

Chapter 99 TREE PRESERVATION AND LANDSCAPING*

***Editor's note:** Ord. No. 2002-80, adopted March 19, 2002, adopted provisions designated as §§ 113-1--113-6. In order to maintain the alphabetical sequence and at the editor's discretion, said provisions were redesignated and included as §§ 99-1--99-6. The section numbers assigned in Ord. No. 2002-80 have been carried in the history notes following each section.

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Sec. 99-1. Purpose, effective date, review, administration, and enforcement.

(a) *Purpose.* The purposes of this chapter are to protect and enhance the natural environment by: providing for the preservation of protected trees as defined in this chapter; providing for the replacement of protected trees that may be removed; establishing landscaping standards for property to be developed; enhancing the appearance of the city; protecting public and private investment by enhancing property values; buffering incompatible land uses; and providing for enforcement of the provisions contained in the chapter.

(b) *Administration.* The planning and zoning division of the engineering and community development department shall have the primary responsibility for the administration of this chapter. The planning commission may adopt policies and procedures to be followed by the planning and zoning division in administering this chapter.

(c) *Enforcement and penalties.* Violation of the provisions of this chapter shall be a Class C misdemeanor and shall be punishable as such. Employees of the engineering and community development department shall be authorized to issue stop work orders and citations for violations of this chapter.

(d) *Applicability to city and other governments.* The provisions of this chapter shall apply to the City of Dothan and to any other government entities owning property within the City of Dothan Corporate Limits.

(e) *Public utilities.* This chapter shall not prohibit public utilities from removing or pruning trees or clearing other vegetation from street rights-of-way or utility rights-of-way. However, such removal or pruning should be coordinated with the city horticulturist.

(f) *Local street rights-of-way and easements.* Except as otherwise provided for in this chapter, trees of eight inches or greater DBH shall not be removed from any local street right-of-way, utility easement or public easement unless such removal is in accordance with an approved tree removal plan or landscaping plan.

(Ord. No. 2002-80, § 113-1, 3-19-02)

Sec. 99-2. Definitions.

The following definitions shall apply to this chapter. Other words and terms shall have their customary dictionary meaning.

Canopy tree. Any tree that is normally more than 40 feet in height at maturity that provides shade from its foliage mass; also individual or tree groups forming an

overhead cover. Examples of recommended canopy trees are included in section 99-5 of this chapter. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall have a caliper of at least two inches measured six inches above grade and shall be at least ten feet in height.

City horticulturist. The City of Dothan Horticulturist. If the position of horticulturist is vacant, the city manager may appoint an acting horticulturist.

Core area. The portion of a lot or parcel of property that is not located within the Tree Protection Area or the Residential Buffer.

Diameter at breast height (DBH). Diameter of a tree of eight inches or greater in diameter measured at four and one-half feet (54 inches) above the ground.

Dripline. A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

Dripline area. The total area underneath a tree that would encompass all driplines.

Ground cover. Natural plant material such as vines, shrubs, or grasses that would not normally attain a height of more than two feet.

Landscaping. Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees, and shrubs to the natural environment.

Landscaping plan. A plan containing the information provided for in section 99-4 of this chapter.

Natural vegetation. A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Non-protected trees. Any pine tree less than 18 inches DBH and any non-pine species less than 12 inches DBH, plus any other species of trees that the city horticulturist may certify to the planning commission in writing as not being suitable for preservation. A list of such non-protected species shall be maintained by the planning and zoning division.

Protected tree. Any pine tree 18 inches or greater DBH and any non-pine species 12 inches or greater DBH except for those classes or species of trees included in the list of non-protected trees.

Recommended tree. Any tree listed in section 99-5 of this chapter or any tree determined by the city horticulturist, a landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama to be suited to the soils and climate of Dothan, Alabama.

Residential buffer. The area extending 50 feet from the property line of any residentially zoned property, including property zoned for manufactured home parks or subdivisions and property within a PUD used or designated for residential purposes. Except in AGR-CONV property, no trees, including non-protected trees, or other vegetation shall be removed from any residential buffer prior to the issuing of a building permit or the approval of a tree removal plan.

