

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21, SUBDIVISIONS, OF THE EDMOND MUNICIPAL CODE BY AMENDING CHAPTER 21.01 GENERAL PROCEDURES, BY ADDING NEW SUBSECTION 21.01.010(C); AMENDING CHAPTER 21.02 DESIGN REQUIREMENTS, BY ADDING NEW SECTION 21.02.160 PROVISION OF FOREST AREA, ADDITION OF NEW SECTION 21.02.170 TREE PRESERVATION REQUIRED, AMENDING CHAPTER 21.03 IMPROVEMENTS BY ADDING NEW SECTION 21.03.113 TREE PROTECTION, ADDING NEW SECTION 21.03.114 TREE PLANTING, AMENDING CHAPTER 21.07 FINAL RECORD PLAT BY AMENDING SECTION 21.07.090 MAINTENANCE BOND; AMENDING CHAPTER 21.09 DEFINITIONS BY ADDING NEW SECTION 21.09.061 DEFORESTATION, ADDING NEW SECTION 21.09.221 TREE CANOPY, ADDING NEW SECTION 21.09.222 TREE PRESERVATION, ADDING NEW SECTION 21.09.223 TREE PRESERVATION AREA(S); AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Section 21.01.010 of the Edmond Municipal Code is hereby amended to read as follows:

21.01.010 - Submission of Preliminary Plat.

- A. The developer shall prepare and submit a preliminary plat layout with the fees prescribed in Appendix "A", showing street(s), drainage and utility systems of any proposed subdivision for the tentative approval by the Commission. Such plat shall be required by the Plat Review Team (PRT) as defined in Chapter 21.04 to the Commission.
- B. A Traffic Impact Analysis (TIA) shall be required when as follows:
 - (1) the total potential development generates 100 or more trips (in plus out) during the adjacent roadway's peak hour; or
 - (2) the total potential development generates 100 or more trips (in plus out) during the development peak hour; or
 - (3) the total potential development generates less than 100 trips (in plus out), but the City Engineer determines there are localized safety or capacity deficiencies.

A developer should use the most recent volume of the Trip Generation Manual as published by the Institute of Transportation Engineers (ITE) for determining the number of trips a development is likely to generate. Any existing Traffic Impact Analysis shall be amended based on changes to access or if the proposed trip generation is increased by 15%. If a Traffic Impact Analysis is less than two years old, an amendment identifying and discussing any changes shall be prepared and submitted to the City for approval. If the Traffic Impact Analysis is more than two years old or no longer complies with current standards, than a new Traffic Impact Analysis shall be prepared and submitted to the City for approval. If the Traffic Impact Analysis is less than two years old and the proposed trip generation is increased by less than 15%, a letter documenting the changes shall be submitted to the City for approval.

C. The developer shall prepare and submit a Forest Area Plan. Additionally, a Tree Planting Plan must be prepared for sites not meeting tree preservation requirements. Plans are subject to the following provisions:

- (1) Forest Area Plans and Tree Planting Plans must be submitted at the time of the preliminary plat.
- (2) Forest Area Plans must indicate areas where tree preservation or planting will occur. These plans must be prepared by a Landscape Architect or Professional Engineer who is licensed by the State of Oklahoma.
- (3) Any required Tree Planting Plans must be prepared as a landscape plan in accordance with section 22.6.1(D)(2) of Edmond Municipal Code of Ordinances.

SECTION 2. Section 21.02.160 of the Edmond Municipal Code is hereby added to read as follows:

21.02.160 - Provision of Forest Area.

A. General. A minimum 20 percent of the total area being platted must be planned as Forest Area to be used for the preservation and/or planting of trees. All Forest Area must comply with the following:

1. All required Forest Area must be located within platted common area that is dedicated and conveyed to all future property owners within the development.
2. Any areas of impermeable surfaces, bodies of water, pavement, buildings, or other structures must not be credited towards the required Forest Area.
3. Area within any public or private right of way or easement granted for the installation, operation or maintenance of any

street, subterranean utility, or overhead utility must not be credited to the required Forest Area.

