

Springdale Ohio

Chapter 156: Preservation of Trees and Wooded Areas

§ 156.01 PURPOSES.

(A) The purposes of the tree preservation standards and regulations established in this chapter are to promote clean air quality, to reduce noise, heat and glare, to improve surface drainage and minimize flooding, to provide visual buffers, to beautify and enhance both improved and undeveloped areas, to advance the aesthetic quality of the community, to maintain property values and the quality of life in the city and to promote the public health, safety and welfare through the preservation and replacement of each tree.

(B) In this chapter, procedures are established designed to reasonably meet these objectives.

(Ord. 52-1990, passed 9-19-90)

§ 156.02 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

ADMINISTRATOR. The Building Official or his/her designee shall be responsible for administrating the provisions of this chapter.

CALIPER INCHES. The diameter in inches of trees measured at the height of 4½ feet above the grade.

CATEGORY. Classification of species of trees. See Appendix A.

DECIDUOUS. Those trees that shed their leaves in the fall or winter.

ENDANGERED SPECIES. Those trees that are under the protection of state and/or federal law.

EVERGREEN TREE. Any tree with needle leaves and a woody cone fruit including, but not limited to, those representative species listed in Appendix A, Category II, as attached hereto. Usually maintain their leaves year-round.

LANDMARK TREES. A tree may be designated as a Landmark Tree by the Administrator if one or more of the following criteria is met:

- (1) The tree species is rare;
- (2) The tree is more than 100 years of age;
- (3) The tree has been connected with a significant historical event;
- (4) The tree is of an outstanding trunk diameter, or drip line for a tree of its species;
- (5) The quality of the tree foliage is outstanding for a tree of its species;
- (6) The location, shade value, fragrance, erosion control, aesthetic features or scenic enhancement of such tree is of special importance to the city.

LOT BUILDING AREA. Area of lot encompassed by front, side, and rear yard setbacks or building line as required by the city zoning code.

NEW DEVELOPMENT SITES. Shall refer to the development of property within the city that has not previously been developed.

NON-DEVELOPMENT ACTIVITY. Any alteration of the natural environment which does not require preliminary plan approval, zoning certificate approval, or site development plan approval pursuant to Article 70 of the Springdale Zoning Code but which would include the proposed removal or destruction of, or would, reasonably, foreseeably result in the removal or destruction of any tree(s).

ORNAMENTAL TREE. Decorative trees planted for their aesthetic features including the exceptional colors of their flowers or foliage and interest of their form. Ornamental trees include, but are not limited to, those representative species listed in Appendix A, Category III, as attached hereto.

OVERSTORY. Those trees that compose the top layer or canopy of vegetation.

REDEVELOPMENT SITES. Refers to the redevelopment of property within the city that has an approved development plan on file with the city and has been developed for residential, office, commercial, industrial, or park uses.

TREE. Any self-supporting, woody, perennial plant which has a trunk diameter of two inches or more at maturity when measured at a point of 4½ feet above the ground level and which normally attains an overall height of at least ten feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of ash and others.

TREE EQUIVALENCY TABLE. The categories of trees showing importance, visual buffering, growth characteristics, native species and aesthetics, see Appendix A.

TREE PROTECTION ZONE. The area around a tree corresponding to the drip line or one foot away from each tree trunk for each inch of trunk diameter, at the discretion of the Administrator.

TREE REMOVAL AREA. Area on site where trees are permitted to be removed for construction of buildings, access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs. However, some tree replacement may be required.

TREE REMOVAL WITHOUT PERMISSION. Refers to the removal of trees without the prior approval of the city.

UNDERSTORY. Those trees that grow beneath the other trees.

ZONING DISTRICTS. As defined in the city zoning code and shown on the zoning map.

(Ord. 52-1990, passed 9-19-90; Am. Ord. 42-2001, passed 9-19-01; Am. Ord. 18-2003, passed 5-7-03)

§ 156.03 PRESERVATION OF TREES.

