

## Chapter 20

### TREES AND LANDSCAPING\*

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\***Cross references**--Buildings, construction and related activities, Ch. 5; historic preservation, Ch. 9; subdivisions, Ch. 17.

#### Section 20-25A ARTICLE II. TREES

##### Section 20-26 Findings.

It is hereby declared that the trees on publicly and privately owned areas within the city, including particularly those in street rights-of-way, are both an economic and an aesthetic asset to the city; that the existing trees so located are in need of protection and of active measures to support their health and growth; that it is desirable that additional trees be planted; and that those ends require a separate agency specifically charged with the responsibility and duty of fostering the planting, growth and protection of trees on private property and publicly owned areas. (Code 1958, § 22B-1)

##### Section 20-27 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Clear cutting* means the removal of all existing healthy, deciduous and hardwood trees prior to submitting a tree inventory and approval of a project landscaping plan to the City for development approval.

*Development* means all new improvements to an undeveloped property, including structures and parking areas or any work requiring a building permit.

*Exceptional tree* means any of the following trees that are in fair or better condition, are capable of delivering at least seventy-five (75) percent of foliage to the scaffolding branches and are equal to or exceeding forty (40) feet or more in height at maturity and twenty (20) DBH: Ash, beech, birch, cedar, crabapple, cypress, elm, hemlock, magnolia, maple, oak, poplar or tupelo.

*Tree* means any woody plant that has a single trunk with a caliper of five (5) inches or more at six (6) inches above the ground. A dogwood with a caliper of two (2) inches or more, six (6) inches above the ground, is defined as a tree.

(Code 1958, § 22B-2; Ord. of 4-10-95, § I)  
(20-27, Amended, 07/26/2004)

Section 20-28 Landscaping; tree preservation

(a) Clear cutting of undeveloped properties is prohibited prior to submittal of an approved tree survey and approval of a landscape plan for the property.

(b) Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable native landscaping. All existing, healthy deciduous and hardwood trees with a caliper of ten or more inches at a point of three feet above the ground shall be retained, as indicated in an approved landscape plan.

(c) For new developments, all development applications shall include a tree survey for the project site. Trees which meet the requirements of exceptional trees as defined by the zoning code shall be preserved in accordance with the requirements of Section 20-29. All other hardwoods and deciduous trees including, but not limited to, ash, beech, cedar, crabapple, cypress, elm, hemlock, magnolia, maple, oak, and tupelo, with a caliper of five or more inches at a point three feet above the ground shall be replaced on-site with native deciduous and hardwood trees based upon the following ratio:

Existing Tree Caliper	Replacement Ratio	Replacement Tree Caliper
Less than or equal to 9 inches	1 for every 2 removed	5 inches
Greater than 9 inches	1 for every 1 removed	5 inches

Incentive: Every one existing tree exceeding caliper of five inches or more to remain on the project site may be counted as two required trees provided the trees survive for a minimum of one year after certificate of occupancy is issued. If the existing tree does not survive, replacement with two trees is required.

Replacement trees shall only be used for 50 percent of the required trees.  
(20-28, Amended, 07/26/2004)

Section 20-29 Restrictions on cutting trees on publicly and privately owned property; exceptions.

(a) Except as provided in subsection (b), no person shall cut, remove, trim or in any way damage any tree on any property owned by the city, nor shall any person create any condition injurious to any such tree unless written application to do so is made to the Tree Committee and advance written permission from the Tree Committee is obtained.

(b) The city, any agency of the city, and any public utility, including any supplier of electricity, supplier of telephone services or supplier of cable television services, shall be exempt from the provisions of subsection (a) with respect to any cutting, removing or trimming of trees in the normal course of maintaining existing service lines; provided, however, that in maintaining such service lines, any such exempt party shall comply with the procedures set forth in Exhibit A, a copy of which is on file in the city Planning Department. Notwithstanding the provisions of subsection (a), whenever it is determined by the city Planning Department that a tree constitutes a risk of danger to the public, the city manager or his designee is authorized to cause the tree to be cut down or removed.

(c) No exceptional tree(s) as defined in Section 20-27 shall be removed from industrial,

commercial or residential property as a part of any development or redevelopment unless written application therefor is made to the Tree Committee and advance written permission is obtained from the Tree Committee. No pruning of any exceptional tree(s) as contemplated in this subsection shall take place except in accordance with the standards set forth at ANSI (American National Standards Institute) Standard Z133.1, a copy of which is on file at the city Planning Department.

(d) No exceptional tree(s) as defined in Section 20-27 shall be removed from existing commercial or industrial property unless the property owner makes written application therefor to the Tree Committee and unless advance written permission is obtained from the Tree Committee. No pruning of any exceptional tree(s) as contemplated in this subsection shall take place except in accordance with the standards set forth at ANSI (American National Standards Institute) Standard Z133.1, a copy of which is on file at the city Planning Department.

(e) No exceptional tree(s) as defined in Section 20-27 shall be removed from the required front yard set back areas in existing residential or agricultural areas unless the property owner makes written application therefor to the Tree Committee and advance written permission is obtained from the Tree Committee. No pruning of any exceptional tree(s) as contemplated in this subsection shall take place except in accordance with the standards set forth at ANSI (American National Standards Institute) Standard Z133.1, a copy of which is on file at the city's Planning Department.

(f) Legitimate agricultural activities and timber harvesting conducted as part of a timber management plan shall be permitted, provided a written application for such activity is submitted to the Tree Committee and advance written permission is obtained from the Tree Committee.

(Code 1958, § 22B-3; Ord. of 4-10-95, § II)

(2005(20-29), Amended, 02/28/2005, added pruning standards; 20-28/29, Renumbered, 07/26/2004, sections 20-28 combined with 20-29 but text unchanged)

#### Section 20-30 Applications to tree committee.

The committee shall take action on the applications required in section 20-28 and section 20-29 within ten (10) days of receipt of any such application. The form of application shall be established from time to time by the committee, and the committee may delegate to one (1) or more of its members or officers the power to grant such permission in accordance with standards set by it. The committee may in its discretion hold public hearings on any application and may approve all or any part of an application upon such terms and conditions as the committee may fix. In considering any application before it, the committee shall base its decisions on whether the public or private benefit that will result from granting the application outweighs the public and private benefit that will result from denying it.

(Ord. of 4-10-95, § IV)

#### Section 20-31 Appeals from decision of tree committee.

Any person aggrieved by any decision of the committee as created in section 20-46 or by any decision of any officer or agent to whom the committee's duties are delegated, may appeal to the city council under such rules and regulations as the city council may fix. No such appeal shall authorize any person to take any action pending appeal, application for which has been denied by the committee or city council.

(Code 1958, § 22B-4; Ord. of 4-10-95, § V)

Section 20-32 20-32--20-45. Reserved.