

## AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF HOOVER, ALABAMA

BE IT ORDAINED by the City Council of the City of Hoover, Alabama, in regular meeting, duly assembled, a quorum being present that the Municipal Code, Appendix I, Zoning, of the City of Hoover, is hereby amended as follows:

1. Delete Article III, Section 2.11(A)(4)
2. Delete Article III, Section 2.30(A)(3), and replace with: Tree Conservation Plan
3. Amend Article IV to include the following **definitions**:

**Clearing:** Any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other woody vegetation which will cause the tree or woody vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials or by the change of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions.

**DBH:** Diameter-at-Breast-Height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

**Dripline:** A vertical line extending from the outer surface of a tree's branch tips down to the ground.

**Tree:** Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more and normally attaining a mature height of 25 feet.

**Tree Cover:** The area directly beneath the crown and within the dripline of a tree.

4. Delete Article VI, Section 1.6; Replace with: 1.6 Buffer regulations. All conditional uses requiring a structure shall provide a twenty (20) foot wide buffer on all rear and side property lines. See Article XIII, Section 3.0.
5. Delete Article VI, Section 1.7(I); Replace with: I. Tree Conservation, Buffers and Landscaping, Article XIII
6. Delete Article VI, Section 2.6; Replace with: 2.6 Buffer regulations. All conditional uses requiring a structure shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut a residential district. Schools and churches shall provide a twenty (20) foot wide buffer on all rear and side property lines which abut a single family residential district. See Article XIII, Section 3.0.
7. Delete Article VI, Section 2.7(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII
8. Delete Article VI Section 3.6; Replace with: 3.6 Tree Conservation, Buffers and Landscaping, Article XIII
9. Delete Article VI, Section 3.7(D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
10. Delete Article VI Section 4.6; Replace with: 4.6 Tree Conservation, Buffers and Landscaping, Article XIII
11. Delete Article VI, Section 4.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
12. Delete Article VI Section 5.6; Replace with: 5.6 Tree Conservation, Buffers and Landscaping, Article XIII

13. Delete Article VI, Section 5.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
14. Delete Article VI Section 6.6; Replace with: 6.6 Tree Conservation, Buffers and Landscaping, Article XIII
15. Delete Article VI, Section 6.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
16. Delete Article VI, Section 7.6; Replace with: 7.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single-family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
17. Delete Article VI, Section 7.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
18. Delete Article VI, Section 8.6; Replace with: 8.6 Buffer regulations. When a townhouse development is located wholly or partially adjacent to a single-family or two-family residential district or Agriculture District, said use shall provide as a minimum a ten (10) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
19. Delete Article VI, Section 8.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
20. Delete Article VI, Section 9.6; Replace with: 9.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a residential district or Agriculture District, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. Schools and churches shall provide a twenty ( 20) foot wide buffer on all rear and side property lines which abut said districts. No paving shall be permitted within twenty (20) feet of a property line which abuts said districts. See Article XIII, Section 3.0.
21. Delete Article VI, Section 9.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
22. Delete Article VI, Section 10.6; Replace with: 10.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a residential district, Office or Agriculture district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. No paving shall be permitted within twenty (20) feet of a property line which abuts said districts. See Article XIII, Section 3.0.
23. Delete Article VI,Section10.7(H); Replace with: H. Tree Conservation, Buffers and Landscaping, Article XIII
24. Delete Article VI, Section 11.6; Replace with: 11.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
25. Delete ArticleVI,Section 11.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII
26. Delete Article VI, Section 12.6; Replace with: 12.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
27. Delete ArticleVI,Section 12.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII
28. Delete Article VI, Section 13.6; Replace with: 13.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said

use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.

29. Delete Article VI, Section 13.7(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

30. Delete Article VI, Section 14.6; Replace with: 14.6 Buffer regulations. All structures and facilities developed within the I-1 District shall provide a twenty (20) foot wide buffer on all rear and side property lines, except those property lines which abut property zoned I-1. See Article XIII, Section 3.0.