4. Platting of areas zoned for multiple-family or non-residential uses shall be exempt from the requirements of Provision of Forest Area.
5. Platting of areas within an approved PUD shall be exempt from the requirements of Provision of Forest Area, provided that those requirements are met, identified, and documented within a PUD that has been approved by City Council.
6. Platting of areas that are less than five acres in size shall be exempt from the requirements of Provision of Forest Area.
7. Platting of areas within the Central Edmond Urban District shall be exempt from the requirements of Provision of Forest Area.

SECTION 3. Section 21.02.170 of the Edmond Municipal Code is hereby added to read as follows:

21.02.170 - Tree Preservation Required.

A. Purpose: The City of Edmond is located on the edge of the natural range of the Cross Timbers ecotype, a relatively old ecosystem found within Oklahoma. The ecotype is characterized by blackjack oak-post oak forest. This ecosystem provides numerous environmental, health, social, and economic benefits. Additionally, this asset contributes to the aesthetic value of the city. The tree preservation standards set forth below seek to:

1. Preserve the existing natural landscape character of forested properties in Edmond by encouraging the preservation and health of existing trees, other existing vegetation, and self-sufficient natural systems overall, and;
2. Retain environmental benefits efficiently provided by forest ecosystems, such as temperature regulation, reduced stormwater runoff, decreased erosion, improved water and air quality, nutrient cycling, and protection of biodiversity and wildlife habitat.

B. General. Tree preservation must be provided as follows:

1. The Tree Canopy Area must be identified by delineating and measuring the area of tree canopy of any tree(s) or grouping(s) of trees existing on the area to be platted. The location and area measurements of the Tree Canopy Area must be indicated on the Forest Area Plan. Significant, monocultural stands of eastern redcedar may be excluded from the Tree Canopy Area. Any excluded areas shall be identified by the applicant and are subject to verification by the City.

2. From and within the Tree Canopy Area, Tree Preservation Area(s) must be indicated. The amount of Tree Preservation Area must be greater than or equal to 20 percent of the area being platted, or 80 percent of the initial Tree Canopy Area, whichever is less.
3. When existing trees are in the area, tree preservation must demonstrate the avoidance of deforestation by providing tree preservation areas throughout the area being platted. Additionally, existing trees should be preserved along the perimeter of the area being platted and must be preserved along the perimeter where the area being platted abuts an area that does not share the same zoning as the area being platted.
4. Credit for tree preservation shall not be claimed for significant monocultural stands of eastern redcedar, Bradford pear, or of tree species not native to North America.
5. Developments that are less than five acres in size shall be exempt from the tree preservation requirement.
6. Developments within the Central Edmond Urban District shall be exempt from the tree preservation requirement.

SECTION 4. Section 21.03.113 of the Edmond Municipal Code is hereby added to read as follows:

21.03.113 - Tree Protection.

- A. General. All necessary tree protection must be provided to ensure that any trees provided to meet the provisions of this title are protected from impacts as a result of, or related to, any land development and construction activities. Tree protection must comply with the following:
 1. Tree removal must not commence until a preliminary plat has been approved by Planning Commission, and City Council as applicable, or a tree removal permit, as identified in 8.16.100, has been obtained;
 2. Tree protection must provide for the protection of all trees within all tree preservation areas;
 3. Tree protection must be planned, installed, and maintained in accordance with Preservation Specifications identified in the most recently published edition of The Edmond Tree & Landscape Guide, and with the most recently published edition of ANSI A300 (Part 5). The Edmond Tree & Landscape Guide is adopted by appendix to this Title;

4. Land grading activities are prohibited until all tree protection areas have been established in accordance to the Forest Area Plan, Preservation Specifications, and associated Tree Removal Permit;
5. In any instance that trees planned for preservation are impacted as a result of, or related to, any land development and construction activity, additional Forest Area and Tree Preservation Area may be required. If the area impacted causes the amount of preservation provided to become less than the minimum amount required, additional Forest Area and Tree Preservation area must be identified and protected in an amount equal to or greater than the area affected. In any instance that additional tree preservation is not available, additional Forest Area and Tree Planting must be provided at rates double the general standard for both based on the amount of Tree Preservation Area deficient. Any changes must be submitted to the City as a revised Forest Area Plan.

