

ORDINANCE NO. 1193

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, WELFARE AND AESTHETIC BEAUTY OF THE CITY OF FAIRHOPE, ALABAMA BY REPEALING ORDINANCE NO. 1037, ORDINANCE NO. 1040, AND ORDINANCE NO. 1157 AND TO PLACE ALL LANDSCAPING REQUIRMENTS IN THE TREE ORDINANCE AND TO IMPROVE CLARITY OF THE TREE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

TREE ORDINANCE

- I. Statement of Purpose**
- II. Establishment & Duties of the City of Fairhope Tree Committee**
- III. General Landscape Requirements**
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I. Statement of Purpose: The purpose of this Ordinance is to define landscaping regulations and protocols for the City of Fairhope and to empower the Fairhope Tree Committee to oversee, implement and improve this Ordinance. These requirements are for the purpose of protecting existing vegetation and encouraging the planting and maintenance of additional vegetation within the planning and zoning jurisdiction of the City of Fairhope. Plants, particularly trees, benefit the city and its residents by supplying oxygen and absorbing carbon dioxide, by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise and other offensive conditions. Landscaping screens and buffers maintain and enhance the character of neighborhoods and generally create a safer, more attractive and more pleasant living and working environment for all residents of the City of Fairhope.

II. Establishment and Duties of the Fairhope Tree Committee: The Fairhope Tree Committee was originally established per Ordinance 747 and amended per Ordinance 998 to determine and make recommendation to the Mayor and Council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and, where requested, by the owner on private property; to meet with the City Planning and Zoning Commission and give advice in the formulation of said plan; to recommend to the Mayor and Council which trees are considered unwanted weed species and identify and recommend removal of dead, dying, diseased or insect infested trees; to examine all trees proposed to be removed or destroyed upon private property, except on single family lots; to make studies and report to the Mayor and Council with recommendations on matters concerning trees in the municipality as from time to time requested by the mayor and Council.

1. Membership: The Mayor, with the concurrence of the Council, shall appoint on this committee two (2) members of the Council. The City Horticulturist and the Mayor shall serve as ex-officio members. The term of the Council members shall expire on the date that a newly-elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, four (4) additional persons in the City of Fairhope; one (1) of which shall be appointed for a one (1) year term, one (1) of which shall be appointed for a two (2) year term, and two (2) which shall be appointed for three (3) year terms. Following the initial appointment, all members shall be appointed to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

2. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

3.Meetings: The Tree Committee shall meet at least quarterly or more often as may be necessary to fulfill this Ordinance. In addition, meetings may be called by the Mayor, by either of the two (2) Council Members, or by three (3) of the five (5) other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

4. Duties and Powers: The duties and powers of the Fairhope Tree Committee are as follows:

- a. Make recommendations to the Mayor and Council on the City's tree and planting protection programs.
- b. Provide public forums and educational outreach programs concerning city development and landscaping.
- c. At the request of the City Horticulturist, review sketch development plans and advise developers regarding tree protection and landscaping prior to site clearing of any kind.
- d. At the request of the City Horticulturist, review landscape plans and either issue or deny approval, based upon guidelines of this Ordinance.
- e. At the request of the City Horticulturist, review applications for tree pruning or removal permits.
- f. Hear and rule upon appeals of grants or denials of permits as set forth in Section VIII of this Ordinance.
- g. Suggest amendments and improvements to this Ordinance when deemed necessary.

5. Rules of Procedure: The Fairhope Tree Committee shall observe the following procedures:

- a. Decisions of the Fairhope Tree Committee will be based on a majority approval of four (4) of the six (6) appointed members.
- b. The Fairhope Tree committee shall elect one (1) of its members as Chairman, who shall serve for one (1) year or until he/she is re-elected or his/her successor is elected.
- c. All meetings of the Fairhope Tree Committee shall be open to the public.
- d. The Fairhope Tree Committee shall keep minutes of its proceedings showing the vote of each member upon questions, or if absent, failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the Office of the City Clerk and shall be public record.

