

City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

WORKSHOP MEETING May 10, 2016

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Patti Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitchell Dowdy

Present: Anderson, Beata, Butler, Sutton, Lowman, Mitchell, Dowdy

Absent: Carroll, Mangrum

Others Present: City Manager Wayne Hall, City Attorney Larry Cantrell, Debbie Rainey, Mike Berkley

Butler called the meeting at 6:00p.m.

1. DISCUSSION ON THE ROLE OF THE TREE BOARD TO THE PLANNING COMMISSION. BRANDON BUTLER.


- Butler stated he had ask Mr. Owen to review the processes & the ordinances, the role of the Tree Board on these ordinances, also ask him to review the process on previous developments and how effective these processes have been. . Butler stated in their packets is Tree Planting & Protection Ordinance, Development Subject to Design Review and list of ordinance changes dated back to 1997, which will become part of these minutes. Turned over to Will Owen.
- Owen stated Tree Planting & Protection Ordinance was originally adopted in 1997 to 2001 without any changes; next several years there were several changes. 2007 was the complete overhaul of the ordinance

- Mr. Hall and Mr. Butler had ask him to summarize the history, which will become part of these minutes Exhibit A. There have been some practices utilized by staff in the past that wasn't in any of the adopted documents, for instance the tree density worksheet, can't find where this has been adopted in any of the ordinances, design review manual or the subdivision regulations.
- Owen stated based on the documents it appeared to be that the Tree Commission was created as an advisory Board to have a big picture view of green spaces and landscaping desires of the City as a whole. Within that context to create a desirable plant list, to create a criteria for protection plans for existing vegetation, both on public property and private property, to be developed. Also to be responsible for the over site and upkeep of landscaping materials within City owned property.
- Owen stated he doesn't believe the intent was for the Tree Commission to be a day to day or month to month over site Commission on projects specific basics.
- Owen stated there is some language that says the Tree Commission is to review Tree Protection plans for any development that requires a contract agreement with the City, but there is nothing in the current documents that specify what specific trees that are to be protected.
- Owen stated he can in vision a reprehensive from the Tree Board, to review plans that have been submitted, for not only the density & the protection, of the entire landscaped requirements.
- Owen talked about the Design Review Section 2-103.3 Tree Removal, which will become part of these minutes Exhibit B, this does not apply to subdivisions, it is applicable to multifamily developments, apartments, and commercial & Industrial.
- Owen stated some of the language has got to be rewritten to be consistent between all the documents.
- Owen stated the Review takes place by the Tree Commission but the Planning Commission still has the approval of that Tree Protection Plan.
- Owen stated there is nothing in place that says the Tree Board has to protect any existing trees.
- Cantrell said when they start revising they should have a joint session with the Tree Commission & Planning Commission, ordinance should say The Design Review Manual and/or Subdivision Regulation Section such & such, there put their specifics.

- Questions was asked how do we fix this and where do we go from here. Hall stated Mr. Owen has been going through Design Review, Zoning Ordinances, Tree Ordinance, and all our manuals; there are a lot of discrepancies that go back to the late 1990's.
- Hall stated he spoke to Tom Daugherty and requested there be money put in the budget, because Will Owen will have to charge to get this done, we need a flow chart.
- Sutton stated what he would like to see is who gives the Tree Board their responsibilities, what they need to look at, when they hand off to the Planning Commission, what responsibilities do they have from there. Debbie Rainey stated they just make recommendations.
- Hall stated once the bonds are released then it becomes private property, in essence we have no control of private property.
- Owen stated the Planning Commission has the authority over the Subdivision Regulations and Design Review Manual. The BOC has authority over the Zoning Ordinance. The BOZA can't act or change or revise a zoning ordinance without a recommendation from the Planning Commission.
- Anderson stated so as an advisory Board, the Tree Commission makes their recommendations and sends to the Planning Commission, and then they decide and send their recommendation to the BOC.
- Owen stated what he in visions as being the most advantageous for the City is that the Tree Commission move to lessen their role in specific review of site plans and subdivisions, and increase their role in advising on the criteria that the site plans and subdivision regulations should be reviewed against pertaining to landscape.

Anderson adjourned a 6:55p.m.


Chairperson


Secretary

Tree Planting and Protection Ordinance (TPPO) History/Summarization

The below information is in chronological order and also is particular to what is applicable to single family residential subdivisions.

These are summarizations of the referenced ordinances as they read. I, like you, have no first-hand knowledge of any of the intentions behind any of the language in the ordinances and can only take the words that are in the ordinances at face value.

To summarize the below findings, the current language in the City's Tree Planting and Protection Ordinance (Title 13, Chapter 4 of the Municipal Code) does indeed call for the Tree Commission to review tree protection plan proposals, relating to subdivision development and site development plans, for submission to the Planning Commission for review. However, there are no listed requirements for the type, size, or number of trees that are to be protected. So in essence, there is nothing in the Tree Protection Ordinance that requires subdivisions or any other development sites for that matter to retain any existing trees. The only document that calls for some retention of existing trees is the Design Review Manual and the Tree Board has no oversight, review or enforcement responsibilities of that document.