31. Delete Article VI, Section 14.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII

32. Delete Article VI, Section 15.9(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

33. Delete Article VI, Section 16.7; Replace with: 16.7 Buffer regulations. All conditional uses requiring a structure shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut a residential district. Schools and churches shall provide a twenty (20) foot wide buffer on all rear and side property lines which abut a single family residential district. See Article XIII, Section 3.0.

34. Delete Article VI, Section 16.8(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

35. Delete Article VII, Section 10.0 Landscape Buffer Regulations

36. Delete Article VIII, Section 2.0(C) and (D); Replace with: C. Tree Conservation Plan

37. Amend Article XII, Section 2.3(C) to include: 10. Tree Conservation Standards which meet or exceed the requirements of Article XIII, Section 2.0

38. Delete Article XIII; and replace with the following:

## **ARTICLE XIII TREE CONSERVATION, BUFFERS AND LANDSCAPING**

### Section 1.0 Purposes and Objectives.

The purposes of this Article are to promote the quality of life in the City of Hoover by promoting health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to encourage a responsible land ethic. This Article has been made with reasonable consideration, among other things, to the character of the zoning districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

The objectives are achieved by the conservation and protection of the land, water, air, vegetation and other natural resources of the City by requiring measures to preserve and/or replace trees during all phases of land disturbing activity, to make incompatible land uses more compatible by requiring a buffer between the uses and to provide shade within and enhance the appearance of parking and other vehicle maneuvering areas.

Benefits derived to the community include the protection and enhancement of property values, as well as reduced storm water run-off, soil erosion and sedimentation. Trees and other forms of vegetation, in the process of photosynthesis, remove some carbon dioxide from the atmosphere, generate a significant amount of oxygen that is necessary for life support, and absorb and hold some chemical pollutants.

### Section 2.0 Tree Conservation.

Tree Conservation is intended to create incentives to retain a small percentage of the trees during the land development process. The incentive is created by the establishment of a minimum percentage of each lot or

parcel which must have trees after development is complete. This minimum percentage may be comprised of trees which were retained, planted trees or a combination of both.

In residential development, techniques such as retaining trees in areas of severe terrain, flood areas, and along rear property lines, drainage ways and the periphery of the project, are the most practical ways to comply with the minimum standards of this Article. Trees required in the front yard of each dwelling also count toward the minimum requirement for the subdivision.

In non-residential projects, trees within the parking areas and buffers may be applied to the required minimum coverage. Retention and planting of trees in areas of severe terrain and along the periphery of the project will facilitate compliance with the minimum standards.

In all districts, planning for the location of tree save areas prior to land disturbance is the most practical way to comply with the requirements of this Article. This approach is reinforced by the requirement to submit a Tree Conservation Plan to the City prior to land disturbance.

2.1 Method. A land disturbance permit shall be required prior to any land disturbance which is regulated by this Article. The permit shall only be issued by the City upon receipt and approval of a land disturbance permit application. If the property is the subject of a conditional use, special use, special exception or variance application, a Tree Conservation Plan shall be submitted as part of said application.

2.2 Applicability. Land disturbance is defined as the making of any material change to the natural surface of the land or the removal of trees and other woody vegetation; including clearing, grading, excavating, filling, borrowing, creating spoil areas, and dumping of materials.

A. The following land disturbance shall be exempt from the provisions of this Article:

1. Land disturbance on an occupied single family residential lot; provided that such disturbance is conducted by the owner/occupant or his or her agent.
2. Enlargement of a single family residential dwelling or the construction or placement of an accessory building or structure on the premises of an existing single family dwelling.
3. Repair and maintenance of public utilities and storm drainage structures
4. Installation and maintenance of structures and facilities of a railroad company
5. Construction of streets within a public right-of-way or within an area approved by the City as a public street right-of-way on a preliminary subdivision plat
6. Emergency work to protect life, limb or property and emergency repairs

B. Each PUD approved after the effective date of this ordinance shall adopt and enforce tree conservation requirements which meet or exceed the requirements of Section 2.0 Tree Conservation, but may be exempt from the requirements of Section 6.0 Enforcement. Such requirements shall be submitted for review by the City as part of the PUD zoning application.

