

SUBSTITUTE ORDINANCE NO. BL2005-763

An ordinance amending Title 17 of the Metropolitan Code of Laws by amending Sections 17.24.020, 17.24.030, 17.24.080, 17.24.100, 17.24.150, 17.24.160, 17.24.210, 17.24.220, 17.24.230 and 17.24.240 relating to tree topping and landscaping, buffering, and tree replacement, all of which is more particularly described herein (Proposal No. 2006Z-017T).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.24.020 of the Metropolitan Code of Laws is hereby amended by adding a second paragraph as follows:

"Before issuance of any building permit, a landscape plan, if required, must be approved by the urban forester."

Section 2. That Section 17.24.030 of the Metropolitan Code of Laws is hereby amended by adding the following sentence at the end thereof:

"There shall be no more than fifty percent of any one species of tree planted in an effort to prevent monocultures on the property."

Section 3. That Section 17.24.080 of the Metropolitan Code of Laws is hereby as follows:

1. By deleting the existing language of Subsection B and substituting instead the following:
"B. Watering. All required landscaping shall be maintained by an underground irrigation system. On properties of two (2) acres or less in area, this requirement may be satisfied with an outside hose attachment within one hundred (100) feet of all plant materials. Any irrigation method employed shall be fully operational at time of Use and Occupancy.";

2. By adding a new Subsection D as follows:

"D. Staking or Guying of Trees. The staking and/or guying of trees shall be prohibited unless conditions dictate that staking or guying is absolutely necessary. The landscape architect shall show why such measures are necessary, shall be approved by the urban forester, and be shown on the landscape plan."

Section 4. That Section 17.24.100, Subsection B, of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

"B. Each property shall attain a tree density factor of at least fourteen units per acre using properly protected or replacement trees, or a combination of both. Compliance with this provision shall be calculated using gross acreage of the property minus the portion of the land area currently or proposed to be covered by structures, minus the fenced area of any athletic field, minus the area of a lake or pond which is covered by water year round, minus unimproved, undisturbed, contiguous land area of at least one acre, and excluding open areas of golf facilities. Protected and replacement trees shall contribute toward the tree density. In addition to the Protected Tree Schedule of this section, the urban forester may permit additional credit or allowances to be applied to a required landscape area,

when a landmark or specimen tree is properly protected and saved. Such tree must be inspected and approved by an I.S.A. certified arborist.”

Protected Tree Schedule

UNITS represent basal area
DBH refers to diameter at breast height

DBH UNITS		DBH UNITS		DBH UNITS		DBH UNITS	
6	1.2	20	4.3	34	10.5	48	25.1
8	1.4	22	4.9	36	11.7	50	27.3
10	1.6	24	5.7	38	12.9	52	29.5
12	1.8	26	6.6	40	17.4	54	31.8
14	2.1	28	7.5	42	19.2	56	34.2
16	2.4	30	8.4	44	21.1	58	36.7
18	2.8	32	9.4	46	23.1	60	39.3

