

CHAPTER 10

LANDSCAPE ORDINANCE

SECTION

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14-1001. Purpose and intent. Carefully designed landscaping can preserve, improve, and enhance the aesthetic character of the built environment. The purpose and intent of this section is to promote the health, safety, and general welfare of the public by fostering the city's attractiveness as a place in which to live and work, by raising the level of citizen and business expectations about the quality of the community's visual environment, and by promoting qualities in the environment that improve the city's economic well-being. Additionally, well chosen landscaping can improve the compatibility between different land uses, can reduce erosion, can improve stormwater quality, can reduce stormwater runoff, can promote native wildlife, and can reduce summer temperatures in parking lots. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1002. Applicability. The requirements of this section shall apply to all new developments, modifications to existing developments, and/or redevelopments of all commercial, office, industrial, multi-family, public, and semi-public uses. When a modification to an existing development occurs, only the modifications shall comply with the requirements of this section. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1003. The landscape plan. All new developments, modifications to existing developments, and/or redevelopments of all commercial, office,

industrial, multi-family, public, and semi-public uses shall submit a landscape plan in conjunction with a site plan. The landscape plan may be prepared by the preparer of the site plan or by a nursery professional, horticulturist, or other person with proven training and experience in the field of landscape design. In addition to the site plan information, the following additional elements shall be shown on the landscape plan:

- (1) Existing and proposed drainage features and 100-year floodplain, if applicable;
- (2) Existing and proposed overhead and underground utility lines, including light poles;
- (3) Existing and proposed easements;
- (4) Existing natural areas to be retained;
- (5) The location and width of all required buffer strips;
- (6) A plant schedule, which includes the following:
 - (a) The number and the common and botanical name(s) of existing and proposed plant material to be counted toward fulfilling landscaping requirements; and
 - (b) The height and caliper (where applicable) of all proposed plant material at the time of planting.
- (7) The species names and the locations of all trees and shrubs to be planted; and
- (8) The location, species name, and size of existing trees and shrubs to be credited toward meeting the landscaping requirements. Where a heavily wooded area is being used to fulfill the buffer strip planting requirements, an identification of each individual tree is not required. The plan, however, must clearly address how such areas will contribute toward fulfilling the landscaping requirements. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1004. Definitions. For the purposes of this chapter, the following terms, phrases, and words shall have the meaning given herein:

- (1) "Buffer strip." An area used to physically separate or screen one (1) use from another so as to visually shield or block noise, lights, or other nuisances.
- (2) "Caliper." A measurement of the tree trunk diameter.
- (3) "Canopy tree." A deciduous or evergreen tree whose mature height is commonly expected to exceed thirty feet (30') and is commonly expected to have a crown spread of thirty feet (30') or more.
- (4) "Ground cover." Live vegetation which grows low to the ground, such as grass, ivy, and other similar plants.

(5) "Impervious surfaces." Includes concrete, asphalt, brick, metal, rock, or any other material constructed or erected on landscaped or natural buffer areas that impedes the percolation of water into the ground.

(6) "Landscape island." In a parking lot, usually curbed, a landscaped area placed at the end or middle of parking rows as a guide to traffic and for landscaping.

(7) "Landscape strip." In a parking lot, usually curbed, a landscaped area located between parking rows as a guide to traffic and for landscaping.

(8) "Landscape yard." A landscaped area located between a parking lot and/or driveway aisles and the side or rear property line.

(9) "Large shrub." A deciduous or evergreen shrub whose expected height at maturity commonly exceeds eight feet (8').

(10) "Shade tree." A deciduous tree where the height at maturity is expected to exceed thirty feet (30') with an expected crown spread of at least thirty feet (30') and where the hunk can be easily maintained in a clear condition (no branches) at least five feet (5') above adjacent ground level.

(11) "Small shrub." A deciduous or evergreen shrub whose expected height at maturity ranges between four feet (4') and eight feet (8').

(12) "Street yard." A landscaped area located between a parking lot and/or driveway aisles and the street right-of-way.

(13) "Tree pruning." The selective removal of certain limbs based on the structure, crown form, and growth of the tree.

