

AN ORDINANCE REPEALING ORDINANCE NO. 710 AND
ESTABLISHING NEW RULES AND REGULATIONS FOR THE
PLANTING, MAINTENANCE AND REMOVAL OF TREES ALONG
PUBLIC STREETS, TERRACES, PARKWAYS, RIGHT-OF-WAYS AND
DEVELOPMENT PROPERTIES WITHIN THE CITY OF ANGOLA.

Be it hereby ORDAINED by the Common Council of the City of Angola, Indiana that:

Section 1. Purpose and Goals.

- A. Promote and enhance the beauty of the City of Angola through tree preservation and landscaping.
- B. Safeguard the ecological environment of the City of Angola by dissuading the unnecessary clearing and disturbing of land and existing natural vegetation.
- C. Promote planting and protection of trees on public and private land.
- D. Enhance and safeguard property values and protect public and private investment.

Section 2. Definitions.

- A. Caliper – a caliper is the diameter measurement of the trunk taken 6 inches above ground level.
- B. Diameter breast height (DBH) – the diameter of a tree in inches 4 ½ feet above the average ground level, and is applicable to trees of irreplaceable height.
- C. Drip line – a vertical line extending from the outermost edge of the tree canopy to the ground.
- D. Exempt tree – any tree on the Exempt List maintained and provided by the City of Angola Tree Board (Exhibit A).
- E. Person – a person shall be defined as any individual, corporation, business or any other entity, whether private or governmental, including the City of Angola.
- F. Public property – all property owned by the City of Angola and all property included in the right-of-way as defined by the Angola Zoning Ordinance.
- G. Replacement tree – a replacement tree shall be a tree of 1 inch caliper or greater which is not an exempt tree. Further, replacement trees shall conform at mature size with the planting space, taking into consideration building, sidewalks, curbs and overhead and underground utilities.
- H. Tree – a woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches and which ordinarily grows to a height of 10 feet or more with a diameter in excess of 4 inches at a height of 5 feet.
- I. Six-month reach-back provision – the 6-month period prior to start of construction or development of property.

Section 3. Tree Removal.

- A. No person shall remove a tree from public property except by the consent of the City of Angola Board of Works.
- B. No person shall remove any non-exempt tree of 8 inch DBH or greater from unimproved private properties zoned R1, R2, R3, LR, B1, B2, B3, B4, M1, M2, P1 or PUD, unless said removal is part of an approved landscape plan or is approved as part of a site plan or Primary Plat. This is further subject to a six-month reach-back provision.

- C. A person must remove within a reasonable period of time, and need not replace, a tree if it cannot be saved and if any of the following conditions are present:
1. The tree causes a safety hazard to pedestrians or vehicular traffic;
 2. The tree causes a safety hazard to a building;
 3. The tree is diseased or weakened causing safety hazards to the public.

Section 4. Landscape Plans and Tree Preservation.

A. General Provisions

1. The requirements of this section shall apply to all projects that require a site plan review, subdivision approval, Primary Plat approval or Planned Unit Development approval.
2. Landscape plans shall be submitted to the Angola Parks Superintendent and shall be required for all such projects except those in R1 and R2 zones.
3. Landscape plans, when such are required, shall show how the developer intends to work with the natural features of the property, with special concern being given to the preservation of mature trees.
4. Landscape plans, when such are required, shall specify the planned impact of proposed improvements and development (overhead lines, roadways, berms, parking areas, etc.) upon the property.

B. Requirements in Zones R1 and R2

1. No "Inspection for Use and Occupancy" shall be finally approved unless the lot, as finally developed, contains a minimum of 4 non-exempt trees of at least 1-inch caliper. An extension may be granted, due to weather, at the discretion of the Building Commissioner.
2. Notwithstanding the preceding provision, the purchase-occupant (or contract purchase-occupant) of a single-family R1 dwelling may, at the time of application for the building permit, apply to the Park Superintendent for a waiver of the minimum-number requirement.

C. Contents of Landscape plan for R3, LR, B1, B2, B3, B4, M1, M2, P1 or PUD submitted by any person for approval shall conform to the following:

1. Landscape plans shall be drawn to scale or as an overlay on a topographical survey.
2. Landscape plans shall contain the following criteria or information estimated as close as possible:
 - a. the location of existing and proposed structures;
 - b. the location of parking lots, drives, roadways, right-of-ways and sidewalks;
 - c. the elevations and locations of all fences, bridges, retaining walls or other similar details;
 - d. the number, species, and general location of all non-exempt trees of 8 inch DBH or greater to be removed, or which have been removed within the six-month reach-back provision.
3. Landscape plans shall also show the location of all trees and plant material to be planted:
 - a. designated by species, maturation height and width;
 - b. indicating the techniques that will be used to preserve the trees to be retained.
4. The Landscape plan shall contain a statement of the methods by which the applicant will satisfy the requirements of this Article.

D. Selection and Installation of Trees for R2, R3, LR, B1, B2, B3, B4, M1, M2, P1 or PUD.

1. Trees used by any person in conformance with the provisions of this section shall be of good quality and of a species expected to thrive in the climate of Northeast Indiana.

2. All trees used by any person shall be installed in accordance with planting procedures, which have been established and made available by the City of Angola Tree Board.
3. The scale and nature of landscape material should conform at maturity to the site and structures. For example, larger scaled trees should ordinarily complement larger scaled buildings.