Replacement Tree Schedule

UNITS represent basal area
DBH refers to diameter at breast height

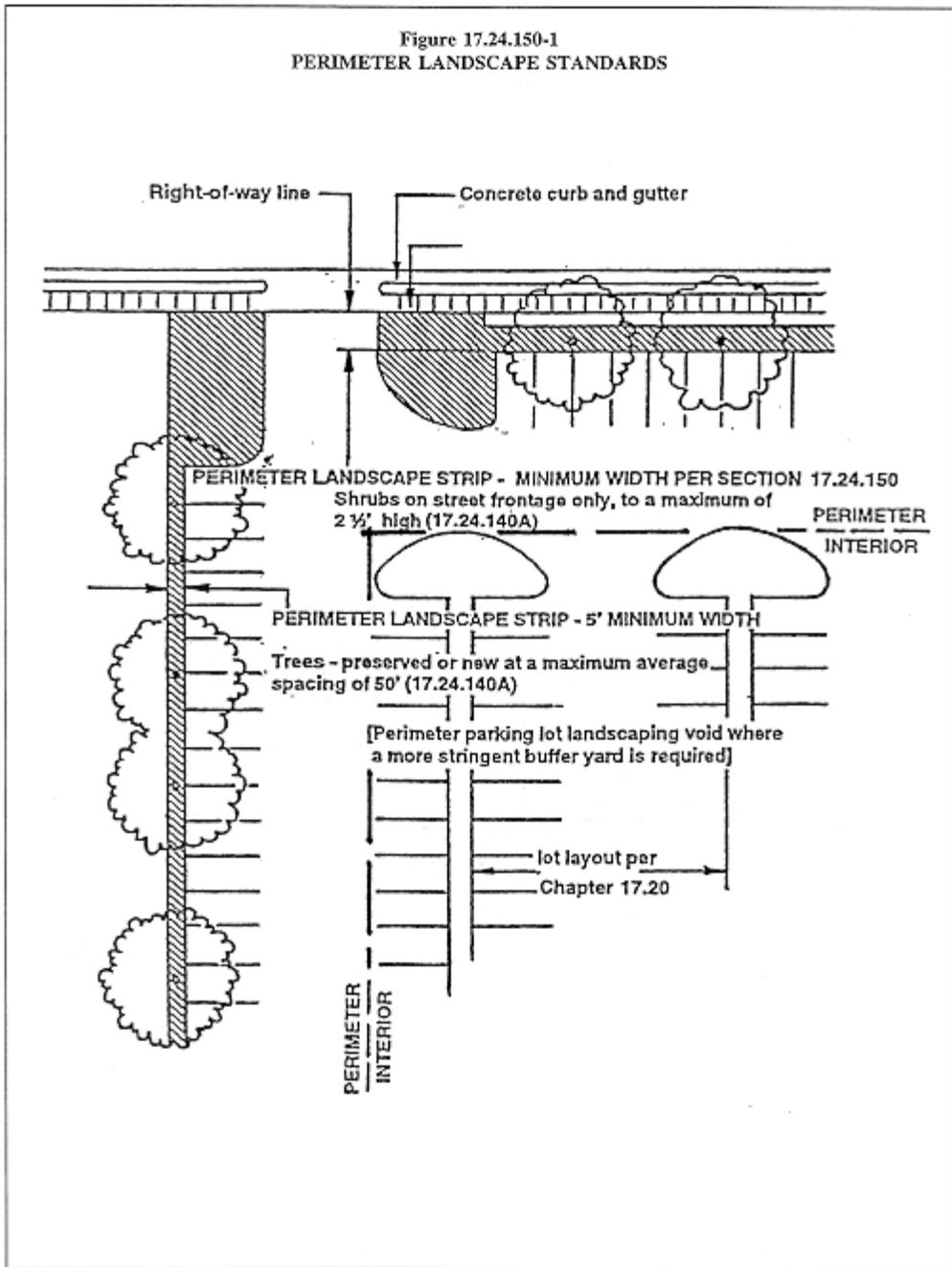
CAL UNITS		CAL UNITS		CAL UNITS		CAL UNITS	
2	0.5	5	0.9	8	1.3	11	1.9
3	0.6	6	1.0	9	1.5	12	2.1
4	0.7	7	1.2	10	1.7	14	2.3

Section 5. That Section 17.24.150 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

“17.24.150 Perimeter screening requirements.

