

ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ASHLAND CITY, TENNESSEE BY AMENDING ARTICLE III., SECTION 3.140 LANDSCAPE TREATMENT REGULATIONS

WHEREAS, the Ashland City Municipal Regional Planning Commission has recommended that the Zoning Ordinance of Ashland City be amended; and

WHEREAS, the Mayor and Council has given due consideration to said recommendation and has conducted a Public Hearing as required by law, now,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF ASHLAND CITY, TENNESSEE that the Zoning Ordinance be amended as follows:

3.140. Landscaping, Screening and Buffering

A. Purpose and Intent

The purpose and intent of this ordinance is to establish a set of landscape requirements and guidelines that will be utilized as a minimum standard required of all developed or disturbed sites within the Town of Ashland City. The requirements and guidelines set forth in this section were developed in order to promote the health, safety and welfare of the general public; to improve the overall appearance of the community; to reduce stormwater run-off, noise, heat and chemical pollution through the preservation and installation of canopy trees; and to reduce the impact of incompatible land-uses through requirements for buffer yards along zoning boundaries which will minimize potential harmful effects of one use on another.

B. Applicability

The provisions of this Section shall apply to developments which require a site plan to be submitted or which require a master development plan to be submitted. The provisions of this Section, which pertain to screening and buffering, shall apply along all zoning district boundaries and along all boundaries separating a conditional use from permitted uses.

C. Landscaping Plan

1. Prior to the issuance of any permits (foundation, grading and/or building) for any site proposing any new or additional development, a landscape plan being part of the site development plan, meeting the requirements of this section, shall be submitted to and approved by the Town of Ashland City Planning Commission. All landscape plans are to be prepared by and sealed by a registered landscape architect licensed in the State of Tennessee. A landscape plan shall also accompany any bulk grading and/or site clearing plan.
2. No landscape plans are to be drawn at a scale greater than 1 inch = 50 feet. All landscape plans shall include the following:

- Boundary of proposed site;
- Proposed site improvements;
- Existing and proposed utility lines and easements;
- North arrow;
- Scale and scale bar;
- Location of all existing trees 8 inch caliper and greater with any forested area containing such trees being separately delineated with the species mixture indicated;
- Location of all proposed plant material;
- A landscape schedule (providing the quantity, the botanical and common names, the height, the width and the caliper inches of all proposed plant material at the time of planting);
- A data table showing the landscape requirements for the site and the landscape provided to meet these requirements;
- Details and notes explaining the installation and maintenance of proposed and/or protected plant material;
- The name, address and phone number of the Landscape Architect approving said plans;
- Proposed means of slope stabilization, if applicable.

D. Bonding

1. All proposed landscaping may be secured by a landscape performance bond to guarantee the quality and longevity of the plant material installed. Bond amounts will be determined by the Town of Ashland City Planning Commission and will vary depending on the quantity of landscape material proposed. The bond will be released upon installation of the required landscaping and inspection and approval by the city. If the required landscaping has not been installed within one (1) year of the approval of the plan, said bond shall be reviewed to determine if the amount is still adequate and if not, may be increased.
2. Prior to the release of the performance bond, a landscape maintenance bond may be posted in order to assure the longevity and livelihood of the plant material. Said bond will be held for a period of one (1) year. At the completion of the year, these bonds will be reviewed to determine whether or not they are to be released, reduced, or held for an additional year. The amount of the bond shall be determined by the Town of Ashland City Planning Commission and will vary depending on the quantity of landscape material installed.

E. Standards

1. All proposed plant material for a given site are to be appropriately specified in order to tolerate the climate conditions of the Middle Tennessee area.
2. All proposed plant material for a given site are to meet the most recent requirements of the “American Standard for Nursery Stock” (ANSI Z60.1) established by the “American National Standards Institute, Inc.”.

F. General Landscape Requirements

The following requirements shall apply to all developments except single family detached housing developments that are not a part of any planned unit development. The Planning Commission may require all required landscaping to be automatically irrigated. Such irrigation system, if required, shall be fully operational prior to the issuance of the final certificate of occupancy.

