

## ORDINANCE#

### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ASHLAND CITY, TENNESSEE BY DELETING ARTICLE III., SECTION 3.150 STANDARDS PERTAINING TO TREE PRESERVATION AND PROTECTION IN ITS ENTIRETY AND THE SECTION RESERVED

WHEREAS, the Mayor and the City Council previously adopted Ordinance #561; and

WHEREAS, Article III., Section 3.140 and Article III., Section 3.150 were combined and now conflict with Ordinance #561.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE, that Article III., Section 3.150 be deleted in its entirety and the section be reserved as follows:

~~3.150. RESERVED Standards pertaining to tree preservation and protection:~~

~~3.150.1. The purpose of this section is to promote the health, safety, and public welfare within the Town of Ashland City through the maintenance and protection of existing trees that are hereby deemed to constitute either unique and virtually unreplaceable natural features, and/or aesthetic and/or historical treasures.~~

~~3.150.2. The nominal standards promulgated herein are established in order: to promote the lessening of air pollution, to promote clear air quality by increasing vegetative air filtration, to reduce noise, heat, glare, and minimize flooding, and to increase the ambiance of the community while protecting values throughout the town.~~

~~3.150.3. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance:~~

~~a) Adjusted Caliper Inches (ACI) – The number value resulting from the multiplication of the Tree Value Factor times the actual measured Caliper Inches of trees in each Category of trees that are protected (see definition).~~

~~b) Category I Trees – Broad-leaf evergreen overstory, select hardwoods, and endangered species – Trees Value Factor = 1.0.~~

~~c) Category II Trees – Some deciduous overstory hardwoods, selected cone-bearing evergreens, broad-leaf evergreen understory – Tree Value Factor = 0.75.~~

~~d) Category III Tree – Some deciduous overstory hardwoods, some cone-bearing evergreens – Trees Value Factor = 0.5.~~

~~e) Caliper Inches – For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity in inches of the diameter of a tree measured six inches (6") above the ground.~~

~~f) Conifer Tree – Any tree with needle leaves and a woody cone fruit.~~

~~g) Deciduous Tree – Any tree which sheds its leaves in the fall or winter.~~

~~h) Drip Line – A vertical line extending from the outermost portion of a tree to the ground.~~

~~i) Endangered species – Those trees which are under the protection of State and/or Federal law.~~

~~j) Evergreen – Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.~~

~~k) Line Clearance – Removal of limbs and branches within a set distance of utility lines.~~

~~l) Non-development Activity – Any alteration of the natural environment which does not require development or plot plan approval, but which would include the proposed removal or~~

~~destruction of any tree affected by this ordinance.~~

- ~~m) Private Tree – Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.~~
- ~~n) Protected Tree – Any tree in Category I, which is six caliper inches (6") or larger, any tree in Category II, which is ten caliper inches (10") or larger, and any tree in Category III, which is eighteen caliper inches (18") or larger, as listed as attached hereto.~~
- ~~o) Pruning – Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.~~
- ~~p) Public Tree – Any tree in an area owned by a governmental entity.~~
- ~~q) Replacement Tree – Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.~~
- ~~r) Street Tree – Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens~~
- ~~s) Supplemental Tree – Any tree being planted on a site which is in addition to existing trees and replacement trees.~~
- ~~t) Topping – The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.~~
- ~~u) Tree – Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.~~
- ~~v) Tree Value Factor – The numerical value assigned to each tree Category that represents the importance of that Category of trees with respect to visual buffering, growth characteristics, native species, and aesthetics. The Tree Value Factor for trees in Category I = 1.0; Category II = 0.75; and for Category III = 0.5. The Tree Value Factor for all existing protected trees on a development site, regardless of Category = 1.0. The Tree Value Factor for all trees in screen areas = 1.0.~~

~~3.150.4. The Tree Committee. The Ashland City Municipal Planning Commission shall be charged with the responsibility of functioning as the Tree Committee of the Town. The chief enforcement officer of this ordinance (the city building inspector) shall be empowered to effectuate and implement the various provisions as cited within this Section.~~

