments should be:

- a reasonable perspective as to parameters of your task,
- a general consensus about the requirement to identify needs and issues,
- and an agreement to strive for focus.

You should be ready to begin the Community Assessment and Issue Identification process.

The effectiveness of a tree ordinance hinges upon how well it satisfies the short and long term needs of the community. For that reason, it is important to be clear about the parameters of that need and the breadth of community constituents that it impacts. Therefore the needs assessment must consider:

- current state of the community forest canopy cover on public and private property,
- impacts that have brought the canopy cover to its current state,
- how those growth, development, land use and demographic changes altered the community from the past to the present,
- and how those effects are going to change the quality of life of the community in the future.

Even though your group be well advised of the pulse of changes within the community, it is still advisable to do some research concerning the various perspectives of local players/partners with regard to the future canopy cover. This step is critical in helping insure that the community plays a role in the development of this ordinance. There are a number of tools available to the Board for collecting this information:

- public forums, perhaps a number of them, where citizens speak briefly about their perspectives, about the needs list you have developed, and offer needs of their own,
- a simple public opinion survey which could be distributed to as many constituents as possible querying them about their perspectives on the needs of the community with respect to trees,
- survey the Board individually concerning their perspectives of the needs list, related issues, and what options they feel are open to them to effect change.

These tools, and others you may find other communities employing, will help the group better key on the issues they should be addressing.

Needs Assessment & Issue Identification (cont.)

Once the accepted list of needs have been consolidated they should reflect, if not specifically point to, central issues upon which the group can focus. While the needs list may be long, it can usually be consolidated along the lines of two or three main topics which the tree ordinance can address and probably a list of topics the tree ordinance cannot or should not address.

Remember, it is up to the Board to keep the public apprised of its progress whether by newsprint, radio or public meetings. This is a great opportunity to develop public interest and to educate folks as to the value of community trees.

Vision, Objectives, & Mechanisms

With the community's needs and issues well in hand it is time to develop the *Vision*. There are probably as many ideas about vision statements from your Board as there are members of your Board and many of those individuals may have had the opportunity to participate in the process of generating a vision statement for work or some civic organization they belong.

The vision statement associated with a tree ordinance should reflect a view of how citizens believe their community trees to affect their quality of life, the citizens perspectives about what that forest canopy will be in the future, and how the forest canopy will be conserved, preserved, or otherwise impacted. This is, without a doubt, the most important part of any ordinance dealing with a natural resource such as trees, water, soil or air because:

- it states in no uncertain terms what that resource means (value) to the community,
- why that resource is valued by the citizens,
- the intention to protect or conserve the resource,
- and how (i.e. limiting impacts, tree planting, etc.)

The vision sets the tone for the remainder of the ordinance. It should be firm, clear, succinct, and emphatic in its description of how things "ought to be". The reason for this requirement is that the descriptions and mechanisms to follow within the body of the ordinance all have their foundation in the vision. By way of example - it would be implausible to draft an ordinance requiring tree planting within the public right-of-way with out discussing the value of public roadside trees, or, perhaps not so similarly, to restrict the removal of trees from private property without discussing the larger value of "community trees". Obviously it is very difficult to "backup'* and/or enforce a prescription for reducing impacts to forest canopy cover *without* a public statement of the value of forest canopy to the quality of life of the community. Indeed many challenges to the specifications of tree ordinances are grounded in the fact that the vision and it's intent are unclear.

Another point to remember is that the vision is the communities vision, which may or may not be the Boards, Commission, or Councils. The theory is through the Board the citizens can voice their perspectives about trees and community and the Board manifests those perspectives in an ordinance.

Ordinance objectives are, simply stated, how the vision is quantified and standards for accomplishment defined. Should the vision be "increased forest canopy cover" then "tree lined streets" might be an objective. The establishment of a public tree planting program would be a mechanism to accomplish that objective and achieve the vision. Here again with out a strong vision the basis for the objective could be lost.

Sample and Model Ordinances

The general tendency for a board developing a tree ordinance is to look toward other communities for ordinances already in place to see what can be learned regarding structure, procedure, and effectiveness. This is an excellent way to get a general feel for the way things can work. Unfortunately, there are also some pitfalls associated with relying too heavily upon these documents:

- substituting someone else's community vision for your own,
- assuming the sample ordinance is compatible with other organizational structures within your community government or that it can be made to be compatible,
- perpetuating the perspective that the way someone else does "it" is the way we ought to do it (i.e. "if its good enough for them, then..."),
- assuming that the ordinances selected as samples are effective and efficient in their application,
- utilizing a selection of ordinances that do not reflect communities the size or rate of growth of your own or that represent cultural or regional perspectives that are significantly different from your community's perspectives,
- model ordinances may restrict the addition of new ideas about how to impact or conserve community forest canopy cover,
- model ordinances may reinforce the false impression that generation of an effective ordinance can be a short term/short cut process.