2.3 Tree Conservation Plan.

A Tree Conservation Plan as defined in Sub-Section 2.4 or 2.5 of this Article shall be approved prior to issue of a land disturbance permit, clearing permit, grading permit, or building permit. The purpose of the plan is to incorporate tree conservation with site development to provide an economically feasible project with the least amount of site disturbance. The Tree Conservation Plan is intended to provide a site development plan for property which delineates areas of site disturbance, tree save areas and/or areas for the replanting of trees, in compliance with the requirements of this and all other land development regulations. If a buffer or landscaping within a parking or vehicle maneuvering area is required for the proposed development, those requirements shall be part of the Tree Conservation Plan.

## 2.4 Land Disturbance Permit Application.

The land disturbance permit application shall be filed on forms provided by the City and accompanied by a Tree Conservation Plan, drawn to a scale no smaller than one inch equals 50 feet with topographic information at five foot contour intervals.

A. For residential uses in the A-1 District and for permitted uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts, a Tree Conservation Plan may be approved for individual lots or for more than one lot.

1. A Tree Conservation Plan for an individual lot, pursuant to a building plan, shall not require topography and shall contain the following information:

- a. The boundaries of all tree save areas
- b. All dimensions and distances, property lines, easements and rights-of-way
- c. Existing and proposed buildings and structures
- d. Bodies of water, including water detention and retention areas
- e. Driveways and parking areas
- f. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Section are fully satisfied
- g. The plan shall be accompanied by quantitative data which certifies compliance with the Tree Conservation Standards of Section 2.9

2. A Tree Conservation Plan which covers more than one lot shall be a conceptual plan which shows the manner in which the Tree Conservation Standards of Section 2.9 will be fulfilled. The Plan shall contain the following information:

- a. The boundaries of all tree save areas
- b. All dimensions and distances, property lines, easements and rights-of-way
- c. Bodies of water, including water detention and retention areas
- d. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Section are fully satisfied
- e. The plan shall be accompanied by a statement which describes the manner in which the Tree Conservation Standards of Section 2.9 are to be met and certification that the Tree Conservation Plan complies with those standards.

B. For uses other than a dwelling in the A-1 District and for conditional uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts and for all uses in the R-T-4, R-4, C-P, C-1, C-2, C-3, C-4 and I-1 districts, the Tree Conservation Plan which is pursuant to a building plan, shall contain the following information:

1. The boundaries of all tree save areas
2. All dimensions and distances, property lines, easements, rights-of-way and buffers
3. Existing and proposed buildings and structures, including signs, dumpsters, light and power poles, utility and drainage structures

4. Existing and proposed buildings and structures on adjacent property affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include an elevation which accurately shows the comparative elevations of the buildings.

5. Bodies of water, including water detention and retention areas

6. Driveways, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas.

7. The location, species, size, description and spacing of all required ground covers, shrubs and trees to be planted. Shrub bed plantings at a scale of one inch equals 20 feet and sections of planting through typical berms and slopes greater than ten (10) percent gradient shall be provided at the request of the Administrator.

8. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied.

9. The plan shall be accompanied by:

a. A grading plan which shows all areas of cut and fill as well as borrow areas and areas for stockpiling of soil and materials

b. Quantitative data which certifies compliance with the Tree Conservation Standards of Section 2.9

c. Detailed drawings and specifications of tree protection measures including: Protective tree fencing, erosion control fencing, tree protection signs, transplanting specifications, tree wells and aeration systems, staking specifications, and other applicable drawings

## 2.5 Speculative Land Disturbance.

The following restrictions shall apply to land disturbance on property for which building plans are not available.

A. Speculative land disturbance in the E-1, R-E, R-1, R-2, and R-3 districts shall leave 20 percent of the land area in tree cover area, as required in Sub-Section 2.9. The tree cover area shall be located along the rear and side property lines of a tract or parcel and along the rear property line of a lot.

B. Speculative land disturbance in the E-1, R-E, R-1, R-2 and R-3 districts, on property owned by an entity which is a conditional use in those districts, shall not be permitted within 50 feet of an adjacent single family residential district boundary nor within any required buffer.

