



IOWA DEPARTMENT OF NATURAL RESOURCES

# COMMUNITY TREE ORDINANCES



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A compilation of sample tree ordinance documents for  
reference in community planning

## WHY HAVE A TREE ORDINANCE

Tree ordinances reflect the value of a community and the worth of a community's trees or "urban forest." A tree ordinance encourages tree planting and care for beautification, air cooling and purification, noise abatement, property value enhancement, wildlife habitat, and other benefits within the community.

For a successful, long-term shade or community forestry program, Iowa Communities should develop a tree ordinance. An ordinance is simply legal provisions adopted by the local or community government to provide authority, define responsibility, offer guidance to residents, and establish minimum standards for a community's tree program. A community's tree ordinance should be developed for that particular community. Fill-in-the-blank documents or ordinances copied from other communities may be useful, but the ordinance should be designed for the individual community's policies, needs, and values. The ordinance is only a tool; develop it so that it is useful for the specific community.

Tree ordinances should be developed in the early stages of a community's tree program. An ordinance establishes a community tree program independent of political variation, budget restrictions, or public opinion. The ordinance assigns responsibility for program direction through establishment of a recognized tree board. The tree ordinance also provides a legal framework for dealing with the public and the opportunity to regulate tree planting and care practices.

Many communities in Iowa have existing tree ordinances. Some may be current and workable for the Community; however, many are outdated and no longer functional. As the community becomes involved in tree planting and management, existing ordinances should be reviewed and revised following the standards outlined in this publication.

## HOW TO DEVELOP A TREE ORDINANCE

Committee development of tree ordinances is most common; select committee members from a broad array of community and tree interests. Committee members could include the city attorney, members of the park board, tree board, city council, street department, utility company representative, nursery representative, tree care provider, and others that work with or have an interest in trees in the community.

Each individual will have different ideas. Input from a variety of people will result in a more balanced ordinance. In addition, a broad, well-balanced ordinance will have a better chance of passage by the community government. Committees function best with some specified structure and working groups. For most communities, the tree board representative may function best as the committee chairperson and liaison to the community government.

After the committee is established, draft a list of provisions that might be incorporated into the tree ordinance. Work as a committee to refine, define, and develop a draft of the tree ordinance. This draft should then be passed on to the city attorney for formal drafting. The legal draft from the city

attorney must again be carefully reviewed by the ordinance committee and, once approved, presented to the mayor and city council for formal adoption.

## HOW AN ORDINANCE CAN HELP WITH GOALS

- Maximize tree cover
- Maintain trees in a healthy condition through good cultural practices
- Maintain an optimal level of age and species diversity
- Promote conservation of tree resources
- Maximize benefit and minimize hazard, nuisance, hardscape damage, and maintenance costs
- Centralize tree management with the necessary expertise
- Efficient and cost-effective management
- Foster community support for the local urban forestry program and encourage good tree management on privately-owned properties
- Facilitate the resolution of tree-related conflicts between citizens
- Cooperation between departments and agencies

## COMPONENTS OF A TREE ORDINANCE

The following are sections that are often included in community tree ordinances and examples from various cities' ordinances are listed below for your reference. Not all are necessary and there may be others that individual communities will add to their ordinance. Each community is different; the ordinance should be written for the individual community.

### TITLE

The ordinance should have a concise title that reflects its purpose.

### PURPOSE

This section includes a brief description of the ordinance and why it is necessary. The purpose statement declares that the community forest provides benefits to all and that the community is concerned about maintaining those benefits.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the city; Maintain city trees in a healthy and nonhazardous condition through good arboricultural practices; Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.

### DEFINITIONS

This section defines the terms used in the ordinance, including town, city property, tree board, public tree or shrub, public right-of-way, street tree, park tree, property line, and hazard tree.



## TREE BOARD

This section creates the tree board, defines its composition, duration of appointment, procedures for making appointments and filling vacancies, and charges it with responsibilities. It also details the relationship of the tree board to the mayor, city council, and city employees responsible for tree management in the community.