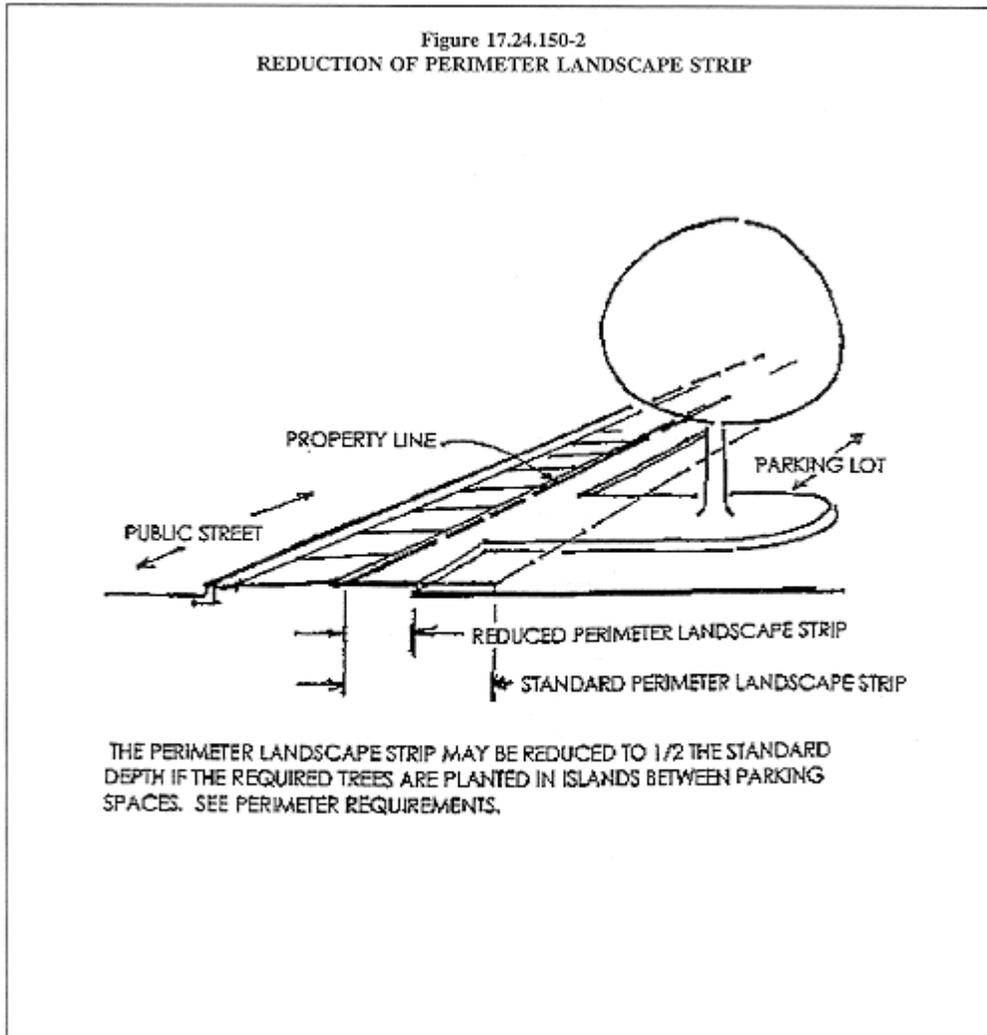
Unless supplanted by more stringent standards in Article IV of this chapter, Landscape Buffer Yard Requirements, the perimeters of parking lots shall be landscaped as follows:
A. Parking Areas Adjacent to Public Streets. Parking areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in subsection C of this section. The public right-of-way and areas reserved for future rights-of-way in compliance with the adopted major street plan shall not be used to satisfy the requirements of this article. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area. No single driveway/sidewalk penetration shall exceed thirty-five feet.

Figure 17.24.150-1
PERIMETER LANDSCAPE STANDARDS



1. Perimeter landscape strips adjacent to public streets with four or more travel lanes (as classified by the major street plan) shall be a minimum of ten feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases the perimeter landscape strip may be reduced to five feet in width. (See Figure 17.24.150-2)
2. Perimeter landscape strips adjacent to public streets with less than four travel lanes (as classified by the major street plan) shall be a minimum of eight feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty inches in height; and (b) the required trees are planted in islands between the parking spaces. In such cases the

perimeter landscape strip may be reduced to two and one-half feet in width. (See Figure 17.24.150-2)



