

**LANDSCAPE
ORDINANCE**

OF

THE CITY OF MADISON
Madison, Mississippi



Effective February 5, 2008

**AN ORDINANCE ESTABLISHING AND
MINIMUM LANDSCAPE REQUIREMENTS
FOR THE CITY OF MADISON, MISSISSIPPI**

February 5, 2008

WHEREAS, the Mayor and Board of Aldermen of the City of Madison, Mississippi, have found and determined and deem it necessary and appropriate for the purpose of promoting and protecting the health, safety, general welfare and the overall best interest of the City of Madison, to enact and enforce minimum standards for protection of existing trees and landscaping of property within the City of Madison and

WHEREAS, the said Mayor and Board of Aldermen have determined that the minimum landscaping requirements within the City of Madison should be those set forth in this Ordinance.

Now Therefore, Be It Ordained By The Mayor And Board Of Aldermen Of The City Of Madison, Mississippi, As Follows:

SECTION I - PURPOSE AND INTENT

It is the purpose and intent of this Ordinance, including Appendix "A" hereto, to establish regulations controlling the preservation and planting of trees and shrubs, at all new construction sites, including commercial, industrial, residential and other land uses. Furthermore, the intention of this provision is the retention of suitable species of native understory that can be incorporated into landscape plans for development plan approvals. Additional benefits resulting from this ordinance are:

- (A) Aid in the prevention of erosion and sedimentation;
- (B) Reduce storm water runoff and the cost associated therewith;
- (C) Aid in the removal of carbon dioxide from the atmosphere, the generation of oxygen and in the filtration of air pollutants;
- (D) Maintain the water table level and provide for reforestation of areas where the original forest cover has been removed;
- (E) Provide shade in summer, thus reducing air conditioning costs and buffer winter winds;
- (F) Aid in the control of drainage and the re-vegetating of denuded soil subsequent to construction and grading;
- (G) Protect and enhance property values;
- (H) Protect and enhance the physical and aesthetic environment of Madison as a whole;
- (I) Provide, where applicable, visual screening and sound attenuation;
- (J) Generally protect and enhance the quality of life and general welfare of Madison;
- (K) Provide food and habitat for wildlife and corridors for their movement; and,
- (L) Reduce artificial lighting from spilling into adjacent sites.

SECTION II - DEFINITIONS

- (A) Trees - Trees shall be defined as self-supporting, woody, perennial plants normally grow to a minimum height of twenty feet (20') or greater in Madison County. Trees having an average mature crown spread of less than twenty feet (20') may be substituted by a grouping of same as to create the equivalent of twenty foot (20') crown spread. All deciduous trees shall have a minimum caliper of one inch (1") and minimum height of eight feet (8') at the time of planting. Multi-trunk trees must meet the minimum height requirement, but are exempt from the minimum caliper requirement. At least fifty percent (50%) of trees shall be of a native variety. The following trees are recommended, but are not limited to: Live Oak, Shumard Oak, Bald Cypress, River Birch, Ornamental Pears, Green Ash, Crepe Myrtle, Hollies, Redbud, etc.
- (B) Caliper - The diameter of a tree at the specified distance above ground level. Existing trees shall be measured at 48" (DBH) above ground level. New trees shall be six inches (6") above ground level.
- (C) Shrubs & Hedges - Shrubs and hedges are self-supporting, woody species. Hedges where planted, shall be maintained so as to form a continuous solid visual screen within one (1) year after time of planting.
- (D) Ground Covers - Ground covers include plant material which reach a maximum height of twelve inches (12") and may be used in lieu of grass. Ground covers must present a finished appearance and be reasonably complete at time of planting and provide full cover in three (3) growing seasons.
- (E) Lawn Grass - Grass shall include all species normally grown as permanent lawns in Madison County. Grass may be sodded, plugged, sprigged or seeded, except that solid sod or erosion control blankets shall be used in areas subject to erosion or which have a slope of three to one (3-1) or greater.