III. General Landscape Requirements:

1. Applicability: All rules, regulations, and requirements set forth in this section are applicable to the following:

1. Any new development or construction, except single family residences and development or construction in the Central Business District (without off-street parking) that falls within the planning jurisdiction of the City of Fairhope. This includes all public use buildings (i.e. churches, schools, clubs, etc.) as well as City and private property.
2. Any alteration to an existing building or development, excluding single family residences, or construction which changes the amount of gross floor area of a structure or building on a lot by more than 30%. The property which undergoes such an alteration shall be required to come into substantial compliance with this Ordinance at that time. This includes all public use and buildings as well as City and private property.
3. Maintenance of plantings established previously under then existing Fairhope Ordinances shall be continued as required in *Section III, 12f & g* of this Ordinance.

2. Protection of Existing Trees: During development of a site, every effort must be made to protect and retain existing significant trees (see *Section V. Tree Protection Requirements*). Retained trees will be credited toward fulfillment of this Ordinance (see below). If the City Horticulturist determines that alternatives to tree removal exist, the landscape plan may be rejected.

3. Landscape Percentage Requirements:

- a. On any building site for which an application for a building permit is made, at least 20% of the total property (not including right-of-way) shall be landscaped.
- b. At least 60% of this landscaping percentage requirement shall be located between the building walls and public streets.

4. Required Landscaping Adjacent to Public Rights-of Way

- a. Front perimeter-except at permitted access ways, all interior development and vehicular use areas shall be separated from public right-of-way frontage by a landscaped strip of land at least ten (10) feet in width, adjacent and parallel to the right-of-way line.
- b. Secondary perimeter-except at permitted access ways, all interior development and vehicular use area located at intersections of the public right-of-way shall be separated by a landscaped strip at least six (6) feet in width and parallel to the right-of-way line.
- c. Land occupied by curbs and sidewalks shall not count toward required landscape areas. Vehicles shall not overhang more than two (2) feet onto landscaped areas.
- d. The required landscape area between vehicle use area and public right-of way shall be planted with a solid unbroken visual screen at least thirty-six (36) inches in height at planting, except for four (4) feet each side of permitted access ways. Where non-living material is used for screen, one shrub or vine at least thirty (30) inches in height at planting shall be required on the right-of-way side, for each ten (10) linear feet, or fraction thereof, of screen.

5. Perimeter Landscaping:

The front setback must contain at least one (1) recommended overstory tree for every thirty (30) feet of road frontage, or any portion thereof. These frontage trees must be planted within the first twenty-five (25) feet of the property line. In addition, the site must contain one (1) recommended overstory tree for every thirty (30) feet of remaining outside lot perimeter, or any portion thereof and one (1) recommended overstory or understory tree for every twelve (12) parking spaces, or portion thereof. At least half of the required trees must be overstory trees. Trees may be chosen from Appendix II (overstory) or Appendix III (understory). Other tree species may be used if approved by the City Horticulturist.

6. Interior Landscaping Requirements:

Where accommodations are provided for parking of fifty (50) or more vehicles, interior landscape areas shall be provided, so located as to break the expanse of pavement and to guide traffic flow. The total area provided for interior landscaping shall be at least ten (10) percent of the total paved area for parking and access. Trees, shrubs, grass and other ground cover shall be planted in the same ratio as required in perimeter landscaping.

In addition to the foregoing, for parking lots designed to accommodate large volumes of parking such as shopping centers, the following requirements shall apply:

- a. A continuous landscape strip of at least seven (7) feet in width at every fourth parking row, with solid protective curbing. Vehicles shall not overhang more than two (2) feet into landscaped areas.
- b. No more than twelve (12) continuous parking spaces shall occur without an intervening planting strip at least seven (7) feet wide located adjacent and parallel to the parking spaces.
- c. At least one (1) tree (of species listed in Appendix II or III) is required for every twelve (12) parking spaces within the parking lot.
- d. Where fifty (50) or more vehicles are to be accommodated, solid, raised curbs shall be installed for protection of landscaped areas and to control traffic flow within the parking lot. Openings may be provided as required for pedestrian walks and passages. Alternative designs to aid storm water management (such as rain gardens) may be approved by the City Horticulturist.
- e. To allow flexibility in tree preservation and landscape development and encourage innovative design, the City Horticulturist may approve alternative proposals. Such proposals must provide for landscaping at least ten (10) percent of the total paved area for parking and access.