Consistent with the expressed purposes of this chapter, all persons shall make reasonable efforts to preserve and retain any existing, self-supporting trees as defined herein. The size tree deemed "self-supporting", sometimes referred to herein as "minimum protected size", for Category I is six caliper inches; Category II is eight caliper inches; and Category III is two caliper inches. No person shall cut, destroy, cause to be destroyed, move or remove any tree without first obtaining an approval letter pursuant to § [156.05](#) or tree approval pursuant to § [156.07](#).

(Ord. 52-1990, passed 9-19-90) Penalty, see § [156.17](#)

§ 156.04 EXEMPTIONS.

(A) The requirements of this chapter shall be followed except:

- (1) During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;
- (2) If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree as verified prior to removal by the Administrator.
- (3) For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements.

(4) An area upon which a permanent structure is located or will be located within a lot building area for all zoning districts.

(5) Trees on developed single-family lots.

(6) Trees of less than 12 caliper inches on all lots under 20,000 sq. ft.

(7) Dead, substantially injured, or damaged trees as verified prior to removal by the Administrator.

(Ord. 52-1990, passed 9-19-90)

§ 156.05 APPROVAL LETTER FOR NON-DEVELOPMENT ACTIVITY.

(A) Except for routine or seasonal pruning or transplanting of trees, no person shall engage in any non-development activity as defined in § [156.02](#) without first obtaining an approval letter.

(B) The request for an approval letter shall be submitted to the Administrator and shall be, unless waived by the Administrator, in the form of a brief written narrative stating the reason for the proposed work and either site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size, species and Category. The Administrator shall, within ten working days from receipt of a complete request, inform the applicant in writing whether such proposed tree removal has been approved and whether replanting will be required. The Administrator shall approve removal only if a valid reason is stated. Valid reasons for non-development activity include the condition of the tree(s), impact on existing infrastructure or structures, location of the trees in the area of proposed structures or addition to structures or other existing conditions which might affect the condition of the tree(s).

(Ord. 52-1990, passed 9-19-90) Penalty, see § [156.17](#)

§ 156.06 TREE APPROVAL REQUIRED FOR DEVELOPMENT PLAN APPROVAL.

No zoning certificate approval, preliminary plan approval, or site development approval pursuant to Article 70 of the Springdale Zoning Code shall be granted or recommended without first obtaining tree approval from the Administrator.

(Ord. 52-1990, passed 9-19-90; Am. Ord. 18-2003, passed 5-7-03) Penalty, see § [156.17](#)

§ 156.07 TREE APPROVAL FOR DEVELOPMENT PLANS.

(A) When a person applies to Planning Commission for a zoning certificate, preliminary plan approval, or site development approval pursuant to Article 70 of the Springdale Zoning Code, such person shall submit the following items for tree approval:

(1) A complete tree survey, as described in § [156.09](#);

(2) A complete tree removal plan denoting trees to be removed with an (x);

(3) A complete tree tally sheet and associated calculations;

(4) A landscape plan including tree replanting schedule;

(5) A brief written narrative of proposed plans for tree protection and replacement in conformance with § [156.13](#); and

(6) The proposed development, that is building, parking area, sidewalks, utilities, water retention area, and the like shall be labeled on the tree survey plan and the tree removal plan.

NOTE: Items (1), (2), and (6) can be one drawing.

(B) The Administrator shall review all plans and supporting data determining whether the purposes as set forth in § [156.01](#) and the provisions of § [156.08](#) are complied with, and based on such determination make one of the following recommendations to the Planning Commission: approve, approve with conditions or disapprove.

(C) The Planning Commission shall review all plans and supporting data and the recommendations of the Administrator and shall determine whether the purposes as set forth in § [156.01](#) and the provisions of § [156.08](#) are complied with, and based upon such determination take one of the following actions: approve, approved with conditions, or disapprove. Tree approval does not authorize any development activity.

(Ord. 52-1990, passed 9-19-90; Am. Ord. 18-2003, passed 5-7-03)

§ 156.08 ACCEPTABLE TREE REMOVAL AREAS.

(A) Tree removal is permitted within the area used or to be used by a permanent structure within the lot building area without replacement planting. Excluded from classification as a permanent structure are parking garages designed for the parking and storage of vehicles.