SECTION III - GENERAL REGULATIONS

- (A) Tree Removal - It shall be unlawful to remove healthy mature trees from a parcel of land without first securing a permit from the Planning and Development Department to ensure compliance with this Ordinance. No more than fifteen percent (15%) of live trees having six inch (6") or more caliper are to be removed in areas other than driveways and the building "footprint." However, trees on improved residential lots may be removed at the discretion of the owner, unless otherwise specified in subdivision approval or subdivision covenants.
- (B) Buffers - In all new developments, Buffers shall be retained and protected along the following elements:
 - 1) Creek or Drainage Channels - 20 feet from each bank or edge of the primary channel
 - 2) Fence Rows - A minimum of 20 feet in widthIn all cases, where a buffer has been designated by the Planning and Zoning Director and/or Mayor and Board of Aldermen, applicants shall be required to maintain all vegetation in required buffers except for a six foot (6') wide path providing access to

the interior of the property. Such buffer areas shall be clearly marked and protected as required by this Ordinance prior to the commencement of any clearing or construction activity.

Logging shall not be allowed within the protective buffer of streams or drains.

Selective removal of specific trees may be authorized by the tree removal permit if such action is justified and in the interest of the public's health, safety and welfare.

- (C) Tree Survey - A tree survey shall be prepared and sealed by a Registered Land Surveyor or Landscape Architect in the form of a map or site plan. The survey shall have been prepared within the last two years of the date of application. An older survey may be allowed provided it has been field checked and revised by a surveyor or landscape architect. The survey shall be at the same scale as the required site utility and grading plans and shall include the following information:
- 1) The location and species of all trees six inches (6") caliper or greater within the areas to be modified and 25 feet (25') beyond in each direction even if the trees are located across adjacent property lines;
 - 2) The location and species of any trees less than six inches (6") caliper which the applicant wishes to count toward the minimum standard of tree coverage on the site, and;
 - 3) Any area where there are dense groups of trees which may be shown as outline but noting any tree six inch (6") caliper or greater.
- (D) Tree and Landscape Plan - All development requiring a subdivision plat and/or site plan, shall include a landscape plan which shall be prepared by a landscape architect or other professional thoroughly familiar with landscape plant materials and design. Said plan shall include and show, as a minimum:
- 1) Tree Survey;
 - 2) All trees proposed for removal;
 - 3) All trees and/or groups of trees to be preserved;
 - 4) In the event of cut or fill, excavation, or the trenching for utility lines within the dripline of trees designated for preservation, the method of preservation shall be consistent with accepted landscape industry standards, in accordance with attached guidelines for tree protection during construction (See Appendix A for Tree Protection Guidelines). In the case of large retaining walls, tree wells or other structural amenities, construction details may be required for review and approval, and,
 - 5) Any existing streams and vegetated buffers surrounding streams.
- (E) Installation - All plant material to be installed shall be shown on the landscape plan with the following information: species, size and method of planting.
- (F) Guarantee - All elements of the landscape plan shall be guaranteed by the applicant for at least one growing season after date of completion.
- (G) Maintenance - Property owners must maintain and meet minimum landscape ordinance requirements at all times. Applicants must design, install and maintain an irrigation system sufficient to maintain landscape requirements at all times, unless determined to be unneeded by the Zoning Administrator based upon data provided by the applicant.

SECTION IV - MINIMUM LANDSCAPE REQUIREMENTS

COMMERCIAL DEVELOPMENT

(A) **PERIMETER LANDSCAPE**

- 1) Green spaces shall be required between parking lots and right-of-ways and property lines, and shall be a minimum of twenty feet (20') in width along the front and five feet along sides and rear.
- 2) One tree is required for every thirty (30) linear feet of green space along property lines.
- 3) If said right-of-way landscaping is beneath utility service, suitable shrubs may be substituted.
- 4) Species variety shall be in proportion to the number of trees planted.