7. To promote species richness, a minimum of four (4) different species is required on each site; at least one (1) species must be an overstory tree.

8. No bare ground shall be left exposed. Plant materials, grass, or other approved ground cover or mulch shall cover all non-paved and non-built developed areas. At least fifty (50) percent of such cover must be living vegetation.

9. Cross-Visibility:

At the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2½) feet and ten (10) feet within an area defined by constructing lines parallel to and twenty-five (25) feet from the point of intersection of curb lines projected.

10. Vehicular Use Areas:

Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines, shall be separated from adjacent property by a strip of land at least five (5) feet in width, adjacent and parallel to the lot line. This strip shall be landscaped and graded to receive rainfall run-off. Surface water run-off shall not be permitted to pass onto adjacent property.

11. Buffer Zone Landscaping:

- A.) **Incompatible Land Use Buffers**-On any commercial, industrial, Planned Unit Development (PUD) (as approved by the City Council) or multi-family development (except duplexes) adjacent to or abutting a residential zoning district, a buffer strip along the incompatible property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s) and be at least ten (10) feet wide. Under no circumstances shall this buffer impair vehicular flow. The type of buffer may consist of any or all of the following:
- a. An opaque fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot **AND** a four (4) foot wide strip of Evergreen Plantings (Appendix IV) which will grow to at least six (6) feet in height within three (3) full growing seasons on the inside of the fence, or;
 - b. A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three (3) years will provide a nearly impervious visual barrier, or;
 - c. Natural undisturbed forest, which provides a nearly impervious visual barrier due to the dense nature of the plants and/or tree. If this option is chosen, the width of the buffer zone must be increased to twenty (20) feet in width. The City Horticulturist shall determine whether the barrier is satisfactory by a site inspection prior to landscape approval.
- B.) **Parking Lot Buffer Zones**-Paving shall not be placed closer than ten (10) feet to any property line. The property line shall be buffered with a landscaped strip of at least ten (10) feet in width.
- C.) **Screening of Storm Water Detention Areas:** Storm water detention areas are hereby declared to be incompatible uses and shall be screened from direct view from all abutting properties by installation and maintenance of living plants not less than thirty-six (36) inches in height at time of planting, to achieve a height of not less than six (6) feet in three (3) years after planting. Outer slopes of detention shall not be steeper than four (4) feet horizontal to one (1) foot vertical. Where water depth and time of detention is sufficient to require safety fencing, such fencing shall be installed behind required screening, on the pond side. The City Horticulturist may waive all or part of this requirement for detention areas that are shallow (less than two (2) feet deep) and maintained in permanent living grass cover.

12. Planting Requirements: Any trees planted to meet this Ordinance must meet the *American Standards for Nursery Stock* and the following requirements:

- a. Large overstory trees must have an initial caliper diameter of at 2.0 to 2.5 inches and must be at least ten (10) feet in height.
- b. Medium or understory trees must have an initial caliper diameter of at least 1.5 inches and be at least ten (10) feet in height.
- c. Multi-stemmed understory trees must be a minimum of eight (8) feet in height and must have at least three (3) stems; each with a minimum caliper diameter of _ inches. A multi-stemmed tree only counts as one tree credit.
- d. Shrubs that can be pruned into tree form variations will not be approved for tree credit. These include, but are not limited to: Ligustrum; Indian Hawthorne; Tree Yaupon; and Camellia

- e. Trees must be obtained from a reputable source. Trees that have been dug in the wild will not be accepted unless approved by the City Horticulturist.
- f. Maintenance of new plantings is the responsibility of the property owner.
- g. Any vegetation planted or retained to fulfill this Ordinance, which dies, becomes damaged or diseased, and must be replaced by the property owner by the 31st day of January, the following year. The property owner must notify the City Horticulturist when the replacement has been planted. Failure to replace trees that die will result in penalties (see Section IX).