Shrub. A woody plant or bush of relatively low height (two to six feet) distinguished from a tree by having several stems rather than a single trunk.

Tree. A self-supporting woody plant having one or more well defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten feet, and a trunk diameter of at least three inches measured at a point four and one-half feet (54 inches) above the ground.

Tree protection area. The portion of a lot or parcel located in a required setback or yard.

Tree removal. The removal of a tree by any act that causes it to die within a period of one year, including, cutting, pruning, root damage or other damage resulting from construction, grading, paving, or other activities.

Tree removal plan. A plan conforming to section 99-3 of this chapter.

Understory tree. Any tree that is normally less than 25 feet in height at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Examples of recommended understory trees are included in section 99-5 of this chapter. New single trunk understory trees shall have a caliper of at least 1.25 inches measured at six inches above grade. Multiple trunk understory trees shall have at least three trunks and shall be at least eight feet in height. Understory trees shall not be pruned or trimmed to restrict their growth unless such pruning or trimming is necessary to prevent interference with utilities or sight obstructions.

(Ord. No. 2002-80, § 113-2, 3-19-02)

Sec. 99-3. Tree preservation.

(a) *Forestry activity.* Removal of trees from AGR-CONV zoned property shall be permitted as an agricultural activity.

(b) *Exceptions.* This chapter shall not prohibit the removal of a tree:

(1) That constitutes a safety hazard or a threat to property or other trees, provided that the planning commission may adopt procedures for demonstrating that such a safety hazard or a threat to property exists.

(2) That creates a sight obstruction for public streets, provided, however, that the Planning Commission may adopt procedures for demonstrating that such a sight obstruction exists.

(3) That, by virtue of harboring vermin or other animals, constitutes a public health hazard, provided, however, that the planning commission may adopt procedures for demonstrating that such a public health hazard exists.

(4) Whose removal is necessary to accommodate public utilities or public easements.

(5) Necessary for a public street or public right-of-way.

(6) Necessary to perform a boundary or topographical survey. However, only the minimum number of trees necessary to accomplish such a survey shall be removed.

(7) That is located on a lot or parcel in an R-100-S, R-85-S, R-75-S, R-65-S, R-50-S, R-75-D, R-65-D, R-75-M, or R-65-M, zoning district on which a residential structure has been constructed or for which a permit to construct a residential structure has been issued.

(c) *Tree removal:*

(1) Except for AGR-CONV property, no tree, including non-protected trees, or other vegetation shall be removed from the Residential Buffer on any lot or parcel unless a building permit has been issued for that lot or parcel or unless a tree removal plan has been approved by the planning commission.

(2) Except for AGR-CONV property, no tree of eight inches or greater DBH, including non-protected trees, shall be removed from the portion of the tree protection area on any lot or parcel unless a building permit has been issued for that lot or parcel or a tree removal plan has been approved by the planning commission.

(3) Non-protected trees may be removed from the core area of a lot or parcel.

(4) Except as provided for in subsection 99-3(b) of this chapter, no protected tree shall be removed from the core area of any lot or parcel unless a building permit has been issued for that lot or parcel or a tree removal plan has been approved by the planning commission.

(d) *Tree removal plan:*

(1) A tree removal plan shall include the following information:

- a. An accurately drawn map on 24 [inches] by 36 [inches] paper showing any residential buffers and any tree protection areas on the lot or parcel;
 - b. Inventory of all existing trees of eight inches or greater DBH located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees located in the core area. The inventory shall show: the approximate location of each tree, the size (expressed in DBH), and species of each tree;
 - c. Description of other vegetation in any residential buffer;
 - d. Identification of trees of eight inches or greater DBH to be removed from any residential buffer, tree protection area, street right-of-way, utility right-of-way or public easement and any protected trees to be removed from the core area of the property;
 - e. Names and addresses of owners of adjacent properties, including across any abutting streets;
 - f. An accurately drawn map on 24 [inches] by 36 [inches] paper showing any proposed re-plantings or other proposed screen;
 - g. A description of the size, species, and number of any proposed replanting materials and a description of any other proposed screen.
- (2) Tree removal plans shall be submitted to the planning commission in the same manner as development plans as provided for in sections 114-131, 114-132, and 114-133 of the zoning regulations.
- (3) The planning commission shall consider a tree removal plan in the same manner as development plans. The planning commission may approve a tree removal plan, disapprove it, or approve it with amendments or conditions.
- (Ord. No. 2002-80, § 113-3, 3-19-02)

Sec. 99-4. Landscaping.