Required Trees

1. Each newly developed site shall be required to have a minimum Acquired Caliper Inch (A.C.I. or Caliper Inch) of 35 caliper inches of proposed trees per acre.
2. 75% of required trees shall be native to the southeastern United States.
3. 50% of required trees shall be a minimum 2 caliper inches in size.
4. No proposed canopy tree planted at a size less than 2 caliper inches will be accepted as a required tree. No proposed understory/ornamental tree shall be less than 1.5 caliper inches in size.
5. A minimum of 20% and maximum of 50% of required trees shall be understory and/or ornamental trees.
6. Existing trees to be protected and retained shall count 50% of their size towards the 35 inch/acre requirements but not count towards parking area requirements. In the event that the existing tree credit creates a condition where no new tree plantings are required under the formula, a minimum of 18 caliper inches/acre of proposed trees shall be provided.

G. Parking Areas

1. Islands

- a. One landscape island with a minimum size of 9 feet x 18 feet shall be placed at a minimum of every 15 spaces in any proposed row of parking.
- b. A minimum of one 2-inch caliper or larger canopy tree is to be placed in each proposed island. Said canopy trees can be used toward the overall tree requirements but not toward any existing tree replacement.
- c. Said islands are to be free of all asphaltic, construction and/or trash materials. The following note is to be placed on all site plans. "All parking islands are to be inspected and approved by the Town or Ashland City prior to the installation of any plant material or soil."

2. Adjacent Parcels

- a. A minimum open space area of ½ of the required side yard shall be placed between any proposed paved area and the adjacent parcel(s) to the site under development. If the required open space contains any drainage, utility or access easement, an additional 5 feet of open space shall be provided.
- b. The open space area shall be landscaped at the designer's discretion in order to

accommodate the general landscape requirements but shall be maintained as permanent open space.

- c. The open space area may be crossed by driveways or sidewalks where an access agreement between the adjacent property owners is in place.

3. Street Fronts

- a. A minimum open space area of 10 feet shall be placed between any proposed paved area and the right-of-way of the public street providing frontage to the site. If the required open space contains any drainage, utility or access easement, an additional 5 feet of open space shall be provided. Said open space area shall be landscaped in accordance with (b) below in addition to any required trees.
- b. One shrub at a size no less than 24 inches high and 24 inches wide is required for every 2 linear feet of parking/driveway area that parallels any street front. Spacing of shrubs to be in keeping with species and design configuration. Said shrubs are to be installed between the street front and the proposed parking areas in a manner that will help screen and/or soften the visual effects of the proposed parking areas from its street front. Any area between the right-of-way and a curb or street pavement shall be included in the landscape plan and provided with appropriate cover. Street trees shall also be included in the street front landscaping. Canopy trees with a minimum caliper inch size of two (2) inches shall be planted on 40-foot centers. When overhead power lines are encountered, understory ornamental trees with a minimum caliper inch size of one and one-half (1.5) inches shall be planted on 30-foot centers.

H. Turf/Ground Cover

1. All areas that have been disturbed by a particular site's development and are not within a planted area shall be seeded and strawed or sodded in order to achieve a well established lawn.
2. All disturbed areas that exceed a 3:1 slope shall receive a Jute Erosion Control Mesh (or equivalent) and be planted with the appropriate turf or ground cover that will provide a fast growth habit and rapid establishment.
3. All disturbed natural areas that exceed a 3:1 slope and are located along a street front are to receive sod.
4. All storm drainage ditch bottoms are to receive sod unless a concrete flume has been proposed.

I. Landscape Requirements for Single Family Developments

Single family subdivision developments (subdivisions with one-family dwelling on a fee simple lot) shall meet the following requirements:

1. Each lot shall include three (3) canopy trees with a minimum size of two (2) caliper inches.

One such tree shall be planted as a street tree to be located within five (5) feet of the street right-of-way. Any utility easement shall be taken into account when locating such tree.

