

ORDINANCE 2006-04, adopted 2/6/06
AN ORDINANCE TO ESTABLISH GUIDELINES FOR
TREE CONSERVATION AND LANDSCAPE PLANTING
IN THE CITY OF SPRINGVILLE, ALBAMA

SECTION 1. Intent.

To enhance the community's environmental and visual character through the conservation and planting of trees and shrubs to aid in the prevention of erosion and sedimentation; reduce storm water runoff; aid in the control of drainage and the restoration of denuded soil subsequent to construction and grading; preserve the water table and provide reforestation; protect and enhance property values; provide, where applicable, visual screening and sound attenuation, aid in the removal of carbon dioxide from the atmosphere, the generation of oxygen to the atmosphere, and in the filtration of pollutants; provide shade in the summer; and generally to protect and enhance the aesthetic quality of the community.

SECTION 2. Definitions.

- a. Berm- A planted elevated ground area (a mound) generally designed to restrict view and to deflect or absorb noise. Berms with ground cover(s) that require mowing shall have slopes not exceeding one foot of rise per three feet of run. No slope shall exceed 50%.
- b. Buffer- A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
- c. Caliper- The caliper of a tree is the diameter measurement of the trunk at a specified distance above ground level. This measurement is to comply with AAN (American Association of Nurserymen) standards or, when this standard is not known, existing trees will be measured at four and one half (4-1/2) feet above ground level, and new, small, or multi-stem trees at six inches (6") above ground level.
- d. Deciduous Plants- A plant with foliage that is shed annually.
- e. Evergreen Plants- Plants that remain green and retain their foliage year-round.
- f. Ground Covers- Ground covers include plant material which reach a maximum height of eighteen (18) inches and may be used in lieu of grass in areas in which slopes present difficulty in mowing. Ground covers must present a finished appearance at completion of installation.
- g. Island- A landscaping feature or median surrounded on all sides by parking or vehicular areas.
- h. Landscape- Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

- i. Natural Vegetation- Existing trees and shrubs left in a natural state, except that underbrush may be cleared and plantings added. Nothing herein shall be construed as preventing removal of junk, debris, dead trees or limbs, abandoned structures, fences and the like from the natural vegetation areas. This vegetation shall be of sufficient number, size, and species that accomplish the same general function as new plantings.
- j. Ornamental Tree- A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a street tree.
- k. Parking Lot- Vehicular surface areas used for parking vehicles, to include parking spaces, and traffic aisles.
- l. Peninsula- An interior landscaping feature attached on one side to perimeter planting, median planting, building site, etc., and surrounded on all other sides by parking or vehicular areas.
- m. Plant Materials- Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- n. Screen- A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
- o. Shrubs- A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
- p. Sight Triangle- A triangular area established at the intersection of two streets or a street and a driveway where clear sight distance is maintained for motorists. In the case of two intersecting streets, the sight triangle is formed by connecting two legs extending seventy-five (75) feet from the center of an intersection along the center line of the street rights-of-way. In the case of a driveway (or other channel for vehicle entrance or exit) intersecting a street, each leg of the triangle shall be fifteen feet along the street right-of-way and the driveway edge. Roads with multiple lanes may require additional sight distance. This shall be determined by the Building Inspector. Landscape materials within this sight triangle shall not have a mature height greater than thirty-six (36) inches, and low hanging limbs of trees planted adjacent to the sight triangle whose limbs encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level.
- q. Specimen Tree- A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character or the species.
- r. Street Tree- It should be a long lived tree (twenty-five (25) plus years) and easy to maintain. It should be planted no more than thirty five (35) feet from the center of the street when the right of way is fifty (50) feet, but not on the right-of-way without approval of the city when the right-of-way is wider than fifty (50) feet.
- s. Streetscape- The scene as may be observed along a public street or way composed of natural and man-made components including buildings, paving, planting, street hardware, and miscellaneous structures.
- t. Subdivision/Development- For the purpose of this ordinance a subdivision or development shall mean any new approval of a residential, commercial, or industrial subdivision or development project regardless of the number of lots; or any new sector added to an existing subdivision or development; or any new commercial or industrial development or redevelopment undertaken upon a tract of land.

