

## **Sec. 3.6. - Landscaping and tree preservation.**

### **3.6.01 [Landscaping.]**

- A. Purpose.** It is the purpose of this subsection to establish certain regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:
- (1) Promote the value of property, enhance the welfare and improve the physical appearance of the City;
  - (2) Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment; and
  - (3) Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to air purification, oxygen regeneration, groundwater recharge, abatement of noise, reduction of heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. These landscape regulations establish requirements in the MF-2, C1, C2, C3 and I, zoning districts:**
- (1) All new residential development shall conform only to the requirements set forth in "E", Residential Uses, of this Section.
  - (2) Nonresidential uses located within the A, SF-1, SF-2, MF-1 and MH zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.
  - (3) For new construction completed in December, January or February, landscaping may be completed within ninety (90) days of construction without penalty.
- C. Events Causing Compliance.** Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:
- (1) A change in zoning;
  - (2) Requirement of landscaping as conditions of a Special Use Permit;
  - (3) Issuance of a building permit; or
  - (4) Loss of legal nonconforming status.
- D. Landscape installation required.**
- (1) Landscaping which consists of grass only will require twenty (20) percent of the total area to be landscaped.
  - (2) Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants, in addition to grass, may require that only fifteen (15) percent of the total lot area be landscaped with approval of the City Manager or his/her designee.
  - (3) Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.
- E.** New residential development shall be required to locate a minimum of two (2) trees on the developed lot of which at least one tree must be placed in the front yard. The size of such trees shall be a minimum of two (2) inches in caliper. For new construction completed in December, January or February, landscaping may be completed within ninety (90) days of construction without penalty.
- F. Landscape Plan Required.** A landscape plan for all new development and must meet the following criteria:
- (1) The landscape plan may be prepared by the applicant, or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.
  - (2) A landscaping plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this Ordinance shall be provided and approved prior to the issuance of a building permit.
  - (3) The landscape plan shall contain the following information:
    - a. Drawn to scale; Minimum scale of one-inch equal fifty (50) feet;

- b. Location of all trees to be preserved, method of preservation during the construction phase of development;
- c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
- d. Species of all plant material to be used;
- e. Size of all plant material to be used;
- f. Spacing of plant material where appropriate;
- g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
- h. Description of maintenance provisions of the landscape plan;
- i. Persons responsible for the preparation of the landscape plan.

**G. Location Criteria.**

- (1) Not less than forty (40) percent of the total landscaping shall be located in the designated front yard.
- (2) In the I zoning district the rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing required landscaping requirement has been met on the lot.
- (3) All landscape material shall comply with visibility requirements of this Ordinance.

**H. Any xeriscaped area shall be clearly located and detailed on the site plan. In addition, the xeriscape methodology shall be detailed on the site plan.**

A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition in order to be considered for credit calculations, at least eighty (80) percent of the prepared area must be covered with flowering plant material at the time of peak growth.

**J. Caliper of trees is to be measured at a point twelve (12) inches above top of ground.**

**K. Installation and Maintenance.** All live landscaping required by this Code shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodden areas mowed, fertilized and irrigated on a regular basis.

**3.6.02 [Tree Preservation.]**

**A.** The purpose of this subsection is the preservation of mature trees and natural areas. It is intended to protect trees during construction, development, and redevelopment, to control the removal of protected trees when necessary. It also establishes rules for replacement and replanting of trees that had been necessarily removed during construction. This article shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new business enterprises to the City. The terms and provisions of this article apply to all real property as follows:

- (1) All new subdivisions of land at the time of preliminary and/or final platting;
- (2) All replatting of undeveloped land;
- (3) All unplatted and undeveloped tracts of land greater than five (5) acres;
- (4) All nonresidential parcels of land at the time of site plan approval.

**B.** The following trees are to be considered protected within the municipal boundaries of the City of Gainesville:

- (1) All species of Pecan.
- (2) All Species of Oak.
- (3) Any tree which has a diameter of eighteen (18) inches or greater measured twelve (12) inches above ground. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to one-half (½) the diameter of each additional trunk.
- (4) All species of Hackberry, Bois d'arc and Mimosa are exempt from this subsection and shall not be considered protected regardless of diameter.

**C. Tree Removal Permit Required.** No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this article without first obtaining a tree removal permit unless otherwise specified in this article.

- (1) *New Development*: All developments which have not submitted final plats as of the effective date of this article shall be subject to the requirements for tree protection and replacement specified herein.
- (2) *Residential Subdivisions*: All area within public right-of-way, utility easements, or drainage easements as shown on an approved final plat, and areas designed as cut/fill on the master drainage construction plan approved by the City's engineer shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements and shall indicate how protected trees may be saved.
- (3) *Nonresidential Developments*: All area within public right-of-way, public utility or drainage easements as shown on an approved final plat, fire lanes, and parking areas shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
- (4) *Agricultural*: Property zoned "A", agricultural, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
- (5) *Homeowners*: The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this article as it pertains to that residential property.
- (6) *Building/Contractors*: All builders who have not submitted a request for a building permit as of the effective date of this article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve (12") inches of the building foundation as shown on an approved plot plan shall be exempt from the tree protection and replacement requirements of this article. All other areas of the lot shall be subject to these requirements.
- (7) *Additional Exemptions*: A tree removal permit and tree protection and replacement requirements shall not be required if the following conditions exist:
  - a. *Damaged/Diseased Trees*: The tree is dead, diseased, damaged beyond the point of recovery or in danger of falling.
  - b. *Public Safety*: The tree creates unsafe vision clearance or conflicts with other ordinances or regulations or the tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety, or welfare.
  - c. *Utility Service Interruption*: The tree has disrupted a public utility service. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

D. *Tree Mitigation*. In the event that it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. The mitigation of the trees shall be 1:1, with said replacement trees being at least one-inch in caliper when planted.

E. *Tree Protection During Construction*.

- (1) *Tree Protection*: During any construction or land development, the developer shall clearly mark those trees to be protected and may be required to erect some protective device to ensure protection of said trees. The protective barrier must be maintained during all construction until the project is finished.
- (2) *Material and Equipment Storage*: The developer shall not store any material or equipment within the critical root zone of the protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of the trees or under the canopy of the tree. Materials include, but are not limited to, oils, paint, solvents, mortar, asphalt and concrete.
- (3) *Signs*: No signs, wires or other attachments except protective barriers shall be attached to the protected trees.

- (4) *Traffic:* No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of the protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine moving operations.
- (5) *Grade:* No grade change in excess of four (4") inches shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved beforehand.

**F. *Tree Planting Restrictions.***

- (1) *Overhead Lines:* Any required replacement shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines.
- (2) *Underground Lines:* Any required replacement trees shall not be planted within an area such that the mature root zone of the tree will interfere with underground public utility lines.
- (3) No tree shall be planted within ten (10') feet of a fire hydrant.

*(Ord. No. 1219-12-2008, 12-16-08)*