(B) Tree removal is permitted on the entire site for access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs provided replacement plants are installed consistent with the provision of § [156.09](#) and § [156.15](#).

(C) In the case of Landmark Trees, every effort shall be made by the property owner/developer to protect and preserve identified Landmark Trees.

(Ord. 52-1990, passed 9-19-90; Am. Ord. 42-2001, passed 9-19-01)

§ 156.09 TREE SURVEY PLAN.

(A) The tree survey shall be in the form of a to-scale map or a site plan prepared and sealed by a registered land surveyor, or qualified professional engineer, noting the location of all trees at or greater than the minimum protected size within the area to be modified from its natural state and 25 feet beyond in each direction. The tree survey plan shall be drawn at the same scale as the development plan, site development plan or preliminary plan. This survey shall also identify all species and categories of trees shown.

(B) Areas of stands of trees can be outlined giving number, species, caliper and category of trees.

(C) At the discretion of the Administrator, a recent aerial photograph may relieve the applicant of the requirement of submitting a complete Tree Survey Plan if number, caliper, species and category of trees are listed or indicated.

(D) A schedule indicating the number and caliper inches by species of trees to be removed that are of the minimum protected size or greater as described in § [156.03](#). Any Landmark Trees as defined in § [156.02](#) shall be identified.

(E) A replacement plan that will include:

(1) A schedule indicating the number, size and species of all replacement plants. A total shall be provided for each species type.

(2) The proposed location of all replacement plants within the proposed development or redevelopment.

(Ord. 52-1990, passed 9-19-90; Am. Ord. 42-2001, passed 9-19-01)

§ 156.10 TREE SURVEY INSPECTION.

Following the receipt of the completed tree survey plan and supporting data, the Administrator shall schedule and conduct an inspection of the proposed development site. The applicant or his designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

(Ord. 52-1990, passed 9-19-90)

§ 156.11 BOND.

A guarantee of performance bond or surety acceptable to the city must be posted prior to issuance of a building permit or any development activity on the site. The amount of the bond will be determined by the Administrator and approved by Planning Commission to insure the satisfactory completion of the tree preservation and landscape plan as submitted and approved.

(Ord. 52-1990, passed 9-19-90) Penalty, see § [156.17](#)

§ 156.12 TREE MARKING.

(A) Prior to commencement of construction or any tree removal on a site, the following uniform colored ribbon system shall be used by the applicant, consistent with the approved plan.

(1) Blue for trees to be saved;

(2) Red for trees to be removed.

(B) In heavily wooded areas, the Administrator may give permission to mark large groups of trees to be removed or saved with appropriately colored ribbon along the perimeter of the area.

(Ord. 52-1990, passed 9-19-90)

§ 156.13 TREE PROTECTION.

(A) The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection zone shall be prohibited.

(B) Prior to commencement of any grading, construction or tree removal, a tree protection zone for any tree located within 25 feet of, or that has its drip line within, any proposed grading, construction or tree removal may be established by fencing or other physical barriers and maintained until such work is completed. The decision of whether to require placement of and the type of barriers shall be at the discretion of the Administrator.

(C) Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.

(D) Pedestrian and other traffic patterns should be kept away from trees to avoid soil compaction.

(E) The size of the tree protection zone may be adjusted at the discretion of the Administrator and so noted on the tree approval.

(F) Practices for the proper protection of trees on construction sites shall be in accordance with guidelines established by the Tree Administrator.

(Ord. 52-1990, passed 9-19-90) Penalty, see § [156.17](#)

§ 156.14 TREE DAMAGE.

Any "minimum protected size" tree described in § [156.03](#), damaged during construction, or damaged as a result of such construction, shall be repaired according to accepted National Arborists Association Standards. If a tree is damaged beyond repair during construction, replanting will be required pursuant to § [156.08](#)(B)(2).

(Ord. 52-1990, passed 9-19-90) Penalty, see § [156.17](#)

§ 156.15 TREE REPLANTING.