13. Tree Credits: A major goal of this Ordinance is to protect existing trees. Therefore, incentives are offered to retain existing natural vegetation as follows:

Credit can be taken for a tree if the tree is in good, vigorous, healthy condition. Tree credits may be used towards landscape requirements. However, the front setback must contain one overstory tree for every thirty (30) feet of road frontage, regardless of credited trees. A tree must be at least eight (8) inches DBH (Diameter at Breast Height-4.5 feet above the grade) to be credited. To determine the number of tree credits allowed, divide the DBH of the preserved tree by eight (8) and round downward, not to exceed seven (7) credited trees for any one preserved. Trees listed in Appendix V may be retained, but will not receive credit towards fulfilling this Ordinance.

14. Lands Adjacent to U.S. Highway 98, Alabama Highway 104, and North Section Street:

All lands within twenty (20) feet of the boundaries of U.S. Highway 98 and within twenty (20) feet of all boundaries of North Section Street and Alabama Highway 104, within the corporate limits of the City of Fairhope, in all zoning districts, are hereby required to be reserved by owners or developers of such land as greenspace and tree protection zones, such lands being required to conform to all applicable provisions of this ordinance. Provided, however, that the greenspace shall be landscaped as follows:

- a. Where no vegetation, other than grass exists, new landscaping and plantings shall be installed within the twenty (20) foot strip as approved by the City Horticulturist; otherwise the following shall apply:
- b. For front facing structures, the reserved area may be:
 - 1) Left in its natural state;
 - 2) Natural growth partially maintained, but enhanced with addition of trees and shrubs;
 - 3) Natural growth removed and all new landscaping and plantings installed as approved by the City Horticulturist.
- c. For rear facing residential structures, the reserved area shall be maintained in as opaque a condition as possible.

15. Steps for Approval: Before a building permit can be issued or Preliminary Plat approval can be obtained **AND** prior to any clearing of property for development, a site plan must be reviewed and accepted by **both** the Fairhope City Horticulturist and City Planner.

- a. An inventory of all live trees greater than twenty-four (24) inches in DBH on a site shall be included in the Sketch Plan submitted to the City Horticulturist and the City Planner so that the developer may be advised on tree protection prior to site clearing or development. The City Horticulturist will normally have a period of seven (7) days to review the sketch plan and reply to the developer in writing. If more than seven (7) days is required, the city Horticulturist shall notify the developer in writing and specify a definite period for completing the review.

- b. A full landscape plan shall be submitted as part of the Preliminary Site Plan for any development. It is required that landscape plans be drawn by a licensed landscape architect or a qualified landscape designer. The landscape plan must be of professional quality and shall include:
 - 1. Date, scale, north arrow, title, names and contact information for property owner(s), developer and landscape designer.
 - 2. Location of existing boundary lines; dimensions of building site; location of existing water courses; significant drainage features; existing and proposed streets or alleys; existing or proposed utility easements on or adjacent to the building site; road rights-of-way; required setbacks; location of proposed parking spaces; location of existing or proposed sidewalks.
 - 3. The locations, species and DBH of existing, significant trees indicating those to be retained for credit and those to be removed, along with written justification for removal of and any significant trees.
 - 4. The location(s) and dimension(s) of the proposed landscape area within the parking area(s) including descriptions and locations of new trees and plant materials to be placed within landscape area(s). Common name **and** botanical name must both be included.
 - 5. An indication, using written or graphic information, of how the applicant plans to protect from damage, during construction, any existing trees or other vegetation which are proposed to be retained for credit.
 - 6. Statistics verifying that the minimum landscaping percentages set forth under this Ordinance are met.
 - 7. Location, type and design of any proposed irrigation system(s).
 - 8. Location and species of buffer zone vegetation.
- c. The City Horticulturist will review the full landscape plan as certified by the landscape architect/designer. If deficiencies are found, the landscape architect/designer will be required to revise the plan before a building permit will be issued. In cases of permit denial, a written explanation must be given by the City Horticulturist. A revised plan may be resubmitted for evaluation and shall be reviewed according to the same procedures as the initial submission.
- d. A building permit will not be issued unless accompanied by a certified landscape plan.
- e. If proposed construction causes changes in the landscape plan, a revised plan must be submitted to the City Planner and will be forwarded to the City Horticulturist for re-evaluation.
- f. Once the approved landscape plan has been implemented on the site, the City Horticulturist must be contacted for an on-site inspection. The City Horticulturist normally shall have a period of five (5) working days to inspect the property and confirm the landscape plan has been implemented properly. If more than five (5) days is required, the City Horticulturist shall notify the developer in writing of a specific date for completing the re-inspection.
- g. Once the on-site approval has been completed, the property owner will be notified in writing and may apply for Final Plat approval or an occupancy permit.
- h. **AN OCCUPANCY PERMIT WILL NOT BE ISSUED UNTIL THE SUBMITTED AND APPROVED LANDSCAPE PLAN HAS BEEN IMPLEMENTED.**
- i. The Mayor or the City Horticulturist may designate a City Official to act for the City Horticulturist, if necessary. The City will provide written notice of such designation to affected applicants.