- u. Tree- A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

SECTION 3. Tree Conservation.

All subdivision and land developers are encouraged to preserve as many healthy trees and shrubs on the site as possible. When practical, special care is encouraged to preserve trees that are particularly impressive and epitomize the character of the species, as their size and beauty require many years to accomplish, and their aesthetic quality cannot easily be replaced.

Techniques such as retaining trees in areas of severe terrain, flood areas, and along rear property lines, drainage ways, detention basins, and the periphery of the project can be accomplished with minimal impact to the development. Ideally, where site run-off requires detention areas, these areas should be designed as “park type” amenities to the development.

SECTION 4. Street Trees.

The preservation of existing trees in close proximity of the rights-of-way is encouraged, but in their absence or when impractical, trees shall be planted as follows:

A General Requirements

1. A street tree plan shall be submitted for any new subdivision or land development, including commercial and industrial single tract development, as part of
 - (a) the design and construction of new streets.
 - (b) the developmental of land along existing streets or highways abutting or lying within the subdivision or land development or along a single commercial or industrial tract, or
 - (c) along access entrances to residential subdivisions or land developments or other residential common areas, including but not limited to, access entrances to residential subdivisions.
2. Subdivision or land development shall include any new subdivision, any addition to any existing subdivision, or the development of any individual residential, commercial or industrial tract.
3. Street trees shall be planted outside the right-of-way, either within lots or within common open areas, unless otherwise approved by the Building Inspector. Consideration should be given in the species selection and planting location to minimize utility interruption caused by tree limbs growing through or falling on overhead utility lines and also to minimize damage to the City’s infrastructure, such as streets, gutters, sidewalks, and underground utilities caused by tree roots.

4. At the intersections of roadways or vehicular access points, no plant material with a mature height greater than thirty-six (36) inches shall be planted within the sight triangle, and low hanging limbs of trees planted adjacent to the sight triangle whose limbs encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level.
5. The property owner or his agent shall be responsible for pruning and other maintenance of the street trees.
6. The planting of street trees in residential common areas shall be completed and inspected by the Building Inspector prior to acceptance of the streets for city maintenance. The planting of street trees on individual lots shall be completed and inspected by the Building Inspector prior to the issuance of a certificate of occupancy. This shall not include certificates of occupancy issued after additions are made to existing residences or after repairs are made to an existing residence due to fire or other damage.

B. Efforts are encouraged to incorporate healthy existing trees in the street tree requirements as these trees are amenity requiring many years to replace. Any healthy existing tree located within ten feet of the right-of-way line, or when there is no defined or dedicated right-of-way, located between twenty-five (25) to thirty-five (35) feet of the center line of the roadway should be considered for incorporation into the street tree plan. Grading and construction should avoid disturbance of trees to be retained to foster their survival.

C. New street trees shall be planted within ten feet of the right-of-way line of the street, or when there is no defined or dedicated right-of-way, trees shall be planted between twenty-five (25) to thirty-five (35) feet of the center line of the roadway.

D. Lots with road frontage of less than eighty (80) feet would require one large tree or two small trees. Two large trees or four small trees or a combination thereof would be required when there is eighty (80) feet or more of road frontage but less than 120 feet, etc. There shall be a minimum of one tree for every forty (40) feet of road right-of-way frontage along any adjoining roadway, not to be construed as uniform spacing of trees on forty (40) foot centers.

E. Calipers for larger trees shall be 1 ½" or larger, and for small trees shall be 1" caliper or larger. Staking is required for all trees above 1" caliper for a minimum of one (1) year and not to exceed two (2) years. (See attached)

F. An administrative review may be requested for approval of alternate plans or to arbitrate disputes. The review committee shall be the Zoning Board of Adjustments. If there is a tie vote on the plan, the Mayor will become a voting member to break the tie.