C. Speculative land disturbance in the A-1, PRD, R-4 and R-T-4 districts shall not be permitted within 50 feet of an adjacent single family residential district boundary nor within any required buffer.

D. Speculative land disturbance in the C-P, C-1, C-2, C-3, C-4, and I-1 districts and those areas not yet zoned by the City of Hoover, shall not be permitted within 100 feet of an adjacent single family residential district boundary nor within any required buffer.

E. A Tree Conservation Plan drawn to a scale no smaller than one inch equals 50 feet, which contains the following information, shall be approved by the Administrator prior to any speculative land disturbance.

1. The boundaries of all tree save areas

2. All dimensions and distances, property lines, easements and rights-of-way

3. Bodies of water, including water detention and retention areas

4. Sufficient information and detail to clearly demonstrate that all applicable requirements of this Sub-Section 2.5 are fully satisfied.

F. A complete Tree Conservation Plan, as required in Sub-Section 2.4, shall be submitted as part of any subsequent conditional use, special use, special exception or variance application and prior to issue of any building permits.

## 2.6 Land Disturbance Guidelines

A. Land disturbance shall not include any unnecessary clearing.

B. Water retention and detention areas and sedimentation basins shall be constructed so as to take advantage of the natural terrain in order to minimize grading and vegetation removal.

C. Proposed utilities shall be located so as to have minimum impact upon existing vegetation. Adequate clearing shall be shown for the installation of utilities, including equipment access, excavating and deposition of soil.

## 2.7 Review of Land Disturbance Permit Applications.

Upon receipt of a complete land disturbance permit application, the Administrator shall either approve, return for revisions or deny the application. All tree protection measures, as required in the Administrative Guidelines, shall be installed and inspected by the Administrator prior to land disturbance.

## 2.8 Maintenance.

Except for occupied single family dwellings, the owner shall be responsible for the maintenance of all plant material required by this Section. All plant material shall be tended and maintained in a healthy growing condition and replaced when dead.

## 2.9 Tree Conservation Standards.

All land disturbing activities regulated by this Article shall include the preservation and/or planting of trees on the site to the extent that minimum tree cover shall be provided as follows:

### **Zoning Districts Percent Coverage**

Permitted Uses in the A-1, RE, E-1, E-2, R-1,R-2, R-3 and PRD districts - **20%**

Permitted and Conditional uses in the R-T-4, R-4 and CP districts and Conditional Uses in the A-1, RE, E-1, E-2, R-1,R-2, R-3 and PRD districts - **15%**

Permitted and Conditional Uses in the C-1, C-2, C-3, C-4, and I-1 districts - **10%**

A. For detached single family residential dwellings and subdivisions, the percent coverage shall be applied to gross land area minus public street rights-of-way.

For all other uses, the percent coverage shall be applied to the adjusted gross site area which is defined as gross site area in square feet, minus:

1. The footprint area of all buildings, excluding parking deck structures
2. Public street, utility and drainage easements and rights-of-way
3. Lakes, detention and retention ponds, based upon the normal surface elevation

4. Absorption fields for on-site sewage disposal systems

5. Baseball, softball, football, soccer and similar athletic fields

B. Enlargement of a building, other than a single family residential dwelling or accessory building, by twenty (20) or less percent of the building floor area, shall be exempt from the percent coverage requirements of this Section, provided no trees are cleared as part of the development process. If trees are cleared, then trees equaling the tree cover area of the trees which were cleared shall be planted on the property, in a location determined by the Administrator.

C. Enlargement of a building, other than a single family residential dwelling or accessory building, by more than twenty (20) percent of the building floor area, shall require that the premises of the enlarged building comply with the percent coverage requirements of this Section.

D. The 20 percent tree coverage requirement for single family detached dwellings may be applied to each lot or to the area covered by the Tree Conservation Plan as a whole. If applied to the area as a whole, a Tree Conservation Plan shall be submitted and approved for the entire area within the boundary of the Tree Conservation Plan prior to clearing of any lots within that area.