IV. Special Provisions for City Properties and Utility Rights of Way.

1. **City Right of Way.** The City Horticulturist (or appointed staff) shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the City rights-of-way and all other public property as may be necessary to insure public health, safety and welfare or to preserve or enhance the beauty and symmetry of such public grounds. However, the City Horticulturist and/or Fairhope Utilities Board must obtain proper permission from the Fairhope Tree Committee prior to removal of any significant tree unless the significant tree is diseased or represents a public hazard.
2. **City Owned Property.** Development of any City owned property must adhere to this Ordinance.
3. **License Required.** It shall be unlawful for any person, individual, corporation, institution, or agent of such to engage principally in the business or occupation of pruning, fertilizing, or removing trees within the Planning and Zoning Jurisdiction of the City of Fairhope without first applying for and procuring the appropriate business license from the City of Fairhope.
4. **Unlawful Removal.** It shall be unlawful to remove, prune, or otherwise damage any tree on public property or the right-of-way without approval from the City Horticulturist.
5. **Contractor Requirements.** All work on City property covered under this Ordinance must be performed by a licensed, bonded, and insured contractor under the direct supervision of a certified arborist.
6. **Permits.** Public Utilities that perform routine tree maintenance operations must apply for an annual permit.
7. **Standards.** All routine pruning of trees on city owned property and City maintained utility easements must conform to standards set forth by the International Society of Arboriculture and the National Arborist Association. Routine pruning shall be based on a maximum three (3) year rotation.

V. Tree Protection Requirements:

Applicability: The following requirements apply to all properties other than single family residences.

1. A significant tree is defined as any living tree(overstory or understory) with a DBH that exceeds twenty-four (24) inches. Significant trees are protected under this Ordinance and cannot be cut or intentionally harmed without expressed written consent of the City Horticulturist.
2. Any person wishing to remove or relocate a significant tree shall, under the provisions of this section, make written application with the City Horticulturist. The application shall include a landscape plan (as defined above). The City Horticulturist must approve or deny the permit within fourteen (14) working days after receipt of the application.
3. All tree removal will be at the property owner's expense except for; 1) trees on the City right-of-way which are diseased, injured, in danger of falling close to existing structures, or which create unsafe vision clearance, the removal of which shall be funded by the City; or 2) trees beneath utility lines which threaten to damage the utility line, the removal of which is the duty of the utility company.
4. Criteria for Issuance of a Tree Removal Permit:
 - a. The tree is located in an area where a structure or improvement will be placed according to an approved plan.

- b. The tree is diseased, injured, in danger of falling too close to an existing or proposed structure(s) interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
- c. The tree is, or will be after construction, in violation of federal, state, or local laws, including but not limited to, laws and regulations pertaining to government programs for financing the construction.
- d. A permit may be denied if the tree is considered vital to the natural heritage of the City of Fairhope and/or the Fairhope Tree Committee determines that reasonable alternatives to cutting the tree exist.

VI. Nuisance Trees: The City Horticulturist may require landowners, inclusive of single family residences, to prune and remove trees, which may endanger public safety or be likely to endanger other trees through the spread of disease or insect infestation.

VII. Fees, Fines, Etc. All fines and fees collected will be used to cover operational costs, to implement this Ordinance on city properties and to purchase plants for the City.