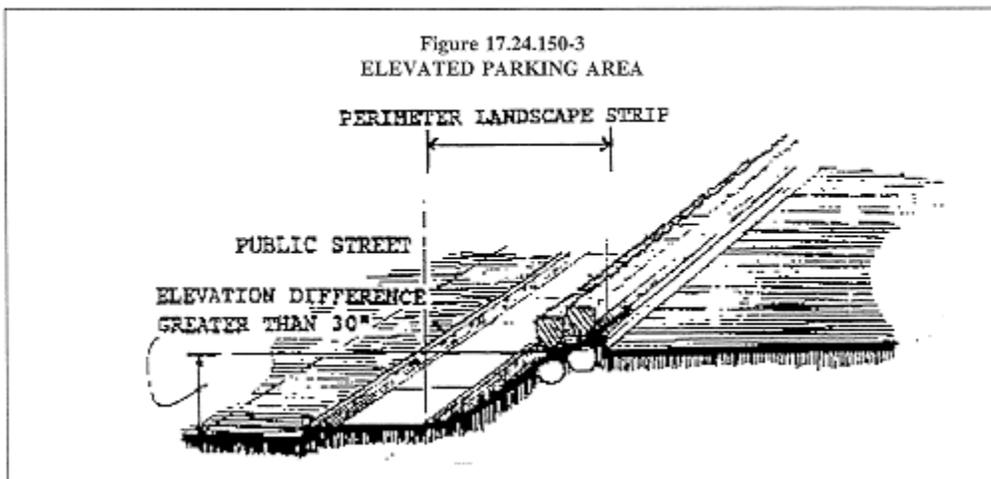
3. Permanent landscape strips which use walls or earthen berms are desirable for the reliability of the screening effect they provide. If the proposal includes a wall or an earthen berm within the perimeter landscape strip, the continuous strip of evergreen shrubs called out in Section 17.24.150-3 (Landscape Materials) may be deleted. Berms shall not have slopes steeper than 2:1 (horizontal to vertical). Berms with slopes flatter than 4:1 may be stabilized with lawn grasses, and berms with slopes in the range of 2:1 to 4:1 shall be stabilized by a continuous perennial plant groundcover which does not require mowing in order to maintain a neat appearance. The wall or combination of berm and perennial groundcover shall be a minimum of two and one-half feet in height.

B. Parking Areas Adjacent to Side Property Lines. A perimeter landscape strip shall separate a driveway or parking area from an adjacent side property line by one of the following standards: (a) a eight-foot (minimum) wide planting strip shall be provided if required trees are to be planted within the strip; (b) a two and one-half foot (minimum) planting strip may be provided to accommodate shrubs if all required trees are planted

within tree islands located adjacent to the property line; or (c) two adjacent properties may share equally in the establishment of a ten-foot (minimum) planting strip along the common property line. In instances where the common perimeter planting strip is part of a plan for shared access, each owner may count the respective area contributed toward that common planting strip toward the interior planting area requirements for the lot. All landscaping strips shall be planted to satisfy the planting requirements of subsection C of this section.