This part of the ordinance also may explain the tree board's responsibilities such as:

- Assisting the city forester (if one exists) in developing a comprehensive plan.
- Developing regulations concerning tree planting, maintenance, and removal of trees on city property.
- Recommending requirements of tree care providers in the community.
- Recommending policies regarding trees on public property and private property.
- Promoting tree planting and care on private property through educational programs.
- Organizing and promoting the use of volunteers within the community to work toward the community forestry goals.
- Acting on any other activity deemed appropriate.

Example from: Community Trees:  
Sample Tree Ordinances for Iowa  
Communities

### Creation and Establishment

There is hereby created and established a city tree board for the city of \_\_\_\_\_, Iowa, which shall consist of \_\_\_\_\_ members and one city council representative chosen by the mayor and confirmed by the city council.

### Compensation

Members of the board shall serve without compensation.

### Duties and Responsibilities

It shall be the responsibility of the board to study, investigate, council, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. Such a plan will be presented to the city council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the city of \_\_\_\_\_, Iowa. The board shall review annually and update if needed the comprehensive city tree plan. The



board, when requested by the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question within the scope of its work.

### Operation

The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

The duties of the Tree Committee shall be as follows:

1. To study the problems and determine the needs of the City in connection with its tree program.
2. To recommend to the City Council the type and kind of trees to be planted upon such City streets or parts of City streets, parks, or public places.
3. To assist the properly constituted officials of the City, as



well as the Council and citizens of the City, in the dissemination of news and information regarding the protection, maintenance, removal, and planting of trees on public lands, and to make such recommendations from time to time to the City Council as to desirable legislation concerning the tree program and activities for the City.

### AUTHORITY/JURISDICTIONS/FORESTER

The ordinance may establish the position of city forester, urban forester, tree care provider, or individual or group responsible for trees within the community. It should identify how this person or group will interact with other departments in community government and with the tree board. In many communities, this position is often combined with existing positions in the parks or public works departments.

This section outlines the duties and responsibilities of the urban forester in managing the communities' public vegetation, dealing with private nuisances, and enforcing the provisions of the ordinance. These duties may also be assigned to the community tree board.

The authority section provides the person or group responsible for the community's trees the authority to supervise all work done by permit as described in the ordinance, and to develop reasonable conditions for granting permits. It may also include the responsibility for developing, updating, and implementing the master tree plan within the community.

Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

Urban Forester  
The city of

shall employ a city forester, urban forester, or arborist. This individual shall be employed by the parks department, and serve as an ex-officio member of the tree board.

The urban forester shall have the following general powers and duties: (1) To direct, manage, supervise, and control the city street program to include all planting, removal, maintenance, and protection of all trees and shrubs on public areas; (2) To guard all trees and shrubs within the city to prevent the spread of disease or pests and to eliminate dangerous conditions that

may affect the life, health, or safety of persons or property; (3) Such other powers and duties as are provided by the laws of Iowa; by ordinance of the city; and the \_\_\_\_\_ Tree Board.

### Authority

The urban forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The urban forester shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this ordinance. The urban forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

The City of \_\_\_\_\_ shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the City limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings.

### PERMITS

The community may prohibit or allow activities related to tree management such as planting, maintenance, and removal of woody vegetation. Contractors performing tree work may be required to have a permit and sufficient liability insurance before performing tree service within the community.



Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

No person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground, or otherwise disturb any tree on any street or municipal-owned property without first filing an application and procuring a permit from the urban forester or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the urban forester.

The urban forester shall have the authority to require posting of a bond adequate to fully repay the city of \_\_\_\_\_ for any and all costs attendant to the completion of the work under the permit. In addition, the contractor is required to show adequate insurance coverage from potential damages during the execution of the work.

## MAINTENANCE

The maintenance section explains standards for tree management in the community. Guidelines for planting, maintenance, and removal of public trees are described.