- ~~(a) Primary Duties of the Tree Committee. The principal duties of the Tree Committee, drawing on any other local sources available, are (1) to identify special, unique, and archeologically and historically significant trees that are noteworthy and currently extant within the community, and (2) to administer all requirements that are found within this Section, in an effort to protect and preserve Ashland City's special types of trees.~~

~~3.150.5 Tree Planting:~~

- ~~(a) Public Trees. Tree planting shall be undertaken by the city in all public areas in a systematic manner to assure diversity of age, classes, and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the Tree Committee.~~
- ~~(b) Private Trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The Tree Committee will make every effort to provide information about species, planting techniques, and placement guidelines when requested by residents.~~
- ~~(c) Replacement Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to replace historic, unique, and/or endangered trees which have been removed, destroyed, or severely damaged during the course of development or construction, except that in no case shall replacement trees be required in excess of the Minimum ACI Density established in 3.150.7(b) of this ordinance.~~
- ~~(d) Supplemental Trees. The Planning Commission shall in the normal course of its approval~~

process, require the planting of public trees or private trees to supplement historic, unique, and endangered trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of the Minimum ACI Density, established in Subsection 3.150.7, (b), of this ordinance.

- (c) ~~Prohibited Plantings. It shall be unlawful for any person to plant trees as follows:~~
- ~~(1) Within any designated or recorded sewer or water easements: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Boxelder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.~~
  - ~~(2) Within any recorded or proposed easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty (20) feet.~~
  - ~~(3) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Boxelder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female) and Cottonwood (except hybrids).~~

### 3.150.6 Tree Protection

- (a) ~~Public Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected public tree as defined herein, or that is defined herein as an unique, virtually unreplaceable natural feature in terms of its historic, aesthetic and unique characteristics without first obtaining the permission of the Planning Commission or its designee.~~
- (b) ~~Private Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected private tree as defined herein, or as described below without first having obtained the permission of the Planning Commission or its designee.~~
- ~~(1) Any private tree which has been declared a rare or endangered species by an agency of the state or federal government due to size, longevity, rarity, etc., and which is protected by the laws of the State of Tennessee or the laws of the United States.~~
  - ~~(2) Any private tree which has been declared by the Planning Commission or its designee to have real historical significance.~~
  - ~~(3) Any private tree which has been declared by the Planning Commission or its designee to have significant value by virtue of its size, species, location, appearance, or other distinguishing feature.~~

### 3.150.7 Development Activities

- (a) ~~Protected Trees. Developers shall indicate on site plans submitted to the Planning Commission for approval, the location of protected trees, as defined herein, which are proposed to be destroyed during the course of development. The Planning Commission may, at its option, do any or all of the following:~~
- ~~(1) Require that any protected tree(s) that is (are) destroyed be replaced according to the provisions within this Subsection 3.150.5, of the ordinance. In this respect, the replacement formula shall be that either the type and number of protected trees destroyed or the required post development ACI density shall dictate minimum replacement requirements, whichever is greater.~~
  - ~~(2) Request that the site plan be altered so as to preserve any protected tree(s).~~
  - ~~(3) Request that developer transplant any protected tree(s) to another location on the site.~~
- (b) ~~Post Development ACI Density~~
- ~~(1) There is hereby established a Minimum ACI Density, expressed as "Adjusted Caliper Inches per Acre of Area (See Section 3.150.3 herein for further guidance), for each land use classification in the Town. Within one hundred eighty (180) days following the issuance of a~~

Use and Occupancy Permit, sufficient replacement trees and supplemental trees shall be planted in order to bring the completed site to the Minimum ACI Density.