- (a) *Applicability.* This section shall apply as follows.
- (1) For any new development or construction in any R-65-A, GA-1, GA-2, TH-20, TH-24, MH-1, MH-2, INST, B-1, B-2, B-3, B-4, O-1, O-2, M-1, M-2, or M-3 district and for property on which public and semi-public uses or buildings are located.
 - (2) For any development or construction that increases the gross floor area, lot area, or parking area of an existing structure or development located in any of the districts listed above by 25 percent or more.
 - (3) For any new development or construction for which development plans are required.
 - (4) For any development or construction that increases by 25 percent or more the gross floor area, lot area, or parking area of an existing structure or development for which development plans were required.
 - (5) If trees of eight inches DBH or greater are removed from any street right-of-way or any tree protection area in order to accommodate the erection of a billboard, the site shall be landscaped according to the planting requirement schedules in this section, provided, however, that canopy trees shall not be required for sites on which billboards are erected.
 - (6) The planning commission may approve landscaping plans that do not comply with the requirements of this section if a developer or property owner demonstrates to the satisfaction of the planning commission that the requirements cannot be met.
- (b) *Landscaping plan required.* A landscaping plan shall be required as follows.
- (1) For developments or structures for which development plans are required to be reviewed by the planning commission, a landscaping plan shall be included as part of the development plans. The approved landscaping plan, as approved or amended by the

planning commission, shall be included as part of any subsequent submittal for a building permit.

(2) For any other property, development, or construction to which this section applies, a landscaping plan shall be included as part of the submittal for a building permit.

(c) *Required information for landscaping plan.* At a minimum, landscaping plans shall include the following information. Additional information may be required by the planning commission.

(1) Any tree removal plan previously approved for the property.

(2) Location of any tree protection areas and residential buffers on the property.

(3) Tree survey showing the location, species, and size of any existing trees of eight inches DBH or greater located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees in the core area and indicating any such trees that are proposed to be removed as part of the development of the property.

(4) Information showing the locations, species, and sizes of all proposed landscaping materials, including existing trees and other plant materials that will be incorporated into the landscaping.

(5) Calculations showing that the proposed plant materials will satisfy the planting requirement schedule as described in subsection 99-4(d) of this chapter.

(6) If the development is to include an irrigation system, information about the type and coverage of the irrigation system shall be included in the landscaping plan.

(7) The location of any existing or planned power lines or other utilities located on the proposed development or on any adjacent rights-of-way.

(8) Measures to be taken to prevent damage to any existing trees that are to be incorporated into the landscaping.

(d) *Planting requirement schedules.*

(1) For any development or construction to which this chapter applies, the following point schedule shall be satisfied. However, at least 25 percent of the points shall be accounted for by canopy trees and at least 50 percent of the points shall be accounted for by a combination of canopy trees and understory trees.

REQUIRED POINTS BY SQUARE FOOTAGE OF SITE

TABLE INSET:

Square Footage of Site	Landscaping Point Requirement
0--10,000	40 + 1 per parking space
10,001--20,000	60 + 1 per parking space
20,001--30,000	80 + 1 per parking space
30,001--40,000	100 + 1 per parking space
40,001--50,000	120 + 1 per parking space
50,001--60,000	140 + 1 per parking space
Greater than 60,000	(Square footage/450) + 1 per parking space

(2) The following schedule shall be used to calculate the value of new plant materials in a landscaping plan.