This section also includes such items as spacing standards or requirements, corner setbacks, planting site restrictions, pest control programs, site limitations or requirements. Some communities require that adjacent private landowners assume maintenance responsibilities.

Example:

Responsibility:

It shall be the duty and responsibility of every person owning or occupying property within the City of \_\_\_\_\_, to keep all trees on that property trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least seven feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the City of \_\_\_\_\_ to keep all trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

Topping:

Topping shall mean the cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub appearances. No property owner or his agent shall cause any tree on his property to be topped.

Clearance:

All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side.

## SPECIES, CULTIVARS, AND VARIETIES

This section may include species or varieties of trees prohibited for specific uses. It may also provide an approved list of trees, but it is better to ask the tree board to develop and maintain the list of desired species. The section may limit the planting of a species, if the existing population of that species exceeds some specified level. It may also establish provisions for replacing trees removed.

Example From: Mauston, WI

Spacing- The spacing of Street Trees will be in accordance with the three species size classes defined in this ordinance, and no trees may be planted closer together than the following: Small Trees, 15-20 feet; Medium Trees, 25-30 feet; and Large Trees, 40 feet; except in special plantings designed by a landscape architect and approved by the \_\_\_\_\_ Tree Board.

Distance from Curb and Sidewalk- The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes defined in this ordinance. No trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet. No tree may be planted in any boulevard without the permission of the Director of Public Works. The Board shall develop and implement a system for permitting such plantings, and shall from time to time review the effectiveness of the permitting process.

(1) Planting Permit Process Completion and submission of planting permit shall be at no cost to applicant. Failure to submit a completed permit application prior to planting is a violation of this ordinance. The DPW or designee will review and either approve or deny submitted permit applications.

(2) Planting Permit Application Information. At a minimum, the permit application form shall include: reference to this ordinance, including minimum distances, prohibited species, a diagram of suggested placement relative to the buildings on the lot, property owner contact information, applicant contact information if different, instructions to applicant regarding marking proposed planting locations.

Distance from Street Corners and Fire Hydrants-No Street Tree shall be planted closer than 25 feet to any street intersecting corner. The DPW may require more than 25 feet at his discretion to ensure public safety. This shall be measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fire hydrant, driveway entrance or street sign.

## REMOVAL ON CITY PROPERTY

This section may outline the process for tree removal by the community or if applicable the homeowner.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Any person desiring to cut, move or remove a tree or protected tree within the city of \_\_\_\_\_ shall apply to the Superintendent for a permit. A permit is not required for pruning as herein defined. The application for the permit shall



be made on the form provided by the Superintendent for this purpose and shall include the number, location and type(s) of the tree(s) to be cut, moved or removed and the reason for such action. The applicant may submit an arborist's report or other expert evidence for consideration. The application shall be accompanied by any required fee to cover the cost of processing as set in the current City fee schedule. Fees shall be waived for applications made by a department of the City of \_\_\_\_\_ on its own behalf.

## OBSTRUCTION

This section may require private tree owners to keep sidewalks and roadways clear of obstructions to some specified level.

Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune such trees with the cost assessed to the owner as provided by law in special assessments.

## NUISANCE AND CONDEMNATIONS

The definition of nuisance trees on the basis of insects or disease damage, undesirable characteristics for community use, or as a threat to public safety (hazard trees) must be established. This section usually assigns responsibility for nuisance and condemnation determinations.

Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

All street trees planted in violation of, or not maintained in strict compliance with the provisions of this ordinance, or that are dead or dangerous are declared to constitute a public nuisance. The urban forester shall cause written notice to be served on the property owner requiring such nuisances to be corrected within \_\_\_\_ days or the cost of correction will be assessed against the property owner.

