

Landscape Ordinance



Monteagle, Tennessee
2009

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CITY OF MONTEAGLE

Landscape Ordinance

Adopted 2009

I. Purpose and Intent

Monteagle's scenic landscapes are closely tied to the community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Monteagle's economy.

Landscaping provides important environmental benefits such as reducing air pollution and storm water runoff, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools used for protecting and enhancing a community's scenic quality.

The purpose and intent of this Article are the following:

- To promote the scenic quality of the community by providing landscaping requirements.
- To ensure that the local stock of native trees and vegetation is replenished.
- To improve the appearance of parking areas and property.
- To protect and enhance property values.
- To reduce storm water runoff and improve water quality; as well as help with soil erosion.
- To provide transition between incompatible land uses.
- To provide relief from traffic, noise, heat, glare from property lighting and motor vehicles, dust, and debris.
- To reduce the level of carbon dioxide in the atmosphere.
- To preserve and protect the unique identity and environment of the City of Monteagle.

II. Applicability and Exemptions

1. Except as otherwise provided below, this Ordinance shall apply to all land located in the City. These requirements shall remain and continue with any and all subsequent owners.
2. New developments and vehicular use areas which are part of a common development, which includes more than one lot, shall be treated as one lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project, shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with these requirements.
3. Any refuse receptacle (dumpster) located within any public right-of-way at the time of the adoption of this Ordinance shall be removed within a period of three (3) months from said adoption of this Ordinance.
4. Any refuse receptacle (dumpster) in existence at the time of the adoption of this Ordinance which violates or does not conform to the provisions hereof, shall conform to the provisions within a period of six (6) months from said adoption of this Ordinance.
5. For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below. Landscaping requirements shall not prevent an existing manufacturing facility from expanding. Where both building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

Building Expansions:

- When an expansion increases GFA at least 10%. but no more than 25%. then;
 - the entire property shall comply with the street yard requirements or parking lot requirements (option of applicant)
- When an expansion increases GFA more than 25%, but no more than 50%, then;

- the entire property shall comply with the street yard requirements
- 50% of the existing parking lot and all of any expanded parking lot portions shall comply with the parking lot landscaping requirements
- the entire property shall comply with all of the screening requirements
- When an expansion increases GFA more than 50%, then;
 - All of the landscape ordinance requirements must be met

Parking Lot Expansions:

- When an expansion of at least 10 spaces increases the total number of parking spaces by no more than 25%, then;
 - the expanded portion of the parking lot shall comply with the landscaping requirements
- When an expansion of at least 10 spaces increases the total number of parking spaces more than 25%, but no more than 50%, then;
 - 50% of the existing parking lot(s) within the property and all of any expanding parking lot portions shall comply with the parking lot landscaping requirements
- When an expansion of at least 10 spaces increases the total number of parking spaces more than 50%, then;
 - the expanded and existing parking lot(s) within the property shall comply with the parking lot landscaping requirements

Exemptions:

- One-family detached and two-family residential dwellings are exempt from landscaping requirements.

III. Landscape/Plant Installation Plan Submittal

Proposed developments subject to the provisions of this Section and prior to receiving a Building Permit and Certificate of Occupancy must submit a Landscape/Plant Installation Plan to City Hall for approval by the Montecagle Regional Planning and Zoning Commission. This Landscape/Plant Installation Plan may be incorporated into a site plan. The following elements shall be shown on the Landscape/Plant Installation Plan:

- Zoning of site and adjoining properties
- Boundary lines and lot dimensions
- Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the landscape plan
- Location of all proposed structures and storage areas
- Drainage features and 100-year floodplain, if applicable
- Parking lot layout including parking stalls, bays, and driving lanes
- Existing and proposed utility lines, and easements
- All paved surfaces and curbs
- Existing trees or natural areas to be retained, and
- Location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers)
- Location, installation size, quantity, and common names of landscaping to be installed, and
- The spacing between trees and shrubs used for screening

IV. Hardships

1. Intent

This Section does not intend to create undue hardship on affected properties. The required landscaping should not exceed 15% of the total lot area. For existing developments, where the GFA or parking areas are being increased, and the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed 10%.