SECTION 5. Trees and Landscape requirements in parking lots.

This section is enacted to mitigate the visual blight associated with vast expanses of unbroken pavement in parking lots through the use of plants and trees to add color, shade and variety.

A. These regulations shall apply to all parking lots containing twenty (20) spaces or more, however, landscaping is encouraged in all parking lots, including those with fewer than twenty (20) spaces.

B. These regulations establish requirements for three (3) parking lot areas as follows:

(a) Street Frontage Landscaping shall be in accordance with one of the following:

i. A minimum of one (1) tree and ten (10) shrubs for every forty (40) feet of right-of-way frontage planted within ten (10) feet of the right-of-way edge, excluding driveway openings, and provided that no plant material with a mature height of greater than thirty-six (36) inches shall be planted within the sight triangle, and low hanging limbs of trees planted adjacent to the sight triangle whose limbs encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level. Existing nature trees lying within this area may be incorporated into the landscape requirement. This should not be construed to mean trees should be planted on forty (40) foot centers, nor that shrubs should be planted on four (4) foot centers. (Figure 1).

ii. A berm that is at least two and one half (2 ½) feet higher than the finished elevation of the parking lot placed at or near the right-of-way line may be constructed provided that the berm shall sloped back from the driveway in such a manner as to provide a clear view within the sight triangle for ingress and egress, taking into account the mature height of any plant material installed on the slope. The berm shall have a minimum of one (1) tree and five (5) shrubs for every forty (40) feet of right-of-way frontage, excluding driveway openings, and provided that no plant material with a mature height of greater than thirty-six (36) inches shall be planted within the sight triangle and low hanging limbs of trees planted adjacent to the sight triangle whose limbs encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level. This should not be construed to mean trees should be planted on forty (40) foot centers, nor shrubs to be planted on eight (8) foot centers. Berms with ground cover(s) that required mowing shall have slopes not to exceed one foot of rise per three feet of run. No slope shall exceed 50%. (Figure 2)

iii. A three (3) foot strip at or near road grade with a six (6) foot strip having a minimum three (3) foot grade drop to the parking lot shall have a minimum of one (1) tree and five (5) shrubs for every forty (40) feet of right-of-way frontage, excluding driveway openings, and provided that the ground shall be sloped back from the driveway in such a manner as to provide a clear view within the sight triangle for ingress and egress, taking into account the mature height of greater than thirty-six (36) inches shall be planted within the sight triangle, and low hanging limbs of trees planted adjacent to the sight triangle whose limbs encroach into this area shall be trimmed to a minimum of six (6) feet above ground level. This should not be construed to mean trees should be planted on forty (40) foot centers, nor shrubs to be planted on eight (8) foot centers. The tree foot area nearest the right-of-way should be covered with lawn grass or plantings with low mature heights. (Figure 3)

iv. A three (3) foot high wall or fence of brick, stone or finished concrete, in addition to a four (4) foot wide minimum buffer strip on the right-of-way side of the wall or fence must be provided, and shall be planted with one tree per forty (40) feet of right-of-way frontage, not to be construed to mean trees should be planted on forty (40) foot centers. The wall or fence shall be set back from the driveway in such a manner as to provide a clear view within the sight triangle for ingress and egress. No plant material with a mature height of greater than thirty-six (36) inches shall be planted within the sight triangle, and low hanging limbs of trees planted adjacent to the sight triangle whose limbs

encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level. Lawn grass or ground cover, or shrubs should be placed on other areas within the buffer strip. (Figure 4)

- v. If existing woodlands are available, a ten foot wide strip may be preserved in lieu of the landscape requirement, provided that the intended minimum density is not undermined. Underbrush should be removed to provide a neat streetscape appearance. Care should be taken to protect this reserve strip during construction. (Figure 5)

(b) Perimeter Landscaping shall be used around the edges of parking lots not adjoining street frontage as follows. The requirement for perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots. No plant material with a mature height of greater than thirty-six (36) inches shall be planted within thirty (30) feet along the boundary of the perimeter strip at each access to adjoining parking lots, and low hanging limbs of trees planted adjacent to the line of sight whose limbs encroach into this area shall be trimmed to a minimum height of six (6) feet above ground level. (Figure 6)

i. The perimeter landscape strip must be at least ten feet wide for parking lots larger than 10,000 square feet. One (1) tree and three (3) shrubs are required for every forty (40) feet of perimeter. This should not be construed to mean trees should be planted on forty (40) foot centers, nor shrubs to be planted on thirteen (13) foot centers.

ii. The perimeter landscape strip must be at least five feet wide for parking lots less than 10,000 square feet, but having more than twenty (20) spaces. One (1) tree and three (3) shrubs are required for every forty (40) feet of perimeter. This should not be construed to mean trees should be planted on forty (40) foot centers, nor shrubs to be planted on thirteen (13) foot centers.

iii. If existing woodlands are available, a ten foot wide strip may be preserved in lieu of the perimeter landscape requirement, provided that the intended minimum density in not undermined. Underbrush should be removed to provide a neat appearance. Care should be taken to protect this reserve strip during construction.

(c) Interior Landscaping shall be used to provide relief from rows of parked cars as well as adding shade and serving as windbreaks. Planting islands assist with vehicular circulation as well. All areas within the parking lot's perimeter shall be included in the computation of parking lot area, except those used for street and perimeter landscaping and those interior driveways with no parking spaces located on either side as follows. (Figure 7)

<u>Total Area of Lot</u>	<u>Percent of Interior Planting Area</u>
7,000- 49,999 sq. ft.	5%
50,000-149,999 sq. ft.	8%
150,000 sq. ft. or Larger	10%

ii. No tree planting area may be less than five (5) feet wide in any direction. Sixty square feet of area is required for each tree.

- iii. Planting islands should be spaced as evenly as practical throughout the parking lot. These should consist of planted end caps at the ends of parking rows, islands, divider medians perpendicular to parking rows and separating them, or landscape peninsulas which protrude from street or perimeter planted areas or from divider medians.
- iv. One (1) tree and four (4) shrubs shall be required per 200 square feet of landscaped area.
- v. Trees planted at the ends of parking rows shall be trimmed of lower limbs below six (6) feet above ground to establish a line of sight for pulling into traffic lanes.
- vi. Planted areas within parking lots shall be defined by curbing.

SECTION 6. Buffers

In order to decrease incompatibility between neighboring uses, the following standards shall apply to all buffers required by the zoning ordinance. The use of evergreen trees and shrubs are encouraged in buffer planting to insure screening year round.

- A. When natural vegetation exists on a site, buffer areas may be left in a natural state, except that underbrush may be cleared and plantings added. Nothing herein shall be construed as preventing removal of junk, debris, dead trees or limbs, abandoned structures, fences and the like from the buffer areas.
- B. The buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) feet above grade throughout the entire length of the planting strip at the time the plantings are installed. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the planting.
- C. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be provided to the city for permitting purposes. The fence or wall height shall be decreased to allow for sight distance near roadways.
- D. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties. All walls and fences shall be maintained in perpetuity by the owner.
- E. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems. All plant materials shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

SECTION 7. Landscape Standards.

- A. Residential lots, in addition to street trees, are encouraged to install lawn grass or other ground cover along with additional trees and shrubbery within the lot.

B. Multi-Family (to include townhomes and condominiums), Commercial, Industrial, and Institutional uses shall have a continuous landscape area a minimum width of six (6) feet provided along the front and sides of all structures. This landscape area may contain trees, shrubs, flowering plants, lawns, ground cover, and mulch, or a combination of these items. This area may be penetrated only by sidewalks connections to building entrances, or driveways and loading areas.