SECTION 5. Section 21.03.114 of the Edmond Municipal Code is hereby added to read as follows:

21.03.114 - Tree Planting.

- A. Purpose. New tree plantings are valuable infrastructure which contribute to environmental, health, social, and economic benefits, increasing over time. The tree planting standards set forth below seek to:
 1. Provide environmental benefits of trees such as temperature regulation, reduced stormwater runoff, decreased erosion, improved water and air quality, and wildlife habitat;
 2. Enforce standards for tree planting and establishment, to ensure that trees continue to thrive and provide environmental benefits;
 3. Provide trees at developments where the amount of existing trees is insufficient to meet tree preservation requirements;
- B. General. Tree planting must be planned, provided, established, and maintained pursuant to the following:
 1. The following quantity, size, and type of trees must be planted for every 6,000 sq. ft. of required Forest Area that is not occupied by tree canopy within a Tree Preservation Area.

- a. Ten, 2.5" minimum caliper Type 1 or 2 shade trees;
- b. Six, 2" minimum caliper Type 3 or 4 small trees;
- c. Two, 7' minimum height Type 4, 5, or 6 conifer; or Type 5 or 6 broadleaf evergreen trees;
- d. Tree types shall be determined in accordance with the most recent version of the American Standard for Nursery Stock;

2. Tree species diversity must be provided. No single tree species may account for more than 25% of the trees planted. Tree species which are not native to North America, and that have demonstrated a tendency to colonize natural areas in a quick and aggressive manner should not be planted.

3. Required trees must be planted in a planting area of at least 115 square feet, that averages no less than 10 feet in width.

4. Required trees must not be planted inside of, or within 6 feet of any public utility easement.

5. All tree planting methods and materials must comply with the most recently published edition of the Edmond Tree & Landscape Guide and be specified in accordance with ANSI A300.

SECTION 6. Section 21.07.040 of the Edmond Municipal Code is hereby amended to read as follows:

21.07.040 - Maintenance Bond.

A maintenance bond shall be furnished by the contractor to the City in a sum equal to 100 percent of the contract amount for a period of one year after Council acceptance of the project. The remaining years shall be bonded at 15 percent of the contract price. The maintenance bond shall be furnished by the contractor and to the City on the form as shown in Section 21.07.040. The following indicates time and bonding percentages:

The tree planting bond requirement excludes bonding for losses due to an act of nature.

Type of Contract	Number of Years Bonded	% of Contract First Year	% Price for Bond Remaining years
Traffic Signal	2	100	15

Sanitary Sewer	2	100	15
Storm Sewer	2	100	15
Paving	5	100	15
Resurfacing	2	100	15
Water Lines	2	100	15
Public Walks	2	100	15
<u>Tree Planting</u>	<u>1</u>	<u>100</u>	<u>N/A</u>

SECTION 7. Section 21.09.061 of the Edmond Municipal Code is hereby added to read as follows:

21.09.061 Deforestation.

The permanent removal of a forest area, commonly for the purpose of making room for a different type of use.

SECTION 8. Section 21.09.221 of the Edmond Municipal Code is hereby added to read as follows:

21.09.221 - Tree Canopy.

The layers of leaves, branches, and stems of a tree, or trees, which obscure the ground directly below when viewed from above.

SECTION 9. Section 21.09.222 of the Edmond Municipal Code is hereby added to read as follows:

21.09.222 - Tree Preservation.

The act of planning and providing space for trees and treed areas so that they are not removed or damaged and are protected from being negatively impacted by human activity.

SECTION 10. Section 21.09.223 of the Edmond Municipal Code is hereby added to read as follows:

21.09.223 - Tree Preservation Area(s).

The land area necessary for the conservation and protection of existing tree.

SECTION 11. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 12. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the _____ day of _____, 2021.

MAYOR

Attest:

City Clerk

APPROVED as to form and legality this the _____ day of _____, 2021.

CITY ATTORNEY