2. Special Administrative Remedies

- Lots with a depth of 150 feet or less, or an area of 15,000 square feet or less have the following special exceptions:
 - An automatic 50% reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections
 - A 25% reduction in planting requirements for all sections except for the required evergreen plantings for screening
- Lots which front on more than one street have the following special exception:
 - All street frontages other than the primary street frontage may have a street yard with a minimum depth of 4 feet
- In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than 10% of the gross required off-street parking for an existing development; or a loss greater than 15% of the lot area for development, the following administrative remedies may be applied:
 - Reduce the required minimum landscaped area widths up to 50%
 - Reduce the tree planting requirements by up to 25%

3. Administrative Guidelines

- Where possible, reduction of landscaping requirements in one area should offset by an increase of landscaping requirements in other portions of the site
- The first priority is to provide trees along the street frontage
- A screen should always be provided if it is required by this Section. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than 5 feet in width, require a

maximum of 6 feet tall wood or composite fence or masonry wall, adjoining any commercial property. If commercial/industrial adjoining residential a minimum 10 feet tall fence required.

V. Conflict With Other Articles in the Zoning Ordinance and Existing Zoning Conditions

Where any requirement of this section conflicts with the requirement of another Article or existing zoning conditions in the Zoning Ordinance, the most restrictive requirement shall apply.

VI. Street Yard Requirements

1. Intent

The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

2. Dimensions

- Except for point of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.
- The street yard shall have a minimum depth of 8 feet as measured from the edge of the public street right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

3. Plantings

- Trees shall be planted within the street yard at a minimum ratio of 1 tree per 35 linear feet of the right-of-way frontage. Trees do not have to be evenly spaced in 35 feet increments. Fractions of trees shall be rounded up to the nearest whole number.
- The minimum spacing between trees is 15 feet measured trunk to trunk. The maximum spacing is 50 feet measured trunk to trunk.
- The trees referred to in this section shall have a minimum expected maturity height of at least 25 feet and a minimum canopy spread of 10 feet (see Plant Installation Specifications Section).

4. Existing Woodlands

- Existing woodlands the street right-of-way frontage can be substituted for the street yard requirements subject to the following:
 - Existing woodlands to be set aside shall have a minimum depth of 25 feet as measured from the public street right-of-way.
 - Number of woodland trees (not including prohibited trees) having a minimum caliper of 6 inches shall equal

or exceed the minimum street tree planting ratio of 1 tree per 35 linear feet.

- No impervious services are permitted within the street yard area except for approved access points to the site and /or sidewalks.

5. Exemptions/Special Situations

- Properties adjoining rights-of-way that encroach into established parking areas more than twenty feet have the following street yard options.
 - Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way.
 - If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections.
 - Existing street trees planted within the right-of-way (not including the center median or opposite side of the street).
 - Where overhead power lines encroach into the street yard, smaller trees can be substituted for larger trees.
 - Storm water facilities may be located within the street yard subject to the following conditions:
 - No riprap, crushed stone, or other impervious materials are exposed with the exception of mountain stone
 - Trees and other living organic materials can be planted along the storm water facility
 - With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.

VII. Parking Lot Requirements

1. Intent

The intent of this section is to break up the expense of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.

2. Design Criteria

- No parking space can be more than 60 feet from a tree.
- Ends of all interior parking bays that contain a minimum of 10 contiguous parking spaces shall be bordered on both sides by a landscape island.
- Ends of all perimeter parking bays shall be bordered by a landscaped peninsula.

3. Dimensions/Planting Criteria

- Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum of 8 feet and a minimum landscaped area of 200 square feet.
- Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one tree.
- All landscaped islands and peninsulas shall be bordered by a curb.

VIII. Screening Requirements

1. Intent

To provide a transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

2. Procedure

Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided on the next page.

<u>EXISTING</u>	Industrial	Commercial	University	High-Density Residential	Low-Density Residential
Industrial	≠	B	A	A	A
Commercial	≠	C	B	B	B
University	A	B	C	B	B
Residential High-Density	A	B	B	≠	B

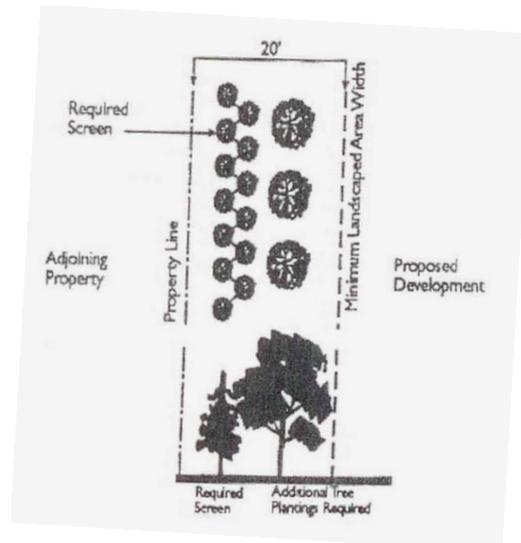
≠ No screen or buffer required

<u>ZONING DISTRICTS</u>	
Industrial	I-1
Commercial	C-1, C-2, C-3
School/Church	
Residential High-Density	R-1-H, and R-3
Residential Low-Density	R-1-L, and R-2