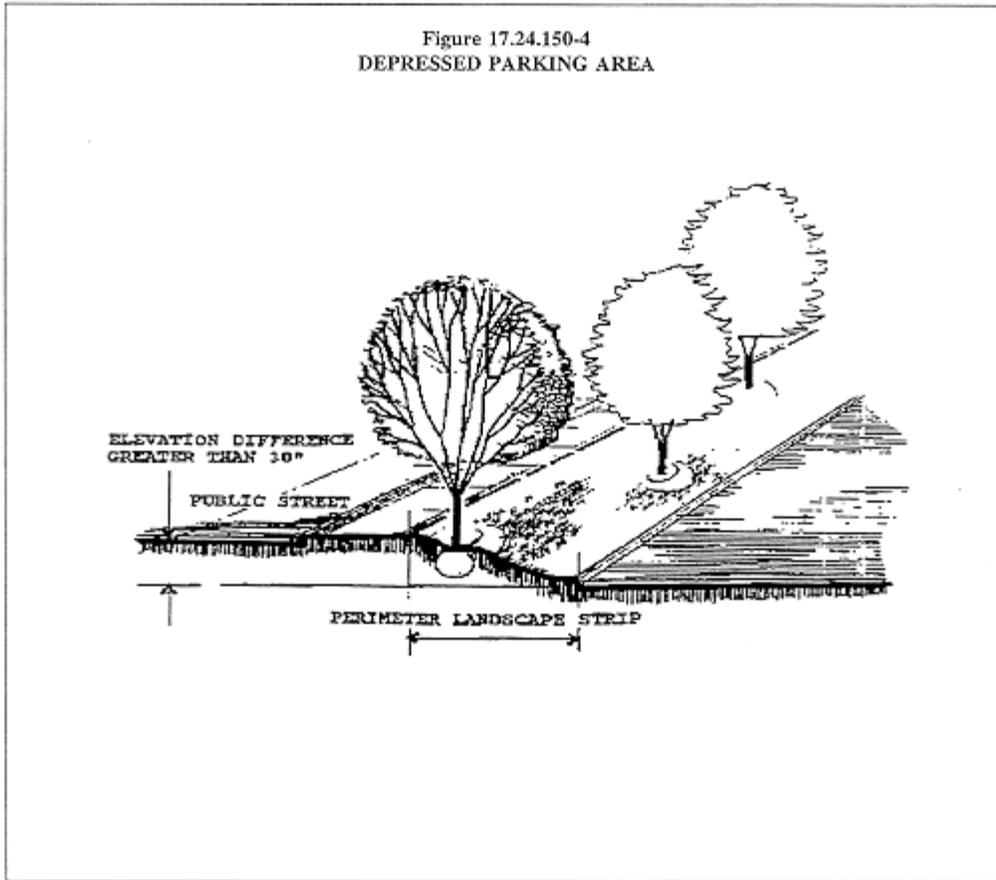
C. Landscape Materials. In areas where the parking area and the adjacent public street or common property line are within thirty inches average elevation of one another, as measured from the centerline of the nearest travel lane and the edge of the parking area paving, a minimum of one tree shall be preserved or planted for each fifty feet of parking area perimeter, or portion thereof; for principal use parking areas located within the CC and CF zoning districts, street trees shall be installed at the rate of one tree per thirty feet of street frontage. Trees planted to meet this requirement shall measure a minimum of two inches in caliper, and an appropriate height for the species, as applicable for the type of material specified. The remaining area within the perimeter landscape strip which fronts on a street right-of-way shall be planted with one continuous row of evergreen shrubs no less than 18" in height at planting and shall be maintained to mature at a height not greater than two and one-half feet, except as modified for berms or walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic mulches, other shrubs, groundcover plants or grassed lawns. The use of concrete, asphalt or other impervious surfaces shall be prohibited. Variants of the above conditions for parking areas which are elevated above or depressed below the elevation of the public street are as follows:

1. In cases where the parking area is elevated above the adjacent public street or private property by a minimum average height of at least thirty inches, the tree spacing requirement shall be reduced to one tree for each one-hundred feet of parking area perimeter, and the requirement for shrub plantings shall be increased to two continuous rows of evergreen shrubs. All other standards remain as stated above. (See Figure 17.24.150-3)



2. In cases where the parking area is depressed below the adjacent public street or private property by a minimum average distance of at least thirty inches, the tree spacing requirement shall be increased to one tree for each twenty-five feet of parking area perimeter, and the requirement for shrub plantings shall be eliminated. All other standards remain as stated above. (See Figure 17.24.150-4)

