

1st reading 9-11-2024
2nd reading 10-9-2024
3rd reading 1-08-2025
Voted On 1-08-2025
Ayes 7 Nays 0
PASSED DEFEATED
P & Z 12-17-2024

1/17/2024

**ORDINANCE NO. 2024-22
(AS AMENDED)**

**AN ORDINANCE
AMENDING CHAPTER 1375, TREE PRESERVATION, OF THE
CODIFIED ORDINANCES OF ORANGE VILLAGE, AND
DECLARING AN EMERGENCY.**

WHEREAS, Orange Village has an interest in maintaining the aesthetics of the community via the preservation of trees, foliage and green spaces located within its boundaries; and

WHEREAS, this Council finds and determines that there is a need to amend the portion of the Codified Ordinances which specifically deals with tree preservation; and

WHEREAS, this Ordinance has been referred to the Planning and Zoning Commission for a report and recommendation; and

**NOW, THEREFORE, BE ORDAINED BY THE COUNCIL OF ORANGE VILLAGE,
CUYAHOGA COUNTY, STATE OF OHIO:**

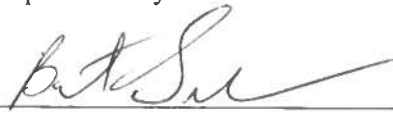
SECTION 1. That existing Chapter 1375, Tree Preservation, of the Codified Ordinances of Orange Village is amended, in its entirety, as provided in "Exhibit A", which is attached to this ordinance and incorporated into this ordinance by reference.

SECTION 2. That existing Chapter 1375 and any ordinance or any part of any ordinance in conflict with this ordinance are repealed.

SECTION 3. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of Orange Village, to help maintain the safety and aesthetics of the foliage within the Village; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and its approval by the Mayor, or as otherwise provided by law.

PASSED: JANUARY 8 2025

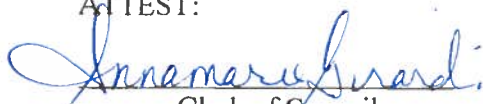


Council President

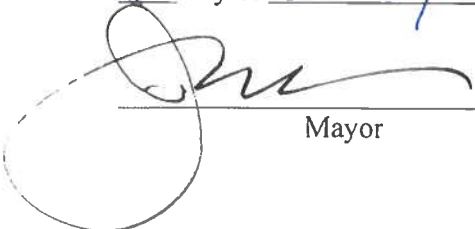
Submitted to the Mayor for
approval on this 8th day of JANUARY 2025

Approved by the Mayor this
8th day of JANUARY, 2025

ATTEST:



Clerk of Council



Mayor

**“CHAPTER 1375
Tree Preservation, Removal and Replanting**

- 1375.01 Purpose**
- 1375.02 Definitions.**
- 1375.03 Applicability; Exemptions.**
- 1375.04 Non-development Tree Removal**
- 1375.05 Trees on Individual Lots**
- 1375.06 Tree Plan Required for Developments and Redevelopments**
- 1375.07 Tree Plan: Standards for Removal; Preservation; Planting; Mitigation**
- 1375.08 Street Tree Planting Required**
- 1375.09 Additional Methods and Standards.**
- 1375.10 Orange Village Tree, Plantings and Maintenance Fund**
- 1375.11 Enforcement.**
- 1375.99 Penalty.**