2. Foundation planting shall be provided for each house on each lot in a development. Such planting shall include complimentary shrubbery and flowering plants.
3. Every final subdivision plat shall include a drawing of a typical lot compliant with these landscape requirements.

J. Replacement of Existing Trees

The requirements of this section shall be in addition to the General Landscape Requirements as presented in Section F. and, therefore, cannot be applied towards meeting the “General Landscape Requirements”.

1. All existing trees that are to be removed from a site to be developed (this also includes sites that are to be cleared of their existing trees in order to increase their market value as a future development) shall be replaced at a rate of 50% of their size. When the replacement of existing trees results in an Acquired Caliper Inch calculation in excess of 150 percent of the requirement for the site, the requirement shall be capped at 150 percent of the required 35 caliper inches per acre.

For Example: If a 24 caliper inch existing tree is removed then 12 caliper inches of new trees must be proposed to replace this tree. (Note: this only applies to the removal of trees at a size of 8 caliper inches and up.)

2. Any canopy tree 18 caliper inches or over in size shall be identified as a specimen tree. Extraordinary efforts to protect such trees shall be taken, and any removal of a specimen tree shall be specifically approved as a part of the landscape plan. The replacement of such trees shall be on a one (1) inch to one (1) inch basis.

K. Screening

1. Heating and cooling units on all non single-family residential developments shall be screened from all street fronts and adjacent parcels. Said screen shall be either permanent opaque fencing and/or a thick massing of evergreen plant materials installed at a height and spread no less than 24 inches spaced so that an immediate screen is created at the time of planting.
2. Dumpster and service/loading areas are to be screened from all fronts and adjacent parcels. Said screen is to be either a permanent opaque fencing or a thick massing of evergreen plant materials installed at a minimum height of 3 feet and minimum spread of 4 feet.
3. If a retention/detention pond area is to be enclosed with chain-link fencing, the fencing shall be black or dark green vinyl coated fencing. The pond area shall also be screened with a thick massing of evergreen plant material at a minimum height of 3 feet and a minimum spread of 4 feet from all fronts and adjacent parcels.

L. Sight Distance Requirements for Landscape Materials

At any public or private street intersection and at the access point for private driveways to public or private streets, a clear zone for sight distance shall be maintained. No landscape material that exceeds 18 inches in height at maturity or branches lower than 6 feet shall be planted in any sight distance clear zone.

M. Coordination With Transitional Screening Requirements

1. The requirements for transitional screening and barriers shall be in addition to the requirements for landscaping. All site plans and master PUD plans shall observe all such requirements.
2. No application for a zoning change shall be recommended by the Town of Ashland City Planning Commission unless such application demonstrates that the requirement for a bufferyard can be met.
3. The Town of Ashland City Planning Commission and the Board of Appeals shall not approve any conditional use permit unless such request demonstrates that the requirements for a bufferyard can be met.

N. Waiver

1. In extreme cases certain sites and/or proposed land uses may be in a position of legitimate hardship in meeting the landscaping requirements of this ordinance. Should this occur, the owner/developer may appeal to the Town of Ashland City Planning Commission to request a reduction in the landscape requirements based upon the physical conditions of the site. Self imposed or financial hardships only shall not constitute a basis for approval of the request.

O. Transitional Screening

1. General Requirements

The following general provisions shall apply to transitional screening:

- a. When a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip at the point of abutment. Buffers are required between industrial and commercial districts. The buffer strip shall be no less than fifteen (15) feet in width.
- b. Transitional screening shall be provided within the zoning district and on the lot of the “burdened use or district”, along all points where such use or district is contiguous or across the street from land used by or zoned for the “benefited use or district”.
- c. All plant materials utilized in the transitional screening bufferyards shall meet the size requirements of 3.140.F. A minimum of fifty (50) percent of the materials shall be evergreen.

