

Dublin, Ohio

TREE PRESERVATION

153.140 TREE PRESERVATION REQUIREMENTS.

(A) Purpose. The purpose of this chapter is to conserve and protect to the greatest extent possible the city's existing trees, wooded areas, and fence rows; to enhance and promote the community image; to enhance and preserve economic property values and the quality of life in the city; to aid in the alleviation of erosion, siltation, and other harmful effects of land disturbing activities; to aid in controlling the quantity and intensity of stormwater runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as noise and visual buffers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effects of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the city.

(B) Applicability.

(1) This subchapter applies to trees which have a minimum six-inch diameter breast height (DBH), hereinafter known as protected trees, on all public and private properties, in all zoning districts. On lots containing no more than one detached single-family dwelling, 153.146, "Tree Replacements," shall apply only to those areas of the single-family lot designated as a "No Build Zone/No Disturb Zone" and/or "Tree Preservation Zone" and to trees required as front yard trees in 153.133, "Minimum Landscape Requirements." All other sections of this subchapter shall be applicable to single-family residential lots.

(2) This tree preservation subchapter shall not apply to sites which have previously approved final development plans, final plat, or a certificate of zoning compliance or other similar final approval by the city prior to the date this provision takes effect.

(Ord. 95-96, passed 10-5-98; Am. Ord. 59-03, passed 11-3-03)

153.141 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGREGATE DIAMETER. The combined diameter of a multiple trunk tree measured at breast height (See diameter breast height).

BUILDING ACTIVITY AREA. The area of a lot in which construction and building activities are to be limited and hence shall be the smallest possible area of a lot or parcel of land within which building activity may take place, including the entire area affected by building and grading activities related to the proposed construction, to be determined with maximum regard for existing trees.

CALIPER. The diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is used for nursery-grown trees.

CRITICAL ROOT ZONE. The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of diameter breast height.

DIAMETER BREAST HEIGHT (DBH). The diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree. This measurement is used for existing forest trees.

NO BUILD ZONE (NBZ). See definition in 153.002.

NO DISTURB ZONE (NDZ). An area designated on a subdivision plat which shall remain free of any structures including, but not limited to, drives, walks, buildings and outbuildings, sheds, fences, swimming pools, decks, swing sets/play structures, satellite dish antennae, basketball courts, etc. The existing natural features shall not be disturbed, removed, or physically altered unless written permission is granted by the Planning Director or designee. Grading activities and placement of utilities within said zones are not permitted unless written permission is granted by both the Planning Director and the City Engineer or designees. Utilities may cross at right angles to the said zones or run outside and parallel it.

PROTECTED TREE. A protected tree is any tree having a diameter of six inches DBH or larger or having an aggregate diameter of 15 inches DBH or larger or a tree which has been designated by the city to be of high value or interest to the city because of its location or historic association, or other professional criteria.

REMOVE or REMOVAL. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

TREE. Any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.

TREE PRESERVATION AREA. The area of a parcel of land in which all trees shall be protected during all phases of construction.

TREE PRESERVATION PLAN. A proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning.

TREE PRESERVATION ZONE. An area designated on a subdivision plat with restrictions noted regarding the removal of trees.

TREE REMOVAL PERMIT. The permit required by this section to be issued in order to remove any protected tree within the corporate limits of the city.

TREE SURVEY. A graphic display drawn to scale, not to exceed 1" = 50', showing all existing trees on a site with a six-inch DBH or greater. The tree survey shall include species, conditions, and contain the outline of the critical root zone of each such tree.

(Ord. 95-96, passed 10-5-98; Am. Ord. 28-05, passed 6-20-05)

153.142 PRE-CONSTRUCTION ACTIVITIES.

(A) General regulations. Prior to any construction activities on a site containing protected trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the city for review and approval. (Refer to 153.134 for street tree and public tree requirements.)

(B) Site layout and design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing protected trees.