(14) "Tree topping." The excessive and arbitrary removal of all parts of the tree above and beyond a certain height with no regard for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height.

(15) "Understory tree." A deciduous or evergreen tree whose expected height at maturity rarely exceed thirty feet (30'). (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-905. Parking lot landscape requirements. In order to provide shade and to break up the expanse of asphalt, parking lots shall be landscaped per the following requirements:

(1) One (1) shade tree shall be planted in landscape islands located at the end of each parking row.

(2) One (1) shade tree shall be planted in landscape islands located within a parking row.

(3) One (1) shade tree shall be planted per every seven hundred fifty (750) square feet of landscape strip located in front of a parking row.

In order to protect the view of the principal wall sign from the street at the main entrance(s) into the site, flowering unclerstory trees may be substituted for the required shade trees in (1), (2), and (3), above. The location of which shade trees may be substituted with flowering understory trees shall be determined at the time of landscape plan approval. A maximum of twenty

percent (20%) of the total shade trees required in landscape islands and landscape strips may be substituted with flowering understory trees.

(4) Street yard. Trees shall be planted within the street yard at a minimum ratio of one (1) tree per fifty (50) linear feet of street yard. Trees do not have to be evenly spaced. The minimum spacing between trees shall be twenty-five feet (25') measured trunk to trunk. The maximum spacing between trees shall be seventy-five feet (75') measured trunk to trunk.

(5) Landscape yard. Trees shall be planted within the landscape yard at a minimum ratio of one (1) tree per eighty (80) linear feet of landscape yard. Trees do not have to be evenly spaced. The minimum spacing between trees shall be forty feet (40') measured trunk to trunk. The maximum spacing between trees shall be one-hundred and twenty feet (120') measured trunk to trunk.

A minimum of eighty percent (80%) of the trees planted within the street yard and landscape yard shall be shade trees. The remaining trees shall be understory trees.

(6) In addition to the trees, all landscape islands, landscape strips, landscape yards, and street yards shall be covered with live vegetation, such as shrubs and ground cover. No impervious surfaces are permitted in these areas.

(7) In order to shield vehicle headlights from nearby residential properties, within the P-1 Professional and Civil District and the C-4 Local General Commercial District, large evergreen shrubs shall be planted in the street yard. Such shrubs shall be a minimum height of four feet (4') at time of planting. Shrubs shall be planted within the street yard at a minimum ratio of one (1) shrub per four (4) linear feet of street yard and shall create a continuous shield between the parking lot and the street. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1006. Building landscape requirements. In order to soften the expanse of building walls, trees shall be planted around buildings. For each five thousand (5,000) square feet of gross building area, one (1) canopy or understory tree shall be planted on the site. The minimum spacing between trees shall be forty feet (40') measured from trunk to trunk. A minimum of one (1) tree is required per site. If only one (1) tree is required, such tree shall be a canopy tree. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

14-1007. Buffer strip requirements. In order to provide separation and screening between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, a buffer strip shall be required in side and rear yards per the following requirements:

(1) Buffer strip width and location requirements. Buffer strips shall be located as follows:

(a) 20' wide - High density residential (R-2) adjacent to agriculture (A-1);

- (b) 20' wide - High density residential (R-2) adjacent to low-density residential (R-1);
 - (c) 20' wide - Professional (P-1) adjacent to agriculture (A-1);
 - (d) 20' wide - Professional (P-1) adjacent to residential (R-1, R-2, R-3, TND);
 - (e) 20' wide - Local Commercial (C-4) adjacent to agriculture (A-1);
 - (f) 20' wide - Local commercial (C-4) adjacent to residential (R-1, R-2, R-3, TND);
 - (g) 30' wide - Commercial (C-3, C-5) adjacent to agriculture (A-1);
 - (h) 30' wide - Commercial (C-3, C-5) adjacent to residential (R-1, R-2, R-3, TND);
 - (i) 40' wide - Industrial (M-1, M-2) adjacent to agriculture (A-1);
- and
- (j) 40' wide - Industrial (M-1, M-2) adjacent to residential (R-1, R-2, R-3, TND).