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The use of sample or model ordinances can be a valuable tool in arriving at a document that supports your vision. Many of the documents you receive will have components that speak to the issues you are confronting and may seem like solutions to your problems - on paper. Caution is advised here. When attempting to collect relevant ordinances try to contact the administrator of existing ordinances to see how they actually function in practice, what problems they have identified, and what suggestions they might have regarding your efforts. Ideally, finding someone who played a role in development of the ordinance, perhaps a tree board member, could be one of the most valuable source of information you will find. Should you indeed locate some of these individuals, be sure to ask them the following questions about the ordinance development process:

- how long did the ordinance development process take,
- was the document adopted the document sought,
- how large a role did compromise play in the development process,
- are they happy with the document,
- and are any revisions planned.

These questions will help model or sample ordinances find their proper place within your communities ordinance development process.

Structure

There are a variety of different ordinance structures which seem to serve communities needs. The key is to be a simple as possible and yet still accomplish the vision. Many ordinances are thick documents with multiple sections and sub-sections dealing with many different aspects of tree preservation. Whatever the format, there is a general list of points to consider which many ordinances include. It is important to remember that the "parts" listed below are no more than just that - "parts". Continuity within the ordinance, compatibility with other ordinances, consistency with the community vision, and political will for enforcement are the earmarks of a successful ordinance.

- 1. **Community Vision** community's perspective of itself with respect to the natural resource of trees and those resources associated with canopy cover. Contains a view of the future and verbiage related to the community's willingness to develop a structure to preserve, conserve, and/or move toward that view.
- **2.** Value of trees and canopy cover to the community. This section also notes the value of other resources in association with trees and their role in providing the communities quality of life.
- 3. **Purpose and intent** of the ordinance next to the vision this is the most important section as it details reasons for existence of the ordinance. Should the purpose and intent of the ordinance be weak it will likely be unenforceable.
- 4. **Definitions** a list and description of terms used in this ordinance and of those terms referenced in other ordinances such as Planning and Zoning ordinances.
- 5. Administrator identification who will be responsible for enforcing the ordinance, reviewing tree protection plans, etc. This individual is usually the city or community arborist. This section also details the qualifications of the arborist and assigns the arborist the duty of developing arboricultural standards relative to tree care, protection, construction impacts, and administrative guidelines for ordinance compliance.
- **6. Tree Board establishment -** this group of private citizens, usually appointed by the Council or Commission, to review and propose revisions to the Tree Ordinance, provide community education related to tree conservation, plan the Arbor Day activities, and provide public forums for citizens concerned about community trees.
- 7. **Requirements for community departments** to follow the ordinance requirements for actions taken on public property including plan review.

Structure (cont.]

- 8. **Requirements for private land owners** with respect to development activities. Included in this section would be language describing any restrictions, permits, or requirement upon the various types of development activities, requirements for protection and limits of construction activity, tree removal, replanting, mitigation, etc. This may include the requirement for those conducting land disturbing activities to file tree location and assessment plans, tree protection plans, landscape plans, replanting plans, or other plans deemed necessary by the ordinance or arborist.
- 9. **Requirements for public land** for private individuals conducting tree impacting activities, tree planting, and maintenance.
- 10. **Provide for specimen tree** protection and specimen stand protection and permits and penalties as required.
- 11. **Develop specifications for species** and quality of tree to be planted within the community on properties governed by the tree ordinance.
- 12. **Define buffer requirements** for protection of root systems and for provisions for sound and visual buffers in association with land use changes.
- 13. **Establish penalties for violations,** variance procedures, administrative and economic penalties and mechanisms for administrative appeals.
- 14. **Repeal conflicting provisions** of previously established tree ordinance. Provide for the inspection and removal of nuisance trees as per the arborist determination,

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There are many different types of tree ordinances from simple types dealing with impacts to public land to very involved ones impacting private property. Many groups working to develop ordinances particular to their community have sections that may address very specific issues within the community while others choose to use more generalized perspectives. No one approach is typical - no one approach most effective. Again, the perspective that appears to meet with the most success is: Continuity within the ordinance, compatibility with other ordinances, agreement with the community vision, and political will for enforcement. These are the earmarks of a successful ordinance

Developing a Draft

The initial draft of your community's ordinance may not look like much more than a hodgepodge of notes and folders. The key to developing a draft that can be a workable document is the ordinance outline. This will be a listing of the components the board would like the ordinance to contain (an assembly of the parts we discussed earlier under structure). Attached to these components should be thoughts and perspectives about how that component mission should be accomplished. That in hand, you may now need technical expertise to put the boards thoughts into language that is commensurate with that which appears in other ordinances within your community. This could be someone on the board, someone with ordinance writing experience, the community's attorney, an urban arborist, or perhaps a consultant.