1375.01 PURPOSE.

- (a) To promote the public health, safety, and general welfare through the preservation, replacement, and planting of trees to obtain the community benefits of healthy trees which include but are not limited to the ability to lessen air pollution, intercept airborne particulate matter, reduce noise and light glare, moderate air temperature, moderate stormwater runoff, reduce erosion and sedimentation, absorb greenhouse gases, maintain wildlife habitat, provide visual screening, provide natural shading, protect property values, and enhance the natural beauty of Orange Village.
- (b) To promote the maintenance and continuous improvement of the community forest of Orange Village by protecting and renewing a diversity of trees on public streets, on other public lands, and on private properties.
- (c) To mitigate the environmental and visual impacts of new developments in subdivisions and on individual lots by requiring reasonable investments in and installation of trees which will contribute to the community forest.
- (d) To encourage and permit the removal of trees which endanger human life and property, which negatively impact property values, and which impact the natural environment through invasive characteristics and are a health, safety, and welfare detriment.
- (e) To mitigate heat island effects, provide natural cooling and shade, and increase natural habitats.
- (f) To provide visual relief from large parking areas or buildings.
- (g) To provide an efficient, effective, and understandable process for submitting required documents necessary to fulfill obligations under this code.
- (h) To establish tree canopy goals for non-residential and residential developments.
- (i) To incorporate Village Service Department tree resources into the overall tree canopy goals

EXHIBIT A

1375.02 DEFINITIONS.

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

- (a) "Administrator" means the Village official designated by the Mayor to be responsible for administering the provisions of this chapter.
- (b) "Area to be modified" means all areas of land proposed to be cleared of vegetation, regraded, built upon, flooded, or otherwise permanently changed in a manner which requires the removal of trees or prevents or inhibits the healthy growth of existing trees.
- (c) "Boundary tree" means a tree the trunk of which is located on a property line and in which more than one property owner has a legal interest.
- (d) "Building footprint" means the area of land on which the foundation of a building is proposed to be constructed and including a distance outside the foundation as provided in this ordinance.
- (e) "Canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above.
- (f) "Development/redevelopment" means new construction or replacement of a principal use building, and does not include additions and/or accessory structures.
- (g) "Diameter at breast height" or "DBH" is the diameter of a tree trunk measured at a height of 4.5 feet above grade.
- (h) "Development plan" or "site development plan" means a plan for construction and use of property for dwellings, commercial buildings, subdivision improvements, and similar plans requiring approval of the Village.
- (i) "Endangered species" means those trees that are under the protection of State and/or Federal law.
- (j) "Invasive tree species" means a tree in the current list of invasive plants in the Ohio Administrative Code at OAC 901:5-30-01.
- (k) "Street tree" means a tree planted and maintained in a public street right-of-way as required by Village ordinance.
- (l) "Tree" means any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous or ornamental
- (m) "Tree Planting and 20-Year Canopy Table" means the table of trees attached to or referenced by this Ordinance.
- (n) "Tree protection zone" means the area around a tree corresponding to the drip line or one foot away from each tree for each inch of trunk diameter, at the discretion of the Administrator.
- (o) "Tree removal area" means the area on site where trees are permitted to be removed.
- (p) "Zoning districts" mean districts as defined in the Village Zoning Code and shown on the Zoning Map of Orange Village.

1375.03 APPLICABILITY; EXEMPTIONS.

- (a) Applicability. The requirements of this chapter shall be applicable to the following activities:
 - (1) Non-development tree removal.
 - (2) Any development, redevelopment, or new construction on individual lots affecting any tree in any zoning district of the Village and not otherwise covered by an approved Tree Site Plan or approved Landscape Plan.
 - (3) Developments of multiple lots and/or multiple buildings, including but not limited to new subdivisions.
 - (4) The planting of Street Trees.

- (b) Exemptions. 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 act of nature when tree removal is necessary to prevent or eliminate imminent hazards to human life and property;
 - (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 or location of such tree;
 - (3) For necessary tree removal by a public agency or utility company with plotted or dedicated utility easements;
 - (4) Golf courses; or
 - (5) Dead, substantially injured or damaged trees and invasive species as verified by the Administrator.