(A) *New development sites.*

(1) With respect to developments subject to the provisions of § [156.07](#), prior to the issuance of a Certificate of Occupancy, supplemental and replacement trees shall be planted consistent with the requirements of the approval.

(2) Replanted trees shall be at least ten feet tall and have a trunk of not less than two caliper inches when planted for Category I and Category II and at least six feet tall and have a trunk not less than one caliper inch when planted for Category III for replacement of trees with caliper inches of 24 inches or less. For replacement of trees with trunks over 24 caliper inches, all replanted trees shall be at least 12 feet tall and have a trunk of not less than 3½ caliper inches when planted for Category I and Category II. (See Appendix A for categories.)

(3) It is desirable that the replanting of trees be compatible with the sites, and that native trees be used. Accordingly, the replanting shall be in the same category as those trees removed.

(4) Trees shall be planted replacing one caliper inch for every two caliper inches designated on the Tree Survey Plan. If the site cannot physically accommodate the number of caliper inches required to be replanted, Planning Commission may approve a financial contribution to the City's Tree Program in lieu of a specific number of caliper inches.

(B) *Redevelopment sites.*

(1) With respect to redevelopments subject to the provisions of § [156.07](#), prior to the issuance of a Certificate of Occupancy, supplemental and replacement trees shall be planted consistent with the requirements of the approval.

(2) Replanted trees shall be at least ten feet tall and have a trunk of not less than three caliper inches when planted for Category I and Category II and at least six feet tall and have a trunk of not less than two caliper inches when planted for Category III. (See Appendix A for categories.)

(3) It is desirable that the replanting of trees be compatible with the sites, and that native trees be used. Accordingly, the replanting shall be in the same category as those trees removed.

(4) Trees shall be planted replacing one caliper inch for every one caliper inch designated on the Tree Survey Plan. If the site cannot physically accommodate the number of caliper inches required to be replanted, Planning Commission may approve a financial contribution to the City's Tree Program in lieu of a specific number of caliper inches.

(C) *Tree removal without permission.*

(1) No tree shall be removed unless provided for in § [156.04](#), without the prior written approval of the city.

(2) Replanted trees shall be at least ten feet tall and have a trunk of not less than three caliper inches when planted for Category I and Category II and at least six feet tall and have a trunk of not less than two caliper inches when planted for Category III. (See Appendix A for categories.)

(3) It is desirable that the replanting of trees be compatible with the sites, and that native trees be used. Accordingly, the replanting shall be in the same category as those trees removed.

(4) Trees shall be planted replacing one caliper inch for every one caliper inch designated on the Tree Survey Plan. If the site cannot physically accommodate the number of caliper inches required to be replanted, the Planning Commission may approve a financial contribution to the City's Tree Program in lieu of a specific number of caliper inches.

(5) Where tree removal without city permission has occurred, a contribution shall be made to the City's Tree Program in the amount of \$200 per caliper inch for all trees removed in addition to the replanting required in § [156.15](#)(C)(2), (3) and (4).

(Ord. 52-1990, passed 9-19-90; Am. Ord. 42-2001, passed 9-19-01) Penalty, see § [156.17](#)

§ 156.16 TREE APPROVAL COMPLIANCE INSPECTION.

(A) Prior to the issuance of a Building Permit for the development site, the Administrator or a duly appointed assistant shall inspect the site for the purpose of certifying compliance with the requirements of the tree approval. Posting surety satisfactory to the Administrator in lieu of actual compliance may be permitted.

(B) The Administrator or a duly appointed assistant shall again inspect the site for the purpose of certifying compliance with the requirements of the tree approval prior to issuance of a certificate of occupancy. The certificate of occupancy shall not be issued until compliance with the requirements of the tree preservation ordinance has occurred, unless written extension is granted by the Administrator. Such extension may only be granted if:

(1) The Administrator determines seasonal or weather conditions are not suitable for planting or other compliance; or

(2) The applicant demonstrates that compliance is not otherwise feasible and provides satisfactory proof of purchase of planting materials and delivery date.