(2) Buffer strip planting requirements. Buffer strips shall be planted as follows:

- (a) One (1) canopy tree per seven hundred twenty-five (725) square feet of buffer strip area;
- (b) One (1) understory tree per six hundred (600) square feet of buffer strip area; and
- (c) One (1) large shrub per five hundred (500) square feet of buffer area or one (1) small evergreen shrub per two-hundred fifty (250) square feet of buffer area.

Plant material may be arranged in any reasonable manner, provided the plant material is distributed throughout the entire buffer and is spaced so as to provide a natural look which will promote the long-term survival of the plant material.

Existing wooded areas may be used to fulfill the buffer strip requirements provided such wooded areas are located within and largely cover the full depth of the required buffer strip. Supplemental plantings may be required in order to equal the minimum buffer strip planting requirements.

Existing individual trees and shrubs located within a buffer strip may also be substituted for required new buffer strip plantings, provided the existing tree or shrub is healthy, is non-invasive, meets the minimum size requirements for new plant material, and provides a significant screen. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

14-1008. Overall landscaping requirements. All plants shall comply with the following:

- (1) All plants shall be native of southeast Tennessee. Plants on the list maintained by the Tennessee Exotic Pest Plant Council (TNEPPC) are

prohibited. In addition, weak trees such as Bradford Pears, Silver Maples, and other similar trees are prohibited;

(2) Where multiple trees are required, no one species shall constitute more than forty-five percent (45%) of the total number of required trees for the site;

(3) A minimum of ten percent (10%) of the front yard shall be landscaped with live vegetation, such as trees, shrubs, and groundcover;

(4) Within a planned unit development, ten percent (10%) of the gross land area shall be landscaped with live vegetation, such as trees, shrubs, and groundcover; and

(5) Tree topping is prohibited. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1009. Planting size requirements. All plants shall meet the following minimum sizes at time of planting:

(1) Deciduous shade, canopy, and understory trees shall be a minimum of a two inch (2") caliper measured at two and one-half feet (2 1/2') above grade level;

(2) Evergreen canopy and understory trees shall be a minimum of six feet (6') tall;

(3) Multi-stem trees shall be a minimum of eight feet (8') tall;

(4) Unless specified otherwise, large shrubs shall be a minimum of three feet (3') in height; and

(5) Small shrubs shall be a minimum of two feet (2') in height. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1010. Plant installation. All landscaping materials shall be installed in a sound professional manner and according to professional accepted good planting practices. Any landscape material which fails to meet the minimum requirements at the time of installation shall be removed and replaced with acceptable materials. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1011. Utility policy. To avoid damage to utility lines and landscape plants, all trees and shrubs should be planted outside of existing and proposed utility easements. Where overhead power lines cross an area required by the ordinance to be planted with shade trees or canopy trees, understory trees should be substituted. In highly visible areas and where an understory tree cannot be planted, the tree(s) should be planted in the same general area where it can be seen from the street or parking lot.

No shrubs, pampas grass, or other similar vegetation should be planted within three feet (3') of a fire hydrant. No trees should be planted within five

feet (5') of a fire hydrant. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1012. Bonding. If an applicant seeks to obtain a certificate of occupancy prior to the landscaping being installed, the property owner may post an irrevocable letter of credit or bond with the city treasurer. The amount of the letter of credit or bond shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost. Such cost of the landscaping shall be certified by a licensed contractor.

Upon receiving the certificate of occupancy, the remaining landscape material shall be installed within six (6) months. The letter of credit or bond shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds shall be applied to complete the landscaping work. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

14-1013. Landscape maintenance. The persons in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping and associated materials shall be kept in proper, neat, and orderly appearance, free of refuse and debris. All unhealthy or dead plant material shall be replaced by the next planting season. Other defective landscape material shall be replaced or repaired within three (3) months. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1014. Appeals. Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within thirty (30) days of the decision imposed by the city. Decisions of the board of zoning appeals may be appealed to a court of competent jurisdiction. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1015. Conflict with other regulations and severability. Where any requirement of this section conflicts with the requirements of another section or article, the provisions of the stricter shall apply. Should any court of competent jurisdiction find any portion of this section to be unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it not found invalid. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

14-1016.--14-1018. Deleted. (as deleted by Ord. #935, Jan. 2016)