E. The following minimum number of trees shall apply to each front yard(s) of all residential lots in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4 and PRD zoning districts:

Lot Width Minimum Number of Large Deciduous Trees

70 feet or less = 1 tree

More than 70 feet = 2 trees

If the prospective homeowner states in writing that trees are not desired in the front yard, then the trees allocated to that lot may be re-allocated to other front yard or public street plantings within the boundary of the Tree Conservation Plan.

F. When a Tree Conservation Plan is submitted for an individual single family residential lot, compliance with the Tree Conservation Standards of this Section shall not result in the requirement to plant more than four large deciduous trees on the subject lot.

G. When a Tree Conservation Plan is submitted for more than one single family residential lot, compliance with the Tree Conservation Standards of this Section shall not result in the requirement to plant a total number of large deciduous trees which is greater than the number of lots in the Tree Conservation Plan, multiplied by the number four (4).

## **2.10 Tree Preservation Credit**

A. Existing trees may meet all or part of the tree cover requirements of this Section. Existing trees shall qualify for tree cover credit if they are located within a tree save area identified on the Tree Conservation Plan, protected during land disturbance as required in the Administrative Guidelines and meet the minimum requirements of this Section.

B. The credit allowed for a freestanding tree or cluster of trees shall be 1.25 multiplied by the area defined by the boundaries of the existing drip line of a freestanding tree or group of trees as delineated on the Tree Conservation Plan.

C. The minimum size tree to be allowed for tree cover credit shall be two inches DBH.

D. When existing trees are to be preserved for tree cover credit, efforts should be made to avoid fragmentation of the preservation areas from other woodlands within or contiguous to the site.

E. Tree cover credit shall only be given to trees with main trunks located on the subject property.

F. If during construction, trees that are shown to be preserved are cleared or removed, so that the tree cover standard is no longer met, then replacement trees shall be required. Conversely, if additional trees are preserved in compliance with the Administrative Guidelines, then tree cover credit may be added to the calculations in accordance with this Section.

#### 2.11 Tree Planting Credit

A. Tree cover credit shall only be given to trees with main trunks located on the site being developed, except that required trees may be planted within an adjacent public street right-of-way, if shown on the approved Tree Conservation Plan and approved by all applicable governments and utilities.

B. The tree cover calculations for planted trees shall be based upon the tree coverage area for each tree as shown in the Tree Selection and Cover Guide. Other trees and larger tree sizes may be given tree cover credit with submission of supporting tree cover data to the Administrator.

C. The trees that are to be planted shall be selected from species suitable for the proposed site conditions.

#### Section 3.0 Buffers.

3.1 Applicability. Buffer Regulations are set forth in each of the zoning district sections of Article VI and in Table One at the end of this Article. If proposed development activity requires a buffer, a Tree Conservation Plan including supplemental information required in this Section, shall be submitted pursuant to the requirements of this Article.

3.2 Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by the Zoning Ordinance.

A. When natural vegetation exists on a site, buffer areas shall be left in an undisturbed, natural state, except that underbrush may be cleared and plantings added. Nothing herein shall be construed as preventing removal of junk, debris, dead trees or limbs, abandoned structures, fences and the like from the buffer areas.

B. The buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length of the planting strip. In addition, the buffer shall include at least one (1) tree that qualifies for tree canopy credit in the Tree Selection and Cover Guide, for each thirty (30) linear feet of buffer. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the planting. The entire surface area of the buffer shall be planted as prescribed in this section. When natural or man-made topography enhances the effectiveness of a buffer, the width of the buffer may be reduced by up to thirty (30) percent. Only plant materials listed in the Tree Selection and Cover Guide that are noted with (# and ^) may be planted in the required buffer.

C. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer, as determined by the Administrator. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the City.

D. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.

E. Electrical, telephone, gas, water, sanitary sewers, storm drainage and other utility facilities may be constructed in the required buffer under the following conditions:

1. The developer shall submit adequate data such as an existing tree survey and photographs to verify pre-development conditions in the affected buffer area.

2. The Administrator shall condition the land disturbance and building permits upon restoration of the area in compliance with the approved Tree Conservation Plan within four (4) months after utility construction is complete.
3. The developer shall be required to restore the buffer in compliance with the approved Tree Conservation Plan.
4. If construction of utilities will result in the disturbance of more than fifty (50) continuous feet of the required buffer, the Administrator may require additional planting to satisfy the buffer standards.