1. **Fees for Services Rendered.** All commercial building permits shall require payment of a \$75.00 landscape Review Fee before the permit will be issued.
2. **Fines/Penalties.** Violators of the Terms of this Ordinance may be cited to Municipal court by means of a Municipal Offense Ticket issued by any authorized enforcement officer of the City. Such violators may also be brought before the court on issuance of complaint and arrest summons by any such officer. Upon conviction of any provision herein, a violator shall be subject to a maximum fine as allowable by statute and/or a sentence to the City Jail, not to exceed six (6) months, at the discretion of the Municipal Judge. Upon a second or subsequent conviction, the violator shall be subject to the minimum in the City Jail of three (3) days and a maximum sentence of six (6) months. The Municipal Judge shall have the discretion to allow community service in lieu of jail time at the rate of five (5) days community service for every one (1) day of jail time.
3. **Restitution.** Person who are convicted of causing intentional injury or harm to any tree on city property or on public rights-of-way will be required to make restitution to the City in the following amounts:

\$100.00 for each tree 1-2 inches DBH
\$500.00 for each tree 2-5 inches DBH
\$1000.00 for each tree 5-10 inches DBH
\$2000.00 for each tree 10-15 inches DBH
\$3000.00 for each tree 15-20 inches DBH
\$10,000.00 for each tree 20-30 inches DBH
\$10,000.00 for each tree 30 inches plus DBH

VIII. Appeal of Grant or Denial of Permit. Appeals of either a grant or denial of permits pursuant to these requirements shall be to the Fairhope Tree Committee and may be made by the applicant or any officer, department, or board of the City aggrieved by any decision of the City Horticulturist with respect to the administration or enforcement of these requirements. The Fairhope Tree Committee shall have the power to grant permits upon a showing by the applicant of clear and convincing evidence that the applicant will suffer an extreme and extraordinary hardship. A party aggrieved by the decision of the Fairhope Tree Committee may appeal to the Fairhope Board of Adjustments and Appeals.

IX. Interference/Severability:

1. **Interference.** No person shall hinder, prevent, delay or interfere with the City Horticulturist, Fairhope Tree Committee, or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.
2. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

X. Effective Date: This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED THIS 10th DAY OF November, 2003

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk/Treasurer

APPENDIX I
DEFINITIONS

DBH	Diameter at Breast Height, or 4.5 feet above the grade. Used to measure all existing trees.
Caliper	Diameter of a tree trunk. Caliper is used to determine the minimum size of trees planted to fulfill this ordinance. For trees less than 4 inches in diameter, it is measured 6 inches above the ground. For trees between 4 inches and 12 inches in diameter, it is measured 12 inches above the ground.
City Horticulturist	Refers to the official appointed by the City Council to enforce the City of Fairhope Tree Protection and Landscape Ordinance.
Recommended Tree	Any of the trees listed in Appendix II or III, or others as approved by the Fairhope Tree Committee.
Significant Tree	Any living tree (overstory or understory) with a DBH that exceeds twenty-four inches.
Public Tree	Any tree located on city of Fairhope property. This includes City right-of-ways.
Tree Credits	A means of crediting existing trees for trees that would have to be planted if existing trees could not be saved and protected as stated in this ordinance.
Overstory Trees	Trees which, at maturity, comprise the canopy of a natural forest. Generally greater than fifty feet at mature height.
Understory Trees	Trees which, at maturity, comprise the sub-canopy of a natural forest. These are generally twenty to forty feet at mature height.
Sketch Plan	Initial drawings or sketches of a proposed development, which are submitted to both the Fairhope Planning & Zoning Board and the Fairhope Tree Committee so the developer may be advised prior to any clearing of the property.
Landscape Plan	Detailed drawings of proposed landscaping, which are evaluated by the Fairhope Tree committee to meet this ordinance. (<i>See Section V, Article 2</i>)

APPENDIX II
RECOMMENDED OVERSTORY TREES

The following species are recommended for planting within the city of Fairhope. Other species that are recognized as suitable for this area may be used (*if approved by the City Horticulturist*) Species native to coastal Alabama (*Baldwin, Escambia, and Mobile Counties*) are preferred.