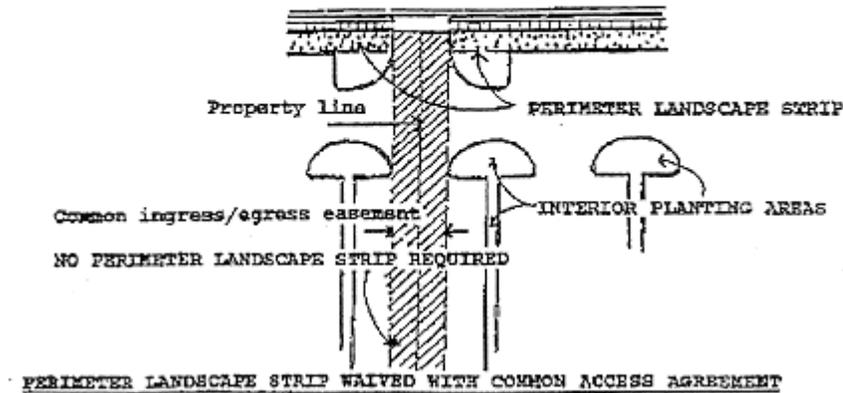
Figure 17.24.150-4
DEPRESSED PARKING AREA



D. Corner Visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Section 17.20.180, Visibility.

E. Adjacent Parking Areas with Shared Access. Parking areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travelway along their common property line shall be exempt from the requirement for a parking area perimeter landscape strip along their common property line, upon the recording of an easement agreement which provides for the mutual right of ingress and egress for both property owners. (See Figure 17.24.150-5)”

Figure 17.24.150-5
WAIVER OF LANDSCAPE STRIP



Section 6. That Section 17.24.160, Subsection A, of the Metropolitan Code of Laws is hereby amended by adding the following sentence to the end of Subsection A:

“The interior parking area shall be calculated beginning at a point forty feet from all property lines.”

Section 7. That Section 17.24.210 of the Metropolitan Code of Laws is hereby amended by adding a new Subsection H as follows:

“H. Buffer yard placement. Buffer yards are to be located at the property line and generally be on the same plane as the zone district being buffered. If this area falls within a public utility easement, a restrictive covenant shall be recorded on the property agreeing to replace any landscaping removed or damaged by a public utility.”

Section 8. That Section 17.24.220, Subsection C, of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

“C. Buffer yards shall be continuous unbroken green space except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible and shall not exceed twenty-five percent of the entire buffer yard, with no single penetration to exceed thirty-five feet.”

Section 9. That Section 17.24.230 of the Metropolitan Code of Laws is hereby amended by deleting the existing language and substituting instead the following:

“17.24.230 Table of landscape buffer yard requirements.

Landscape buffer yards shall be provided along zoning district boundaries to standards established by Table 17.24.230, set out below. “

		ZONING DISTRICT PROVIDING BUFFER YARD*					
		AG, AR2a, All R and RS Districts	RM2, RM4	RM6, RM9, RM15, ON, CN, MUN, SCN, MHP	RM20, RM40, RM60, OL, OR20, OR40, OG, ORI, CL, CS, MUL, MUG, SCC, I	CA, SCR, MUI	IWD, IR, IG
ABUTTING ZONING DISTRICT	AG, AR2a, All R and RS Districts	-	A	B	C	D	D
	RM2, RM4	-	-	A	B	C	D
	RM6, RM9, RM15, ON, CN, MUN, SCN, MHP	-	-	-	B	B	C
	RM20, RM40, RM60, OL, OR20, OR40, OG, ORI, CL, CS, MUL, MUG, SCC, I	-	-	-	-	A	B
	CA, SCR, MUI	-	-	-	-	-	B
	IWD, IR, IG	-	-	-	-	-	-

* See also Section 17.24.190, Landscape Buffer Yard Exemptions. Further, Uses that are either permitted with conditions (PC) or special exception uses (SE) in Table 17.08.030 must provide the buffer yard required by its respective use, or where no buffer is identified, the buffer yard required by this table.

Section 10. That Section 17.24.240 of the Metropolitan Code of Laws is hereby amended by amending subsection G. by deleting the following sentence in its entirety:

“The sections or profiles shall show the line of sight for a pedestrian (taken at four and one-half feet above grade) from principal entrances and from the highest point on the site to be buffered. Such profiles or sections shall clearly demonstrate that the effect of the change in grade would negate the effect of a mature landscape buffer yard thirty feet in height.”

Section 11. That this ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: J. B. Loring