## PROTECTION OF TREES

This section may prohibit the mutilation of public trees. It may require the protection of trees during construction or new developments. All ordinances should prohibit the practice of topping trees. Instead, utility companies should be asked to directionally or selectively prune trees interfering with utility lines. The ordinance may also include requirements for landscaping with trees in new developments, both residential and commercial.

Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree. Tree topping is not allowed on any publicly owned tree.

Example from: Fairfield Iowa

Heritage Trees. Damage, Removal Conditions.

A. Heritage Trees. Any tree of the following genera or species shall be deemed Heritage Tree:

All trees in the genus *Quercus* (Oaks), *Ulmus Americana* (American Elm), *Acer saccharum* (Sugar Maple), all trees in the genus *Carya* (Hickory), all trees in the genus *Juglans* (Walnut), greater than or equal to 30" DBH (Diameter Breast High or "DBH": The diameter of a Tree measured at four and one-half feet (4-1/2') above the existing grade at the base of the Tree.)

B. Damage, Removal of Heritage Trees Permitted. It shall be unlawful for any person to remove or damage any Heritage Tree prior to issuance by the City of a Tree Removal Permit therefor. Tree Removal Permits authorizing the removal of Heritage Trees under the provisions of this Section 11.08.075B, may be issued by the City for the following reasons:

- (1) The Heritage Tree is dead or dying;
- (2) The Heritage Tree is diseased;
- (3) The Heritage Tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property;
- (4) Removal of the Heritage Tree is deemed appropriate by the City Administrator or his/her designee; and/or
- (5) Removal of the Heritage Tree will avoid or alleviate an economic hardship or hardship of another nature on the lot or residence located on the lot.

C. Exemption. Exempted from the above "permitting" requirements are trees determined to be part of Agriculture Activity or Silvicultural Activity sites, in active use, consistent with adjacent, or area land use of an agricultural, horticultural, or silvicultural commercial nature.

## APPEALS/INTERFERENCE/PENALTIES

There must be some provision for appealing decisions made by the urban forester. An appeal may go to the tree board, to the mayor, and to the city council before ultimately appearing in the court system. This section must provide provisions for quick appeals.

This section makes unlawful to hinder, prevent, delay or interfere with the community tree person while performing tree management duties. A specific penalty may be levied for such interference.

Specific penalties for failure to comply with the provisions of the ordinance are outlined in this section.

Example from: Community Trees: Sample Tree Ordinances for Iowa Communities

Any person who receives an order from the urban forester and objects to all or a part thereof, may, within eight days of receipt thereof, notify the urban forester and city council, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held within eight days of notice to the appellant. Within eight days after such hearing, the mayor shall notify the appellant and the urban forester of the final decision.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Any action of the director of recreation and parks may be appealed to and heard by the recreation and parks commission. To be effective, an appeal must be filed within ten (10) days after the decision of the director. The appeal shall be in writing and shall be filed with the director for placement on the commission's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the recreation and parks commission shall render its decision, which shall be final unless appealed to the city council. To be effective, an appeal to the city council must be in writing, state the reasons for the appeal, and must be filed with the city clerk within ten (10) days after notice of the decision of the recreation and parks commission is mailed to the applicant. The decision of the city council shall be final.

## ENFORCEMENT

This section outlines the responsibility of the code enforcement.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

The Public Works Administrator is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

## PRIVATE TREE CARE LICENSING

This section outlines the requirements of private tree care companies and workers.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Any person, firm or corporation engaged in the business of removing City trees shall carry public liability and property damage insurance in an amount to be determined by the city council and policies or certificates thereof shall be filed with the city clerk. Where deemed advisable, the Director may require the posting of a performance bond pursuant to Chapter 2.17 of this code to guarantee the completion of any job in accordance with adopted City Standards, rules and regulations.