<i>Acer barbatum</i>	Southern Red Maple
<i>Betula nigra</i>	River Birch
<i>Carya spp.</i>	Hickory (<i>any species native to coastal Alabama</i>)
<i>Celtis laevigata</i>	Hackberry/Sugarberry
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus spp.</i>	Ash (<i>any species native to coastal Alabama</i>)
<i>Liquidambar styraciflua</i>	Sweetgum/Redgum
<i>Liriodendron tulipifera</i>	Yellow-poplar/Tulip-tree
<i>Magnolia acuminata</i>	Cucumber Magnolia
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa sylvatica</i>	Blackgum
<i>Quercus spp.</i>	Oak (<i>any arborescent species native to coastal Alabama</i>)
<i>Pinus spp.</i>	Pine (<i>any species native to coastal Alabama</i>)
<i>Taxodium ascendens</i>	Pondcypress
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus alata</i>	Winged Elm

APPENDIX III
RECOMMENDED UNDERSTORY TREES

The following species are recommended for planting within the City of Fairhope. Other Species that are recognized as suitable for this area may be used if approved by the City of Fairhope Horticulturist. Species native to coastal Alabama (*Baldwin, Escambia and Mobile Counties*) are preferred in most cases.

<i>Amelanchier aboreum</i>	Downy Serviceberry
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar
<i>Chionanthus virginicus</i>	Fringe-tree/Grandsie-graybeard
<i>Crataegus marshallii</i>	Parsley Hawthorne
<i>Ginkgo biloba</i>	Ginkgo/Maidenhair Tree (<i>use male plants only</i>)
<i>Halesia caroliniana</i>	Carolina Silverbell
<i>Halesia diptera</i>	Two-wing Silverbell
<i>Ilex spp.</i>	Holly/Ilex (<i>arborescent species native to coastal Alabama</i>)
<i>Juniperus virginiana</i>	Eastern Red cedar
<i>Juniperus silicicola</i>	Southern Red cedar
<i>Lagerstroemia indica</i>	Crape-myrtle (<i>varieties over 15 feet tall at maturity</i>)
<i>Magnolia spp.</i>	Magnolia (<i>any species native to coastal Alabama plus arborescent deciduous oriental varieties</i>)
<i>Nyssa ogeche</i>	Ogeeche Gum
<i>Ostrya virginiana</i>	Eastern Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Persea borbonia</i>	Redbay
<i>Styrax americanum</i>	American Snowbell
<i>Ulmus parvifolia</i>	Chinese Elm

APPENDIX IV
RECOMMENDED EVERGREEN PLANTINGS

The following species are recommended for planting within the City of Fairhope. These species may be used in buffer zone landscaping. Other species that are recognized as suitable for this area may be used if approved by the City Horticulturist.

<i>Agarista populifolia</i>	Fetterbush
<i>Camellia japonica</i>	<i>Camellia</i>
<i>Camellia sasanqua</i>	Sasanqua
<i>Cliftonia monophylla</i>	Buckwheat tree/Black Titi
<i>Ilex cassine</i>	Dahoon Holly
<i>Ilex myrtifolia</i>	Myrtle Holly
<i>Illicium floridanum</i>	Florida Anise
<i>Illicium parviflorum</i>	Star Anise
<i>Myrica cerifera</i>	Southern Bayberry/Waxmyrtle
<i>Osmanthus americanus</i>	American Olive/Devilwood
<i>Rhododendron spp.</i>	Azalea (large evergreen species/varieties adapted to coastal Alabama)
<i>Viburnum</i>	Viburnum

APPENDIX V
PLANTS NOT SUPPORTED BY THIS ORDINANCE

The following plants are exotic species, which are difficult to control, or otherwise unsuitable for this area, and are not acceptable to meet any of the requirements for overstory trees, understory trees or buffer zone planting.

<i>Albizia julibrissin</i>	Mimosa
<i>Ailanthus altissima</i>	Tree of heaven
<i>Cinnamomum camphora</i>	Camphor Tree
<i>Ligustrum sinense</i>	Chinese Privet
<i>Melia azedarach</i>	Chinaberry
<i>Pawlonia tomentosa</i>	Princess Tree
<i>Sapium sebiferum</i>	Chinese Tallowtree/Popcorn Tree

Additionally, all non-native species of bamboo (except those in the genus *Bambusa*) and all invasive exotic vines (such as Kudzu, Chinese Wisteria, Japanese Honeysuckle, and Air Potato) are not acceptable.