<u>Required Number of Trees</u>	<u>Minimum Species</u>
1-3	1
4-10	2
11-30	4
31-60	6
61-100	8
101-200	10
200+	15

- 5) In the case of unusual site limitations, an exception may be requested and a different mix and number of species may be proposed for review and approval. A description of the unusual site limitations and the reasons for the proposed actions must accompany the request upon submittal of the site plan.
- 6) All plant materials must meet minimum standards as set forward in the American Association of Nurserymen, Inc.
- 7) A hedge, decorative fence, soil berm or other visual landscape barrier shall be placed in such a manner as to screen the vehicular area from adjacent properties and/or from public streets. Said barrier shall be a minimum height of three feet (3') but shall not cause visibility problems for the safe movement of traffic on or adjacent to the site.
- 8) Any remaining areas on the site which have been disturbed and are not planted with trees shrubs or ground cover shall be planted with turfgrasses or other approved plant material.

(B) **INTERIOR SITE LANDSCAPING (Parking Lots)**

- 1) Terminal islands:
 - a) Continuous rows of parking spaces shall be terminated at each end by landscaped islands which shall be a minimum size of 70 square feet, with the smallest dimension to be no less than seven feet (7');
 - b) A minimum of one tree is required for each terminal island;
 - c) The remaining portion of the terminal island shall be landscaped with a minimum of one (1) tree per every 30 linear feet. The remaining portion shall be turfgrass, shrubs or ground cover excluding gravel, sand and pavements.

- 2) A landscaped area not less than five feet (5') in width must span the entire length of the front of the building between the parking lot area and the building.
 - 3) Each landscaped area must be a minimum of 25 square feet to be counted toward the 25% green space required by the Zoning Ordinance.
- (C) INTERIOR PARKING AREA ISLANDS (Required islands in parking lot)
- 1) Landscaped islands shall be located within parking areas and spaced at one per twelve parking spaces. Size shall be 25 square feet with the minimum smallest dimension of seven feet (7').
 - 2) A minimum of one tree is required for each island.
 - 3) Any design which helps to relieve the monotony or increases the tree cover potential of the paved vehicular area is encouraged.
 - 4) Divider medians are required for parking areas over 100 spaces at a ratio of one (1) divider per every 100 spaces. Such medians must be a minimum of seven feet (7') wide and span a minimum of nine (9) consecutive spaces and shall have one (1) tree per 30 linear feet.
- (D) SERVICE AREAS
- 1) All service areas shall be screened with a combination of shrubs and fencing with a minimum height of six feet (6') in height at maturity.
 - 2) Required landscape area shall conform to City Ordinances and be a minimum of minimum height of six feet (6') at maturity.
- (E) BUFFERS
- Where buffers have been required in site review as part of a common area, the following criteria are minimum widths for buffers along various land uses:
- 1) Exterior property line for Subdivision areas 25 feet
 - 2) Arterial Streets 25 feet
 - 3) Commercial areas 20 feet not on arterial streets
 - 4) Tributaries 30 feet (with a minimum of 15 feet on buffer along each side of the subject tributary. This measurement taken from the edge or bank of the tributary, not from the centerline.) Land disturbance within tributary buffers is subject to approval, under the following conditions:
 - a) As part of the land disturbance application, the applicant must demonstrate the extent of proposed disturbance, including the general type and extent of vegetation to be removed and replaced.
 - b) The applicant must clearly demonstrate the need for the proposed disturbance.
 - c) Additional information may be required on a case by case basis.

RESIDENTIAL DEVELOPMENT

- (A) PERIMETER LANDSCAPE
- 1) One tree is required for every thirty (30) linear feet of green space along subdivision property lines.
 - 2) If said right-of-way landscaping is beneath utility service, suitable shrubs may be substituted.

- 3) Species variety shall be in proportion to the number of trees planted.

<u>Required Number of Trees</u>	<u>Minimum Species</u>
1-3	1
4-10	2
11-30	4
31-60	6
61-100	8
101-200	10
200+	15

- 4) In the case of unusual site limitations, an exception may be requested and a different mix and number of species may be proposed for review and approval. A description of the unusual site limitations and the reasons for the proposed actions must accompany the request upon submittal of the site plan.
- 5) All plant materials must meet minimum standards as set forward in the American Association of Nurserymen, Inc.