June 1997 (Ordinance 409):

The original Tree Planting and Protection Ordinance (TPPO) was adopted in June 1997 (Ordinance 409). This version had the following aspects:

- 1 - Identified the Planning Commission as the sole authority for reviewing and approving plans (including tree protection plans) for compliance with the provisions of the TPPO.
- 2 - Established the Department of Code Enforcement as the entity that administered the overall enforcement of the requirements in the TPPO.
- 3 - Set a required tree density minimum of 20 Tree Density Units (TDUs) per acre for sites requiring Site Development Plan approval (i.e. Commercial, Industrial and Multi-family residential).
- 4 - All proposed (i.e. new subdivisions) single family residential lots are to have a tree protective zone that includes all areas outside of the "buildable area" of the lot. "Buildable Area" is a defined term in this version of the TPPO and is defined as that portion of a lot on which a structure or improvements may be erected in accordance with current zoning provisions (basically the protective area was the area between the lot boundaries and the minimum building setbacks).
- 5 - Suitable protective barriers (undefined in this version) were to be erected around the protected areas.
- 6 - Required that at least 1 "Category One" tree shall exist or be planted in the front yard of every lot prior to final approval of the dwelling by the Dept. of Code Enforcement. (Category One trees were identified in an attached table to the Ordinance)
- 7- Tree Protection of Undeveloped Property: the destruction within any 5 year period of 15% or more of the live trees that are 4 inches or more in DBH (diameter at breast height) without prior approval of tree protection plan shall be prohibited. There were no provisions included for penalties of this requirement.

May 2001 (Ordinance 501):

The original TPPO was wholly repealed and replaced by Ordinance 501 that was adopted in May 2001. This version had the following aspects (numbering system correlates to above items):

- 1 - Identified the Planning Commission as the sole authority for reviewing and approving plans (including tree protection plans) for compliance with the provisions of the TPPO. UNCHANGED from language in previous version
- 2 - Established the Department of Code Enforcement as the entity that administered the overall enforcement of the requirements in the TPPO. UNCHANGED from language in previous version

3 - Set a required tree density minimum of 20 Tree Density Units (TDUs) per acre "for trees located upon a development site." This language is slightly different than the previous language and adds vagueness on if it applies to Residential Subdivisions.

4 - All proposed lots in a "major subdivision" (as defined in the Sub Regs) of single family residential lots are to have a tree protective zone that includes all areas outside of the "buildable area" of the lot. The definition of the term "Buildable Area" was revised to be "That portion of a lot consisting of the actual building footprint, plus 20 ft. and driveways, plus 10 ft. on either side.

5 - Suitable protective barriers (undefined in this version) were to be erected around the protected areas. UNCHANGED from language in previous version

6 - Required that at least 1 "Category One" tree shall exist or be planted in the front yard of every lot prior to final approval of the dwelling by the Dept. of Code Enforcement. (Category One trees were identified in an attached table to the Ordinance). UNCHANGED from language in previous version

7- Tree Protection of Undeveloped Property: the destruction within any 5 year period of 15% or more of the live trees that are 4 inches or more in DBH (diameter at breast height) without prior approval of tree protection plan shall be prohibited. There were no provisions included for penalties of this requirement. This requirement had some revised language included that limited its applicability to, "undeveloped property zoned commercial, industrial, and multi-family residential use".

September 2001 (Ordinance 510):

This Ordinance just clarified that the duties of the Tree and Parks Board established in Ord. 501 replaced the old Tree Board duties that were previously identified in Title 2, Chapter 2 of the Municipal Code.

October 2002 (Ordinance 528):

This ordinance wholly repealed and replaced Ordinance 501 that was adopted in May 2001.

This version was a drastically different version than the previous Ordinances and had the following aspects (numbering system correlates to above items):

1 - Identified the Planning Commission as the sole authority for reviewing and approving plans (including tree protection plans) for compliance with the provisions of the TPPO. The only reference to the PC in this version was that a tree protection plan was to be approved by the PC (no requirement to first go to the Tree Board) prior to clearing, grading, or tree removal from any "applicable site". However, there are no listed requirements on what type, size, or how many trees are to be protected. "Applicable site" is defined as any site that requires a development contract or a site development agreement.

2 - Established the Department of Code Enforcement as the entity that administered the overall enforcement of the requirements in the TPPO. There were no references to the Dept. of Code Enforcement in this version.

3 - Set a required tree density minimum of 20 Tree Density Units (TDUs) per acre "for trees located upon a development site." This language was completely removed and there is no set minimum TDU established in this version.

4 - All proposed lots in a "major subdivision" (as defined in the Sub Regs) of single family residential lots are to have a tree protective zone that includes all areas outside of the "buildable area" of the lot. The definition of the term "Buildable Area" was revised to be "That portion of a lot consisting of the actual building footprint, plus 20 ft. and driveways, plus 10 ft. on either side. This language was completely removed and there is no reference to "Buildable Area" or tree protective zones for residential subdivision lots of any kind.

5 - Suitable protective barriers (undefined in this version) were to be erected around the protected areas. Specific details of what the protective barrier is to consist of and how it is to be installed are included in this version.

6 - Required that at least 1 "Category One" tree shall exist or be planted in the front yard of every lot prior to final approval of the dwelling by the Dept. of Code Enforcement. (Category One trees were identified in an attached table to the Ordinance).

7- Tree Protection of Undeveloped Property: the destruction within any 5 year period of 15% or more of the live trees that are 4 inches or more in DBH (diameter at breast height) without prior approval of tree protection plan shall be prohibited. There were no provisions included for penalties of this requirement. This requirement had some revised language included that limited its applicability to, "undeveloped property zoned commercial, industrial, and multi-family residential use". This language was completely removed and there is no reference to any tree protection requirement of undeveloped property.

September 2003 (Ordinance 552):

This ordinance revised and updated the previous adopted Ordinance 528 that was adopted in October 2002. The only revision was to add section 13-407A that outlined an appeal process from decisions made by the City Arborist.