1375.04 NON-DEVELOPMENT TREE REMOVAL.

- (a) "Non-development tree removal" means the removal of more than six (6) trees within one (1) calendar year for purposes or activities which are not regulated by an approved development plan (including but not limited to tree harvesting, clearing in anticipation of future development) on a lot on which no building, pavements, or other improvements exist and for which there is no current application for development approval. "Non-development tree removal" shall also mean the removal of more than six (6) trees within one calendar year for purposes or activities which are not regulated by an approved development plan on the common land of a owners association.
- (b) Non-development tree removal shall only be conducted:
 - (1) As authorized in the exemptions listed in 1375.03(b); or
 - (2) Subject to written authorization issued by the Planning and Zoning Commission prior to any tree removal,
 - (3) Subject to approved stormwater and sedimentation control plans.
- (c) Authorization for non-development tree removal may be issued under the following circumstances:
 - (1) Subject to an approved Tree Survey and Tree Plan, i.e. a reforestation plan for all areas in which tree removal is proposed.
 - (2) Tree replanting for approved non-development tree removal shall consist of replanting new trees on the same lot equal to or greater than the number of the trees proposed to be removed that have 6" DBH or greater.

1375.05 TREE REMOVAL ON INDIVIDUAL LOTS.

- (a) Existing Dwelling on Lot. 6 or fewer removed in one (1) calendar year. The owner of a lot which is separately deeded *and* upon which a single-family dwelling is located and used for residential purposes may remove no more than six (6) trees which are greater than six (6) inches dbh in one (1) calendar year. Written approval or permit is not required for these removals.
- (b) Existing Dwelling on Lot. more than 6 trees removed in one (1) calendar year. The owner of any lot which is separately deeded and upon which a single-family dwelling is located and used for residential purposes may remove more than six (6) trees which are greater than six (6) inches dbh in one (1) calendar year subject to written approval by the Administrator as provided in (f) below.
- (c) Residential Buildable Lot, No Dwelling. The owner of any lot in a Residential Zoning District which is separately deeded and upon which there exists no dwelling, at the time the

applicant applies for a building permit to construct a dwelling, shall submit a plan of tree removal and planting (which may be incorporated into any required landscape plan) for approval by the Planning and Zoning Commission.

- (d) Non-residential Lot. The owner of any lot in a non-residential zoning District which is separately deeded proposing to remove trees in excess of those permitted in 1375.04 shall submit a plan of tree removal and planting (which may be incorporated into any required landscape plan) for approval by the Planning and Zoning Commission.
- (e) Application. The owner seeking approval in (b), (c) or (d) above shall submit:
 - (1) A brief written statement of the reason for the proposed tree removal (i.e., building addition, accessory structure, lawn expansion, reduce tree crowding, dangerous, damaged, diseased, invasive tree); and
 - (2) A site sketch or photograph of the tree(s) proposed to be removed; and
 - (3) Identification of the trees proposed to be removed by DBH and species.
 - (4) A site sketch indicating the locations, types, and dimensions of trees proposed to be planted to replace removed trees.
 - (5) Description of proposed site restoration (i.e., grading, seeding, mulching to minimize soil erosion and off-site stormwater impacts)
- (f) Decision. Where Planning and Zoning Commission approval is required, application shall be submitted as required by the current Planning and Zoning Commission schedule and procedures and Administrator shall inform the applicant not later than ten (10) days after decision by the Planning and Zoning Commission.

1375.06 TREE PLAN REQUIRED FOR DEVELOPMENTS AND REDEVELOPMENTS

Tree Site Plan Required. A development plan or site development plan shall not be approved until a Tree Site Plan has been approved.