**F. When easements or rights-of-way that prevent planting of the required vegetation are located within a buffer, the width of the easement or right-of-way shall not be included when calculating the width of the buffer, except as follows:**

1. Where twenty five (25) and thirty five (35) foot wide buffers are required, the width of the buffer may be reduced by one (1) foot for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than twenty (20) feet in width.
2. Where a fifty (50) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than thirty five (35) feet in width.
3. Where a one hundred (100) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than eighty (80) feet in width.

**G. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Section.** All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

#### **Section 4.0 Landscaping for Parking and Vehicle Areas**

4.1 Applicability. These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from the public right-of-way, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. All such areas with less than five (5) vehicle spaces are exempt from the provisions of this Section.

This Section shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all conditional uses and for permitted uses in the R-4, R-T-4, C-P, C-1, C-2, C-3, C-4 and I-1 Districts. If proposed development activity requires the installation of landscaping in parking areas, a Tree Conservation Plan, including supplemental information required in this Section, shall be submitted pursuant to the requirements of this Article.

4.2 Design Standards.

##### **A. Interior Parking Areas**

1. Each parking area shall have interior landscaping covering not less than ten (10) percent of the total parking area, all of which shall be devoted to tree canopy area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
2. The primary landscaping materials used in parking areas shall be shade trees. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
3. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

## **B. Peripheral Parking Area Landscaping Adjacent to Rights-of-Way**

1. A landscaped strip at least fifteen (15) feet wide, which shall not include a sidewalk or trail, shall be located between the parking area and the public right-of-way, except where driveways are located. Required landscaping and trees may be planted within the adjacent public street right-of-way, if shown on the approved tree conservation plan and approved by all applicable governments and utilities.
2. Shrubs shall be evergreen and a minimum of thirty (30) inches high at installation, with a minimum height of three (3) feet within one growing season. Required shrubbery shall be planted in double staggered rows on not more than thirty six (36) inch centers within the planting strip.
3. At least one tree for every thirty (30) linear feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.
4. Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.
5. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of Transportation. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.

## **C. Peripheral Parking Area Landscaping Adjacent to Private Property**

1. A landscaped strip at least eight (8) feet wide shall be located between the parking area and abutting property lines, except where driveways are located.
2. At least one tree for every thirty (30) feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.

## **D. Maintenance**

**The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Section.** All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

## **E. Irrigation**

All required landscaping shall be irrigated in compliance with the Automatic Irrigation System Regulations of this Article; except required landscaping within an existing parking area which is being landscaped to comply with the requirements of this Section.

### **4.3 Plant Material Standards.**

All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs that are listed in the Tree Selection and Cover Guide may be planted in required landscaping and buffer areas.

### Section 5.0 Automatic Irrigation System Regulations

A. Complete irrigation plans which comply with the Plumbing Code of the City of Hoover, shall be submitted as part of every Tree Conservation Plan which must comply with Sections 2 or 3 of this Article. Irrigation plans shall

be drawn at the same scale as the Tree Conservation Plan and shall cover the entire area where irrigation is required.

B. A fully automated irrigation system shall be constructed where irrigation is required. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.

C. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.

D. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.

E. The owner shall keep the irrigation systems in proper working condition as part of a regular maintenance program.

F. Workmanship and materials shall conform to the Plumbing Code of the City of Hoover.

G. At the conclusion of the work, the contractor shall submit three (3) copies of the as-built plans to the City of Hoover.

**Section 6.0 Enforcement.**

**6.1 Permitted and Conditional Uses in the R-T-4, R-4, CP, C-1, C-2, C-3, C-4, and I-1 Districts and Conditional Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts:**

A. No Tree Conservation Plan required by this Article shall be approved by the Administrator until a financial guarantee of performance is submitted, in an amount determined by the Administrator to be not less than one hundred and ten (110) percent of the cost of implementing the Tree Conservation Plan. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the City of Hoover.

B. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy for the premises, the Administrator shall determine that the Tree Conservation Plan has been implemented.