Once the first draft is in some form to be reviewed, the board should do so, preferably individually, first and then as a group. Try not to get caught up in word-smithing the document to early. Proper presentation of general perspectives, consistency across the document, and compatibility with the vision are preliminary points to review. Have the community's attorney review the early document for consistency - don't worry about the finer detail of legal issues yet.

After about the third review the document will begin to look like a tree ordinance. Forward copies of the draft to the planning, zoning, and development departments to make sure the mechanisms the board has developed to accomplish it's vision are compatible with mechanisms within other departments. Again, try to be consistent with other departments verbiage, standards, and procedures. Once these needed changes have been incorporated send it back to the legal department for review.

The board should now have in it's hands a document that is still rough but relatively complete. This is a good time to take an opportunity to solicit public comments and forward copies to the community council or commissioner and administrators. Be prepared for anything. Should you offer the document for review in a public forum try not to answer to many questions immediately. This will bog down the process and may not give you time to hear as many of the public comments as needed. Having recorded the public comments, forward the list to the board members and public officials and begin the review process again.

The continual comment-revise-review process will seem tedious at times and may not always seem rewarding or look like progress. There are cases in which it has taken many years to develop a workable document. There are also other cases in which the development and adoption of an ordinance was very quick but efforts to "fix" the existing ineffective document have taken years.

The Final Document

There really is no final document as far as tree ordinances go. Once the adoption process begins that much will become obvious. They will be altered, challenged, and revised many times before they are finally adopted. Further, they are constantly being modified to better suit the needs of the community. That is why it is so important that the community become involved and that politicians and administrators understand the wishes of the citizenry. Active promotion of the tree ordinance by groups within the community will not only help adoption of the ordinance and educate the public about the value of their community's forest canopy cover but also help them address the future of their community's character.

This questionnaire is designed so that individuals completing the survey might better understand the relevant issues and questions that need to be answered when undertaking the process of tree ordinance generation. Please remember that this questionnaire is not intended to predispose individuals to a particular point of view but rather to help them start thinking about their community's current situation and future needs.

Queslion		Vos	No	Uncuro
The major tree issues becoming relevant - commercial devel - residential devel - larger, older, spe - speculative grad	elopment, opment, cimen, historic trees within the community, ling, used by construction, ated buffers,	Yes	No	Unsure
	elopment, space development, care of public trees, ing, n,			

Question	Yes	No	Unsure	Issue Unclear
Current Tree Ordinance				
I would like to geriernte it entirely new tree ordinance.				
I would like the current tree ordinance provisions affecting public property to remain intact,				
I would like the current tree ordinance provisions affecting public property to remain with modification.				
Large Tree Removal(Specimen Trees)				
I would like to preserve large trees within the city.				
I would like to limit the removal of large trees on new commercial development (redevelopment) sites.				
I would like to limit the removal of large trees on new single family residential development sites.				
I would like to limit theremoval of large trees on new multi-family development sites.				
Large Tree Replacement(Specimen Trees)				
I would like to require the replacement of large trees within the city when removed for any reason.				
I would like to require the replacement of large trees within the city when removed for new commercial ilevelopment (redevelopment).				
I would like to require the replacement of large trees within the city when removed for single family residential development.				
I would like to require the replacement of large trees within the city when removed for multi-family residential ilevelopment.				

Question	Yes	No	Unsure	Issue Unclear
Ttec Planting	168	NO	Olisule	Officieat
I would like trees to be planted on new commercial development sites as a matter of requirement.	-	-		
I would like trees to be planted on new single family residential development sites as a matter of requirement.				
I would like Irces to be planted on new multi-family residential development sites as a matter of requirement.	-	-		
Tree Planting Regimes I would like tree planting regimes to be uniform across all lypes of developments.	فرنوبر المساور الماري الم	**************************************		
I would like the tree planting regimes to be different for different types of development sites (i.e. commercial different from single family residential different from multi-family residential).				
I would like to require a minimum amount of planting space per site or per acre for commercial development sites.	-	-		
1 would like to require a minimum amount of planting space per site or per acre for multi-family residential development sites.	-	-		
I would like or require a minimum amount of planting space per site or per acre for single family residenlin development sites.	-	-		
I would like number of Irccs to be planted on new development sites to be based upon the number or size of Irccs renioved.	-	-		
I would like the number of trees to be planted on new development sites to be based upon a specific minimum nuniber of trees per acre of sile area.	<u></u>	<u> </u>		
I would like number of trees to be planted on new development sites to be based upon the amount of available planting space after the building and hardscape is installed.				