- (a) Application for Tree Site Plan

Prior to approval of a preliminary and/or final development plans or site development plan, the applicant shall submit a Tree Site Plan (drawn to the same scale required for the development plan or as approved by the Administrator) prepared and sealed by a qualified arborist, land surveyor, landscape architect, architect, or professional engineer. At minimum, the Tree Site Plan shall include:

 - (1) Assessment of Existing Tree Canopy. The most recent digital aerial photography provided on the Cuyahoga County GIS Hub (or other accepted source as directed by the Administrator) shall be used to determine the amount of tree canopy existing on the applicable site. This data shall be used to prepare a Tree Site Plan indicating the extent of existing tree canopy and to calculate the current percentage of site canopy coverage.
 - (2) Existing Tree Canopy Proposed to Remain and Proposed to be Removed. The areas proposed for removal of tree canopy and canopy proposed to remain shall be indicated on the Tree Site Plan. The percentage of site canopy coverage to remain and the percentage to be removed shall be calculated.
 - (3) Required Tree Canopy and Creating Canopy Compliance.
 - A. Required Tree Canopy. The minimum amount of required tree canopy shall be calculated as provided in the table below:

PLANNED TREE CANOPY REQUIREMENTS TABLE FOR DEVELOPMENT OR REDEVELOPMENT	
Development type	Planned Minimum Canopy Requirement
Residential	
One single family building	Lot less than 1.0 acres: exempt from canopy requirement
One single family building	Lot less than 1.5 acres: 20% 25% required Lot 1.5 to 3.0 acres: 30% 35% required Lot greater than 3.0 acres: 50% 60% required
Multi family dwelling, independent living flats, and/or Development with multiple single-family dwellings	20% 25%
Non-Residential	
One principal building	5% or as approved by PC in landscape plan
Two or more principal buildings	10% or as approved by PC in landscape plan

- B. Calculation of Canopy Compliance. If the total percentage amount of existing canopy proposed to be preserved does not meet the minimum requirements set forth in the table above, then compliance shall be planned and created by additional tree planting proposed on the final Tree Site Plan as approved by the Planning and Zoning Commission.
 - C. Canopy Value of Additional Trees. Using the Tree Planting and 20-Year Tree Canopy Table approved by Village Council, the sum of the future canopy area for trees proposed to be planted shall be calculated. (These may include proposed trees as required for street trees and trees planted in landscape plans approved by the Planning and Zoning Commission.)
 - D. The common area(s) controlled by an owners association shall be the preferred locations for providing the required tree canopy.
 - E. The Planning and Zoning Commission may modify the requirements for tree canopy upon determining:
 - i. The proposed development complies with zoning requirements, or the required canopy cannot be provided due to site limitations; and
 - ii. Landscape enhancements are proposed and accepted by the Planning and Zoning Commission (such as screening) together with canopy compliance wherever feasible on the site.
- (4) Tree Schedule.
- A. A schedule stating the anticipated week(s) in which tree removal will occur.
 - B. A schedule stating the anticipated week(s) in which tree planting will occur.
 - C. An agreed procedure for scheduling Tree Site Plan compliance in coordination with any phased development.
 - D. Proposed limited early tree removal with good cause.
 - E. Provide detailed plan to identify proposed tree relocations and method for review
- (5) Deposit for Professional Fees.
A deposit of funds shall be made for the payment of professional arborist fees incurred by the Village in connection with application reviews, recommendations, and inspections required to ensure compliance with this ordinance on the subject site, pursuant to the requirements of Chapter 1327.