Example from: San Antonio, TX

Tree maintenance license. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees without a valid tree maintenance license by the city. A tree maintenance license shall be valid for three (3) years from the date of issuance. An application for a tree maintenance license shall not be deemed complete until proof of successful completion of continuing education credits and proof of current liability insurance are submitted, and all applicable fees are paid. The applicant is required to carry general liability insurance in a minimum amount of three hundred thousand dollars (\$300,000.00) in the aggregate each. Further, proof of insurance shall be required as a condition precedent to secure a permit as required in this subsection and upon each subsequent renewal. A failure to maintain proof of insurance for the permitted year shall result in a revocation of the issued permit. Proof of minimum coverage amounts maintained for the preceding year must be provided with each application for renewal. Proof of insurance shall be underwritten

by an organization licensed/authorized to do business in the state. The city shall be listed on the policy for notification of any lapse in coverage.

A tree maintenance license shall require proof of completion of a minimum of fifteen (15) continuing education credits (CEU's) as approved by the city arborist per three-year licensing period before the license is issued, including written acknowledgement by signature of the code of ethics for the city tree maintenance license. An initial temporary license may be issued for a period of one (1) year to allow the applicant time to obtain the necessary CEU's. Certified arborists will qualify automatically for the tree maintenance license and shall receive fifty (50) percent reduction on their tree maintenance license fee. In addition, if the tree maintenance license holder is not on the job site, a crew member with at least a minimum of two (2) hours of city arborist approved continuing education credits shall be on site during tree pruning operations.

Failure to maintain or submit any of the above requirements will result in the immediate revocation of the tree maintenance license. No license shall be required of any employee of a public utility or the city while performing tree maintenance in their capacity as such employee.

Example from: Davenport, IA

Required. No person, firm or corporation shall carry on or engage in, as its principal business activity, the business of cutting and trimming of trees on public or private property without first having procured a license therefor and complied with the other requirements of this chapter.

The fee for the license shall be fifty dollars per year.

Nontransferability. No license may be loaned, rented, assigned or transferred by the licensee. (Ord.

Bond required. Any license applicant shall deposit with the clerk a good and sufficient bond in the sum of ten thousand dollars conditioned that such applicant shall faithfully comply with the provisions of this chapter, and further conditioned to indemnify, save and keep harmless the city and its officers from any and all claims, damages, losses and actions, by reason of any acts or things done under or by authority or permission granted in this chapter.

Liability insurance required. Any license applicant shall deposit with the clerk a policy of public liability insurance in the amounts of not less than fifty thousand dollars for damage to any one person, one hundred thousand dollars on account of one accident or event, and property damage coverage of not less than twenty-five thousand dollars which covers the licensing period. The policy shall provide that it cannot be terminated for any cause without fifteen days advance notice to the city. Upon receipt of a cancellation notice the city license shall be null and void.

Compliance with Iowa Workmen's Compensation Law. Any license applicant shall deposit with the clerk satisfactory evidence of compliance with the requirements of the Iowa Workmen's Compensation Laws.



## CONFLICT RESOLUTION BETWEEN TREE AND STRUCTURES

This section may outline the responsibility and process when there are conflicts between trees and structures.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The city forester shall be responsible for developing or approving corrective measures in consultation with the city engineer.

## PARKING LOT SHADE PROVISIONS

While this can be found in Planning and Zoning, this section may require planting in new construction of parking lots.

Example from: Davenport, IA

Parking Lots. No person hereafter developing a tract of land within the city will remove trees therefrom for the purpose of paving for parking purposes an area of more than twenty thousand square feet without making provision for and effecting replacement of such trees by means of landscaping such parking area, and no parking lot constructed on such an area shall have paving extending for more than two hundred fifty feet in any direction without relief in the nature of landscaping, or be more than ninety-five percent in area paved without such relief.

Surface parking facilities. Except as provided below, the shading requirement set forth in subsection B applies to all surface parking facilities, including all surfacing on which a vehicle can drive and all parking stalls; all drives and drive-through lanes within the property regardless of length; and all maneuvering areas regardless of depth.