October 2003 (Ordinance 557):

This ordinance wholly repealed and replaced Ordinance 552 that was adopted in September 2003. This version had the following aspects that were added or revised from the prior version:

- a) Defined the following as a duty of the Tree Commission: Review all Tree Protection Plan proposals, relating to Subdivision Development and Site Development Plans, for submission to the Planning Commission for review. Again, however there are no listed requirements on what type, size, or how many trees are to be protected.
- b) This version reintroduced language that clearly identifies the City of Fairview Codes Department as the sole entity responsible for enforcement of the Tree Protection Plan.
- c) Gave Tree Commission authority to formulate a Community Tree Plan that authority to create policies and procedures for establishing and maintaining a City Tree Bank fund.

February 2004 (Ordinance 565):

This ordinance revised and updated the previous adopted Ordinance 557 that was adopted in October 2003. The only revision was to revise the makeup of the Tree Commission.

January 2007 (Ordinance 654):

This is actually a stand-alone ordinance that established an "approved" Tree List. For some reason it was adopted as a stand-alone ordinance instead of being incorporated into the Tree Planting and Protection Ordinance.

March 2007 (Ordinance 662):

This ordinance revised and updated the previous adopted Ordinance 557 that was adopted in October 2003. The only revision was to revise the length of service for Tree Commissioners from 4 year terms to 3 year terms.

September 2007 – The Design Review Manual was adopted by the City.

The Design Review Manual includes components of landscaping requirements but is only applicable to “All development requiring Site Plan approval by the Planning Commission” as stated in Section 1-101.2 entitled “Development Subject to Design Review”. Developments that require site plan approval are commercial, industrial, and multi-family developments. It is clear that the DRM requirements do not apply to non-PUD, single family residential subdivisions. Additionally, the DRM makes no mention of the Tree Commission in any capacity and identifies the PC as the sole entity responsible for oversight, review, and variance authority of the required components within the DRM.

There is one statement in Section 1-101.5 entitled “Purpose of this Manual” that introduces some confusion with regards to the DRM’s applicability to single family residential developments. That section of the DRM states that *“where the applicant is requesting final Master Plan approval under PUD regulations, plans will be subject to the standards of the Design Review”*. My interpretation of this statement is that the DRM standards are to be applied to clubhouses, community centers, rec facilities, etc. that are a part of any PUD development. I don’t believe it is the intention of this statement to subject all aspects of a PUD development to the DRM requirements. If that was the case, I would anticipate that PUD developments would’ve been included in Section 1-101.2 “Development Subject to Design Review”. No matter what the interpretation, the statement about the PUDs should be included in the “Development Subject to Design Review” section and not the “Purpose of the Manual” section.

September 2010 (Ordinance 768):

This ordinance revised and updated the previous adopted Ordinance 557 that was adopted in October 2003. The only revision was to add a section that gave guidelines for when and how the Tree Commission was to meet.

December 2013 (Ordinance 822 – Not currently codified in the Municipal Code):

This ordinance revised and updated the previous adopted Ordinance 557 that was adopted in October 2003. The only revision was to revise some language pertaining to the Tree Bank fund and designate it as a separate budget line item in the City budget. Established that Tree Bank funds were to only be used for publicly owned City of Fairview property.

November 2014 (Ordinance 850 - Not currently codified in the Municipal Code):

This ordinance revised and updated the previous adopted Ordinance 557 that was adopted in October 2003. The only revision was to revise some language pertaining to the Tree Bank fund and allow funds to be used on publicly owned City of Fairview property AND easements.

1-101.2 Development Subject to Design Review

The following development shall be subject to the provisions of this section:

1. All development requiring Site Plan approval by the Planning Commission, as per Article XVI, Subsection 16-103.3, of the Zoning Ordinance. Development eligible for approval by staff is exempt from Design Review;
2. Any external modification to the type of development which is subject to Site Plan approval requirements as specified in Subpart 1, above, where the estimated cost of the modifications and improvements exceed twenty (20) percent of the total appraised value of the structure(s) improved by said external modifications as set forth in the most current Williamson County tax records;
3. The following external modifications, in addition to Subpart 2, above, shall require Design Review approval in accordance with the terms of this section, but for the proposed modification only:
 - (a) changing the color of more than twenty-five (25) percent of the exterior of the building;
 - (b) adding or replacing awnings except replacing with the same size, style and color;
 - (c) modifying the roof except replacing with the same roof type;
 - (d) adding or changing any dormer, cupola, pergola or other architectural feature. The modifications described in Subparts a through d, above, may be approved by the Planning Director and, if so, reported to the Planning Commission at their next meeting. Should the Planning Director determine that the proposed modifications possess design characteristics which, as per the objectives of this Manual, merit review by the Planning Commission, Planning Commission approval shall be required.
4. Any development which the Planning Director determines to possess design characteristics which merits review to achieve the purposes of this ordinance. Reasons for the Planning Director's determination shall be clearly stated in writing. Appeals from the Planning Director's determination shall be filed with the Planning Commission within fifteen (15) days, thereof, and resolved by the Planning Commission within forty-five (45) days of said filing.

2-102.2 Topsoil Stabilization

Topsoil should be removed from sites or used in spoil. Topsoil should be saved during construction and then placed over landscaped areas at a depth of at least six (6) inches. All landscape beds shall have a minimum of six (6) inches of topsoil. If six (6) inches are not present, topsoil shall be brought on site and placed in landscape beds.