- (1) It shall be required that building(s), driveway(s), sidewalks, bikepaths, stormwater management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of protected trees.
- (2) The required drainage and grading plan, including stormwater management facilities, shall be developed in such a way as to avoid removal of protected trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.
- (3) Proposed placement of all utility service lines shall be shown on the tree preservation plan. Every effort shall be made to protect existing protected trees during the placement of utility service lines including augering and/or jacking as opposed to open cutting as appropriate. A copy of the tree preservation plan and this subchapter shall be submitted at the preliminary plat stage by the applicant to the appropriate public utilities in order to alert said public utilities to the proposed placement of the utility service lines.
- (4) Landscape planning shall include the preservation of existing healthy protected trees.
- (5) Every effort shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development to preserve protected trees on adjacent parcels through sensitivity to the critical root zones of said protected trees. The critical root zones of protected trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.
(Ord. 95-96, passed 10-5-98) Penalty, see 153.999

153.143 TREE REMOVAL PERMIT

(A) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Planning Director or designee for the following reasons:

- (1) The tree is dead or dying;
- (2) The tree is affected with any injurious disease, fungus, insect or other pest;
- (3) The tree is damaged or injured to the extent that it is likely to die or become diseased; or constitutes a hazard to persons or property.

(B) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

- (1) May remove the tree(s) as provided in the permit;
- (2) Shall replace the protected tree removed if it was damaged or injured by other than natural causes;
- (3) Shall replace the protected tree (as outlined in 153.146) if it was removed without a tree removal permit, or there is a violation of the tree removal permit;

(4) Is encouraged to replace the protected tree if it was diseased, dead or dying from natural causes;

(5) Is encouraged to replace the protected tree on a single-family lot if it is removed from outside the No Build Zone, No Disturb Zone, or Tree Preservation Zone.

(C) Application for tree removal permit. The application for a tree removal permit shall contain:

(1) Name and address of applicant;

(2) Address of property where protected tree(s) sought to be removed is located;

(3) A written statement indicating the reason for removal of the protected tree(s);

(4) Name and address of contractor or other person who is proposed as having responsibility for tree removal;

(5) A tree preservation plan in conformance with the requirements of 153.144;

(6) A tree survey, drawn to a scale of not less than 1" = 50', showing the location, size, and critical root zone or 15 feet whichever is greater, of all trees with a diameter breast height of six inches or greater which will be impacted by the construction activity. For sites on which development activity is to occur on less than the entirety of the site, the city may provide that the tree survey exclude those portions of the site which it determines will not be affected by the development activities. The tree survey shall also include a listing of the species and condition of each tree;

(7) A report from a certified arborist if required by the city; and

(8) A tree removal permit fee as determined by 35.83 of the Dublin Codified Ordinances.

(D) Certificate of zoning compliance. A certificate of zoning compliance shall not be issued unless the tree survey and tree preservation plans have been submitted and approved by the city. No work shall begin on the site until the site has been inspected by the city for compliance with the tree preservation plan, including installation of protective fencing and tree preservation signage. In the event that work is started without the city inspection, a reinspection fee, as determined in 35.83 of the Dublin Codified Ordinances, will be collected for each re-inspection.

(Ord. 95-96, passed 10-5-98) Penalty, see 153.999

153.144 TREE PRESERVATION PLAN.

(A) Tree preservation plan. A tree preservation plan which includes a tree survey shall be filed in connection with the following projects: excavation, earth moving, demolition, road widening, road construction, road extensions, parking lots, utility service lines, utility structures, bikepaths, sidewalks, the construction of new buildings, the construction of building additions, the construction of detached accessory buildings. The tree preservation plan and tree survey shall be filed prior to the commencement of any construction activities, including clearing and grading, and must be approved by the city. All structures and construction activity shall be located upon a parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the city Zoning Code and consistent with standard engineering practices for the design of public and private utilities, and with established erosion and sedimentation control practices, and consistent with the city's stormwater management regulations. The tree preservation plan shall specify the following:

- (1) Tree preservation area and building activity area on the parcel of land;
- (2) Tree survey to be drawn to a suitable scale, not to exceed 1" = 50 feet, showing all existing trees on the site with a six-inch diameter breast height or greater. The tree survey shall indicate the location, species, the condition, and the outline of the critical root zone or 15 feet whichever is greater;
- (3) The location of all protective fencing;
- (4) Location of all utility lines;
- (5) Site grading;
- (6) Specified locations for ingress, egress, operation and parking of all construction vehicles and equipment, and storage of solvents, hazardous materials, and soil and material stockpiles;
- (7) Specified locations for all clearing, grubbing, grading and excavation;
- (8) Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the city. Pruning shall be performed in accordance with International Society of Arboriculture Standards; and
- (9) Short term and long term maintenance plans.

(Ord. 95-96, passed 10-5-98) Penalty, see 153.999

153.145 CONSTRUCTION ACTIVITIES.

(A) Protective fencing. The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the tree preservation areas so that all protected trees shall be preserved. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet whichever is greater, unless otherwise approved by the Planning Director or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the tree preservation area. Tree protection signs, available from the Division of Planning, must be located along the fencing. Any change in the protective fencing must be approved by the Planning Director.