(C) If at the time of inspection for the certificate of occupancy or the expiration of the duly authorized extension, the required tree approval conditions have not been met, the city may use the surety to insure that these conditions are met, which may include performance of the work by or on behalf of the city. Additionally, failure to comply with such conditions at the expiration of the duly authorized extension or during the life of the surety, whichever occurs earlier, shall constitute a violation of this chapter and be subject to any and all penalties and remedies provided herein.

(D) After development is complete, the Administrator shall continue to make random inspections to insure that required trees are maintained. Replacement shall be required should any of these trees die, be removed, or be destroyed at any time after completion of development. Replacement must be completed within a period of time determined by the Administrator, but not longer than six months from notice by the Administrator.

(Ord. 52-1990, passed 9-19-90)

§ 156.17 PENALTIES.

Violation of this chapter shall constitute a fourth degree misdemeanor punishable per day per occurrence. Nothing herein shall prevent the city from taking such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations. Replacement shall also be required.

(Ord. 52-1990, passed 9-19-90)

§ 156.18 APPEALS AND VARIANCES.

(A) Appeal:

(1) Written appeal of any decision or action of the Administrator on nondevelopment activity is permitted, and must be filed with the Planning Commission within seven days after notice of such decision. The appeal may contain any information deemed relevant by the applicant.

(2) Appeals shall be reviewed by the Planning Commission and a hearing shall be granted if requested in writing by the applicant at the time the appeal is filed.

(3) Written replies to any appeal shall be issued by the Planning Commission within 15 days after said appeal is reviewed, which in no event shall be later than 60 days after the appeal is filed.

(4) The Planning Commission may uphold, reverse or modify the decision of the Administrator based on its determination of whether the activity satisfies the purposes and provisions of this chapter.

(B) Variance:

- (1) Written request for a variance is permitted and must be submitted to the Springdale Planning Commission.
- (2) Variance requests shall be ruled on by Planning Commission and a hearing shall be granted if requested in writing by the applicant in the variance request.
- (3) Variance requests shall be ruled on by Planning Commission, in writing, no later than 15 days after it is reviewed, which in no event shall be later than 45 days after the request is filed.
- (4) Variances can be granted only in the case of extreme hardship or unusual circumstance; and where there have been reasonable efforts as described in § [156.08\(C\)](#) to save trees of at least two inch caliper, endangered species and stands of trees.

(Ord. 52-1990, passed 9-19-90)

APPENDIX A: TREE EQUIVALENCY TABLE

The purpose of the following Tree Equivalency Table is to:

- (A) Provide guidance in choosing trees for replacement in situations requiring either replanting or enforcement action; and
- (B) Provide guidance in selecting trees to supplement inadequate buffers.
- (C) The following tree equivalency table is not limited to those trees listed:

CATEGORY I: Deciduous Overstory Hardwoods

Beech

Box Elder

Buckeye - All varieties

Tree-of-Heaven

Birch - All varieties

Kentucky Coffee

Hickory - All varieties

Catalpa - All varieties

Hawthorne - All varieties

Ash - All varieties

Honey Locust - All varieties

Walnut - All varieties

Mulberry

Sycamore

Tulip Tree

Plum, Pear, Apple

Willow

Elm - All varieties

Maple - All varieties

Hackberry

Cucumber Tree

Sassafras

Sweetgum

Cottonwood

Black Cherry

Basswood

Blackgum

London Plane Tree

Oak - All varieties

Linden - All varieties

American Hornbeam

American Yellowwood

American Hophornbeam

CATEGORY II: Needle Bearing Evergreens

Red Cedar - All varieties

Pine - All varieties

Fire - All varieties

Hemlock - All varieties

Spruce - All varieties

Common Bald Cypress - All varieties

CATEGORY III: Ornamental

Eastern Red Bud

Allegheny Shadblow

Katsura Tree

Japanese Cornel

Turkish Hazel

Magnolia - All varieties

Ginkgo

Goldenrain Tree

Flowering Crabapples

Purple - Leafed Plum

Japanese Cherry

Weeping Higan Cherry

Callery Pear

Upright English Oak

Japanese Tree Lilac

Dogwood