Example from: Glenview, IL Zoning  
Perimeter trees

a. For lots with 20 or more spaces, the perimeter of the parking lot may incorporate up to 35 percent of the required interior parking lot trees (see “Interiors” section for tree requirements)

b. For lots with less than 20 spaces, the perimeter of the parking lot may incorporate up to 100 percent of the required interior parking lot trees as long as those trees are placed on private property within 20’ of the parking lot. (see “Interiors” section for tree requirements) [http://www.glenview.il.us/government/Documents/Parking\\_Lot\\_Landscaping.pdf](http://www.glenview.il.us/government/Documents/Parking_Lot_Landscaping.pdf)

Example from: Sacramento, CA

1. Expansion of existing nonconforming parking facilities. When a parking facility that does not comply with the shading requirement is expanded by an amount, in area or number of spaces, equal to or greater than 50% within any continuous three-year period, the entire parking facility, including the existing area and the expansion, shall comply with the shading requirement. When a parking facility that does not comply with the shading requirement is expanded by an amount, in area

or number of spaces, less than 50%, only the expansion must comply with the shading requirement.

2. Exceptions. The following surfaced areas are exempt from the shading requirement set forth in subsection B: single unit and duplex dwelling parking areas; model home temporary sales office parking areas; temporary commercial building parking areas; parking structures; carports; enclosed parking spaces; truck loading areas in front of overhead doors; truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking; surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards or fencing; and vehicle display, sales, service, and storage areas, provided that the surface parking area of the use shall comply with the shading requirements.

B. Tree shading requirement. Trees shall be planted and maintained throughout the surface parking facility to ensure that, within 15 years after establishment of the parking facility, at least 50% of the parking facility will be shaded. All planting, soil volumes, and maintenance shall comply with the parking facility tree shading design and maintenance guidelines.

C. Parking facility tree shading design and maintenance guidelines. Parking facility tree shading design and maintenance guidelines shall be adopted by resolution of the city council. The guidelines may be adopted following at least one public hearing before the planning and design commission and one public hearing before the city council. Each hearing shall be noticed in the same manner as hearings on text amendments pursuant to chapter 17.916.

D. Shading calculation. Shading is calculated by using the expected diameter of the tree crown at 15 years. Each planting area shall be of adequate size for the landscaping approved and shall have adequate irrigation for that landscaping. The planning director, in consultation with the city landscape architect, shall establish a list of species appropriate for providing shade in parking facilities, and trees to be planted in accordance with the regulations of this section shall be selected from this list. Landscape and shading plans shall be submitted to the building division at the time of application for building permit, and the plans shall be referred to the planning director for review for compliance with the requirements of this section. As part of this review, the planning director has discretion to modify tree shading requirements under power lines and other obstructions that prohibit strict compliance with shading requirements and to give shading credit for photovoltaic arrays, off-site trees and structures, sidewalk canopies, and other structures, where appropriate.

E. Installation. Upon completion of the installation of shade trees, the landscape designer shall certify that the shading complies with all requirements of this section. Certification shall be accomplished by the completion of the landscape certificate, pursuant to section 15.92.090.

F. Maintenance. All trees and associated landscaping, such as shrubs and turf, planted or installed pursuant to this section shall be properly maintained for the life of the facility pursuant to the surface parking facility tree shading design

and maintenance guidelines established by resolution of the city council as provided in this section. The maintenance obligation provided herein applies to all parking facilities subject to the shading requirement, whether approved prior to, contemporaneously with, or after the effective date of the parking facility tree shading design and maintenance guidelines. Any required trees or other plantings that die or are improperly maintained shall be replaced with healthy specimens of similar species and size, provided that replacement trees shall not be required to exceed 48 inch box size. Removal and replacement of trees that have caused damage to sidewalks or other infrastructure shall be reviewed and approved by the city arborist prior to tree removal. <http://portal.cityofsacramento.org/~media/Corporate/Files/Public-Works/Publications/Maintenance/Urban%20Forestry/ShadingGuidelines2003.pdf>