(B) **BUFFERS**

Where buffers have been required in subdivision review as part of a common area, the following criteria are minimum widths for buffers along various land uses:

- 1) Exterior property line for Subdivision areas 25 feet
- 2) Arterial Streets 25 feet
- 3) Tributaries 30 feet (with a minimum of 15 feet on buffer along each side of the subject tributary. This measurement taken from the edge or bank of the tributary, not from the centerline.) Land disturbance within tributary buffers is subject to approval, under the following conditions:
 - a) As part of the land disturbance application, the applicant must demonstrate the extent of proposed disturbance, including the general type and extent of vegetation to be removed and replaced;
 - b) The applicant must clearly demonstrate the need for the proposed disturbance; and,
 - c) Additional information may be required on a case by case basis.

SECTION V - REQUIRED PLANT MATERIALS and REGULATIONS GOVERNING INSTALLATION

The following table provides minimum required planting for specific types of developments. Proposed materials shall be disapproved where they are clearly incompatible, botanically, with existing or proposed materials; or where the proposed materials have characteristics that are detrimental to the public welfare, including but not limited to, susceptibility to disease and wind damage and propensity for damaging or interfering with nearby utilities or public right-of-way or otherwise fail to fulfill the intent of this ordinance.

MINIMUM REQUIREMENTS

Type Development	Deciduous	Evergreen	Shrubs
Residential Zones A-1, RE-A, RE-B, R-1, R-2	Total of 10" of caliper per unit with minimum of 25" of caliper per gross acre	Total of 10" of caliper per unit with minimum of 15" of caliper per gross acre	Total of 50 shrubs per gross acre
Townhouse or Garden Court Dwelling Units and Associated Parking Areas; R-3, R-4	Total of 10" caliper per unit	Total of 6" caliper per unit	Total of 10 shrubs per unit
Apartment Development and Associated Parking Areas; R-5, R-M	Total of 50" of caliper per gross acre	Total of 25" of caliper per gross acre	Total of 200 shrubs per disturbed acre
Commercial Office Development and Associated Parking Areas; C-1, O-M	Total of 75" of caliper per gross acre	Total of 50" of caliper per gross acre	Total of 200 shrubs per disturbed acre
Retail Commercial Development and Associated Parking Areas; C-2, C-3, C-4, C-5	Total of 50" of caliper per gross acre	Total of 25" of caliper per gross acre	Total of 200 shrubs per disturbed acre
Industrial Development and Associated Parking Areas; I-1, I-2, S-1, S-2	Total of 50" of caliper per gross	Total of 25" of caliper per gross	Total of 200 shrubs per disturbed acre

These standards are for landscaping around and within the particular types of development as described. The Landowner/Developer must submit calculations which show proposed development is in compliance.

(A) Deciduous trees - All deciduous trees shall be a minimum of eight feet (8') in height and a minimum of one inch (1") caliper at time of planting.

(B) Evergreen trees - All evergreen trees shall be a minimum of six feet (6') in height at time of planting.

(C) Shrubs - Upright shrubs shall be a minimum of two feet (2') in height and spreading shrubs shall be a minimum of sixteen inches (16") in height at time of planting.

(D) Unusual Site Characteristics - Where unusual physical site characteristics so dictate, additional plantings may be required, as determined during the review process. This applies to buffers, conflicts in adjacent land use, visual screen, etc.

(E) Screening - In all development where the subject use abuts a less intensive use, additional screening for noise and visual benefits shall be required as a part of the landscape plan herein required. The same approval process shall be applicable.

(F) Credits - Credit shall be given, against the above requirement for all trees as defined herein, that are preserved.

SECTION VI - STREET TREE PLANTING

All “street trees” shall be of such species that do not damage pavement and utilities, are not susceptible to disease and wind damage, have low branching heights or other undesirable characteristics for streetside location, such as, but not limited to, interference with vehicular or pedestrian traffic and the City’s maintenance of streets. Street trees shall be planted in grass strips at least six feet (6') wide.

