

With their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no solar device within any portion of the required front yard.

### 3.140. Landscape treatment regulations.\*

A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.

B. Applicability. The provisions of this section shall apply to all developments within the Town of Ashland City with the exception of single-family and two-family dwellings each of which is in "fee-simple" ownership, as follows:

#### 1. New Sites

No new site development, building or structure shall hereafter be constructed which involves the creation or utilization of any vehicular use area\*\* unless landscaping as required by the provisions of this section is provided.

#### 2. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless vehicular use area landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the expanded parking requirements for the new uses.

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\*See Illustrations in Appendix for guidance.

\*\*Vehicular use area as used in this ordinance shall mean any ground surface area except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, gasoline stations, grocery stores, etc.

C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

Quality - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with exception of shrubs and hedges, vines and ground covers shall be prohibited. (See classification of Plant Materials in the Appendix for acceptable plantings).

Deciduous Trees - (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

Evergreen Trees - Evergreen trees shall be a minimum of six (6) feet high.

Shrubs and Hedges - Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

Vines - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

Grass or Ground Cover - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Ashland City as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials, if approved by the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a Special exception.

D. Existing Landscaping Material:

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards:

The following general and specific area standards shall be met:

1. General Standard

Sites should not be completely covered with impermeable surfaces, which prevent percolation back into the soil and can cause erosion, street flooding, and/or overloading of storm sewer systems. A minimum of fifteen (15) percent of the site or zone lot shall be devoted to permeable surfaces, with ten (10) percent of the sites' parking or vehicular use area being devoted to landscaping.

2. Specific Standards:

a. Area

The minimum individual landscaped area permitted shall be sixty-four square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees and Bushes

A minimum of one (1) tree shall be required for each two hundred and fifty (250) square feet, or fraction thereof of required landscape

area. No less than four (4) shrubs shall be required for each required tree (for each two hundred and fifty (250) square feet, or fraction thereof of required landscape area). Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs not to exceed two (2) feet in height, and ground cover.

F. Landscape Treatment Plan:

Ten (10) copies of a landscape treatment plan signed and stamped by a licensed landscape architect, certified to practice in Tennessee, as required by this section shall be prepared at a scale no smaller than 1"=50' showing the location of all landscaped areas, the specific nature of the existing and proposed landscaping, parking aisles, individual parking areas, ingress and egress points, utility easements, dimensions of the lot, the topography of the lot, storm water drainage characteristics, any applicable buildings, and building setback lines. The landscape treatment plan shall be a portion of the plot plan whenever it is required by this Article.

The landscape treatment plan shall be submitted to City Hall no later than twenty (20) days prior to the planning commission meeting, or Board of Zoning Appeals meeting in the case of all special exceptions.

G. Enforcement:

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Surety Instrument

The landscaping plan as submitted and approved shall be secured by a letter of credit made payable to the city in an amount equal to the estimated cost of the landscaping plus ten (10) percent, at the time of the issuance of a building permit whenever plot plan approval is involved, or at time of the issuance of an occupancy permit whenever a special exception is involved, or at the time of the issuance of an occupancy permit whenever a change in use is involved. The period within which all required landscaping improvements must be completed shall not exceed one (1) year, at which time said letter of credit shall be called to complete the approved landscaping plan, if such improvements have not been properly completed. However, at the planning commission's discretion, such letter of credit may be extended for a period not to exceed six (6) months. If this is done an additional five (5) percent of the cost of securing all necessary improvements must be figured into the newly reanalyzed letter of credit. At the end of this period of time, said letter of credit shall be called to facilitate all required improvements if such have not been already completed. Said letter of credit shall be obtained solely from commercial banks and federally chartered savings and loan associations located in Cheatham or Davidson County.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been

submitted and approved by the planning commission whenever changes of use or plot plans are involved, or by the board of zoning appeals when landscaping pertains to special exceptions. In no case shall any certificate of occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

a. Exceptions (*Added by Ordinance 376, December 14, 2010*)

Those projects granted exception under provisions of Article III, Section 3.120, Subpart H, may be issued a building permit and certificate of occupancy upon Building Official review and approval of proposed development, alteration, or addition and certification of compliance with the requirements of this ordinance.

H. Maintenance:

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person 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, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.150. 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 extent 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.

(e) 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.

### 3.1 50.7 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 which ever is greater
Service and Institutional	20"/acre
Office	20"/acre
Retail	30"/acre
Industrial	35"/acre

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

8"/Lot or Acre ACI Density	20"/Acre ACI Density	20"/Acre ACI Density	30"/Acre ACI Density	35"/Acre ACI Density
Residential Uses	Service and 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.

### 3.1 50.8 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  
W h i t e O a k 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)

3.1 50.9 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.