3. Screening Types

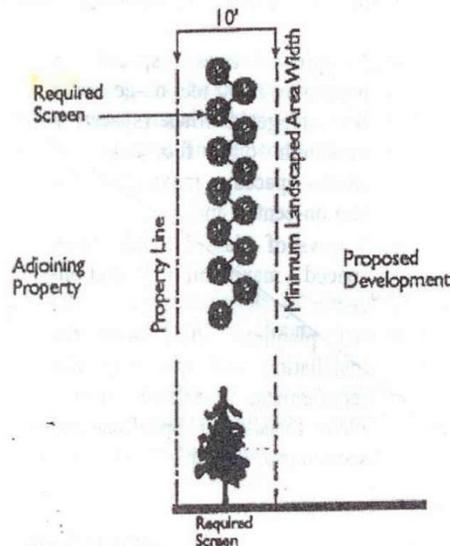
Type A-20 feet deep Landscape Yard planted with:

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- 1 row of Class 1 Shade Trees spaced a maximum of 35 feet on-center
- All planting shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.



Type B-10 foot deep Landscape Yard planted with:

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- All planting shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.



Type C-5 foot deep Landscape Buffer between Commercial and Commercial:

- The buffer should consist of screening shrubs no more than 5 feet apart; or
- Class 2 shade trees that are no less than 40 feet apart; or
- Screening trees that are no less than 15 feet apart.
- All planting shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

Type D-Screening of Dumpsters-Screened in the manner described below:

- Screening shall be a minimum height of 6 feet.
- All four sides of the dumpster shall be screened.
- The screen should incorporate access to the dumpster by using a wood fence.
- Screening materials must be any combination of evergreen plantings, wood, composite or masonry material.

Type E-Storm water Facilities-located in the landscaped yard subject to the following conditions:

- No rip-rap, crushed stone, concrete or other impervious materials are exposed, except mountain stone
- Trees and other living organic materials can be planted along the storm water facility.

IX. Storm water Credits

Reserved for Future Use

X. Plant Installation Specifications

1. Intent

All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.

2. Class 1 Shade Trees

These trees are intended to be used to meet the tree planting requirements specified in the street yard and parking lot sections. All Class 1 Shade Trees shall be installed at a minimum caliper of 2 inches as measured from 2 ½ feet above grade level. Class 1 Shade Trees shall also have a minimum excepted maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class 1 Shade Trees provided they meet the minimum maturity height and canopy spread criteria.

Common Names

Southern Sugar Maple	Sugar Maple
River Birch	European Hornbeam
American Hornbeam	Katsura Tree
Yellowwood	Ginkgo
Seedless Honey Locust	Golden Raintree
Sweet Gum	Dawn Redwood
Black Gum	American Hophornbeam
Chinese Pistachio	White Oak
Saw tooth Oak	Swamp White Oak
Scarlet Oak	Overcup Oak
Water Oak	Willow Oak
Northern Red Oak	Shumard Oak
Japanese Pododatree	Littleleaf Linden
Silver Linden	Princeton American Elm
Japanese Selkova	

3. Class 2 Shade Trees

These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class 2 Shade Trees shall be installed at a minimum caliper of 1 and ½ inches as measured at 2 ½ feet above grade level from the base of the tree. Class 2 Trees shall have a minimum expected maturity height of 20 feet and a minimum canopy spread of 10 feet.

Common Names

Trident Maples	Hedge Maple
Amur Maple	Serviceberry
Redbud	Flowering Dogwood
Kousa Dogwood	Thornless Cockspur Hawthorne
Winter King Hawthorn	Golden Raintree
Crapemyrtle	Sweetbay Magnolia
Okame Cherry	Autumn Flowering Cherry
Yoshino Cherry	

4. Screen Trees

Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a maximum height of 8 feet and have a minimum expected mature spread of 8 feet.

Common Names

Atlas Cedar	Deodar Cedar
Leyland Cypress	Foster Holly
American Holly	Eastern Red Cedar
Southern Magnolia	Shortleaf Pine
Loblolly Pine	Virginia Pine
Canadian Hemlock	Carolina Hemlock

5. Screen Shrubs

All screening shrubs shall be installed at a minimum size of 3 gallons and have an expected maturity height of 6 feet and a mature spread of at least 5 feet.

Common Names

English Holly	Burford Holly
Nellie R. Stevens Holly	Wax Myrtle
Cherrylaurel	English Laurel
Eastern Arbor Vitae	Leatherleaf Viburnum

6. Prohibited Plants

The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance.