2. Transitional Screening Requirement

- a. Transitional screening in the form of a bufferyard shall be located along the outer

perimeter of a lot or parcel, and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide transitional screening.

b. Bufferyard shall be defined as a greenbelt planted strip not less than fifteen (15) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

3. Requirements Within Landscape Bufferyards

Sidewalks or trails may occur within a bufferyard provided the effect of the yard is not compromised. In no event shall the following uses be allowed in the bufferyards: playgrounds or playfields, stables, swimming pools, tennis courts or other recreational facilities; parking areas or other vehicular use areas; dumpsters, equipment storage and other open storage; buildings or overhangs; stormwater retention/detention facilities; and utilities or utility easements.

Bufferyards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross bufferyards as close to perpendicular as possible and shall not exceed twenty-five (25) percent of the entire bufferyard area, with no single penetration to exceed thirty-five (35) feet in width.

4. Variations

The bufferyards are normally calculated as being parallel to the property line. However, design variations, especially when used to incorporate existing native vegetation into the bufferyard area, shall be considered. The edges of the bufferyard may meander, including permitted walls, provided that: 1) the total area of the bufferyard is equal to or greater than the total area of the required bufferyard; and 2) the bufferyard measures no less than the minimum width required at all points along the perimeter of the property line.

Bufferyard requirements may be waived by the Town of Ashland City Planning Commission with a demonstration of unusual site grade conditions that would clearly negate the effects of the required bufferyard. The applicant shall supply section or profiles (drawn to scale) through the property line along the bufferyard proposed for the waiver. These drawings shall show the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian or a motorist, as applicable, from principal entrances, sidewalks or streets and from the highest point of the site to be buffered. Such sections or profiles shall clearly demonstrate that effect of the change in grade would negate the effect of a mature landscaped bufferyard thirty (30) feet in height.

5. Exemptions

No bufferyard shall be required in the following situations:

- a. When a zoning district boundary falls along a public street containing four (4) or more travel lanes; or along an elevated railroad bed, utility line easement fifty (50) or more feet wide, or along a creek or waterway that is fifty (50) or more feet wide.

P. Modifications and Waivers

Transitional screening may be waived or modified by the Town of Ashland City Planning Commission in any of the following circumstances. The Town of Ashland City Planning Commission may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this chapter.

1. Transitional screening may not be required between uses that are to be developed under a common development plan or series of development plans within a PUD District or a common site plan.
2. Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening may be waived or modified by the Town of Ashland City Planning Commission where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
3. The transitional screening and width and planting requirements may be reduced as much as two-thirds (2/3) where the developer chooses to construct a seven (7) foot brick or architectural block wall. This wall may be reduced to a height of six (6) feet where the Town of Ashland City Planning Commission deems such a height will satisfy the purposes and intent of this chapter.
4. Transitional screening may be waived or modified where the adjacent property is zoned to allow a use similar to that of the parcel under site plan.
5. Transitional screening and barriers may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.
6. Transitional screening may be waived or modified where adjacent property is zoned for residential use and is used for any use permitted as a conditional use by the Board of Zoning Appeals except day care centers, educational facilities and special personal and group care facilities.
7. Transitional screening may be waived or modified where the subject property abuts a railroad or limited access highway right-of-way.
8. The Town of Ashland City Planning Commission may waive or modify transitional screening requirements where topography of the lot providing the transitional screening and the lot being protected is such that a transitional screen would not be effective.
9. Transitional screening may be waived or modified for any public use when such use has

been specifically designed to minimize adverse impact on adjacent properties.

10. In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Town of Ashland City Planning Commission may require the use of an earth berm or specialized fence material in lieu of, or in combination with, transitional screening.

Q. Landscaping Maintenance

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair. The practice of “topping” trees shall not be permitted as a normal practice of maintenance of trees. Topping is defined as the excessive and arbitrary removal of limbs with no regard to the structure of the tree. Excessive removal of limbs is removal of more than 20 – 25 percent of the limbs as stated in the ANSI standards for pruning. Trees severely damaged by storms or other causes may be exempted from this requirement at the determination of the city.

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

1st reading May 25, 2021

Public hearing

2nd reading

Mayor Steve Allen

City Recorder Kellie Reed, CMFO, CMC