**6.2 Permitted Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts**

A certificate of occupancy shall not be issued for any dwelling until the lot on which the dwelling is located complies with the Tree Conservation Plan approved for the lot or Tree Conservation Plan area as a whole.

**Tree Selection and Cover Guide (Deciduous)**

<b>SMALL DECIDUOUS TREES</b> (up to 40' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2"– 3"
1	Acer barbatum / Florida Maple # * ^	100
2	Acer leucoderme / Chalkbark Maple # ~	75

3	Acer palmatum / Japanese Maple # *	75
4	Carpinus caroliniana / American Hornbeam # ~	75
5	Cercis canadensis / Eastern Redbud # *	75
6	Chionanthus virginicus / American Fringetree # ~	75
7	Cladastris kentuckea / Kentucky Yellowwood # *	75
8	Cornus florida / Florida Dogwood # ~	75
9	Cornus kousa / Kousa Dogwood # *	75
10	Halesia tetraptera / Carolina Silverbell # ~	75
11	Koelriuteria paniculata / Goldenraintree # *	100
12	Lagerstroemia indica / Common Crape myrtle cultivars	25
	<ul style="list-style-type: none"> <li>• mature height (0 – 10')</li> </ul>	
	<ul style="list-style-type: none"> <li>• mature height (10' - 20') # *</li> </ul>	50
	<ul style="list-style-type: none"> <li>• mature height (20' +) # * ^</li> </ul>	75
13	Magnolia soulangeana / saucer Magnolia # *	75
14	Ostrya virginiana / American Hophornbeam # ~	75
15	Oxydendrum arboreum / Sourwood # * ^	100
16	Pistacia chinensis / Chinese Pistache # * ^	100
17	Prunus L. / various flowering cherries and plums # *	75
18	Rhus copallina / Shining Sumac #	75

<b>MEDIUM DECIDUOUS TREES</b> (from 40' – 60' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2" – 3"
19	<i>Acer rubrum</i> / Red Maple # * ^	200
20	<i>Acer saccharum</i> / Sugar Maple # * ^	200
21	<i>Betula nigra</i> / River Birch # * ^	200
22	<i>Diospyros virginiana</i> / Common Persimmon # * ^	200
23	<i>Fagus grandifolia</i> / American Beech # * ^ ~	200
24	<i>Fraxinus pennsylvanica</i> / Green Ash # * ^	250
25	<i>Nyssa sylvatica</i> / Black Gum # * ^	250
26	<i>Quercus acutissima</i> / Sawtooth Oak # * ^	300
27	<i>Quercus lyrata</i> / Overcup Oak # * ^	300
28	<i>Quercus nuttallii</i> / Nuttall Oak # * ^	300
29	<i>Quercus phellos</i> / Willow Oak # * ^	300
30	<i>Quercus stellata</i> / Post Oak # * ^	300
31	<i>Quercus shumardii</i> / Shumard Oak # * ^	300
32	<i>Taxodium distichum</i> / Common Baldcypress # * ^	250
33	<i>Ulmus parvifolia</i> / Chinese elm # * ^	250
<b>LARGE DECIDUOUS TREES</b> (60' and above)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2" – 3"

34	Fraxinus americana / American ash # ^	250
35	Ginkgo biloba / Ginkgo # ^	200
36	Liriodendron tulipifera / Tulip poplar # ^	250
37	Liquidambar styraciflua / Sweetgum # * ^	300
38	Metasequoia glyptostroboides/ Dawn Redwood # * ^	300
39	Platanus occidentalis / Sycamore planetree # * ^	300
40	Quercus alba / White Oak # * ^	300
41	Quercus macrocarpa / Bur oak # * ^	250
42	Quercus palustris / Pin Oak # * ^	250
43	Quercus prinus / Chestnut Oak # * ^	250
44	Ulmus americana / American elm # * ^ <ul style="list-style-type: none"><li>Dutch Elm Disease resistant cultivars</li></ul>	250
45	Zelkova serrata / Japanese zelkova # * ^	250

(#) - Permitted in landscaped buffers; (\*) - Rates interior credit; (^) - Rates canopy credit; (-) - Requires shade