E. Penalty Clause for removal of trees after subdivision approval in R2, R3, LR, B1, B2, B3, B4, M1, M2, P1 or PUD.

1. For every non-exempt tree of 8 inch DBH or greater that is removed after, or within the six-month reach-back provision period, the application for site plan review, Subdivision approval, Primary Plat approval, or Planned Unit Development approval, the applicant shall, at the applicant's option:
 - a. plant two replacement trees on the site;
 - b. pay to the City \$300, to be deposited into the General Fund.
2. Notwithstanding Section 4 (E) (1), the following maximum monetary limitations shall apply to each applicant:
 - a. for a developer, \$10,000
 - b. for a building contractor, 1% of the estimated cost of construction as indicated on the application for Building Permit;
 - c. for the City, \$10,000 per project

For the purpose of this calculation each tree planted under Section 4 (E) (1) (a) shall be assigned a value of \$150.

F. Special requirements in R3, B1, B2, B3, B4, M1, M2, P1 or PUD.

Buildings of 10,000 square feet or more:

At least one fifth of the green space required for such project shall have not less than 1 shade tree per 1,000 square feet.

G. Exceptions from requirements in R3, B1, B2, B3, B4, M1, M2, P1 or PUD.

Any exception from the requirements of this section may be requested from the Board of Works for sites employing innovative landscaping treatments. Such innovations are encouraged and shall be favorably considered and recommended by the Angola Tree Board as a positive attribute in connection with such a request.

H. Protection of trees during development activities.

1. Generally. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - a. Mechanical injuries to roots, trunk and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes;
 - d. Injuries by excavations and
 - e. Injuries by paving.
2. Tree protection zone. A circular tree protection zone shall be established around each protected tree as follows:
 - a. If the drip line is less than 6 feet from the trunk of the tree, the zone shall be that area within a radius of 6 feet around the tree.
 - b. If the drip line is more than 6 feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree
3. Development prohibited within the protection zone. All development activities shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces and storm water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material and parking of construction vehicles.
4. Fencing of tree protection zone. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier.
5. Permitted activities within tree protection zone.

- a. Utility excavation. Excavating or trenching by duly constituted utilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.
- b. Sod and ground cover. Placement of the sod or other ground covers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone.
- 6. Parking reduction for preservation of protected trees. A reduction of required parking spaces may be allowed by the Angola Board of Works when the reduction would result in the preservation of a significant tree with a trunk of 12 inches in diameter or greater. The reduction in required parking may be granted only if it will prevent removal of a significant tree that is located within the area of the site designated as a parking lot area. The reduction in required parking spaces shall not exceed the number of parking spaces required to prevent removal of protected trees, or the number in the following schedule, whichever is less:

Required Parking Spaces	Maximum Reduction
1 – 4	0
5 – 9	1
10-19	2
20 or more	10 percent

Section 5. Parking Lot Landscaping and Screening.

- A. Applicability.
 - 1. Perimeter and interior parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
 - a. Have 10 or more parking spaces or
 - b. Are over 3,500 square feet in area.
 - 2. Perimeter parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
 - a. Have 5 to 9 parking spaces or,
 - b. Are between 1,750 or 3,500 square feet in area.
- B. Perimeter requirements. A 10-foot wide strip of land, located along the front property line adjacent to the street right-of-way and along all common property lines shall be landscaped. In no case shall this strip be less than 10 feet wide. The sidewalk width shall not be counted measuring the perimeter landscape strip.
 - 1. Landscape materials. One tree for each 50 feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of one-inch DBH.
 - 2. Corner visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility.
- C. Interior planting areas.
 - 1. General requirements. At least 8 percent of the gross area of the interior parking lot area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside 7 foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior planting areas shall be located to most effectively accommodate storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
 - a. No more than 15 parking spaces shall be permitted in a row without being interrupted by an interior planting area.
 - b. Trees shall be required at the minimum ratio of one shade tree for every 3,500 square feet of total vehicular use area. All vehicular use areas located within the same block which serves one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required ratio of trees, notwithstanding ownership. Required trees shall be a minimum of 1" DBH.
 - 2. Minimum size of interior planting areas.

- a. A minimum of 90 square feet of planting area shall be required for each new shade tree.
 - b. A minimum planting area of one hundred percent (100%) of the drip line area of the tree shall be required for all existing trees.
- D. Non-conforming parking lots. When the square footage of a non-conforming parking lot is increased, compliance with this section is required as follows:
- 1. Expansion of 25 percent or less. When a parking lot is expanded by twenty-five percent (25%) or less, only the expansion area must be brought into compliance with this section.
 - 2. Expansion by more than 25 percent. When a parking lot area is expanded by more than twenty-five percent (25%), the entire expansion area shall be brought into compliance with this section. In addition the pre-existing parking lot area shall be brought into compliance with the perimeter parking lot landscaping requirements of this section.
 - 3. Repeated expansions. Repeated expansions of a parking lot area over a period of time commencing with the effective date of this Ordinance shall be combined in determining whether the twenty-five percent (25%) threshold has been reached.

Section 6. Severability.

Should any section of this ordinance be declared by the Courts to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 7. Enforcement.

The provisions of this Ordinance shall be enforced in accordance with the Zoning Code for the City of Angola.

Section 8. Conflicting Ordinances.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 9. Effective.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, and approval by the Mayor and publication pursuant to law.

Passed, enacted and adopted by the Common Council of the City of Angola, Indiana, and by me approved this 4th day of October, 1999.

Edwin W. Selman, Jr., Mayor

ATTEST:

Debra A. Twitchell, Clerk-Treasurer

Publication date:
