# Parks & Recreation Tree Board - Tree Ordinance - Angola, Indiana

## **§ 97.01 PURPOSE.**

(A) Promote and enhance the beauty of the city through tree preservation and landscaping.

(B) Safeguard the ecological environment of the city 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. Enhance and safeguard property values and protect public and private investment.

(D) Land used for agricultural purposes shall be exempt from the provisions of this chapter.

(E) Trees removed because of disease or natural predators (e.g. Emerald Ash Borer, Gypsy

Moth, Dutch Elm Disease) as part of a quarantine program shall be exempt from the provisions of this chapter.

(Ord. 1163-2004, passed 10-4-04)

## **₽**§ 97.02 DEFINITIONS.

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

CALIPER. The diameter measurement of the trunk taken six inches above ground level.

**DIAMETER BREAST HEIGHT (DBH).** The diameter of a tree in inches four and one-half feet above the ground level, and is applicable to trees of irreplaceable height.

**DRIP LINE.** A vertical line extending from the outermost edge of the tree canopy to the ground.

*EXEMPT TREE.* Any tree on the exempt list maintained and provided by the city Tree Board. *PERSON.* Any individual, corporation, business or any other private or governmental entity.

**PUBLIC PROPERTY.** All property owned by the city and all property included in the rightof-way as defined by the Angola Zoning Ordinance.

**REPLACEMENT TREE.** A tree of one- 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.

*SIX-MONTH REACH-BACK PROVISION.* The six-month period prior to start of construction or development of property.

**TREE.** A woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches and which ordinarily grows to a height of ten feet or more with a diameter in excess of four inches at a height of five feet.

(Ord. 1163-2004, passed 10-4-04)

### **₽**§ 97.03 TREE REMOVAL.

(A) No person shall remove a tree from public property except by the consent of the Board of Works.

(B) No person shall remove any non-exempt tree of eight-inch DBH or greater from unimproved private properties unless the 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 shall 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; or
- (3) The tree is diseased or weakened causing safety hazards to the public.

#### (Ord. 1163-2004, passed 10-4-0-4)

#### **§ 97.04 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, primary plat approval or planned unit development approval.

(2) A landscape plan shall be submitted to the Parks Superintendent and shall be required for all new construction projects, excluding residential subdivisions.

(3) Landscape plans 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 shall specify the planned impact of proposed improvements and development (overhead lines, roadways, berms, parking areas, and the like) upon the property.

(5) The Building Commissioner shall not issue a certificate of occupancy unless the landscaping plan of the lot/development has been completed. An extension may be granted, due to weather, at the discretion of the Building Commissioner.

(B) Requirements for one- and two-family residential.

(1) The Building Commissioner shall not issue a certificate of occupancy unless the lot contains a minimum of four non- exempt trees of at least one-inch caliper. An extension may be granted, due to weather, at the discretion of the Building Commissioner.

(2) Notwithstanding the preceding division (B)(1), the builder, developer, or owner of a one- or two- family residential dwelling may, at the time of application for the improvement location permit, apply to the Park Superintendent for a waiver of the minimum-number requirement.

(C) Contents of landscape plans for all applicable zones 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, rights-of-way and sidewalks;

(c) The elevations and locations of all fences, bridges, retaining walls or other similar details; and

(d) The number, species and general location of all non- exempt trees of eight-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; and

(b) Indicating the techniques that will be used to preserve the trees to be retained.

(D) Selection and installation of trees.

(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 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 or site plan approval.

(1) For every non-exempt tree of eight-inch DBH or greater that is removed after or within the six-month reach-back provision period, the application for site plan review, primary plat approval or planned unit development approval, the applicant shall, at the applicant's option:

(a) Plant two replacement trees on the site; or

(b) Plant two replacement trees on an alternate site within the corporate limits of the City of Angola only when approved by the Park Superintendent. This shall require a detailed plan which shall include proof of planting; or

(c) Pay to the city \$300, to be deposited into the General Fund.

(2) Notwithstanding the preceding division (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; For the purpose of this calculation each tree planted under division (E)(1) above shall be assigned a value of \$150.

(F) *Special requirements.* For 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 one shade tree per 1,000 square feet.

(G) *Waivers*. Any waiver from the requirements of this section may be requested from the Park Superintendent for sites employing innovative landscaping treatments. Such innovations are encouraged and shall be favorably considered and recommended by the 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 six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree; or

(b) If the drip line is more than six 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) A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a significant tree with a trunk of 12 inches in diameter or greater and only when parking spaces cannot be accommodated elsewhere on the site.

(b) 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
		0
		1
		2
re		10%

(Ord. 1163-2004, passed 10-4-2004)

#### **§ 97.05 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 ten 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 five to nine parking spaces; or

(b) Are between 1,750 and 3,500 square feet in area.

(B) *Perimeter requirements.* A ten-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 ten 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% 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 seven-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 ration 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 serve 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 one-inch 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 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% or less.* When a parking lot is expanded by 25% or less, only the expansion area must be brought into compliance with this section.

(2) *Expansion by more than 25%.* When a parking lot area is expanded by more than 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 chapter shall be combined in determining whether the 25% threshold has been reached. (Ord. 990-99, passed 10-4-99)