(B) Tree preservation plan. The approved tree preservation plan shall be available on the building site before work commences and at all times during construction of the project. The owner shall be responsible for notifying all contractors and utilities involved with a given project of the tree preservation plan.

(C) Construction measures. During all phases of construction, all steps necessary to prevent the destruction or damage to protected trees (other than those specified to be removed) shall be taken, including but not limited to the following:

- (1) No construction activity, movement and/or placement of equipment, vehicles, or materials or spoils storage shall be permitted within the tree preservation area. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any tree that is to be preserved;

- (2) All required protective fencing or other physical barrier must be in place around the tree preservation area and approved by the city prior to the beginning of construction, including site clearing. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet, whichever is greater, unless otherwise approved by the Planning Director or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the tree preservation area. Any change in the protective fencing must be approved by the Planning Director;
- (3) No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;
- (4) No gaseous liquids or solid substances which are harmful to trees shall be permitted within the tree preservation area;
- (5) No fire or heat shall be permitted within the tree preservation area;
- (6) Unless otherwise authorized by the tree removal permit, no soil is to be removed from or placed upon the critical root zone of any tree that is to remain; and
- (7) All utilities, including service lines, shall be installed in accordance with the tree preservation plan. Public utilities which have been notified of the tree preservation plan in accordance with 153.142(B)(3) herein shall be responsible for adhering to said tree preservation plan during installation of necessary utility service lines. Every effort shall be made to protect existing protected trees during the placement of utility service lines including augering and/or jacking as opposed to open cutting as appropriate.

(D) Compliance. It shall be unlawful for any person, firm or corporation, including public utilities, to fail to abide by the terms of any tree preservation plan or tree removal permit issued by the city. If, in the opinion of the city, the necessary precautions as specified in the tree preservation plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the city until such time as the permittee complies with these precautions.

(Ord. 95-96, passed 10-5-98) Penalty, see 153.999

153.146 TREE REPLACEMENTS.

(A) Replacement trees. The total number of caliper inches of replacement trees for a site shall equal or exceed the combined diameter of the protected tree(s) removed. All replacement trees should be of a deciduous species which is indigenous to the region and shall be made with new trees of not less than two and one-half inches caliper. Replacements shall be made within one year of the date of the removal of any trees for which such replacement is required. All replacement trees shall otherwise conform to 153.135(C) of the Landscape Code.

(B) Replacement fee. In the event the Planning Director or designee determines that full replacement would result in the unreasonable crowding of trees upon the lot, a fee equivalent to the cost of the excess aggregate caliper shall be paid into the city's general fund to be used for reforestation on public property. The fees collected under this section shall be deposited with the Department of Finance to the credit of the general fund. The fees required to be paid by this section shall be used solely for the planting of trees on publicly owned property. The municipality shall expend additional funds for tree

removal and/or tree pruning from other funds. This fee shall be reviewed annually as part of the Fee and Service Charge Revenue/Cost Comparison System.

(C) Tree replacements on developed single-family residential lots. Tree replacements will not be required on single-family residential except when a protected tree has been removed from a No-Build Zone/No Disturb Zone and/or Tree Preservation Zone. In the event that a protected tree is removed from a No-Build Zone/No Disturb Zone and/or Tree Preservation Zone, the total number of caliper inches of replacement trees shall equal or exceed the combined diameter of the protected tree(s) removed. All replacement trees should be of a deciduous species which is indigenous to the region and shall be made with new trees of not less than two and one-half inches caliper. In the event the Planning Director or designee determines that full replacement would result in the unreasonable crowding of trees upon the lot, a fee equivalent to the cost of the excess aggregate caliper shall be paid into the city's general fund. It is to be used for reforestation on public property. Replacements shall be made within one year of the date of the removal of any trees for which such replacement is required. All replacement trees shall otherwise conform to 153.135(C) of the Landscape Code.

(D) Replacement plan. Tree replacements shall be indicated on a plan, drawn to a scale of not less than 1" = 50', which includes the proposed location and a plant list to include quantity, species, installation size, and total replacement caliper inches. This plan shall be approved by the Planning Director or designee.

(E) All replacements shall be installed and maintained in accordance with 153.135 of the Landscape Code.

(Ord. 95-96, passed 10-5-98) Penalty, see 153.999