## CONSERVATION OF FOREST AND WOODLAND RESOURCES DURING DEVELOPMENT

This section may conserve trees and canopy during development.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

Except as provided for herein, no person or corporation shall destroy or significantly alter any forest or woodland through tree damage or removal, clearing, grading, tilling, burning, application of chemicals, or any other means unless they possess a valid Woodland Alteration Permit. No person or corporation shall be granted a permit for subdivision, grading, building, or the construction of any improvement on wooded or forested lands unless they possess a valid Woodland Alteration Permit. Any alteration of wooded or forested lands shall conform to the conditions and specifications of the Woodland Alteration Permit.

Example from: ISA: Guidelines for Developing and Evaluating Tree Ordinances

No subdivision shall be approved unless it is found to include planting of official, approved street trees within the adjacent parkways in conformity with the Street Tree Management Plan and under the Director's supervision... In-lieu fees, which are established by resolution of the City Council, may be deposited by the developer or applicant upon the recommendation of the Director. In cases when a subdivision is being approved, and the building process may be over a prolonged period of time, in-lieu fees may be required... In the event a subdivider desires to plant trees within the parkway adjacent to a new subdivision, he may apply to the Director for a permit. Such permit may be issued by the Director only after the subdivider has posted a bond pursuant to Chapter 2.17 of this Code, guaranteeing the planting of all street trees, and paid the estimated cost of all irrigation and maintenance for a three-year period. All such planting shall be done in accordance with the Street Tree Master Plan, as shall any necessary replanting which would be required should any of the planted trees die within [or be deemed unacceptable by the Director at the end of] the three- year period.

The costs of planting and the first three years of maintenance, including irrigation, of all street trees in a new subdivision, shall be borne by the subdivider. The Director shall determine the cost involved for each subdivision, which shall be paid to the City prior to City Council approval of the final map of the subdivision. The Director shall plant, maintain, and irrigate such trees at such times and places as the development of the subdivision, its occupants, and other conditions make feasible.

## STORMWATER

While not an ordinance, but stormwater utility could include strategic planting of trees to slow and filter water. <http://www.forestsforwatersheds.org/reduce-stormwater/>

## BUFFER REQUIREMENTS

This section may require tree buffers or a landscape plan during development.

Example from: Sugar Hill, GA

### 6.2 BUFFER AND LANDSCAPE PLAN SPECIFICATIONS

The following subsections and paragraphs outline the required elements of the plans and plats mentioned throughout this Ordinance.

6.2.1 A Buffer and Landscape Plan shall be prepared for any project wherein buffer areas or other landscaping areas or treatment are required by this Ordinance, the Zoning Ordinance, conditions of zoning, special use or variance approval, or other regulations of The City of Sugar Hill, and shall be approved prior to issuance of a Development Permit. While the Plan shall cover, at a minimum, the required buffer and landscape areas, the Plan can be combined with a general landscaping plan for the entire project and/or a Tree Preservation/Replacement Plan (if required), at the developer's option.

6.2.2 The Buffer and Landscape Plan shall be shown on a Site Plan or boundary survey drawn to the same or a larger scale as the other plan documents prepared for the Development Permit Application and shall cover the same area.

6.2.3 The Buffer and Landscape Plan shall contain but need not be limited to the following:

- a. Project name and Land District, Land Lot, and acreage.
- b. Developer's name and telephone number.
- c. The name, address, and telephone number of the Registered Landscape Architect, Urban Forester, or Arborist responsible for preparation of the plan, and the Seal or statement of professional qualifications of said person (which may be attached separately). The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession.
- d. Boundary lines of each buffer or other landscape area, appropriately labeled.
- e. Delineation of undisturbed buffer areas, and any other areas wherein trees are proposed to be retained to meet City requirements, along the Buffer, Landscape, and Tree



## Ordinance Plan and Plat Specifications

Example from: Polk County, IA

### (A) Intent and Purpose

The intent of this Section is to establish regulations and procedures that govern all land uses and related development activities adjacent to streams. The streams covered by this Section are identified on Figure 3.2 and 5.1 from the Polk County 2030 Comprehensive Plan. These regulations shall require undisturbed buffers and impervious surface setbacks adjacent to streams.