- (b) Pre-approval Inspection. Following receipt of the completed application for tree plan, the Administrator shall schedule and conduct an inspection of the proposed development site. The inspection shall be conducted with the assistance of a professional arborist if engaged by the Village. The applicant or his designee shall be advised as to the date and time of the inspection and given an opportunity to participate. Following inspection, the Administrator, consistent with the purposes of this chapter, shall advise the applicant of any recommended changes in the applicant's proposed tree plan.
- (c) Approval of Tree Site Plan.
 - (1) A Tree Site Plan shall be submitted, reviewed, and approved or denied as an element of the development plan and in coordination with the process of development plan approval.
 - (2) The Administrator shall, with the assistance of a professional arborist engaged by the Village, review all plans and supporting data and submit them to the Planning and Zoning Commission for review and determination to approve, require modifications, or deny approval.
 - (3) Upon approval of the Tree Site Plan by the Planning and Zoning Commission, it shall be signed by the Administrator approving the Tree Site Plan for the site.
 - (4) Tree Site Plan approval does not authorize any development activity until such time as development plan approval is granted, except that tree removal may be approved per 1375.06(a)(4)(D) above.
 - (5) The Planning and Zoning Commission may, with cause stated in the vote for approval, approve a Tree Site Plan which varies from the standards of this ordinance upon recommendation by the Administrator with cause.
- (d) Minor Amendments to approved Tree Site Plan. Minor amendments to the approved Tree Site Plan may be submitted to the Administrator for review and approval by the Administrator and the Arborist or may be determined by the Administrator to be directed for consideration by the Planning Commission.
- (e) Compliance Inspections; Surety.
 - 1. Prior to the issuance of any building permit for the development site, the Administrator shall inspect the site for the purpose of certifying compliance with the requirements of the approved Tree Site Plan.
 - 2. Surety. Posting surety in lieu of actual compliance may be permitted. If the approved Tree Site Plan conditions have not been met within the life of the surety and provided the Administrator has not granted a written extension, the Village may use the surety to enforce compliance. After development is complete, the Administrator shall make inspections to determine compliance with the approved Tree Site Plan through at least one (1) full growing season or as otherwise agreed in the Tree Site Plan.
 - 3. Replacement shall be required per 1375.09(c) upon notice by the Administrator should any of these trees die, be removed, or be destroyed within two (2) years after completion of development.

1375.07 TREE SITE PLAN: STANDARDS FOR REMOVAL, PRESERVATION, PLANTING, MITIGATION

Trees subject to a Tree Site Plan may be removed as provided in (a) below, shall be preserved as in (b) below, and must be replaced or mitigated as provided in (c) and (d) below.

- (a) Tree Removal Permitted. Tree removal shall be permitted as follows:
 - (1) Building Footprints.

Tree removal is permitted within the foundation area approved for construction of a permanent building plus the area extending fifteen (15) feet on all sides of the approved foundation area.

(2) Infrastructure Areas.

Tree removal is permitted within the area(s) of land required and approved for the construction of:

- A. public roads, sidewalks, and bike paths.
- B. private or common area roads
- C. private driveways
- D. private or common parking areas
- E. canopies, patios, decks, on-site sidewalks (including those attached to buildings in (a) above)
- F. utility installation
- G. stormwater retention or detention
- H. similar necessary development improvements as approved in the site development plan (such as essential grading to facilitate the project).

(3) Invasive Trees. Removal of invasive trees is encouraged in all areas of site development.

(4) Dangerous, dead, diseased. Removal of dead, diseased or dangerous trees is permitted in all areas of site development where they may reasonably be anticipated to be a hazard to persons or property. Where not a hazard, the preservation of naturally decaying trees such as "snags" is encouraged to promote wildlife habitat.

(b) Tree Preservation Required.

- (1) Reasonable effort shall be made in development design, tree protection practices, and construction to preserve existing trees with a dbh of six inches (6") or more, endangered species, and stands of trees on all sites.
- (2) Reasonable effort shall include, but not be limited to, alternate locations and designs of buildings and infrastructure, and relocation of existing trees in a manner that preserves trees.
- (3) Preference shall be given to preserving trees that are native or endangered, in locations that effectively buffer impacts of new development on existing surrounding uses, and that can be incorporated into required landscaping,

(c) Tree Planting, Screening and Preservation Required

- (1) Tree planting, screening and preservation shall be in accordance with the Tree Site Plan approved under section 1375.06(a).
- (2) Planting Schedule
 - A. Trees shall be planted as required by this Chapter prior to the issuance of any certificate of occupancy consistent with the requirements of the approved Tree Site Plan or on a schedule approved by the Administrator.
 - B. Trees shall be planted according to the seasonal requirements referenced in the approved tree plan or as amended with the approval of the Village and per National Arborists Association Standards.
- (3) Minimum Planting Dimensions. The dimensions of newly planted trees shall meet or exceed the minimum dimensions listed in the Tree Chart or as otherwise approved in the Tree Site Plan.
- (4) Relocation of existing trees shall be identified in the approved Tree Site Plan.

- (5) Invasive plants prohibited. No tree listed on the Invasive Plants List (Ohio Department of Agriculture, currently OAC 901:5-30-01) shall be planted as a replacement tree.

1375.08 STREET TREE PLANTING REQUIRED.

- (a) Purpose. The purpose of this section is to require street tree planting requirements on existing or proposed public streets for new construction as provided in (b) below. The purpose is to promote the installation, maintenance, and replacement of street trees in suitable locations on all Village street rights-of-way to benefit property owners and the general community.
- (b) Street trees required. Prior to issuance of a building permit, the owner of a lot shall submit payment for street tree plantings to be performed by the Service Department for the public street trees required at the Service Director's discretion. The following standards will be considered in the Service Director's determination.
 - 1. One (1) street tree shall be planted for each fifty (50) feet of street frontage on the right-of-way.
 - 2. Street trees shall be installed in a manner which: avoids conflict with above and below ground utilities; avoids potential damage to public streets and walkways; in a location suitable for tree survival, and which does not negatively impact safety for vehicles or pedestrians.
- (d) Fees: Issuance of Building Permit. Where a fee is required, the owner of the lot shall submit the fee to the Building Department in the amount established by Council for the purpose of securing and then paying expenses incurred by the Village for the planting or replacing of street trees on the street frontage abutting such house or other building. The Building Commissioner shall not issue a building permit to any person engaged in the construction of such house or building until this fee is made.
- (e) Additional deposit. Where a deposit or other consideration for street trees has previously been made in approval of a development plan, an additional deposit shall not be required unless required for street tree replacement.
- (f) Death or Destruction of Trees. Where street trees are destroyed by negligent or intentional behavior the cost for replacement shall be charged by the Service Director to the responsible party.

1375.09 ADDITIONAL METHODS AND STANDARDS

- (a) Tree marking. Prior to any tree removal or commencement of construction on a site, trees shall be marked using the following uniform colored ribbon system:
 - (1) Blue for trees to be saved.
 - (2) Red for trees to be removed.
 - (3) The Administrator may give permission to mark large groups of trees to be removed or saved with appropriately colored ribbon or fencing along the perimeter of the area in place of marking individual trees.
- (b) Tree Protection.
 - (1) Tree Protection zone. A tree protection zone shall be established and marked on the site for every tree required to be protected by this Ordinance and located within twenty-five (25) feet of any proposed grading, construction, or tree removal. The zone shall be marked prior to commencement of any grading, construction, or tree removal. Marking shall be by means of temporary fencing or other physical barriers approved by the Administrator and shall be maintained until such work is completed.

- (2) The cleaning or storage of equipment, construction 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.
- (c) Tree damage repair or replacement.
Any tree required to be protected by this Ordinance or by an approved Tree Plan that is damaged during approved tree removal, during construction, or damage occurring because of such construction, shall be repaired or replaced according to accepted National Arborists Association Standards and per 1375.07(c)(2)B.
- (d) Replacement Tree Quality. Trees shall be American Standard for Nursery Stock Grade No. 1 or better and must be approved by the Administrator prior to planting.
- (e) Replacement Trees - Species and Spacing. The species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting.

1375.10 ENFORCEMENT

The final Tree Site Plan approved by the Planning and Zoning Commission shall be part of the approved final development plan and subject to enforcement under Chapter 1143 of the Orange Village Zoning Code.

1375.99 PENALTY.

Violation of any provision of this chapter shall constitute a fourth-degree misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment not more than thirty days or both per day per occurrence. Nothing herein shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.