

939.07 Street Tree Requirements

B) **Street Tree and Public Tree Requirements.** The following are requirements for the planting, pruning and removal of trees within City-owned property. For the purposes of this section, City owned property shall include all public rights-of-way, streets, alleys, parks or other property owned by the Municipality.

Except as otherwise provided for in this Chapter, ~~it~~ it shall be required that all subdividers or developers plant trees along public or private streets of their developments in such a manner, type, quantity and location as approved by the Planning Commission and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

1) The tree to be planted shall not be an undesirable tree species, as those listed in Appendix B **or supplemental sheet.**

~~6) The same tree genus and species shall be planted continuously down both sides of each street. Adjoining or intersecting streets shall be planted with a different tree genus and species to provide variety and prevent widespread disease.~~ **Street tree plantings should be designed to accommodate a variety of trees to prevent the widespread destruction should a disease or infestation occur. Each subdivision or street may accommodate different designs based upon different factors such as street length, home types, number of cross streets among others. Street tree designs should be flexible to allow for replacement species should a particular tree not thrive in the selected environment. Suggested options for street tree designs include, but are not limited to:**

- a) **The same genus and species planted continuously down both sides of the street;**
- b) **Multiple genus and species planted down both sides of a street (whether in a pattern or random design);**
- c) **The same genus and species planted at regular intervals, broken up by cross streets or other design features such as open space or architectural features;**
- d) **Planning Commission or the City Planner may be consulted on other appropriate designs for street tree plantings.**

939.08 Landscape Plan Submission and Approval

B) **Landscape Plan Required.** For all property which is subject to the requirements of this Landscape ordinance, the property owner ~~or~~, developer, **or authorized agent** shall prepare a landscape plan for submittal to the Planning Commission, or as otherwise permitted, to the ~~City Engineer~~ **City Planner or authorized designee.**

939.09 Appeals and Modifications

- B) **Modifications.** Upon the request of any person, the Planning Commission may approve ~~applications~~ **modifications** of ~~submitted~~ **approved** landscape plans from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would detract from the stated purpose of this Chapter. A request for a modification shall be submitted to the Planning Commission and shall be heard at a regularly scheduled Planning Commission meeting. Planning Commission shall decide the issue within a reasonable time after the hearing. In evaluating a request for a modification, the Planning Commission shall include, but not be limited to, the following criteria:
- 1) The specific condition(s) which are unique to the applicants land, and do not exist on other land within the same zone;
 - 2) The manner in which strict application of this Chapter would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;
 - 3) The unique conditions and circumstances are not self-created after the adoption of this Chapter; and
 - 4) Reasons that the variance shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the neighborhood.
 - 5) The fact that the agreed upon landscape plan substantially complies with the terms and stated purpose of this Chapter.
- C) **Modifications for Replacement of Street Trees.** Notwithstanding the rules and regulations as set forth in the Landscape Ordinance, after the maintenance period described herein has expired, if a tree dies or is removed, it shall be up to the homeowners association to enforce the replacement of the tree or to select a new tree, provided the tree is not listed in appendix B of this Ordinance. For Subdivisions and areas without homeowners associations any authorized group or individual may submit a request directly to the City Planner for approval of a replacement tree.
- D) **Modification to Appendix B and Appendix C.** Planning Commission or the City Planner or authorized designee may make additions or deletions as necessary to Appendix B (Unacceptable Trees for Street Tree Use) and Appendix C (Recommended Trees for Mason, Ohio) based upon information such as growth characteristics, disease resistance, drought tolerance, blight resistance, or tendency for insect infestation within the City of Mason.