The purpose of undisturbed buffers and impervious surface setbacks are:

- to protect, restore and maintain the chemical, physical and biological integrity of streams and their water resources;
- to remove pollutants delivered in urban storm water;
- to protect public water supplies;
- to maintain base flow of streams;
- to minimize erosion and control sedimentation;
- to provide infiltration for storm water runoff;
- to minimize impervious surfaces close to streams; and
- to provide riparian wildlife habitats and promote desirable aquatic habitat.

### (B) Definitions

**Protection Area.** Any and all land and vegetation within the undisturbed buffer and impervious surface setback.

**Top of Bank.** Intersecting point between the stream channel and the break in the stream bank slope or the highest point of the stream channel.

**Undisturbed Buffer.** A naturally vegetated strip of land where no improvements shall take place or have been made and which lies adjacent to a stream, river, or lake and provides such functions as protecting water quality, providing wildlife habitat, and storing flood waters.

### (C) Protection Criteria

#### (1) Buffer and Setback Requirements

(a) Streams in all watersheds within unincorporated Polk County shall require a minimum 25-foot undisturbed buffer on each side of the stream, measured from the top of bank. Septic tanks and septic tank drain fields are prohibited within the undisturbed buffer and setback area;

(b) An additional 25-foot setback shall be maintained adjacent to the undisturbed buffer in which all impervious surfaces shall be prohibited.

Storm water retention or detention facilities are permitted within this setback but prohibited within the stream channel.

(c) Within these watersheds, new hazardous waste treatment or disposal facilities are prohibited.

#### (D) Applicability

This article shall apply to all land development activity on property containing a stream or near a stream. The Protection areas as defined above shall be met. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under State Code.

### (E) Exemptions

Exemption of these activities does not constitute an

exemption for any other activity proposed on a property:

(1) Any existing use that does not change use, zoning district or size is exempt from the requirements but shall meet the requirements for compliance for any new additions, structures or grading on the property.

(2) A perpendicular stream crossing by a driveway, street, or utility lines;

(3) A street or driveway where buffer intrusion is the only option to provide access to a property;

(4) Paved and unpaved trails and paths for public use;

(5) Public water supply intake or public wastewater outfall structures;

(6) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

(7) Utility lines and easements running parallel with the stream, except that all easements (permanent and construction) and clearing and grading shall recognize the sensitivity of the streams and use Best Management Practices to limit and repair the disturbance within the buffer area. This includes such impervious cover as necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

(8) Land development activities within a dedicated street right-of-way existing as of the effective date of this ordinance.

(9) Forestry activities on land that is zoned for forestry or agricultural uses and are not incidental to other land development activity.

(10) Minor land-disturbing activities for the intent of emergency erosion control and bank stabilization activities (i.e. for the purposes of corrective maintenance; measures for health, safety and welfare; post storm; or other disaster relief)

### (F) Variance Procedures

No variance shall be granted to the undisturbed buffer and/or setback requirements contained in this section unless a hardship exists and relief, if granted, meets the general purpose and intent of this article. Variance requests shall only be considered if the public or private project with buffer and/or setback intrusion can demonstrate that the completed project will result in maintained and/or improved water quality downstream; and, yields no increase in storm water runoff.

### (G) Liability

Neither the approval of a plan or issuance of a permit for any regulated activity under the provisions of this ordinance, or compliance with the provisions of this article shall relieve any person from responsibility or liability for:

(1) Any damage to any person, property, tributary or other water body; or

(2) Noncompliance with any other local, State or Federal ordinances, statutes, rules or regulations.



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