

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #281-2023-18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HARTSVILLE, TENNESSEE ARTICLE IV BY ADDING SECTION 4.141 TREE PRESERVATION AND MAINTENANCE REQUIREMENTS

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

WHEREAS, the preservation of existing trees is deemed essential to softening the design of commercial and industrial development and promoting the health and welfare of residents the Hartsville/Trousdale County Regional Planning Commission has recommended the creation of Tree Preservation and Maintenance Requirements; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION that the following sections be added under Section 4.140 Commercial and Industrial Design Guidelines:

Section 1. That Article IV of The Zoning Ordinance of Hartsville, Tennessee be amended by the addition of Section 4.141 Tree Preservation and Maintenance Requirements, which reads as attached:

See 'ATTACHMENT, Section 1'

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

Recommended by Planning Commission March 14, 2023

Reviewed by Codes & Zoning Committee March 15, 2023

Public Hearing to be held on April 24, 2023 if passed at 1st reading

Motion to deny to this ordinance:

		1M <u>Landon Gulley</u>		Vote by Roll Call				
First Reading:	<u>March 27, 2023</u>	2m <u>Chris Gregory</u>	Yes	<u>14</u>	No	<u>6</u>	Absent	<u>0</u> FAILED ON 1ST RDG

'ATTACHMENT, Section 1'

4.140 COMMERCIAL AND INDUSTRIAL GUIDELINES

4.141 TREE PRESERVATION AND MAINTENANCE REQUIREMENTS

A. Applicability

Tree Preservation and Maintenance Requirements are applicable to all development within the any commercial or industrial zoning district.

B. Tree Preservation Standards

Within all industrial and commercial zoning districts trees shall be reserved in the following ways;

1. All 4"-7" caliper trees removed must be replaced at 25% caliper ratio;
2. 8"-23" caliper trees in good condition shall be preserved;
3. All 24" or greater caliper "heritage trees" shall be preserved.

Deviation from these standards requires a variance be granted by the Board of Zoning Appeals following proof that the condition or location of the tree would create an undue burden on the development of the lot. In granting the variance the Board of Zoning Appeals may require that trees greater than 8" shall be replaced at an equivalent caliper ratio elsewhere on the property.

C. Existing Vegetation in Buffer Yards

Existing trees within the required buffer yards may be counted towards a maximum of 50% of the required shrubs and/or trees; credit preference given to "stands" of trees (5 or more clustered together) or trees of significant size (10" or greater). When existing vegetation is used to meet a portion of the buffer yard landscaping requirements, all planted landscaping must be located so that the combination of existing vegetation and landscaping creates a continuous buffer within all requires buffer yards.

D. Existing Tree Preservation Plan

To receive credit for existing trees counted towards the buffer yard landscaping requirements, a tree preservation plan shall be submitted as part of the landscape plan. A certified arborist shall review the tree preservation plan and shall visit the site to confirm the accuracy of the tree survey. The certified arborist shall provide documentation regarding the health and survivability of existing vegetation and establish the critical root zone for each tree or grove of trees. The Enforcing Officer may waive the requirement for a certified arborist if the disturbed area is at least 20 feet away from the existing canopy drip line and the existing vegetation on site creates an opaque screen from the adjacent property.

E. Tree Protection During Construction

Protective barricades shall be placed around the critical root zone of all trees designated in the tree preservation plan prior to the start of development activities and shall remain in place until development activities are complete.

1. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the County.
2. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading or dumping trash, oil, paint, or other materials detrimental to plant health.
3. Failure to comply with these requirements will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.