

Memorandum - Encroachment of the Critical Root Zone (CRZ)

To: Builders, Contractors, Developers and Design Professionals

Subject: Encroachment of Critical Root Zone Area

This correspondence is an effort to clarify issues surrounding the encroachment of the Critical Root Zone (CRZ) of a tree on a permitted construction site.

Per the County Tree Ordinance [Section 14-39(g) (9) b.] **no construction activities are to occur within six feet of the CRZ as determined by one foot of radius per one inch of diameter @ breast height (DBH).** In certain situations, the Arborist and E&SC review officers may determine that a certain amount of encroachment may be allowed for a particular tree. Such determinations are made on an individual basis, and the outcomes are likely to vary. There are a variety of factors used to determine if and how much encroachment may be allowed. Those factors may include, but are not limited to:

- The amount of encroachment proposed.
- What part of the CRZ will be affected
- Proximity to the structural roots
- General health of the subject tree
- Tree species
- Quantity of saved trees on site
- Topography

It is not a given, and no one should expect that any encroachment of a preserved tree on a construction site will be approved. Trees negligently damaged during construction shall be replaced, and each tree removed or killed in violation of this section 14-39 shall be considered a separate offense. Each offense is subject to a fine of \$500. Certificate of Occupancy will not be approved until all recompence requirements have been met, and fines have paid.

Sec. 14-39. - Tree protection.

(g) **Tree preservation and replacement requirements.** The following tree preservation and replacement requirements are hereby established:

(9) **Protection of trees during construction.** Methods and standards for tree protection shall be established in administrative guidelines to this [section 14-39](#).

- a. Trees identified to be preserved and counted as credit for meeting required unit density shall have four-foot orange tree protection fencing installed at the critical root zones.
- b. No person engaged in the construction of any structure(s) or improvement (s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits **within six (6) feet of the area outside the critical root zone as defined herein**, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.
- c. All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.
- d. Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the arborist, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to one and five-tenths (1.5) times the equivalent inches (DBH) of the tree removed or damaged.

Critical root zone means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.

(p) **Enforcement.** It shall be the duty of the director to enforce this tree protection ordinance. The director shall have the authority to, and the county arborist may recommend that, the director revoke, suspend or void any land disturbance permit, development permit or building permit or suspend all work on a site or portion thereof in order to effect compliance with this section.

(1) Violation and penalty. Any person, firm or corporation violating any of the provisions of this section, after having been first issued a warning, shall be deemed guilty of an offense and upon conviction in court of competent jurisdiction shall be punished as is provided in [section 1-10](#) of the Code of DeKalb County. **Each tree removed or killed in violation of this [section 14-39](#) shall be considered a separate offense.** The owner of any buildings or premises or parts thereof, where anything in violation of this section exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

(2) Any trees eight (8) inches (DBH) and over which have been removed in violation of this section shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees one and five-tenths (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of subsection (g), tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.