

CHAPTER 23
APPENDIX A. BUILDING ORDINANCES

MINIMUM COMMERCIAL LANDSCAPE
REQUIREMENTS ORDINANCE

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ARTICLE I GENERAL PROVISIONS

SECTION 101 – Title - This ordinance shall be known as “**The Minimum Commercial Landscape Requirements Ordinance of the City of Florence, Mississippi**” and may be so cited.

SECTION 102 – Purpose -It is the purpose and intent of this Ordinance 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 to reduce heating costs;

- (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 the City of Florence 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 the City of Florence;
- (K) Provide food and habitat for wildlife and corridors for their movement;
- (L) Reduce artificial lighting from spilling into adjacent sites; and,
- (M) Protect and maintain as many mature trees as possible.

ARTICLE II DEFINITIONS

SECTION 201 – Definitions - For the purpose of interpreting this ordinance, certain words used herein are defined as follows.

- (A) **Trees** - Trees shall be defined as self-supporting, woody, perennial plants which normally grow to a minimum height of twenty feet (20'). Trees 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; Italian Cypress; 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 inches (D&B) 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 reaches 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** - Lawn grass shall include all species normally grown as permanent lawns in Rankin County, Mississippi. 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.

ARTICLE III GENERAL REGULATIONS

SECTION 301 - Tree Removal - It shall be unlawful to remove healthy mature trees from a parcel of land without first securing a permit from the Zoning Administrator 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 others than driveways and the building "footprint", unless a special exception is granted by the Planning and Zoning Commission.

SECTION 302 - Buffers - In all new developments, buffers shall be retained and protected along Creeks or Drainage Channels. Such buffers shall extend twenty (20) feet from each bank or edge of the primary channel.

In all cases, where a buffer has been designated by the Zoning Administrator 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 issued by the Zoning Administrator if such action is justified and in the interest of the public's health, safety and welfare.

SECTION 303 - 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. The survey shall be at the same scale as the required site utility and grading plans and shall include the following information:

- (A) The location and species of all trees of 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;
- (B) 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;
- (C) Any area where there are dense groups of trees which may be shown as outline but noting any tree six inches (6") caliper or greater.

SECTION 304 - Tree and Landscape Plan - All development requiring a 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:

- (A) Tree Survey;
- (B) All trees proposed for removal;
- (C) All trees and/or groups of trees to be preserved;
- (D) 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 the case of large retaining wall, tree wells or other structural amenities construction details may be required for review and approval;
- (E) Any existing streams and vegetated buffers surrounding streams; and

(F) A plan for the protection of existing trees and other plant materials that are to remain.

SECTION 305 - Installation - All plant material to be installed shall be shown on the Landscape Plan with the following information:

- (A) **Species;**
- (B) **Size;** and,
- (C) **Method of Planting.**

SECTION 306 - Guarantee - All elements of the Landscape Plan shall be guaranteed by the applicant for at least one growing season after date of completion.

SECTION 307 - Maintenance - Property owners must maintain and meet minimum landscape Ordinance requirements at all times.

ARTICLE IV MINIMUM LANDSCAPE REQUIREMENTS

SECTION 401 - Perimeter Landscape

- (A) Green spaces shall be required between parking lots and rights-of-way and property lines, and shall be a minimum of ten feet (10') in width along the front, and five feet along sides and rear.
- (B) One tree is required for every thirty (30) linear feet of green space along property lines.
- (C) If said right-of-way landscaping is beneath utility service, suitable shrubs may be substituted.
- (D) Species variety shall be in proportion to the number of trees planted.

Required number of Trees	Minimum Species
1-3	1
4-10	2
11-30	4
31-60	6
61-100	8
101-200	10
200+	15

- (E) 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.
- (F) All plant materials must meet minimum standards as set forward in the American Association of Nurserymen, Inc.
- (G) 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.
- (H) Any remaining areas on the site which have been disturbed and are not planted with trees, shrubs or ground covers shall be planted with turfgrass or other approved plant material.

SECTION 402 - Interior Site Landscaping (parking lots)

(A) Terminal Islands:

- (1) 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');
 - (2) A minimum of one tree is required for each terminal island;
 - (3) 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.
- (B) 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.
- (C) Each landscaped area must be a minimum of 25 square feet to be counted toward the 20% greenscape required by the Zoning Ordinance.

SECTION 403 - Interior Parking Area Island (required islands in parking lots)

- (A) Landscape 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 dimensions of seven feet (7').
- (B) A minimum of one tree is required for each island.
- (C) Any design which helps to relieve the monotony or increase the tree cover potential of the paved vehicular area is encouraged.
- (D) 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.

SECTION 404 - Service Areas

- (A) 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.
- (B) Required landscape area shall conform to City Ordinances and be a minimum of six feet (6') at maturity.

SECTION 405 - 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:

- (A) Arterial Streets 25 feet.
- (B) Commercial areas 20 feet not on arterial streets.

(C) Tributaries 40 feet (with a minimum of 20 feet on buffer along each side of the subject tributary. This measurement is to be 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:

- (1) 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;
- (2) The applicant must clearly demonstrate the need for the proposed disturbance; and,
- (3) Additional information may be required on a case by case basis.

ARTICLE V REQUIRED PLANT MATERIAL AND REGULATIONS GOVERNING INSTALLATION

SECTION 501-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.

- (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 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 planting 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 developments 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 requirements for all trees as defined herein, that are preserved.

ARTICLE VI STREET TREE PLANTING

SECTION 601 – Street Trees - 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 street side 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.

SECTION 602 - Median strip plantings are encouraged but shall be specifically approved, contingent upon the width and other physical factors regarding the specific location.

ARTICLE VII EFFECT ON EXISTING TREES

SECTION 701 - 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.

ARTICLE VIII MAINTENANCE

SECTION 801 - 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.

ARTICLE IX PENALTIES

SECTION 901 - It is the responsibility of the owner to ensure compliance with this Ordinance. Failure to abide by this Ordinance shall result in a “Stop Work Order” being placed on any site work and a citation to municipal court issued by the Zoning Administrator.

SECTION 902 - Failure to maintain an approved landscaping plan shall result in a “Notice to Maintain” be placed on the site by the Zoning Administrator or his/her designee. A failure to remedy the items required in the “Notice to Maintain,” within thirty (30) days, shall be a violation of this Ordinance.

SECTION 903 - Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. The owner and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. The owner and any person who may have knowingly assisted in a violation of a “Stop Work Order” shall be guilty of a separate offense.

SECTION 904 - Every tree which 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 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 905 - A “Stop Work Order” or a “Notice to Maintain” shall be effective when posted on the property by the Zoning Administrator or his/her designee. It is the responsibility of those performing work and those directing work to be performed to ensure compliance with this Ordinance. The City of Florence shall not be liable for any

special, direct, incidental, or consequential damages resulting from the enforcement of this Ordinance.

SECTION 906 – Violation of this Ordinance may result in a fine of up to one-thousand dollars (\$1,000.00) and/or imprisonment not exceeding ninety (90) days or both, in accordance with Section 21-13-1. *Mississippi Code of 1972*, as annotated.

ARTICLE X VARIANCES

SECTION 1001 - 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 land, 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.

ARTICLE XI ENFORCEMENT

SECTION 1101 - 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 Florence to perform any duty imposed upon him/her by this Ordinance.

ARTICLE XII REPEALING CLAUSE

SECTION 1201 - All Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Florence 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.

ARTICLE XIII SEVERABILITY

SECTION 1301 - 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.