Median strip plantings are encouraged but shall be specifically approved contingent upon the width and other physical factors regarding the specific location.

SECTION VII - EFFECT ON EXISTING TREES

Nothing contained in this Ordinance shall be construed as a mandate to cut down existing trees which do not conform to the placements described herein for newly planted trees. Existing trees which are preserved on the site may be credited toward the minimum requirement. However, such credits do not eliminate the need to place trees in parking islands and perimeters where there are no trees

SECTION VIII - MAINTENANCE

Any approved landscaping plan is subject to being constructed and maintained as was presented for approval. This includes, but is not limited to, replacing dying or dead trees or shrubs, weeding landscaped areas, mowing etc.

SECTION IX - PENALTIES

Failure to abide by this Ordinance shall result in a “Stop Work Order” being placed on site work and a citation to municipal court issued. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each day’s continuance of a violation shall be considered a separate offense and punishable as such. The owner and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. Every tree that is illegally removed may count as a separate offense and

for every tree illegally removed, replacement trees must be planted with a total combined caliper equal to the amount of caliper removed in addition to what is already required for the site. In addition, no "Certificate of Occupancy" will be issued for any site until said site is brought into compliance.

SECTION X - VARIANCES

Any person desiring a variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with ALL of the following:

- (A) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;
- (B) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the same terms of this Ordinance;
- (C) That the special conditions and circumstances do not result from the actions of the applicant; and,
- (D) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

SECTION XI - ENFORCEMENT

The Zoning Administrator is hereby authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of proper credentials, the Zoning Administrator and/or his/her duly authorized representative may enter at reasonable times any premises in the City of Madison to perform any duty imposed upon him/her by this Ordinance.

SECTION XII - REPEALING CLAUSE

All ordinances or resolutions of the Mayor and Board of Aldermen of the City of Madison that conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and rescinded, but only to the extent of such conflict.

SECTION XIII - SEVERABILITY

If any provision of the Ordinance is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, such findings shall not affect the other provisions hereof which shall remain in full force and effect.

SECTION XIV - EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

* * * * *

The above and foregoing Ordinance having previously been reduced to writing, a motion was made by Alderman Prather and a second by Alderman Peeler to approve and adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the city clerk before a vote was taken. Said Ordinance was adopted by the Board of Aldermen with results being as follows:

- Alderman Clingan-Smith voted: Yea
- Alderman Tatum voted: Yea
- Alderman Peeler voted: Yea
- Alderman Prather voted: Yea
- Alderman Hickok voted: Yea
- Alderman Hudgins voted: Yea
- Alderman Howland voted: Yea

The motion having received the affirmative vote of all members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance adopted on this 5th day of February, 2008.

CITY OF MADISON, MISSISSIPPI

By: _____
Mary Hawkins Butler, Mayor

(Seal)

ATTEST:

Susan Crandall, City Clerk

APPENDIX A

Tree Protecting Guidelines:

Any tree or buffer area shown to be preserved on a site or subdivision plan, shall be protected by the following:

Definition:

The critical root zone - a circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to a point that is the maximum drip point from any branch of the tree.

1. The critical root zone must be protected by construction. The barricade should be large enough to include everything in the critical root zone, constructed of sturdy material that is conspicuous and tall enough to be easily seen by operators of construction equipment.
2. No person shall deposit, place, store or maintain in the critical root zone any stone, brick, concrete or other materials which may impede the free passage of water, air and sand, fertilizer to the roots of any protected tree. In addition, no parking of cars, trucks and construction will be allowed under protected trees.
3. Subdivision covenants where common area and/or buffers exist need to reflect the Homeowner's Association obligation to preserve and protect such trees and/or buffer.
4. House pads must be placed outside of the critical root zone of any tree proposed to be preserved.
5. Any trees to be preserved which may be affected by changes in grade or the laying of underground utilities must be protected by Mississippi Forestry Commission acceptable practices. (See pamphlet #59 - "Protecting Valuable Trees From Construction Damage")