

ORDINANCE NO. 2010-6

AN ORDINANCE AMENDING CHAPTER 15 SUBDIVISION CODE, ARTICLE 1400, LANDSCAPING, SCREENING AND BUFFERING TO REGULATE TREES PLANTED UNDER OR NEAR UTILITIES

WHEREAS, trees planted as part of a development project may grow into overhead power lines as the tree matures;

WHEREAS, branches and leaves near power lines creates a public safety hazard; and,

WHEREAS, installation of appropriately sized trees in the appropriate location can circumvent this potential hazard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

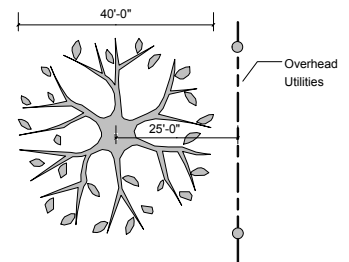
Section 1. That Sec. 1400.11 Landscape Installation Requirements, A. Location be hereby amended with the following. Deleted text is shown as a strike through and added text is highlighted.

A. *Location.*-

1. **Drainage.** Trees shall not be placed where they interfere with site drainage.
2. **Overhead utilities.** Trees shall not be placed ~~or~~ where they ~~shall~~ require frequent pruning in order to avoid interference with overhead power lines. *In such locations, small ornamental trees are encouraged.* Every effort shall be made to avoid placing trees directly under overhead utilities.

(a) Shade / Large Trees. Tree species with a mature height greater than 30' shall be planted a minimum distance from overhead utilities that is half the mature width of the subject tree species plus five feet.

Example: Pin Oak has a mature width of 40 ft
 $(40 \text{ ft} \div 2) + 5 \text{ ft} = 25 \text{ ft}$
Pin Oak should be planted a minimum of 25 ft from overhead utilities



(b) Suitable Trees Under Overhead Utilities. In cases where it is not possible to meet the landscape code without planting trees under overhead utilities or meeting the spacing requirements in Section A.2(a) Shade/ Large Trees above, the following tree species shall be used:

Suitable Trees Under Overhead Utilities			
Common Name	Mature Height (in feet)	Mature Width (in feet)	Growth Rate
American Hornbeam, Ironwood	25	25	Slow
Amur Maple/Tatarian Maple	15	18	Medium / Fast
Chinese Fringetree	25	25	Medium / Fast
Chinese Pistache	30	30	Medium
Crabapple	12-25	15-25	Medium
Common Winterberry / Possumhaw	12	12	Medium
Crapemyrtle	15-30	8-18	Fast
Dwarf Southern Catalpa	18	22	Medium
Eastern Flowering Dogwood	20	20	Slow
Goldenraintree	30	35	Medium / Fast
Kousa Dogwood	15-25	25	Slow / Medium
Kwanzan Cherry Tree	15-25	15-20	Medium
Persian Parrotia	30	25	Medium
Prairiefire Crabapple Tree	20	20	Medium
Redbud Tree	25-30	15-25	Medium
Saucer Magnolia	20-30	25	Medium
Shantung Maple	15-30	25	Slow / Medium
Southern Magnolia	20	10	Medium
Star Magnolia	15	15	Slow / Medium
Sweetbay Magnolia	25	15	Medium
Thornless Cockspur Hawthorn	20	28	Medium
Thornless Osage - orange	25	30	Fast
Trident Maple	30	25	Medium
White Fringetree / Grancy Gray-beard	20	20	Medium
Yoshino Cherry	25	30	Medium / Fast

(b) Substitution of Shade/Large Trees. Where shade/large trees are required by this article and placement under or near overhead utilities is necessary to meet the landscaping requirements, trees from the list in Section A.2(b) Suitable Trees Under Overhead Utilities may be used to substitute for a required shade/large tree at a ratio of 2 substituted trees for 1 required shade/large tree.

Example: 100 ft of linear street frontage
 Requirement: 1 shade tree per 25 linear ft = 4 shade trees required
 Substitution: (2 utility trees for each shade tree):
 $2 \times 4 = 8$ trees from list in Section D.4 below

3. **Water lines. Underground utilities.** Landscaping shall be installed at locations that avoid placement directly above water lines. Where possible, tree plantings shall be located a minimum of 5 feet from all underground utilities.

4. **Fire hydrants.** Landscaping shall not be placed within three (3) feet of a fire hydrant.

5. **Right of Way.** Trees may be planted in the public right-of-way when the street is classified as an arterial on the Master Street Plan and the necessary right of way is dedicated.

Section 2. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 12th day of January, 2010.

APPROVED:

ATTEST:

Mayor Bob McCaslin

City Clerk
ATTEST:

Suzanne Grider
City Clerk