2-103 PRESERVATION OF EXISTING TREES AND SITE FEATURES

In an effort to maintain existing natural surroundings, mature trees and natural vegetation should be maintained where possible. To insure this, a tree survey must be submitted during the review process. Planning Commission approval is required to remove existing mature trees.

2-103.1 Retention of Existing Trees

Existing trees are to be shown on site plan submitted for approval. Existing trees are divided into two categories:

1. **Isolated Trees**: All trees six (6) inches or greater shall be delineated along with size and species.

2. **Forested Areas**: General outline of forest stand shall be delineated. Information provided shall include the following species mixture, location of all individual trees over ten (10) inch caliper and statement regarding health and form.

2-103.2 Protection of Vegetation Surroundings Specified for Retention

If healthy mature trees and vegetation are to be retained, then the surroundings of said vegetation shall not be disrupted by grading, construction or materials storage which may endanger their vitality. Within the drip line of mature trees, the ground elevation should not be altered, and disturbance of ground surface should be minimized. A vegetative protection barrier shall be constructed which denies access of construction activities under the drip line of the trees/vegetation.

2-103.3 Tree Removal

When the site layout makes it necessary to remove a tree having a caliper of 10" or more, the tree must be replaced on site as near as practical to where the tree was removed. Replacement must match the tree's caliper by reaching an equivalent multiple, e.g., a twenty-four (24) inch caliper tree could be replaced by six, four (4) inch caliper trees or eight, three (3) inch caliper trees. A replacement ratio shall apply in addition to normal landscape requirements. Existing tree replacement within areas zoned IR, IG and IS is limited to a twenty-five (25) percent replacement ratio. Development in all other zones will be held to a fifty (50) percent existing tree replacement ratio. Consideration for tree replacement will be given to sites with difficult development situations including excessive amounts of rock, steep slopes and drainage problems. Sites which do

not exhibit these natural characteristics will be held to the tree replacement ratio stated above. Special consideration should be given for existing trees located along property boundaries, road frontages and other areas not requiring extensive grading. Existing trees removed within one (1) year of development without Fairview Municipal Planning Commission approval will be held to the highest standards for tree replacement and other design review criteria.

2-103.4 Tree Bank, Variance Request

A variance may be granted by the Planning Commission from the Tree Replacement Ratio if the applicant demonstrates an inability to assure growth of trees on site due to unique soils, topography, excessive amounts of rock or limitations due to size of lot or configuration of building design. The applicant shall provide the required number of replacement trees in a public area designated by the Planning Director as approved by the Public Works Director and/or Parks Director, if permitted by seasonal variations. In the event the developer chooses to plant off-site, the species and location must be approved by the Fairview Municipal Planning Commission and covered by the Certificate of Compliance, bonding procedure and insured. If weather does not permit planting or if the applicant requests and approval is granted by the Planning Commission during the site plan review process, a payment in lieu of planting may be made at the time of issuance of a Building Permit. This money will be placed in a Tree Bank fund which is limited to the cost of landscaping and planting improvements on public property and public Right of Way. A cost of fifty dollars (\$50) per caliper inch of Replacement Ratio will be required. Annual planting programs will be carried out by the mutual agreement of the Planning Director, Parks Director, and the Director of Public Works. This provision is not designed to allow the applicant to avoid the minimum site requirements, but rather an effort to provide an alternative measure to insure the growth and vitality of all plantings.

1. Retention of Site Feature

A natural setting is one of Fairview's attractive qualities. Streams wetlands, large rock outcrops, stands of native vegetation, fence rows, rock walls, cemeteries and other notable natural features must be located on the site plan and preserved wherever possible. Bands of trees such as fence rows, when present alongside and rear lot lines, shall be maintained as an effective screen and wind buffer.

2. Preservation of Notable Old Structures

Structures which are over fifty (50) years old or are valued for their local significance should be located on the site plan and retained if possible. Incorporation of such structures into the site's development as a special feature is encouraged. If the structures are not to be retained or adapted, reasons should be given.

Bill # 2014-28

ORDINANCE NO. 850

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 13, "PROPERTY MAINTENANCE REGS.," CHAPTER 4, "TREE PLANTING AND PROTECTION" SECTION 13-409 "COMMUNITY TREE PLAN."

Be It Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 13, Chapter 4, Section 13-409 as follows:

Therefore, Be It Ordained by the City of Fairview, Tennessee as follows:

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13 – 409 "Community Tree Plan." As it currently reads is as follows:

13-409 Community tree plan and tree bank. There is hereby created a City of Fairview, Tennessee tree bank account. The purpose of the City of Fairview, Tennessee tree bank account is to designate a specific, separate City budget account line item which shall contain the City of Fairview, Tennessee tree bank account funds. Said funds in this account are to be used solely and entirely to provide landscaping on publicly owned City of Fairview property and for no other purpose.

The commission shall have the authority to formulate a community tree plan (See Appendix item D)² with the advice of consultants, city, state and federal agencies, public hearings, and approval of the board of commissioners.

The community tree plan shall include, but not be limited to, the goals and mission of the tree commission; standard tree maintenance and planting specifications and permit application procedures; and authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, not only any public trees, but also any site that requires a development contract or site development agreement; and policies and procedures for maintaining the city tree bank account. Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003, Ord. #557, Oct. 2003, Ord. 822, Dec. 2013

Therefore, Be it Ordained by the City of Fairview, Tennessee Board of Commissioners that the Fairview Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13 – 409 "Community Tree Plan." be amended to include this Ordinance as amended to read as follows:

13-409 Community tree plan and tree bank. There is hereby created a City of Fairview, Tennessee tree bank account. The purpose of the City of Fairview, Tennessee tree bank account is to designate a specific, separate City budget account line item which shall contain the City of Fairview, Tennessee tree bank account funds. Said funds in this account are to be used solely and entirely to provide landscaping on publicly owned property and or easements of the City of Fairview, Williamson County, State of Tennessee or the United States of America located within the Corporate Boundaries of the City of Fairview, Tennessee and for no other purpose.