Common Names

Silver Maple	Tree of Heaven
Mimosa	Garlic Mustard
Asian Bittersweet	Air-Potato
Autumn Olive	Thorny Olive
Winter Creeper	English Ivy
Sericea Iespedeza	Chinese Privet
Common Privet	January Jasmine
Japanese Honeysuckle	Amur Bush Honeysuckle
Morrow's Bush Honeysuckle	Tartarian Honeysuckle
Bush Honeysuckle	Purple Loosestrife
Japanese Grass	Mulberry
Eurasian Water Milfoil	Princess Tree
Common Reed	Japanese Knotweed/Bamboo
Silver Poplar	Kudzu
Multiflora Rose	Tropical Soda Apple
Johnson Grass	Japanese Spiraea
Siberian Elm	

XI. Utility Easement Policy

1. Intent

To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

2. Policy

Any tree or shrub used to meet the requirements of this article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

- Written permission has been obtained from the holder of the utility easement.
- Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specification Section as Class II Shade Trees, p. 17) may be substituted.
- If none of the special exceptions above apply, the following options shall be considered of priority.
 - Priority 1-Plant the tree as close to the easement as possible.
 - Priority 2-For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street of parking lot.
- Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

XII. Maintenance

The property owner shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy (no more than 50% diseased), neat, and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this article. A maintenance/replacement bond or letter of credit in an amount equal to fifty (50%) of the projected cost of landscaping shall be provided to the City of Montegale for a period of not less than two (2) years.

XIII. Certificate of Occupancy/Bonding

If the landscaping has not been installed and inspected for proper installation prior to receiving Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:

- Property owner posts a performance bond or irrevocable letter of credit with the City Treasurer;
- The amount of the bond or letter of credit shall be at least \$1,000.00 for Type C screening, \$3,000.00 for Type B screening, and \$5,000.00 for Type A screening.

After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within one (1) year from the date the Certificate of Occupancy is issued. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the one (1) year period and the funds applied to complete the landscaping work.

XIV. Appeals

Any person aggrieved by the administration, interpretation, or enforcement of this Section may appeal to the Board of Zoning Appeals within 60 days of the Building Inspection Office's decision. Decisions of the Board of Zoning Appeals may be appealed to a court of competent jurisdiction. 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 if not found invalid.

Unique factors relating to topography, soil and vegetation conditions, space limitations, or uses of neighboring property may make landscaping impossible, ineffective or unnecessary. The Hardship section of this document provides administrative remedies and guidelines where the strict application of the Landscape Ordinance would create an undue hardship. If the administrative remedies and guidelines as described within that section do not relieve the undue hardship, requests for use of alternative landscaping schemes or variances are justified only when one or more of the following conditions apply:

- Topography, soil, vegetation, or other site conditions are such that full compliance is impossible, impractical, or ineffective. If the request is a variance in the screening requirements a letter shall be required from the owners of abutting property to acquiesce with the variance or alternative landscaping scheme.
- Due to a change of use of an existing site, the required screening requirements (buffer yard) are larger than can be provided as required by the provisions of this ordinance.
- The site involves space limitations or unusually shaped parcels.
- When the strict application of this Landscape Ordinance would impact the safety of the general public.

XV. Definitions

Caliper-a measurement of the tree trunk diameter measured at 2 ½ feet above grade level.

Chain Link Fencing-used for security not screening and cannot be used to satisfy any landscaping requirements.

Class I Shade Trees-any plant having a central trunk, a maximum expected maturity height of 35 feet, and an expected minimum mature canopy spread of 20 feet.

Class II Shade Trees-any plant having a central trunk, a maximum expected maturity height of 25 feet.

Fence-includes wood, masonry, or evergreen plants and includes chain links (however, chain linked fences shall not be used for any type of screening i.e. slats attached or weaved in fence).

Gross Floor Area-the total interior space as defined by the Southern Building Code.

Impervious Surfaces-includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Parking Bay-all parking bays that do not qualify as a perimeter bay.

Landscaped Area/Landscape Yard-an area to be planted with grass, trees, shrubs, or other natural ground cover. No impervious surfaces are permitted in these areas.

Landscaped Island-a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula-a landscaped area defined by a curb and surrounded by paving on three sides.

Masonry Wall-made of brick or stone; any other masonry construction must be approved by the planning commission.

Natural Buffer-an area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of material, and impervious surfaces are not permitted in these areas.

New Development-construction of a new building or structure on its own lot is considered as new development. New buildings or a structure constructed on a lot which already contains existing buildings is considered as an expansion.

Perimeter Bay-all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs-evergreen shrubs that maintain their foliage year-round.

Screening Trees-evergreen trees that maintain their foliage year-round.

Street Yard-a designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs.