



**OFFICIAL AGENDA  
LANDSCAPE ADVISORY BOARD  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, SEPTEMBER 6, 2023  
2<sup>ND</sup> FLOOR CITY HALL – COMMUNITY DEVELOPMENT,  
110 WEST MAIN STREET, 11:00 AM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. MINUTES
  - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR JANUARY 7, 2021
- V. NEW BUSINESS
  - A. DISCUSSION ON TREE CITY REQUIREMENTS
  - B. DISCUSSION ON CURRENT BUFFER, LANDSCAPE, AND TREE PROTECTION REQUIREMENTS
- VI. ADJOURN



**APPROVED  
MINUTES OF THE REGULAR MEETING  
OF THE LANDSCAPE ADVISORY BOARD  
OF THE CITY OF STARKVILLE,  
MISSISSIPPI  
SEPTEMBER 2, 2020**

The Landscape Advisory Board held their regularly scheduled meeting at 11:00 AM on January 6, 2021, in the Community Development Department at City Hall. Members physically present were Richard Harkess, Robert Brzuszek, Pete Melby, and Peter Summerlin. Joining the meeting via Google Meets were Toby Gray and Scott Willard. Attending the Board meeting was City Planner Daniel Havelin.

**OFFICIAL AGENDA  
STARKVILLE LANDSCAPE ADVISORY BOARD  
CITY OF STARKVILLE, MISSISSIPPI  
CALL MEETING OF WEDNESDAY, JANUARY 6, 2021  
2<sup>ND</sup> FLOOR CITY HALL – COMMUNITY DEVELOPMENT,  
110 WEST MAIN STREET, 11:00 AM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. CONSIDERATION OF THE APPROVAL OF MINUTES
  - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 2, 2020
- V. NEW BUSINESS
  - A. DISCUSSION AND CONSIDERATION OF LW 21-01 A REQUEST FOR LANDSCAPE WAIVERS FROM BUFFER LOCATION AND TREE TYPE REQUIREMENT FOR A TOWNHOME DEVELOPMENT ON LYNN LANE IN AN TN-N ZONE WITH THE PARCEL NUMBER #102I-00-002.00
- VI. ADJOURN

### **III. CONSIDERATION OF THE OFFICIAL AGENDA FOR JANUARY 6, 2021**

After discussion and upon the motion of Mr. Brzuszek, duly seconded by Mr. Summerlin, the motion to approve the official agenda of the Landscape Advisory Board for January 6, 2021, received unanimous approval.

### **IV. CONSIDERATION OF THE APPROVAL OF MINUTES**

#### **A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 2, 2020**

After discussion and upon the motion of Mr. Willard, duly seconded by Mr. Brzuszek, the motion to approve the minutes of the Landscape Advisory Board for September 2, 2020 received unanimous approval.

### **V. NEW BUSINESS**

#### **A. DISCUSSION AND CONSIDERATION OF LW 21-01 A REQUEST FOR LANDSCAPE WAIVERS FROM BUFFER LOCATION AND TREE TYPE REQUIREMENT FOR A TOWNHOME DEVELOPMENT ON LYNN LANE IN AN TN-N ZONE WITH THE PARCEL NUMBER #1021-00-002.00**

City Planner Daniel Havelin presented the request for landscape waiver by Andy Fornea, of A.S. Fornea Construction on behalf of Dallas Richmond, Sean Richmond, W. Labon Richmond for 2 landscape waivers for a proposed townhome development located on Lynn Lane in a TN-N zone with the parcel number #1021-00-002.00.

The applicant is requesting 2 landscape waivers from 2 sections of the Unified Development Code. Request #1 is to allow for the use of the utility easement to meet the buffer requirements. Section 14.12.3.C- States that the buffer is not permitted within a public utility easement but the required buffer may abut the easement. The utility easement is 30' wide and the required buffer is 20' wide. If the buffer is required to abut the easement, it would result in a 50' wide unbuildable area on the north side of the site. Request #2 is to allow for the use of tree species that do not meet the definition of a canopy tree. Section 14.12.2.C.2- Requires a minimum of 1 canopy tree shall be planted every 30 feet along the entire length of the buffer. As defined in Section 18, a canopy tree is a tree that typically grows to a mature height of at least 35 feet. To avoid interference with the operation and maintenance of the overhead powerline, Starkville Utilities will not allow for any tree with a mature height of more than 20' to be placed within the utility easement.

Henry Minor, the landscape architect of the project, address the board via Google Meets speaking in favor of the request.

Andy Fornea, the applicant came forward to speak in favor of the request.

After discussion among the Board Members, the Board deliberated. After discussion and upon the motion of Mr. Summerlin, duly seconded by Mr. Melby, the motion to approve LW 21-01 request # 1 received unanimous approval.

After discussion among the Board Members, the Board deliberated. After discussion and upon the motion of Mr. Willard, duly seconded by Mr. Brzuszek, the motion to approve LW 21-01 request # 2 received unanimous approval.

During the discussion of request #2, the Board discussed compiling a list of recommended tree species and reference material to add to the Unified Development Code. The City Planner agreed to look into adding the requested material to the upcoming update of the Unified Development Code.

## **VI. ADJOURN**

After discussion and upon the motion to adjourn by Mr. Summerlin, duly seconded by Mr. Brzuszek, was unanimously approved.

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Richard Harkess, Chair

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Daniel Havelin, City Planner





**THE CITY OF STARKVILLE**  
**PLANNING DEPARTMENT**  
**LANDSCAPE ADVISORY BOARD**  
CITY HALL, 110 WEST MAIN STREET  
STARKVILLE, MISSISSIPPI 39759

**STAFF REPORT**

**To:** Members of the Landscape Advisory Board  
**From:** Daniel Havelin, City Planner (662-323-2525 ext. 3136)  
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)  
**Subject:** Discussion on Tree City requirements  
**Date:** September 6, 2023

The City of Starkville has participated in the Tree City USA program since 2015. To maintain our status within the program, we must provide certain information annually (refer to Attachment 1). One of the requirements is to issue an Arbor Day Proclamation, done on February 10, 2023 (refer to attachment 2). Additionally, we need to have a "Tree Board" which, for the City of Starkville, is the Landscape Advisory Board. We also need to provide budgeting information for community forestry programs, and qualifying expenses can be found in Attachment 3. This information is being provided to generate discussion about the city's potential participation in programs or activities that meet Tree City's requirements for next year.

# Attachment 1- Checklist



## Tree City USA® Application Checklist

- This checklist will help you organize everything you need for your application before you apply online
- You can save your application and come back
- Application deadline varies by state; check [arborday.org/treecity](http://arborday.org/treecity) for the official deadline in your state.
- If your community is having difficulty meeting a specific standard, reach out to your state coordinator to learn more.

### COMMUNITY INFORMATION

#### Information Required for Application

##### Contact Information for:

- Mayor
- City Forestry Contact

### STANDARD 1: A Tree Board or Department

Do you have an entity responsible for your community's trees?

- Yes
- No

Do you have a Tree Board?\*

Check out <https://treeboardu.org/>

- Yes
- No

#### Information Required for Application

- Information on Tree Board/Department Meetings
- Names/Emails for Tree Board Members of Staff

### STANDARD 2: A Tree Care Ordinance

Does your city have a tree ordinance that:

- Establishes a tree board, forestry department, or both, that assigns one of these entities responsibility over public trees?

— AND —

- Provides clear guidance about the planting, removal, and/or maintenance of public trees?

- Yes
- No

#### Information Required for Application

- Date Tree Ordinance was Adopted
- Upload current ordinance

*\*Having a Tree Board is optional if your community has a city department responsible for public trees.*





**STANDARD 3:  
A Community Forestry Program  
With an Annual Budget of at Least  
\$2 Per Capita**

Does your community spend \$2 or more per capita?

- Yes    No

**Information Required for Application**

**Expenditures on:**

- Tree Planting and Initial Care, Tree Maintenance, Tree Removal, Management, Utility Line Clearance, Volunteer Time (in hours), Hours Other (please explain), and Total Community Forestry Expenditures
- Annual Work Plan\*
- Supporting Budget Documents\*

**Number of:**

- Total Trees Planted, Trees Pruned, and Trees Removed

**STANDARD 4:  
An Arbor Day Observance and  
Proclamation**

Did your community celebrate Arbor Day this year?

- Yes    No

Does your community have a signed Arbor Day Proclamation this year?

- Yes    No

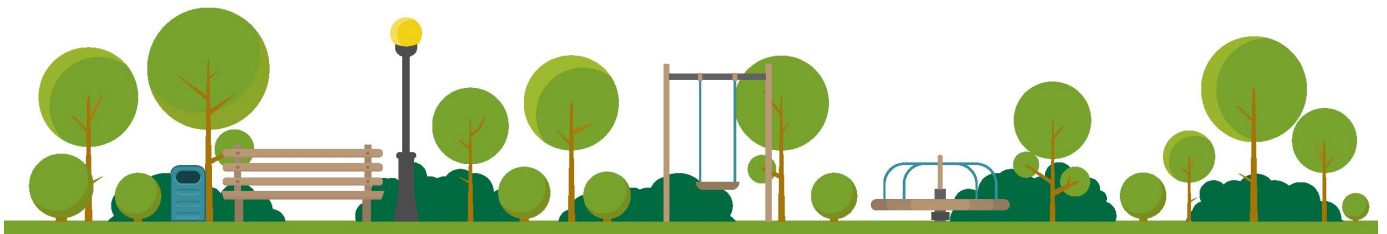
**Information Required for Application**

- Date of Observation
- Evidence of Arbor Day Event activities, photos, and/or news coverage
- Signed Arbor Day Proclamation

**Verification Information**

- Mayor or Equivalent's Signature

*\*If required by your state coordinator.*



Attachment 2- Arbor Day Proclamation

**CITY OF STARKVILLE 2023  
ARBOR DAY PROCLAMATION**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, the holiday, called Arbor Day was first observed with the planting of more than a million trees in the State of Nebraska, and

**WHEREAS**, Arbor Day is observed throughout the nation and the world, and

**WHEREAS**, The State of Mississippi has been celebrating Arbor since 1926 and currently celebrates Arbor Day on the second Friday in February and for 2023 that date will be February 10, 2023, and

**WHEREAS**, trees can reduce the erosion of our topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

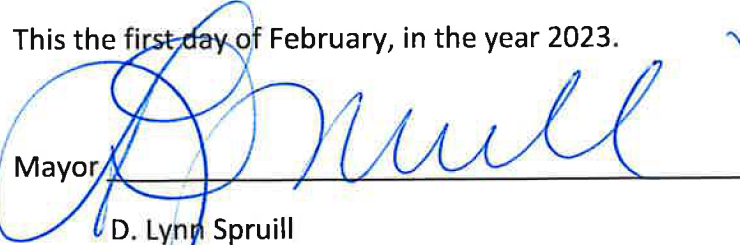
**WHEREAS**, trees are a renewable resource giving us paper, wood for our home, fuel for our fires and countless other valuable wood products, and

**WHEREAS**, trees increase the beauty and economic vitality of our business areas and increase city property values, and

**WHEREAS**, trees are a source of life and spiritual renewal wherever they are planted and create a lasting legacy for future generations.

**NOW, THEREFORE**, I, D. LYNN SPRUILL, Mayor of the City of Starkville, Mississippi, do hereby proclaim February 10, 2023 as **ARBOR DAY** in the City of Starkville, Mississippi, and I urge all citizens to celebrate Arbor Day by supporting efforts to protect our trees and woodlands, and planting trees to promote the well-being for this and future generations.

This the first day of February, in the year 2023.

Mayor   
D. Lynn Spruill  
City of Starkville, Mississippi



**TREE CITY USA®**  
An Arbor Day Foundation Program

# QUALIFIED EXPENSES

The following expenses for public tree care (street, park, cemetery, public buildings) may be counted in meeting the \$2 per capita requirement for Standard 3:



## THINGS YOU DID YOURSELVES

- Tree worker salaries & benefits (use a % if tree care is only one part of their job)
- Time spent on tree care (watering, removing stakes, insect control, mulching)
- Time spent pruning or removing trees
- Leaf and brush pick-up
- Biomass recycling
- Equipment maintenance
- Administrative time
- Insurance



## THINGS YOU BOUGHT

- Trees!
- Supplies (staking, mulch, watering bags, tools, gloves)
- Prizes for Arbor Day contests
- Computer inventory software
- Durable equipment (chainsaws, bucket truck, etc.)
- Other (tell us!)



## EDUCATIONAL EXPENSES

- Tree care conferences and workshops attended by city workers
- Memberships in and donations to tree organizations
- Public education materials — brochures, newsletters, etc.



## THINGS YOU CONTRACTED OUT

- Tree pruning or removal
- Tree inventory work
- Equipment rental
- Consultants to write a plan or give advice
- Insurance



## THINGS OTHER PEOPLE DID

- Volunteer time (use National Volunteer rate) for:
  - Tree board meetings
  - Tree planters
  - Arbor Day preparations
- Items donated by others:
  - Trees, or tree planting services
  - Discounts by local vendors

## Attachment 3- Qualified Expenses







**THE CITY OF STARKVILLE**  
**PLANNING DEPARTMENT**  
**LANDSCAPE ADVISORY BOARD**  
CITY HALL, 110 WEST MAIN STREET  
STARKVILLE, MISSISSIPPI 39759

**STAFF REPORT**

**To:** Members of the Landscape Advisory Board  
**From:** Daniel Havelin, City Planner (662-323-2525 ext. 3136)  
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)  
**Subject:** Discussion on current buffer, landscape, and tree protection requirements.  
**Date:** September 6, 2023

In December 2019, the City of Starkville adopted the Unified Development Code. Since then, several sections of the code have been updated, and by the end of this year, there will be a need to update several more sections. The Landscape Advisory Board will be discussing the Unified Development Code in order to get feedback and recommendations of changes the following sections:

- Section 14.12 Buffers
- Section 14.13 Landscape
- Section 16.7 Tree Protection



## **14.12 Buffers**

### **14.12.1 General Provisions**

#### **14.12.2 Type**

#### **14.12.3 Location**

#### **14.12.4 Encroachments**

#### **14.12.5 Credit For Existing Vegetation**

### **14.12.1 General Provisions**

- A. Buffers shall be required for developments that are adjacent to existing detached single dwelling units and/or subdivisions for the following development or redevelopment types: commercial developments, multi- dwelling unit developments, special district developments, industrial developments, and single dwelling unit subdivisions with a gross density more than fifty percent (50%) higher than the adjacent existing detached single dwelling unit and/or subdivision.
- B. Required buffers can be placed within required building and/or parking setbacks or within a platted common area.
- C. Canopy trees in a required buffer shall be evergreen or semi-evergreen trees that meet the minimum requirements of a canopy tree as defined in the landscape requirements section.
- D. Shrubs in a required buffer shall be evergreen with an expected height and spread of at least four (4) feet within three (3) years of planting.
- E. Fences and walls shall be located next to adjacent property with the buffer landscaping facing the interior of the property.
- F. Within the front yard of any property adjacent to a required buffer, canopy trees and shrubs shall be required to extend to the property line.
- G. Fences and walls shall not extend beyond the front wall of closest building to the street adjacent to a required buffer except for Type D buffers. Fences and walls in Type D buffers shall extend to the property line

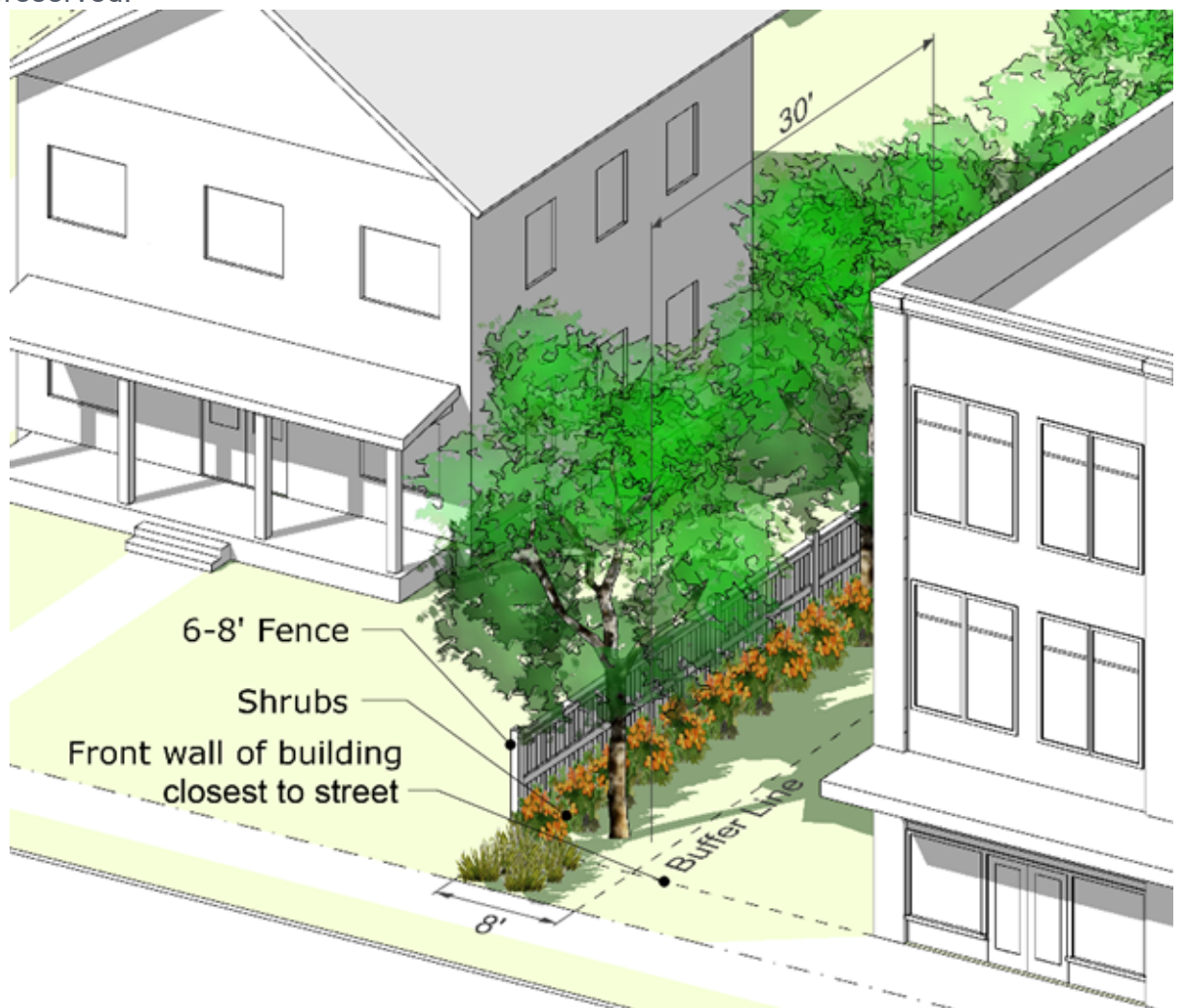
### **14.12.2 Type**

The following types of buffers shall be used:

- **Type A.** Used to separate commercial, multi- dwelling unit residential, and mixed-use developments in T-4, T-5D, T-5C and T-5U from single-dwelling unit residential developments in TN-E.
- **Type B.** Used to separate higher density single- dwelling unit residential developments from lower density single-dwelling unit residential developments in RN, SD-2, SD-6, TN-N, TN-E, and O districts with TND use designation.
- **Type C.** Used to separate commercial, multi- dwelling unit residential, special-medical, mixed-use, and special-educational developments in CN, C, CR, S-M, S-E, and O districts with commercial use designation from single-dwelling unit residential developments in RN, SD-2, SD-6, TN-N, and TN-E districts.
- **Type D.** Used to separate industrial developments in I and O districts with industrial use designation from single-dwelling and multi- dwelling unit residential developments in RN, SD- 2, SD-6, TN-N, TN-E, MU-9, MU-20, and O districts with TND and conservation development use designation.

## A. Type A

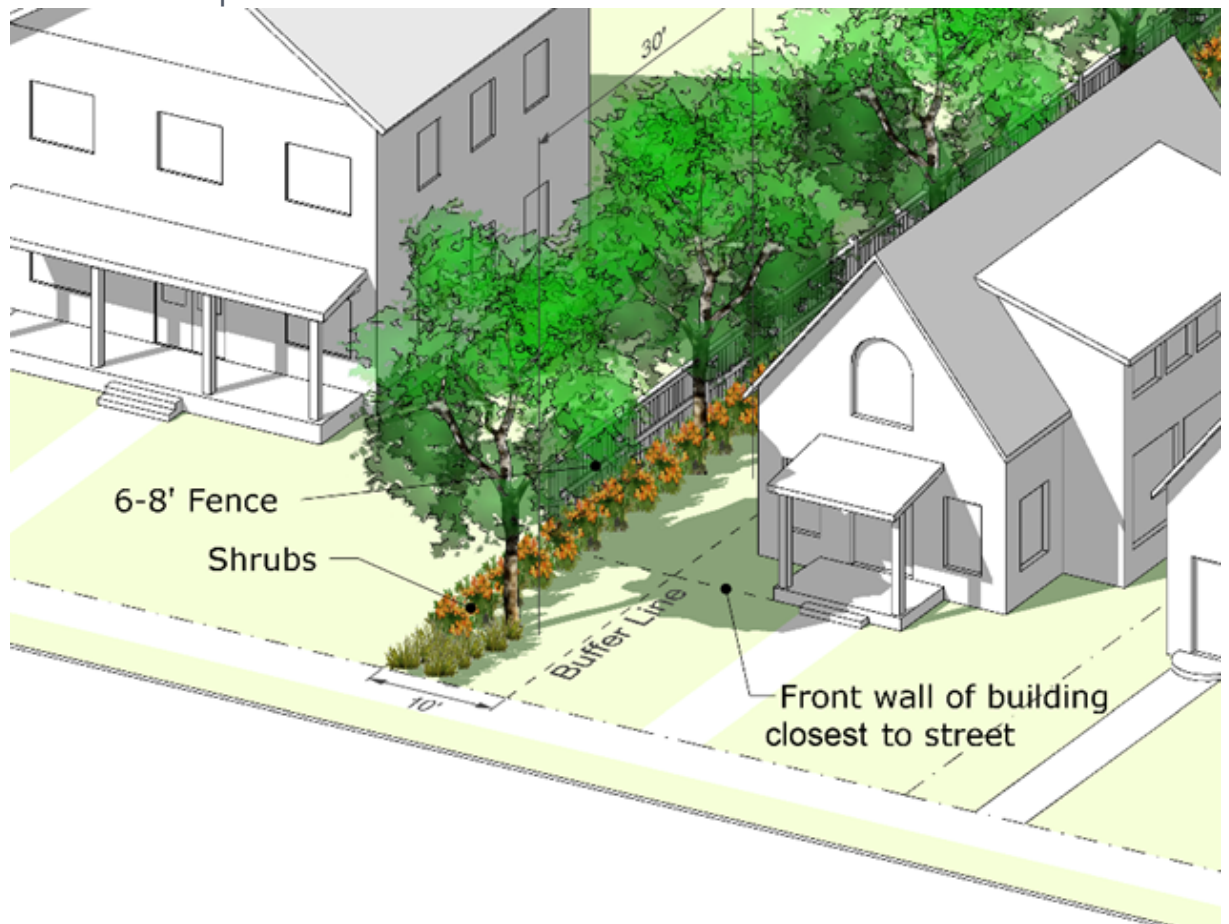
1. Used to separate commercial, multi-dwelling unit residential, and mixed-use developments in T-4, T-5D, T- 5C and T-5U from single-dwelling unit residential developments in TN-E.
2. The buffer shall be a minimum width of eight (8) feet with a six (6) to eight (8) foot opaque fence. The buffer width may be reduced to five (5) feet if a solid masonry wall is used in the place of a fence.
3. A minimum of one (1) canopy tree shall be planted every thirty (30) feet along the entire length of the buffer.
4. A row of shrubs shall be planted along the entire length of the buffer with a maximum spacing of ninety percent (90%) of the shrubs expected spread within three (3) years of planting.
5. All existing trees with a DBH of twenty-four (24) inches or greater within a required buffer area shall be preserved. Construction activities such as grading and trenching shall not affect more than forty-five percent (45%) of the critical root zone of the tree to be preserved.



## B. Type B

1. Used to separate higher density single-dwelling unit residential developments from lower density single- dwelling unit residential developments in RN, SD-2, SD-6, TN-N, TN-E, and O districts with TND use designation.

2. The buffer shall be a minimum width of ten (10) feet with a six (6) to eight (8) foot opaque fence. An additional ten (10) feet of buffer shall be required if the proposed development has a density more than double the existing adjacent development unless a solid masonry wall is used in the place of a fence.
3. A minimum of one (1) canopy tree shall be planted every thirty (30) feet along the entire length of the buffer.
4. A row of shrubs shall be planted along the entire length of the buffer with a maximum spacing of ninety percent (90%) of the shrubs expected spread within three (3) years of planting.
5. A minimum of fifty percent (50%) of all existing trees with a DBH of ten (10) inches or greater within a required buffer area shall be preserved. Construction activities such as grading and trenching shall not affect more than forty-five (45%) of the critical root zone of the tree to be preserved.



### C. Type C

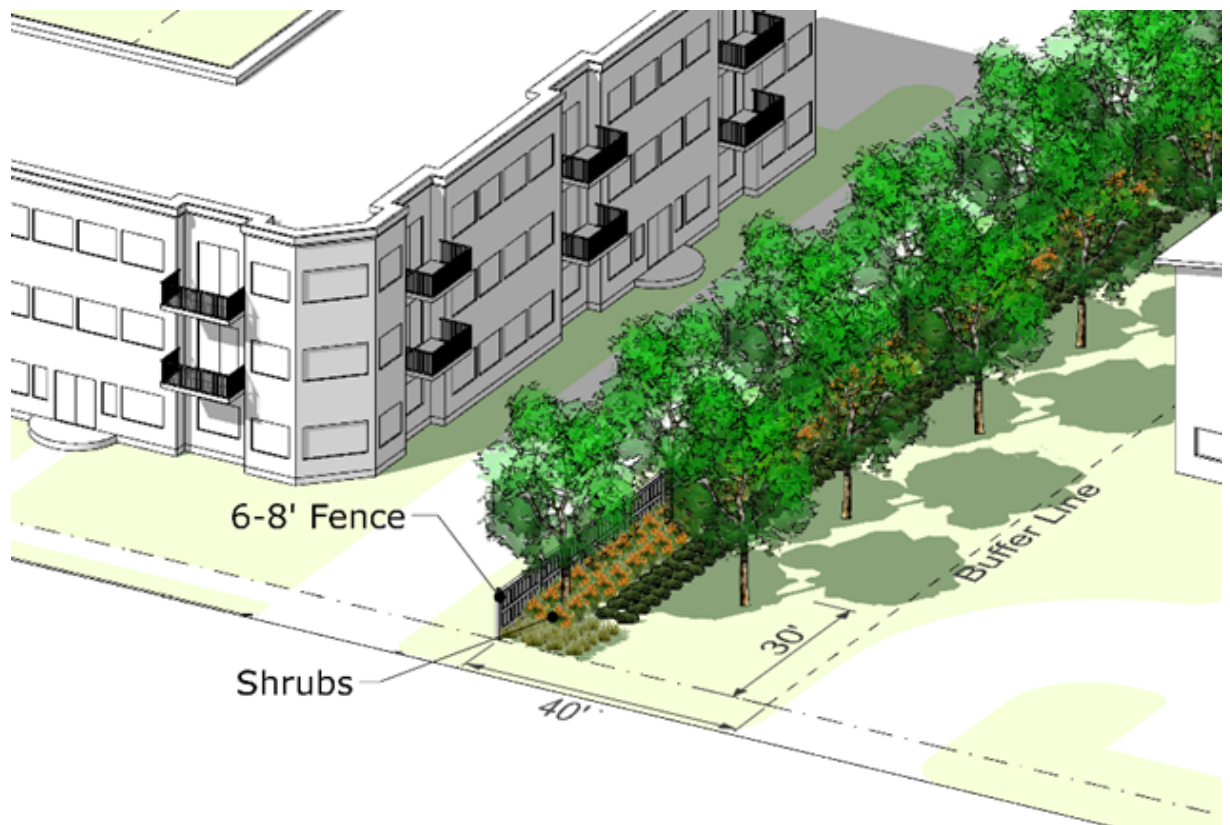
1. Used to separate commercial, multi-dwelling unit residential, special-medical, mixed-use, and special- educational developments in CN, C, CR, S-M, S-E, and O districts with commercial use designation from single- dwelling unit residential developments in RN, SD-2, SD-6, TN-N, and TN-E districts.
2. The buffer shall be a minimum width of twenty (20) feet with a six (6) to eight (8) foot opaque fence. The buffer width may be reduced to ten (10) feet if a solid masonry wall is used in the place of a fence.
3. A minimum of one (1) canopy tree shall be planted every thirty (30) feet along the entire length of the buffer.

4. Two (2) rows of shrubs shall be planted along the entire length of the buffer with a maximum spacing of ninety percent (90%) of the shrubs expected spread within three (3) years of planting.
5. A minimum of fifty percent (50%) of all existing trees with a DBH of ten (10) inches or greater within a required buffer area shall be preserved. Construction activities such as grading and trenching shall not affect more than forty-five percent (45%) of the critical root zone of the tree to be preserved.



#### D. Type D

1. Used to separate industrial developments in I and O districts with industrial use designation from single- dwelling and multi-dwelling unit residential developments in RN, SD-2, SD-6, TN-N, TN-E, MU-9, MU-20, and O districts with TND and conservation development use designation.
2. The buffer shall be a minimum width of forty (40) feet with a six (6) to eight (8) foot fence.
3. A minimum of two (2) canopy trees shall be planted staggering every thirty (30) feet along the entire length of the buffer.
4. Four (4) rows of shrubs shall be planted along the entire length of the buffer with a maximum spacing of ninety percent (90%) of the shrubs expected spread within three (3) years of planting.
5. A minimum of fifty percent (50%) of all existing trees with a DBH of ten (10) inches or greater within a required buffer area shall be preserved. Construction activities such as grading and trenching shall not affect more than forty-five percent (45%) of the critical root zone of the tree to be preserved.



### **14.12.3 Location**

- A. The required buffer must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required buffer must be provided along the entire property line immediately abutting the protected adjacent property.
- B. A required buffer may not be located within any portion of an existing, dedicated, or reserved right-of-way.
- C. The buffer is not permitted within a public utility easement but the required buffer may abut the easement.

### **14.12.4 Encroachments**

- A. The parking of vehicles and the placement of buildings, signs, or accessory structures, except for walls and fences, is not allowed in a required buffer.
- B. Breaks in the buffer for pedestrian, bicycle, and vehicle access shall be permitted. Driveways and walkways must cross a buffer at or near a perpendicular angle with appropriate site triangle visibility.

### **14.12.5 Credit For Existing Vegetation**

- A. Existing canopy trees that are preserved with a minimum caliper of ten (10) inches measured at breast height may be used to reduce the amount of required canopy trees to be placed within a required buffer. Any area under the canopy of an existing canopy tree, will not be required to plant additional canopy trees in that area or be used in the calculation of the quantity of required canopy trees.
- B. The City Planner or their designated representative has the discretion to determine if a tree that is to remain is acceptable based on species, location, health, and possible detrimental effects

on neighboring property or public property.

## **14.13 Landscaping**

### **14.13.1 General Purpose**

### **14.13.2 Plant Material Standards**

### **14.13.3 Plant Quality And Installation**

### **14.13.4 Maintenance**

### **14.13.5 Landscape Standards**

### **14.13.6 Review And Approval Procedure**

### **14.16.7 Landscape Waiver**

## **14.13.1 General Purpose**

- A. Landscaping shall be required on all lots in all zoning districts that are being developed, redeveloped, or remodeled and require site plan review by the development review committee. Landscape designs shall incorporate appropriate plant material that will survive and flourish with comparatively little supplemental irrigation. These plants should be native and drought tolerant. Invasive species shall not be used. All open areas within a site shall contain grass, ground cover, or other living plant material.
- B. The following development activities are exempted from the landscape requirements:
1. Additions or modifications to existing lots with existing detached dwellings and attached duplex dwellings.
  2. Land disturbing activities conducted for the purpose of restoration of streams, stream banks, riparian zones, or other environmentally protected areas.
  3. Repairs and/or construction deemed emergency in nature as determined by the Building Official, City Engineer, and/or City Planner.

## **14.13.2 Plant Material Standards**

- A. **Trees.** Trees shall be separated into two (2) types: canopy trees and small trees.
1. Canopy trees shall be a minimum of ten (10) feet in height and two (2) inches in caliper at the time of planting. A canopy shall obtain a minimum height at maturity of thirty-five (35) feet.
  2. Small trees shall be a minimum of eight (8) feet in height and one and a half (1 ½) inches in caliper or three-fourths (¾) inch in caliper per trunk for multi trunk trees at time of planting. A small tree shall obtain a minimum height at maturity of eighteen (18) feet and a maximum height of thirty-five (35) feet.
  3. Tree caliper shall be measured six (6) inches above the ground from the soil line of the container or root ball.
- B. **Shrubs.** Required shrubs shall be a minimum of number three (#3) container size at the time of planting. Shrubs shall be planted at a maximum on center distance of seventy-five percent (75%) of their mature spread.
- C. **Grass.** Grass areas may be sodded, plugged, sprigged, or seeded except that only sod shall be used on slopes, swales, detention ponds, or any other areas that are subject to erosion as determined by the city engineer during the review process. When grass seed is sown it shall be a variety of seed that produces complete coverage within ninety (90) days from sowing and in accordance with the City of Starkville Standards of Design & Specification.

- D. **Ground cover.** Ground cover areas shall be a maximum of eighteen (18) inches in height at maturity. Ground covers shall be planted at a spacing that would allow for complete coverage within three (3) growing seasons.
- E. **Mulch.** Mulch shall be provided in all landscape beds. Mulch shall be pine straw, pine bark, or shredded hardwood. Inorganic material such as rock, glass, or rubber chips is not considered mulch and shall not be permitted. Rock can be used as part of a stormwater management facility with the approval of the City Planner and/or City Engineer.

### **14.13.3 Plant Quality And Installation**

All plant materials shall be of a species adaptive to the Starkville, Mississippi area and shall conform to the standards of the current edition of the American Standard for Nursery Stock

#### **A. Plant Quality.**

1. Trees, shrubs, and groundcovers shall be nursery grown and meet ANSI Z60.1 Standards. Materials should be free of disease and insect adults, eggs, pupae, or larvae. Plants should have well developed root systems and be free from physical damage or other conditions that would prevent correct growth habits.
2. All grass sod shall be clean and reasonably free of stones or other debris, diseases, or noxious pests and also USDA- certified to be free of insect infestation, especially imported fire ants.
3. Mulch shall be free of stones, debris, disease, and insect adults, eggs, pupae, or larvae.

#### **B. Installation.**

1. Landscape installation shall follow the approved site plan or landscape plan, including plant species, locations, sizes, quantities, and other green space requirements. Any proposed modification to the landscape plan of an approved site plan shall be subject to approval by the City Planner.
2. All landscaping materials shall be installed in a professional manner, and according to accepted professional planting procedures. Any landscape material that fails to meet the minimum requirements at the time of installation shall be removed and replaced with acceptable materials.
3. Planting areas that may be compacted or poorly drained such as landscaped parking islands and planting beds around buildings and roadways, should be backfilled with quality soil and organic matter to promote better plant establishment and growth.
4. Irrigation systems are not required but are recommended to help maintain and promote the health and quality of the landscape.
5. All trees, shrubs, and groundcovers shall be in a live and healthy condition as determined by the City Planner prior to issuance of a certificate of occupancy

#### HISTORY

Amended by Ord. [2023-03](#) on 7/5/2023

### **14.13.4 Maintenance**

Trees, shrubs, and other landscaping materials approved as part of the site development plan, shall be considered binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, owner, subsequent owners and their agents shall be responsible for the

continued maintenance of all landscaping materials. All landscaping shall be maintained in good condition with at least the same quality and quantity of the landscaping originally approved. Plant materials which exhibits evidence of insects, disease and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the City. Failure to maintain landscaping shall be considered a violation of this code and subject to penalties and/or fines.

### **14.13.5 Landscape Standards**

The following standards shall apply to all lots in all zoning districts that are being developed, redeveloped, or remodeled that require site plan review by the development review committee.

#### **A. Lot frontage along roadway**

1. The frontage along the roadway of all lots that do not contain parking or buildings shall require a landscaped area containing canopy trees.
2. The spacing, height, and quantity of required canopy trees shall be as specified in the Development Standards Chart.
3. If existing overhead utilities located along the property lines are not being proposed to be relocated on an existing site, canopy trees may be replaced with small trees only with the approval of the City Planner.
4. Canopy trees planted within a sidewalk area must have a minimum open area around the base of the tree of four (4) feet by six (6) feet. The open area can be either planted or paved with pervious pavers.
5. A minimum soil volume available for root growth shall be established under each tree. The minimum required soil volume for a street canopy tree shall be seven-hundred fifty (750) cubic feet with a minimum depth of two (2) feet. The use of soil cells under the pavement is highly encouraged.
6. Within the sight triangle of access to a street, shrubs shall be replaced with approved ground covers. Canopy trees shall be planted as required.

#### **B. Parking lot perimeter islands**

1. The perimeter islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Street screens, unless already required by the zoning district, may be used to reduce the number of required shrubs only with the approval of the City Planner. Perimeter islands with only mulch are not permitted.
2. The spacing and quantity of plant material within perimeter islands shall be as specified in the Development Standards Chart.
3. If existing overhead utilities located along the perimeter parking area(s) are not being proposed to be relocated on the site, canopy trees may be replaced with small trees only with the approval of the City Planner in coordination with the electric utility service provider.
4. Perimeter parking area landscape beds shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the perimeter parking area is part of an approved stormwater management plan.
5. The amount of canopy trees and shrubs required may be reduced if it is determined by the City Planner that the proposed trees would adversely affect neighboring trees on adjacent property or right-of-way.

### C. Parking lot terminal islands

1. The terminal islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Terminal islands with only mulch are not permitted.
2. The spacing and quantity of plant material within terminal islands shall be as specified in the Development Standards Chart.
3. Landscape islands shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the landscape island is a part of an approved stormwater management plan.
4. If the proposed placement of any utilities or site lighting interferes with the landscape requirements of the terminal island, the terminal island shall be expanded to adequately accommodate the requirements of both. Canopy tree requirements for a landscape island shall not be reduced or removed to accommodate utilities or site lighting.

### D. Parking lot interior islands

The spacing and quantity of plant material within interior islands shall be as specified in the Development Standards Chart.

1. The interior islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Interior islands with mulch only are not permitted.
2. Landscape islands shall be protected from damage by a six (6) inch by six (6) inch concrete curb. Wheel stops cannot be used as the only means of protection unless the interior island is part of an approved stormwater management plan.
3. If the proposed placement of any utilities or site lighting interferes with the requirements of the landscape island, the landscape island shall be expanded to adequately accommodate the requirements of both. Canopy tree requirements of a landscape island shall not be reduced or removed to accommodate utilities or site lighting.

### E. Parking lot median islands

1. The median islands shall be planted with canopy trees, shrubs, groundcovers, and/or grass as required. Median islands with only mulch are not permitted.
2. The spacing and quantity of plant material within median islands shall be as specified in the Development Standards Chart.
3. Median islands shall have a minimum inside bed area width of five (5) feet and be planted with a combination of canopy trees, shrubs, and groundcovers. Median islands with a minimum inside bed area width greater than twelve (12) feet can substitute shrubs and groundcover with grass for up to seventy-five percent (75%) of the bed area.
4. If the proposed placement of any utilities or site lighting interferes with the requirements of the median island, the median island shall be expanded to adequately accommodate the requirements of both. The canopy tree requirements of a median island shall not be reduced or removed to accommodate utilities or site lighting.
5. The maximum spacing requirements may be adjusted by the City Planner if existing trees are proposed to be saved with adequate protection from grading and pavement.

### F. Open space

1. Open space shall include all areas that are outside of the undisturbed site areas, building(s) footprint, a parking area(s), hardscape areas, stormwater facilities, overhead

utility easements, and are not part of the roadway frontage, perimeter parking, and interior parking areas requirements.

- 2.
3. Any existing canopy tree with a minimum caliper of ten (10) inches measured at breast height that is proposed to remain and will be properly protected from damage by construction activities can be included in the percentage of canopy coverage for open space requirement. The City Planner has the discretion to determine if a tree is acceptable based on species, location, health, and possible detrimental effects on neighboring property or public property.
4. An existing canopy tree used as part of the percentage of canopy coverage calculation that is lost during or after construction shall be replaced with three (3) canopy trees.

#### HISTORY

Amended by Ord. [2023-03](#) on 7/5/2023

### **14.13.6 Review And Approval Procedure**

- A. Landscape plans shall be subject to review and approval as part of the site plan review process.
- B. Substitutions of plant material species can be approved by the City Planner without reapproval of the site plan.
- C. No certificate of occupancy shall be issued until all landscaping is completed in accordance with the approved site plan.
- D. If landscaping is incomplete, a temporary certificate of occupancy may be issued in accordance with section 17.5.2.A.

### **14.16.7 Landscape Waiver**

Any deviation from the landscaping requirements on the development standards chart or in this section shall be required to receive approval through the Landscape Waiver process in accordance with section 3.11.



## **16.7 Tree Protection**

### **16.7.1 General Purpose**

### **16.7.2 Applicability**

### **16.7.3 Exemptions**

### **16.7.4 General Requirements**

### **16.7.5 Protection Of Trees During Construction**

### **16.7.6 Credit For Protected Trees**

### **16.7.7 Right-Of-Way Tree Protection**

### **16.7.8 Violations**

### **16.7.9 Waiver**

### **16.7.10 Maintenance And Replacement Of Protected Trees**

#### **16.7.1 General Purpose**

Except as provided and permitted in this section, it shall be unlawful to cut down, remove, deface, burn, poison, injure, mutilate, disfigure, or substantially trim any tree protected by this section in such a manner or to such a degree that the aesthetic, ecological, or economic value of the tree is lost or that such action ultimately results in the loss of the protected tree.

#### **16.7.2 Applicability**

- A. For all land disturbance activities which require site plan or infrastructure plan approval in accordance with Section 3.9, a Tree Protection Plan (TPP) shall be provided prior to starting any land disturbance activities.

#### **16.7.3 Exemptions**

- A. The requirements of this section shall apply to all privately-owned property located within the city limits except for the following:
  1. With the exception of trees in the right-of-way, trees located on an existing detached residential lot with or without an existing residential structure are exempt from these regulations.
  2. Repairs and/or construction deemed emergency in nature as determined by the Building Official.
  3. Property that is part of an agriculture and forestry use as defined in Section 13.9.6.

#### **16.7.4 General Requirements**

- A. For existing lots, the building setbacks as required by zoning shall be used to determine the tree protection area. The tree protection area shall be equal to the building setbacks.
- B. For subdivided lots, the building setbacks as required by zoning shall be used to determine the tree protection areas for the parent parcel that is to be subdivided. The tree protection area shall be equal to the front setback on the front and street side property line. The tree protection area shall be equal to the side setback on the side and rear property line. Newly created lots in the subdivision shall be restricted from removal of protected trees by the covenants of the subdivision and shall be excluded from the exceptions of Section 16.7.1(B).
- C. A minimum of fifty percent (50%) of all existing canopy trees with a minimum diameter at breast height of ten (10) inches located within the tree protection area of a lot shall be preserved and

protected.

- D. Any canopy tree with a minimum diameter at breast height of thirty (30) inches located within the tree protection area of a lot shall be preserved and protected unless a tree removal permit is approved by the Board of Aldermen.
- E. Any tree that is located within a tree protection area of a lot that is damaged to the extent that it creates a threat to the general health, safety, and welfare of the general public and/or an immediate threat to public or private property may be removed at the expense of the property owner at any time.
- F. The contractor and City inspector shall meet on site to review and inspect tree protection devices, as designated in the Tree Protection Plan in the approved site plan. Upon a satisfactory inspection from city staff, land disturbance activities on the site may begin. The tree protection inspection may occur simultaneously with the inspection of the land disturbance control measures as shown in Section 16.8.3 (C) and (D).
- G. Any construction site operating under an approved site plan shall be subject to ongoing tree protection inspections by the City inspector. The city may at any time request additional or replacement tree protection measures for any measures that seem inadequate or non-functional.

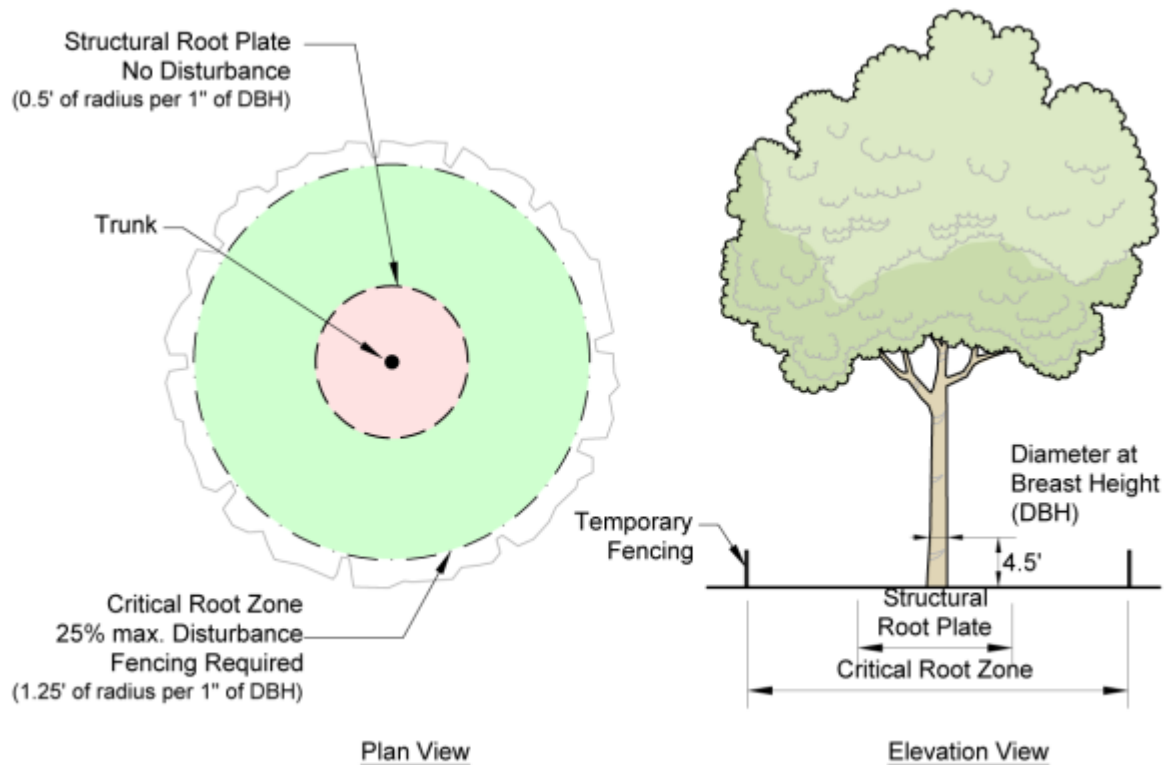
### **16.7.5 Protection Of Trees During Construction**

#### **A. Protection of Structural Root Plate**

- 1. Structural root plate is the area of the root zone comprised of structural roots of the tree. Damage to this area could cause the tree to become structurally unstable.
- 2. Trenching, grading, or any other invasive construction is prohibited within a root plate zone of any protected tree.
- 3. Root plate zone is measured as the distance of half (1/2) foot for every one (1) inch of caliper measured at breast height from the trunk of a tree in all directions. For example, a twelve (12) inch caliper tree will have a root plate zone of six (6) feet around the trunk of the tree.

#### **B. Protection of Critical Root Zone**

- 1. Critical root zone is the area of the root zone comprised of the transport and feeder root system of the tree. Damage to this area will likely reduce the tree's health and survivability.
- 2. Trenching, grading, or any other invasive construction is limited to a maximum of twenty-five percent (25%) of the total area within a critical root zone of any protected tree. Disturbance of the structural root plate is not permitted.
- 3. Critical root zone is measured as the distance of one and a quarter (1.25) foot for every one (1) inch of caliper measured at breast height from the trunk of a tree in all directions. For example, a twelve (12) inch caliper tree will have a critical root zone of fifteen (15) feet around the trunk of the tree. The critical root zone area for a twelve (12) inch caliper tree is four hundred and fifty-two (452) square feet. The maximum amount of disturbed area within the critical root zone area is one hundred and thirteen (113) square feet (Critical Root Zone Area x .25=Maximum Disturbance).



### C. Tree Protection Fencing

1. A three (3) foot high clearly visible temporary fence shall be erected around the perimeter of the critical root zone for all protected trees.
2. Protective fencing shall be erected before construction begins and kept intact until final inspection for certificate of occupancy.
3. The storage of materials and/or the use of machinery within a tree protection fence is prohibited and shall be subject to fines and/or penalties.

### 16.7.6 Credit For Protected Trees

- A. Existing canopy trees that are preserved may be used to reduce the amount of required canopy trees to be placed within a required lot frontage area, parking area, or open space. Any area under the canopy of an existing canopy tree, will not be required to plant additional canopy trees in that area or be used in the calculation of the quantity of required canopy trees.
- B. The City Planner, under advisement from the Landscape Advisory Board, has the discretion to determine if a tree that is to remain is acceptable based on species, location, health, and possible detrimental effects on neighboring property or public property.

### 16.7.7 Right-Of-Way Tree Protection

- A. All trees, regardless of species and/or size, located within the right-of-way of a public street shall be protected. Any action to cut down, remove, deface, burn, poison, injure, mutilate, disfigure, or substantially trim any tree located within the right-of-way shall be prohibited except for the following:
  1. An action taken by a publicly owned utility as part of maintenance, repair, and/or installation of existing or new service, provided that the destruction of any canopy tree

with a minimum caliper of thirty (30) inches measured at breast height shall be limited to the minimum amount necessary in order to provide service.

2. An action taken by a City department as part of maintenance, repair, and/or installation of existing or new public infrastructure, provided that the destruction of any canopy tree with a minimum caliper of thirty (30) inches measured at breast height shall be limited to the minimum amount necessary for the improvement.
3. As part of an approved site plan or infrastructure plan for a development. Replanting of new trees within the right-of-way in an amount and in a location determined by the Development Review Committee shall be required as part of site plan or infrastructure plan approval.

B. Any tree that is located within a right-of-way and is damaged to the extent that it creates a threat to the general health, safety, and welfare of the general public and/or an immediate threat to public or private property may be removed by the City at any time.

C. The unauthorized removal or damaging of any tree located within the right-of-way shall be subject to fines and/or penalties.

### **16.7.8 Violations**

Any violation of the regulations of this section relating to tree protection are hereby declared to be and constitute a nuisance.

### **16.7.9 Waiver**

Any variance from the requirements of this section shall be done in accordance with Section 3.11 as a landscape waiver.

### **16.7.10 Maintenance And Replacement Of Protected Trees**

Protected Trees approved as part of the site development plan, shall be considered binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, owner, subsequent owners, and/or their agents shall be responsible for the continued maintenance of protected trees. All protected trees shall be maintained in good living condition. Any damaged, dead, or dying protected tree shall be replaced with additional canopy tree(s). The amount and species of replacement tree(s), shall be determined by the Board of Aldermen upon the recommendation of the Landscape Advisory Board. Recommendations shall be based on the specific site conditions, location of the existing protected tree(s), and ecological benefit to the community of the proposed replacement tree(s).