SECTION 8. Submittal procedures.

A conceptual landscape plan shall be submitted with the development or subdivision plan. This plan will be reviewed by the Building Inspector prior to the subdivision hearing before Planning and Zoning, or prior to issuance of the building permit. This plan shall indicate plantings within common areas and generally reflect the number of street trees based upon the amount of roadway footage along the lot or lots. (Note: It is understood that the developer may sell these lots in accordance with the building plans and the placement of the driveways and utilities.)

A. The developer shall submit a master site plan in sufficient detail to indicate that the tree and landscape requirements will be met. The following information shall be included:

1. General information- A north arrow and scale of one (1) inch to no more than fifty (50) feet; all property lines and dimensions thereof, locations of all existing and proposed public and private easements and rights-of-way.
2. Construction information- The location of all buildings or the general location of proposed buildings including required set backs. Locations, dimensions and treatments of all new frontage, perimeter and interior landscaping areas. Utility facilities, including known or proposed light poles, pedestals, control boxes, and fire hydrants should be shown. For development other than residential, the location and number of parking spaces, the amount, in square feet, of interior landscaping in peninsulas and islands.
3. Existing trees to be incorporated into the street tree, perimeter, or buffer requirements may be noted on the plan by any desired designation as long as it is clearly defined by a legend indicating what the symbol indicates.
4. New trees to be incorporated into the street tree, perimeter, or buffer requirements may be noted on the plan by any desired designation as long as it is clearly defined by a legend indicating what the symbol indicates.

B. Review shall be done in conjunction with subdivision or site plan review so as not to impede the approval process, however, if an alternate plan approval or arbitration is requested, additional time may be required.

C. No certificate of occupancy shall be issued for any new development that has not met the requirements of this article. All required landscaping, including street trees, buffers, and any parking lot landscaping, shall be installed prior to occupancy. Additions or renovations to existing parking areas shall be reviewed prior to usage. In the case of a developer, any landscaping in common areas shall be reviewed prior to acceptance of the streets for city maintenance. When circumstances preclude immediate planting, the Building Inspector may release the development for a certificate of occupancy after (1) the owner or developer has completed all curbing, irrigation systems and other non-planting components of the landscaping plan and (2) posted a bond or cash (certified check or certificate) in an amount equal to one hundred ten percent (110) of the total cost, including labor, of the remaining landscaping installation, but in no case shall the time period exceed six (6) months after the date the certificate of occupancy is issued.

D. In commercial, industrial, and institutional developments, the owner or lessee shall each be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period. At no time shall the parking area landscaping be reduced to less than is required by this article and the approved landscaping plan. Failure of the developer or owner to comply with the approved landscaping plan and/or failure to provide maintenance of such shall be deemed a violation of this ordinance.

SECTION 9. Enforcement: The City of Springville shall notify the owner and/or occupant of any violation of this ordinance by written notice delivered in person or by certified mail. The offense shall be stated and a period of ten working days shall be given to allow the correction to be made or a written request in writing, when completion of the work within the ten day limit is deemed impractical due to the scope of the work or weather conditions, or other definable condition. The extension request shall state a date by which the correction will be accomplished. Approval or denial will be made by the Building Inspector.

Failure to comply with the terms of this ordinance after notice by personal service or by certified mail shall constitute a violation. Return of the certified mail receipt, either signed or unclaimed, shall constitute prima facie evidence of notice. The Code of Alabama prescribes the penalty for a municipal ordinance violation as a fine not to exceed \$500 and/or imprisonment not to exceed six (6) months.

SECTION 10. Repealer: All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Springville, Alabama which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

SECTION 11. Severability: If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 12. Effective Date: This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED AND APPROVED this the _____ day of _____, 20____.

Richard Buckner, Mayor

City of Springville

Attest: _____

Brenda Roberts

City Clerk