Question	Yes	No	Unsure	Issue Unclear
Arboricultural Specifications I would like to require a minimum amount of planting area (space) per tree planted depending upon the mature size of the Irce (overslory vs. understory).	-	-		
I would like to require that trees planted in the city to satisfy the tree ordinance specifications conform to some arboricultural standards for size, quality and health.				
I would like to require that trees planted in the city to satisfy the tree ordinance specifications be sclected from a predetermined species list.	-	-		
I would like to require that tree companies performing tree work within the city have a specific license, bonding or certification.	-	-		
I would like the tree ordinance to reference technical specifications and standards for development near trees.	-	-		
1 would like the tree ordinance technical specifications and standards to be regularly updated by a qualified party responsible for maintaining, altering and updating them.				

Question	Yes	No	Unsure	Issue Unclear
Enforcement I would like the tree ordinance to be enforced in house with existing personnel.				
I would like the tree ordinance to be enforced by a "qualified" person.	<u></u>			
I would like the tree ordinance to be enforced by the department that reviews development plans.		• •••••••••••••••••••••••••••••••••••••		
I would like the tree ordinance to be enforced by the department that conducts on site inspections.				
I would like the tree ordinance to require a existing tree assessment plan be submitted to the city prior to clearing and grading permits being issued.				
I would like the tree ordinance $\it ro$ require all development sites to provide a tree save and replanting plan according to $\it thc$ ordinance standards of practice.				
I would like the tree ordinance to provide for a tree bank so that trees can not be planted as the tree ordinance requires could be planted on public property.		•		
I would like the tree ordinance to provide for the issuance of stop work orders to be issued for tree ordinance violations.				
I would like the tree ordinance to provide for variance procedures.	-			
I would like the departments within the city lo be responsible for complying with the tree ordinance.				
I would like the tree ordinance o give the Tree Board responsibility for reviewing and providing suggestions for amending the tree ordinance.				
Penaltics I would like the tree ortlinnned to specify administrative penalties for non-compliance with the tree ordinnned.				
I would like penalties associated with the non-compliance with tree ordinance to be monetary.				
I would like penalties associated with the non-compliance with tree ordinance to be criminal.				

Tier Bourd Tier Gramanier questionnaire (cont.)				Issue
Question	Yes	No	Unsure	Unclear
Tree Protection I would like the tree ordinance to provide for protection for existing trees during construction on commercial sites.	***************************************			
I would like the tree ordinance to set construction activity limits around trees on development and construction sites.	-	-		
I would like the tree ordinance to provide for protection for existing trees during construction on single family residential sites.	-	-		
I would like the tree ordinance to provide for protection for existing trees during construction on multi-family residential sites.				
I would like the tree ordinance to require private owners to be responsible for public right-of-way maintcnance of their trees.	-	-		
I would like the tree ordinance to provide a mechanism for identification of public nuisance and hazard trees.	-	-		
I would like the tree ordinance to provide specifications for buffer zones and screening requirements.	-	-		
Specimen Trees I believe that the tree ordinance should provide protection for specimen trees based on size.	-	-		
Thelieve that the tree ordinance should provide protection for specimentrees based on character or historic significance.	-	-		
I would like the trcc ordinance to require that a written permit be issued by the city to allow for the removnl of aspecimentree .	-	-		

Question	Yes	No	Unsure	Issue Unclear
Purpose and Intent				
I would like the tree ordinance Purpose and Intent to discuss:				
- environmental values of trees,				_
- ccononiic values of trees,				
- quality of life provided by trees,				
- character of community provided by trees,				
- health welfare public good,	·			
- the need for balance in our community,				
- the need to conserve our tree canopy as a matter of practice,				
- other				
My community has a formalized zoning program in place. My community has a formal zoning and/or planning department that reviews plans and conducts site inspections.				
My community has the following zoning categories:				
- commercial				-
- hcnvy industrial	 -			
- light industrial				
- office				
 multi-family residential (apartments) 				
- single family residential				
- agricultural				
- recreation		-		
- other	****			
Comments:				