POINT VALUES FOR NEW PLANT
MATERIALS

TABLE INSET:

Plant Material	Minimum Size	Point Value
Canopy tree	2.0 - 2.5-inch caliper measured at 6 inches above grade and 10 feet in height	10
Understory tree	Single trunk - 1.25-inch caliper measured at 6 inches above grade	5
Understory tree	Multiple trunk - 8 feet in height with minimum of 3 trunks	5
Shrub	18 inches	1
Groundcover	1 gallon	1
Grass sod	Not applicable	1 point for each 500 square feet

(3) The following schedule may be used to calculate point values for existing trees that are preserved and incorporated into the landscaping plan for a development.

POINT VALUES FOR EXISTING TREES

TABLE INSET:

Tree	Point Value
Canopy tree more than 3 inches caliper measured at 6 inches above grade but less than 8 inches DBH	15
Canopy tree more than 8 inches but less than 12 inches DBH	20
Canopy tree more than 12 inches but less than 24 inches DBH	25
Canopy tree 24 inches or more DBH	30
Understory tree	10

(e) *Irrigation.*

(1) Irrigation for landscaping is encouraged.

(2) If irrigation is not provided, the plant materials chosen for a development should be drought tolerant.

(3) For developments that incorporate drip irrigation systems or other water conserving irrigation measures, the planning commission may reduce the normally required landscaping point value by 15 percent.

(f) *Required landscaped areas.*

(1) All developments shall include a landscaped area of at least ten feet in depth adjacent to any public right-of-way unless a shallower depth is approved by the planning commission in its approval of the landscaping plan.

(2) Any area used for vehicular parking, access, or circulation shall be separated from any residentially zoned property by a landscaped area of at least ten feet in depth. One point for each 500 square feet in depth.

(g) *Completion of landscaping or bond required for certificate of occupancy.* No certificate of occupancy for any building or development covered by this chapter shall be issued unless the required landscaping has been completed. A temporary certificate of occupancy, not to exceed six months, may be issued if a cash bond for the completion of the required landscaping is provided to the city.

(h) *Maintenance of landscaping.*

(1) Landscaping materials, including preserved trees, that die or become diseased or damaged shall be replaced. The replacement plants shall have point values equal to or greater than those being replaced as determined by the planting requirement schedules in subsection 99-4(d). Replacement plants shall be the same type as those being replaced unless the city horticulturist, a landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama determines that one or more alternate species would be more likely to thrive on the development, in which case one of the alternate species may be used.

(2) Failure to maintain landscaping materials or to replace landscaping materials that have died or become diseased or damaged shall be a violation of this chapter and shall be punishable as provided for in subsection 99-1(e).

(Ord. No. 2002-80, § 113-4, 3-19-02)

Sec. 99-5. Recommended trees.

(a) *Recommended understory trees.*

TABLE INSET:

Eastern Redbud	Magnolia (except Southern Magnolia)
Flowering Dogwood	Crepe Myrtle
Rhododendrum	American Holly
Chinese Pistache	Bradford Pear
Grancy Graybeard	Japanese Maple
Lilac Chaste	Red Bud
Sourwood	Yaupon Holly
Yoshino Cherry	Southern Waxmyrtle
Holly tree (all varieties)	

(b) *Recommended canopy trees.*

TABLE INSET:

Red Maple	Southern Magnolia
Legacy Sugar Maple	Leyland Cypress

Oak (all varieties)	Bald Cypress
Ginkgo	Green Ash
Tulip Poplar	Athena elm
Deodar Cedar	Allec elm
River Birch	Chinese Elm
Pine (all varieties)	Silver Maple

(c) *Alternate trees.* Alternate species may be used provided the city horticulturist, a landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama certifies they are suitable to the Dothan area.
(Ord. No. 2002-80, § 113-5, 3-19-02)

Sec. 99-6. Exceptions.

Property for which a building permit has been issued by the building official, development plans approved by the planning commission, or a preliminary or final plat subdivision approved by the planning commission prior to the effective date of this chapter shall not be subject to its provisions. However, any property for which the building permit, development plan approval, or preliminary plat approval has lapsed will be subject to the provisions of this chapter. Furthermore, any final plat that is not recorded in the appropriate probate office within 180 days of its approval by the planning commission shall be subject to the provisions of this chapter.
(Ord. No. 2002-80, § 113-6, 3-19-02)