(2) The Minimum ACI Density for each primary type of land use classification shall be:

<b>Land Use</b> _____	<b>Adjusted Caliper Inches at Time of Planting</b>
Residential (total diameter required on each residential lot)	8"/lot or 1 acre whichever is greater
Service and Institutional Office	20"/acre
Retail	20"/acre
Industrial	30"/acre
	35"/acre

**Total Tree Diameters Required  
for Various Types of Land Uses\***

8"/Lot or Acre ACI Density	20"/Acre ACI Density Service and Institutional Uses	20"/Acre ACI Density Office- Uses	30"/Acre ACI Density Retail- Uses	35"/Acre ACI Density Industrial Uses
Residential Uses	Institutional Uses	Office- Uses	Retail- Uses	Industrial Uses

\*See definitions a, b, c, d, e, i, and n, as cited herein in Section 3.150.3, for further clarification of the preceding table.

3.150.8 Tree Equivalency Table:

**Category I**

- Bradford Pear
- Ginkgo Black Walnut
- American Chestnut and hybrids Southern Magnolia
- Bigleaf Magnolia
- Saucer Magnolia
- Umbrella Magnolia Franklinia
- Pin Oak
- White Oak Scarlet Oak
- Southern Red Oak Willow Oak
- Chestnut Oak Northern Red Oak Shumard Oak Chinese Elm
- American Hornbeam American Beech Yellow Poplar Ohio Buckeye Japanese Zelkova
- Black Maple Norway Maple
- Red Maple
- Sugar Maple
- English Holly
- American Holly Flowering Dogwood

**Category II**

Bitternut Hickory  
Pignut Hickory  
Shellbark Hickory  
Shagbark Hickory  
Mockernut Hickory  
Butternut  
Shingle Oak  
Bur oak  
Blackjack Oak  
Chinkapin Oak  
Post Oak  
Black Oak  
Weeping Willow  
River Birch  
European White Birch  
Eastern Hophornbeam  
Sweetgum  
London Planetree  
Sycamore  
Eastern Redbud  
Yellowwood  
Horse Chestnut  
Yellow Buckeye  
Chinese Parasol Tree  
Mountain Laurel  
Sourwood  
White Ash  
Green Ash  
Blue Ash  
White Pine

### **Category III**

Lombardy Poplar  
Black Willow  
Hackberry  
Winged Elm  
English Elm  
Slippery Elm  
Rock Elm  
Paper Mulberry  
White Mulberry  
Red Mulberry  
Cucumbertree  
Pawpaw  
Sassafras  
Downy Serviceberry  
Black Cherry  
Honeylocust  
Black Locust

~~White Basswood~~

~~Black Tupelo~~

~~Persimmon~~

~~Shortleaf Pine~~

~~Virginia Pine~~

~~Eastern Redcedar~~

~~Eastern Cottonwood (hybrid only)~~

~~3.150.9 Average Tree Valuation Schedule~~

~~Category I \$150.00 to \$400.00 PER CALIPER INCH~~

~~Category II \$80.00 TO \$150.00 PER CALIPER INCH~~

~~Category III \$80.00 PER CALIPER INCH~~

~~3.150.10 Normal Maintenance and Pruning. Nothing in this section shall be construed in any way to prohibit or discourage the normal maintenance or pruning of trees throughout the community. Proper pruning with branch removal at branch or trunk junctures is required for all private trees. The practice of tree topping is prohibited on public trees and strongly discouraged on private trees, unless there will otherwise be potentially dangerous conditions created in relation to high voltage electric lines, etc.~~

~~3.150.11 Penalties. Any person violating this ordinance shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be subject to the maximum fines allowed by law. Each subsequent day that any violation continues unabated shall constitute a separate offense.~~

BE IT FURTHER ORDAINED, that this Ordinance shall take effect 20 days after its final passage, the public welfare requiring it.

1<sup>st</sup> reading November 9, 2021

Public Hearing December 14, 2021

2<sup>nd</sup> reading December 14, 2021

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Mayor Steve Allen

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Interim City Recorder Alicia Martin, CMFO