The commission shall have the authority to formulate a community tree plan (See Appendix Item D)² with the advice of consultants, city, state and federal agencies, public hearings, and approval of the board of commissioners.

The community tree plan shall include, but not be limited to, the goals and mission of the tree commission; standard tree maintenance and planting specifications and permit application procedures; and authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, not only any public trees, but also any site that requires a development contract or site development agreement; and policies and procedures for maintaining the city tree bank account. Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003, Ord. #557, Oct. 2003, Ord. #822, Dec. 2013, Ord.# , dated.

The remaining sections of this Chapter remain unchanged.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.


MAYOR

Brandy Shuman
CITY RECORDER

APPROVED AS TO FORM:

Larry D. Cantrell
CITY ATTORNEY

Passed First Reading October 16, 2014

Passed Second Reading November 20, 2014

CHAPTER 4

TREE PLANTING AND PROTECTION¹

SECTION

- 13-401. Title.
- 13-402. Purpose, intent, and definitions.
- 13-403. Establishment of a tree commission.
- 13-404. Duties of the tree commission.
- 13-405. Qualifications of the city arborist.
- 13-406. Duties of the city arborist.
- 13-407. Authority of the city arborist.
- 13-408. Appeal from the decision of the tree commission.
- 13-409. Community tree plan.
- 13-410. Permits required.
- 13-411. Tress on private property.
- 13-412. Tree protection plan.
- 13-413. Abuse of public trees.
- 13-414. Interference with city arborist.
- 13-415. Protection of municipal trees.
- 13-416. Placement of materials on public property.
- 13-417. Enforcement, penalty, and appeals.
- 13-418. Administration guidelines.
- 13-419. Appeal from the decision of the tree commission.
- 13-420. Tree protection plan.
- 13-421. Trees list for initial planting or replacement planting.

13-401. Title. This chapter shall be known and may be referred to as the tree ordinance, for the City of Fairview, Tennessee. (Ord. #409, April 1997, as replaced by Ord. #501, May 2001; Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-402. Purpose, intent, and definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Community tree plan" shall mean written documents that guide the work of the tree commission.

(2) "City arborist" is a person appointed by the Fairview, Tennessee, Board of Commissioners and is a non-voting consultant to the tree commission. The city arborist shall carry out the administration of this chapter, with the exception of the tree protection plan. The city arborist shall serve at the

¹Ord. #409 (April 1997) also provided that "the official city tree shall be the Red Maple."

convenience of the board of commissioners who may replace the city arborist at anytime by a majority vote of the board of commissioners.

(3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind. The City of Fairview, Tennessee is expressly excluded and not included as a person, firm, partnership, association, corporation, company, or organization of any kind as it relates to the cutting, pruning, or removal of any and all trees in the public rights-of-way or public domain, which may constitute a safety hazard or for any reason need to be removed by the City of Fairview, Tennessee. It being the intent of this definition to reserve solely and exclusively to the City of Fairview, Tennessee the sole and absolute right to prune, trim or remove, as the city in its absolute discretion sees fit, all trees in the city right of way and any tree in the public domain which might be a safety hazard or need removing for any reason by the City of Fairview, Tennessee.

(4) "Street or highway" means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular and pedestrian traffic.

(5) "Public places" shall include all property owned by the city or other governmental entity.

(6) "Property line" shall mean the outer edge of a street or highway right-of-way (R.O.W.).

(7) "Treelawn (R.O.W. edge)" is that portion of a street or highway, not covered by sidewalk or other paving, lying between the property line and the edge of the street.

(8) "Public trees" shall include all trees now or hereafter growing on any street or on any public land unless otherwise indicated. Tree sizes are defined as follows:

(a) "Large trees" are designated as those attaining a height of forty-five (45) feet or more with a mature spread of forty (40) feet or more.

(b) "Medium trees" are designated as those attaining a height of thirty (30) feet to forty-five (45) feet with a mature spread of thirty (30) feet or more.

(c) "Small trees" are designated as those attaining a height of twenty (20) to thirty (30) feet with a mature spread of 20 feet or more.

(9) "Property owner" shall mean the person owning such property as shown by the city tax roll.

(10) "Urban forest" shall mean the collection of trees, shrubs, other vegetation and associated natural features that make up the tree canopy and its growing zone.

(11) "Drip line" shall mean a vertical line extending from the outermost portion of the tree canopy to the ground.

(12) "Tree protective zone" shall mean the area around a tree corresponding to the drip line plus one third of that diameter, in all directions

from the truck. (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-403. Establishment of a tree commission. There shall be a commission to be known and designated as the "~~tree commission~~."

(1) The tree commission shall be composed of ~~seven (7) voting~~ members, all citizens of the city. All members should have experience or knowledge of trees or gardening.

(a) ~~Four (4) members~~ shall be appointed by the mayor, with ~~approval of the board of commissioners~~. ~~The mayor, vice mayor, and chairman of the planning commission shall serve as the other three (3) members.~~

(b) Of the four (4) members initially appointed by the mayor, one shall be a local contractor/developer. The four (4) shall be appointed to terms as follows: two (2) for two (2) years, one for three (3) years, and one (1) for four years.

(c) Successors to those initial members shall be appointed for terms of three (3) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(d) All members shall serve without pay.

(e) The tree commission will submit all proposals for the community tree to the board of commissioners for approval.

(f) Any contract for service or expenditure of city funds shall be submitted to the board of commissioners for approval, prior to commitment. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003, and Ord. #557, Oct. 2003; and amended by Ord. #565, Feb. 2004, and Ord. #662, March 2007)

13-404. Duties of the tree commission. The duties of the tree commission shall be as follows:

(1) ~~To review and hear applications for and determine by vote the granting or denial of permits regulating the planting, pruning, maintenance, and removal of trees on streets and other publicly-owned property. Appeals regarding the decisions of the tree commission may be made to the Fairview Board of Commissioners. (See Appendix-item A)¹~~

¹Appendix-item A has been added to this chapter as § 13-419.

Change 8, February 19, 2004

13-14

(2) ~~To review all tree protection plan proposals, relating to subdivision development and site development plans, for submission to the planning commission for review.~~ (See appendix-item B)¹ All other tree commission recommendations shall pass directly to the board of commissioners for approval.

(3) To compose and annually review a community tree plan that shall include but not be limited to such elements as an authorized tree specimen list; a tree protection plan, including a tree replacement schedule; and a city tree bank.

(4) To study the urban forest including problems involving the city tree population and seek ways to implement needed work.

(5) To assist the properly constituted officials of the city, as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the city limits, whether they are on private or public property.

(6) To provide regular and special meetings at which citizens of the city may discuss the subject of the urban forest.

(7) To encourage and promote the City of Fairview as a tree-friendly city by means of education, public relations, and public programs.

(8) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

(a) Apply for tree city status with the National Arbor Day Foundation.

(b) Conduct seminars and public education programs.

(c) Plan and coordinate an annual Arbor Week Observance.

(d) Develop a community forest preserve.

(e) Organize community tree planting projects.

(f) Establish a heritage tree program.

(9) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman, and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

¹Appendix - item B has been added to this chapter as § 13-420.

(10) Meetings. The "tree commission" shall meet for its regular meeting on the first Tuesday of the month only upon the call of the tree commission chairman or, in the absence of the tree commission chairman, upon the call of the vice chairman.

(a) The chairman or vice chairman when appropriate shall issue the call for all regular meeting(s) to the person responsible for the keeping of the minutes of the committee meetings. Upon receiving the call for a regular meeting of the tree commission, the person responsible for the keeping of the minutes of the tree commission meetings shall prepare the meeting agenda and deliver a printed copy of the call for the meeting and the agenda for said meeting to all tree commission members and the city manager. Copies of the call for the commission's regular meeting and the agenda shall be either hand delivered or electronically delivered with acknowledgment for all electronically delivered documents acknowledged by the receiver to the sender. Regular meetings notices and agenda must be delivered to all parties at least seven (7) days prior to the regularly scheduled commission meeting.

(b) Upon receipt of the call for a regularly scheduled meeting of the tree commission and the agenda for the said meeting, the city manager shall post or cause to be posted both documents in a conspicuous place in the Fairview City Hall for the public to observe. The city manager shall further cause both documents to be posted on the City of Fairview's web page.

(c) Special meetings of the tree commission may be called if deemed necessary by the tree commission chairman or in his/her absence by the vice chairman or by any two (2) tree commission members. The notification process to the person responsible for preparing the agenda and delivering notice shall be as outlined in subsection (a) of this section except the notice shall be delivered to the afore listed parties not less than twelve (12) hours before the call for the special meeting. The city manager shall take the same actions relative to public notice as outlined in subsection (b) of this section. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003, and amended by Ord. #768, Sept. 2010)

13-405. Qualifications of the city arborist. The city arborist shall be a person skilled or trained in forestry, horticulture or other closely related field. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-406. Duties of the city arborist. The city arborist shall have the following duties:

(1) The city arborist shall administer the rules governing the planting, maintenance and removal of trees on the street or other public sites in the city.

(2) The city arborist shall report to the tree commission on a regular basis and shall be in attendance at all regular and special meetings of the tree commission, tree commission subcommittees or other community meetings as designated by the chairman. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-407. Authority of the city arborist. Pursuant to the deliberations of the tree commission the city arborist shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on streets and other publicly owned trees, to insure safety and to protect and preserve the City of Fairview urban forest. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-408. Appeal from the decision of the tree commission. (See Appendix - item A)¹ (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-409. Community tree plan. The commission shall have the authority to formulate a community tree plan (See Appendix - item D)² with the advice of consultants, city, state and federal agencies, public hearings, and approval of the board of commissioners.

The community tree plan shall include, but not be limited to, the goals and mission of the tree commission; standard tree maintenance and planting specifications and permit application procedures; an authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, not only any public trees, but also any site that requires a development contract or a site development agreement; and policies and procedures for establishing and maintaining a city tree bank to be used to provide landscaping on publicly owned City of Fairview property. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-410. Permits required. The following permits are required with respect to trees on public property:

¹Appendix-item A has been added to this chapter as § 13-419.

²Appendix-item D provides: "D Community Tree Plan To Be Developed."

SEE
ORD 810
11/24/01
THAT
REMOVED
SECTION
13-409

(1) Planting, pruning, maintenance, and removal. (a) No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any street or municipal owned property without first procuring a permit from the tree commission. To insure the life, health, and aesthetic value of publicly owned trees, "tree topping" pruning is strictly prohibited where the City of Fairview has jurisdiction.

(2) Planting permit. (a) When making application for a planting permit on public property the person shall illustrate the number and types of trees or other plants to be planted.

(b) Whenever any tree shall be planted on public land it shall be planted, fertilized, staked, watered and mulched in accordance with proper planting specifications issued by the city arborist.

(3) Maintenance permit. When making application for a maintenance permit the person shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the city arborist shall find reasonably necessary.

(4) Removal and replacement permit. When making application for a tree removal permit, the city codes department shall notify the arborist. Within ten (10) calendar days, the city arborist, shall visit the site and inventory the number and kinds of trees to be removed, their size, locations, health/age condition, recommend the method of removal, and provide such other information as the tree commission shall find reasonably necessary to make a fair determination of whether a permit should be issued.

(5) Construction permit. No person shall change any natural drainage, excavate any ditches, tunnels, trenches, or lay any drive, within a radius of ten (10) feet of any public tree, without first obtaining a permit from the tree commission. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-411. Trees on private property. 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 such 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 views of any street or alley intersection.

It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

The tree commission may order trees on private land that cause obstruction, represent an insect or disease problem or otherwise present a

danger to public health or safety, to be pruned, removed or treated, at owner's expense. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-412. Tree protection plan. (See Appendix - item B)¹ The enforcement of the tree protection plan shall be the responsibility of the City of Fairview Codes Department. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-413. Abuse of public trees. No person shall intentionally damage, cut, carve, transplant, or remove any public tree, attach any rope, wire nails, advertisements, posters, or other contrivance to any public tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-414. Interference with city arborist. No person shall hinder, prevent, delay, or interfere with the city arborist while engaged in carrying out the provisions of this chapter. (Ord. #409, April 1997, as renumbered and replaced by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

¹Appendix-item B has been added to this chapter as § 13-420.

13-415. Protection of municipal trees. (See Appendix - item C)¹ (as added by Ord. #501, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-416. Placing materials on public property. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree can not be permanently blocked by placement of materials without written authorization of the city arborist. (as added by Ord. #501, Appendix A, May 2001, and replaced by Ord. #528, Oct. 2002; Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-417. Enforcement, penalty, and appeals. Any person violating or failing to comply with provisions of this chapter, with respect to public trees, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined fifty (\$50) per tree for the first offense, up to \$500 per tree for the second offense, and up to \$1,000 per tree for all subsequent offenses, plus court cost for each offense. Any fine collected will go to the City of Fairview Tree Bank. (as added by Ord. #528, Oct. 2002; and replaced by Ord. #552, Sept. 2003; and Ord. #557, Oct. 2003)

13-418. Administrative guidelines. (1) Permits may be applied for as set forth below:

¹Appendix - item C provides:

"C Protection of Municipal Trees.

All public trees shall be protected during demolition or construction.

1. All trees on any street or other publicly owned property near any demolition, excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "Construction Tree Guard" shall be not less than four (4) feet high and eight (8) feet square, (or a distance in feet from the tree trunk, equal to the diameter of the trunk, at DBH), whichever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard.
2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive, within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Tree Commission."

(a) Application for permits must be made to the Fairview City Codes Department, not less than two calendar weeks in advance of the time the work is to be done.

(b) Standards of issuance. Determined by a majority vote of its members, the tree commission shall issue the permit provided for herein if the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.

(c) Notice of completion shall be given within five (5) days to the city arborist for his inspection. (as added by Ord. #528, Oct. 2002, and replaced by Ord. #552, Sept. 2003, and Ord. #557, Oct. 2003)

13-419. Appeal from the decision of the tree commission. (1) If the request for permit is denied, the tree commission will reduce its findings and reasons for denying the permit to a short concise statement. The findings of the tree commission shall be entered into the minutes. An exact copy of the finding of the commission shall be delivered to the person who applied for the permit and whose request was denied.

(2) The person whose request for a permit was denied by the tree commission may appeal to the board of commissioners. The board of commissioners will at the next regularly scheduled meeting (or at a special meeting if properly requested) consider all findings presented from the tree commission and render a decision relative to the permit requested.

(3) The board of commissioners shall allow the person who requested the permit, the arborist and the chairman of the tree commission chairman (or their designated representative) to speak for a time period not to exceed five (5) minutes relative to the permit which has been appealed. Each of the speakers may speak only to add emphasis or clarify existing documented evidence previously included in statements and minutes of previous proceedings. No new evidence may be presented at this hearing. (as added by Ord. #557, Appendix-item A, Oct. 2003)

13-420. Tree protection plan. A "tree protection plan" shall be required for any site that requires a development contract or a site development agreement.

(1) General. A tree protection plan for the site shall be prepared by a certified arborist, licensed surveyor, landscape architect, architect, or engineer, and shall include the following:

(a) Location, size, and variety of all trees with four (4) inch or greater DBH

(b) The tree protection plan shall be signed and stamped by the person preparing the plan. The plan shall accompany the preliminary plat of the site.

(2) No clearing, grading or tree removal prior to plan approval. Prior to any clearing, grading or removal of trees from any applicable site, a tree protection plan shall have been reviewed by the tree commission and approved by the planning commission.

(a) The tree protection plan will ensure that the clearing/grading/and/or removal of trees will be performed in accordance with good flood, erosion and sedimentation control practices.

(3) Tree protection during clearing, grubbing and development.

(a) Prior to any site work, the developer/contractor, must erect a temporary barricade of orange NET fencing, having a minimum height of four (4) feet. The fencing will be supported with 4" x 4" post, placed every three (3) feet. The post shall be four (4) feet high and set deep enough in the ground to be stable without additional support.

(b) The protective barricade shall be placed a minimum distance of ten (10) feet from the base of each tree that is four (4) caliper inches DBH or more. For trees greater than ten (10) caliper inches DBH, the protective barricade shall provide a diameter of protection around the tree, in feet, equal to the DBH of the tree (i.e. a 24-inch tree would require a 24-foot protective barrier.)

(c) Nothing shall be placed inside the protective barrier, including but not limited to construction material, machinery, chemical, or temporary soil deposits. When paving, excavation, or hardscape must be done within the barricades, the barricades shall be moved back to a secondary location at the edge of work. Extra care must be taken by the contractor to insure that no damage occurs to the tree or its roots.

(d) Utilities shall not be installed in this tree protection area, **UNLESS TRENCHING PLAN IS APPROVED BY THE CITY ENGINEER.**

(e) Equipment access, material storage, fuel tanks, chemicals or cement rinsing, vehicle parking and site office location shall be limited to nontree areas.

(f) No trash or debris shall be burned beneath tree.

(g) Grading, filling, and ditching in the tree protection area is prohibited.

13-421. Tree list for initial planting or replacement planting. The following "City of Fairview, Tennessee, trees list" is adopted as the approved tree(s) for initial planting and or replacement of trees within the corporate boundaries of the City of Fairview, Tennessee.

Canopy Trees - Large	
Acer leucoderme - Chalk Maple	Nyssa sylvatica v. sylvatica - Black Gum
Acer rubrum - Red Maple	Oxydendrum arboreum - Sourwood
Acer saccharum - Sugar Maple	Pinus strobus - White Pine
Aesculus flava (A. octandra) - Yellow Buckeye	Pinus taeda - Loblolly Pine
Aesculus glabra - Ohio Buckeye	Pinus virginiana - Virginia Pine
Betula nigra - River Birch (species & cultivars)	Platanus occidentalis - Sycamore
Carya glabra - Pignut Hickory	Quercus alba - White Oak
Carya laciniosa - Shellbark Hickory	Quercus bicolor - Swamp White Oak
Carya ovata - Shagbark Hickory	Quercus coccinea - Scarlet Oak
Carya tomentosa - Mockernut Hickory	Quercus falcata - Southern Red Oak
Castanea alnifolia - American Chestnut	Quercus imbricaria - Shingle (laurel) Oak
Catalpa speciosa	Quercus lyrata - Overcup Oak
Crataegus crusgalii - Cockspur Hawthorn	Quercus macrocarpa - Burr Oak
Crataegus phaenopyrum - Washington Hawthorn	Quercus marilandica - Blackjack Oak
Crataegus viridis - Green Hawthorne	Quercus michauxii - Swamp Chestnut Oak
Diospyros virginiana - Persimmon	Quercus muhlenbergii - Chinkapin Oak
Fagus grandifolia - American Beech	Quercus nuttallii - Nuttall Oak
Fraxinus americana - White Ash	Quercus pagoda - Cherrybark Oak
Fraxinus pennsylvanica - Green Ash	Quercus palustris - Pin Oak
Fraxinus quadrangulata - Blue Ash	Quercus phellos - Willow Oak
Gymnocladus dioica - KY Coffeetree	Quercus prinus - Chestnut Oak
Ilex opaca - American Holly	Quercus rubra - Northern Red Oak
Juglans cinerea - Butternut	Quercus shumardii - Shumard Oak
Juniperus virginiana - Eastern Red Cedar	Quercus velutina - Black Oak
Liquidambar styraciflua - Sweetgum	Robinia pseudacacia - Black Locust (cultivars only)
Liriodendron tulipifera - Tulip Poplar	Taxodium distichum - Bald Cypress
Magnolia acuminata - Cucumber Magnolia	Tilia americana - Basswood
Magnolia grandiflora - Southern Magnolia	Tsuga canadensis - Canadian Hemlock
Magnolia macrophylla - Bigleaf Magnolia	Tsuga caroliniana - Carolina Hemlock
Magnolia tripetala - Umbrella Magnolia	Ulmus alata - Winged Elm
Magnolia virginiana - Sweetbay Magnolia	Ulmus serotina - September Elm

Cultivars for all species listed will also be considered.

<u>Understory Trees - Small</u>	
Amelanchier sp. - Serviceberry	Halesia diptera magniflora - Two-winged Silverbell
Aralia spinosa - Devil's Walking Stick	Hamamelis virginiana - Witchhazel
Asimina triloba - Pawpaw	Ilex decidua - Possumhaw
Carpinus caroliniana - American Hornbeam	Ostrya virginiana - Ironwood/Hophornbeam
Castanea pumila - American Chinkapin	Prunus americana - American Plum
Cercis canadensis - Redbud	Prunus serotina - Wild Black Cherry
Chionanthus virginicus - Fringetree	Ptelea trifoliata - Wafer Ash / Hoptree
Cladrastis kentuckea - Yellowwood	Rhamnus caroliniana - Carolina Buckthorn
Cornus florida - Dogwood	Rhus copallina - Shining Sumac
Cornus foemina - Swamp Dogwood	Rhus glabra - Smooth Sumac
Cotinus obovatus - American Smoketree	Rhus typhina - Staghorn Sumac
Halesia carolina - Carolina Silverbell	Viburnum prunifolium - Blackhaw Viburnum
Halesia diptera magniflora - Two-winged Silverbell	Viburnum rufidulurn - Rusty Blackhaw

Cultivars for all species listed will also be considered. (as added by Ord. #654, Jan. 2007)