### Tree Selection and Cover Guide (Evergreen)

SMALL EVERGREEN TREES & TALL SHRUBS (Mature growth potential of less than 25' in height)		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical / Common Name	4' – 6'	6' - 8'	8' -10'
1	Ilex x attenuata 'Fosteri' / Foster's Holly # *	50	75	100

2	Ilex c. burfordi / Burford Holly # *	50	75	100
3	Ilex latifolia / Lusterleaf Holly # *	50	75	100
4	Ilex x 'Nellie R. Stevens' / Nellie R. Stevens' Holly # *	50	75	100
5	Ilex vomitoria / Yaupon Holly # *	50	75	100
6	Ligustrum japonicum / Japanese Privet # *	50	75	100
7	Ligustrum sinense / Chinese Privet 'Variegatum' # *	50	75	100
8	Magnolia grandiflora x 'Little Gem' Magnolia # *	50	75	100
9	Myrica cerifera / Southern Wax Myrtle # *	50	75	100
10	Prunus caroliniana / Carolina Cherrylaurel # * ^	50	75	100
<b>MEDIUM EVERGREEN TREES</b> (Mature growth potential of 25' to 50' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" above ground)		
No.	Botanical Name / Common Name	2" – 3"		
11	Cryptomeria japonica / Japanese Cedar # * ^	125		
12	Cupressocyparis leylandii / Leyland Cypress # * ^	125		
13	Ilex opaca / American Holly # * ^	200		
14	Magnolia grandiflora x (medium height cultivars) # * ^	150		
15	Magnolia virginiana / Sweetbay Magnolia *	100		
<b>BUFFERING &amp; REFORESTING MATERIAL</b>		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical Name / Common Name	BR	2' - 4'	4'-6'

16	Pinus echinata / Shortleaf Pine # *	5	10	15
17	Pinus virginiana / Virginia Pine # *	5	10	15
<b>LARGE EVERGREEN TREES</b> (Mature growth potential of at least 50' in height)		Tree Cover area in Square Feet and Caliper at Planting (measure @ 6" above ground)		
No.	Botanical Name / Common Name	2" – 3"		
18	Cedrus atlantica / Atlas Cedar # * ^	200		
19	Cedrus deodara / Deodar Cedar # * ^	200		
20	Juniperus virginiana / Eastern Red Cedar # * ^	200		
21	Magnolia grandiflora / Southern Magnolia # * ^	250		
22	Quercus virginiana / Live Oak # * ^	300		
<b>BUFFERING &amp; REFORESTING MATERIAL</b>		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical Name / Common Name	BR	2' - 4'	4' – 6'
23	Pinus elliottii / Slash Pine # * ^	5	10	15
24	Pinus glabra / Spruce Pine # * ^	5	10	15
25	Pinus palustris / Longleaf Pine # * ^	10	15	25
26	Pinus taeda / Loblolly Pine # * ^	5	10	15

(#) - Permitted in landscaped buffers; (\*) - Rates interior credit; (^) - Rates canopy credit

<b>Buffer Regulations Summary Table</b>		
ZONING DISTRICT	ADJACENT ZONING:	BUFFER WIDTH (ft.)*
Conditional uses (churches, schools, etc.) in A-1, E-1, E-2, R-	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	35

1, R-2 and R-3		
R-T-4	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	25
R-4	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD and RT4	25
CP	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD, RT4 and R4	25
C-1	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD, RT4, R4 and CP	25
C-2, C-3, C-4 and I-1	R-4 and CP	50
C-2, C-3, C-4 and I-1 (Less than 100,000 square feet)	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	50
C-2, C-3, C-4 and I-1 (More than 100,000 square feet)	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD.	100

Please direct questions/comments regarding Hoover's Tree Conservation Ordinance to:

Sharon Nelson @ 444-7743 or [deeps@ci.hoover.al.us](mailto:deeps@ci.hoover.al.us)

or

Colin Conner @ 739-7141 or [connerc@ci.hoover.al.us](mailto:connerc@ci.hoover.al.us)

To purchase a copy of the Ordinance contact the Hoover City Clerk's Office @ 444-7500