

**ORDINANCE 24-2007**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF AND ADDING NEW SECTIONS TO  
CHAPTER 158 OF THE HOPKINSVILLE CODE OF ORDINANCES PERTAINING TO THE  
ZONING CODE**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
HOPKINSVILLE, KENTUCKY AS FOLLOWS:**

**SECTION ONE**

That Sections 158.210, 158.211, 158.212, 158.213, 158.214, 158.215, 158.220,  
158.221, 158.222, 158.223, 158.224 and 158.225 of the Hopkinsville Code of Ordinances  
hereby be amended to read as follows:

**BUFFERING AND LANDSCAPING**

**§ 158.210 PURPOSE.**

The intent of this subchapter is to improve the appearance of properties, vehicular use areas (VUA's), and property abutting public right of ways; to provide standards for buffering between noncompatible land uses, and to protect, preserve, and promote aesthetic appeal of properties, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution and air pollution.

**§ 158.211 SITES AFFECTED.**

§ 158.210-§158.225 applies to all developments subject to site plan review, multi-family structures, developments using the planned unit development (P.U.D.) or zero lot line (Z.L.L.) provisions found in this chapter, and industrial or commercial developments with the exception of one and two-family developments not classified as a planned unit development (P.U.D.) or zero lot line (Z.L.L.). The requirements stated in this section shall be addressed during the applicable site plan review process. The provisions of this section shall apply to:

1. New sites currently undeveloped: No new site development, building, or structure shall be constructed or vehicular use area created unless landscaping is provided as required by the provisions of this section.
2. Existing sites currently developed:
  - a. Improvements to an existing site that include building additions and/or vehicular use area expansions of less than 35% of the existing site shall not be required to provide landscaping in accordance with this section.
  - b. Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 35% but less than 50% of the existing site shall be required to bring only the new improvements into compliance with the requirements of this section.
  - c. Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 50% of the existing site shall be required to bring the entire site into compliance with the requirements of this section.
3. All uses in the Central Business (CB) District, except parking lots and vehicular use areas, shall be exempt from the landscaping provisions of this ordinance.

**§ 158.212 LANDSCAPE STANDARDS AND SPECIFICATIONS.**

1. All landscaping materials shall be installed in a sound manner, and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the minimum requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. A list of suggested and undesirable plant material is available in § 158.226 and §158.227, respectively.

2. Hopkinsville, Kentucky is located within the Plant Hardiness Zone 6b.

3. Existing landscape features shall be preserved where possible or feasible. Existing landscape features which are preserved may be used to fulfill the landscape requirements. The landscape elements to be preserved must be illustrated on the Landscape Plan and approved by the Zoning Inspector.

4. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion.

5. Landscape materials placed near street intersections shall meet the following requirements:

a. Obstruction of vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within the 30-foot sight triangle. The 30-foot sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn 30 feet from the point of intersection in either direction. No obstruction to vision between a height of 2 ½ feet and 12 feet above the imaginary plane defined by those three points of intersection are permitted.

b. No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, except that shade trees will be permitted where all branches are not less than eight feet above street level. The Minimum Sight Distances which shall be maintained for intersections are as follows:

Street	Low Density	Medium Density	High Density	Non-residential
Local	200'	200'	200'	250'
Minor Arterial	200'	200'	240'	250'
Major Arterial	275'	275'	300'	300'

c. No obstruction shall be placed in the right of way.

6. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse, debris, noxious weeds, and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four months or by the next planting season, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. All plant material shall be maintained according to accepted horticultural practices.

7. All shade trees shall be a minimum of 2.0" caliper; ornamental trees shall be 1.0" caliper; evergreen trees shall be 5' tall, when planted. Tree type shall be approved by the Zoning Inspector.

8. Only a small tree that reaches a mature height no greater than 25 feet may be planted within 20 lateral feet of overhead utility lines.

9. Soil in tree, shrub, or plant zones (defined as twice the diameter of the rootball) must be free of asphalt, construction and trash material. Soil must be at least 50% desirable planting

topsoil or media thoroughly mixed with existing soil. If previously undisturbed natural topsoil is available, no amendments are necessary. Subsoil is not acceptable for planting.

10. Staking is not required on any trees. Any tree needing staking due to species, size, site conditions, or maintenance problems shall have a fabric/belting type material used for tying (ex. ARBOR TIE). No wire is allowed on any tree. Stakes shall be wooden, driven at least 1/3 of total length into undisturbed soil or compacted fill. Stakes and all tying material shall be removed by end of one year.

11. Plastic or other impervious materials shall not be used in landscaped areas as weed control barriers.

12. Mulch shall be applied to all non-turf, landscaped areas at planting. Mulch is not required on groundcover after it becomes fully established. The desirable recommendation for mulch is composed wood chips, pine bark, pine straw, and shredded hardwood bark. Mulch shall be applied and maintained at 2 to 4 inches deep and with no more than one inch touching any part of the plant. Other organic and non-organic materials may be used as long as they are pervious to air and water. Crushed limestone is not acceptable.

### **§ 158.213 PROPERTY PERIMETER REQUIREMENTS AND VEHICULAR USE AREAS.**

1. Landscape Easements Required.\_A landscape easement shall be required as a buffer between non-compatible zones and between non-compatible land uses. Such easement shall be located between the structure and all common boundaries, unless otherwise specified.

2. A minimum landscape easement with an average of 10 feet with a minimum of 5 feet shall be provided in the required side yard of structures. The landscape materials shall include a combination of grass, low ground cover, shrubs, and/or trees\_

3. "Vehicular Use Area (VUA)", for the purposes of this section, refers to any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways. For the purposes of this section "Vehicular Use Area (VUA)" does not include areas devoted to the sole purpose of the display of merchandise for sale.

4. A minimum landscape easement with an average of 10 feet with a minimum of 5 feet shall be provided along the front border of parking lots. Landscaping materials shall include a combination of grass, low ground cover, and shrubs.

5. Landscaping materials located in front of parking areas shall not exceed 3 feet in height.

6. Trees shall be protected from potential damage by vehicles.

7. Thirty percent of required trees shall be placed within the perimeter of the actual parking surface area in those parking lots of over 20 spaces.

8. All parking lots of more than 5 parking spaces shall include planted trees in accordance with schedule 1 below:

Schedule 1

Parking Spaces	Requirements	# of Required Trees	Minimum Required Variety of Trees	Maximum of Any One Variety
1 to 5	no trees	n/a	n/a	n/a
6 to 30	1 tree for each 6 spaces or fraction thereof up to 30 spaces	1 to 5	n/a	n/a
31 to 100	5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof	5 to 15	2	65%
101 to 196	15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof	15 to 27	3	50%
197 to 304	27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof	27 to 39	4	40%
305 to 504	39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof	39 to 59	5	35%
505 or more	59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof	59+	6	30%

9. The following situations shall require landscape easements:

- (A) When any new development adjoins any R-MH1 or R-MH2 zone.
- (B) When any new development adjoins a business or industrial zone.
- (C) When any new development adjoins a freeway, expressway, or railroad.
- (D) When any new development adjoins a utility substation, junkyard, land fill, sewage plant, or similar use. For utility substations the landscape easement may be located adjacent to the enclosure.

(E) When a planned unit development (P.U.D.) or zero lot line (Z.L.L.) development abuts any residential zone containing one- and two-family dwelling units and abuts any commercial or industrial zone.

(F) When any new development abuts a residential zone.

10. Interior landscaping for vehicular use areas (VUA's). Landscaping shall be provided for vehicular use areas in accordance with the following standards:

(A) A minimum of 5% of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area. The VUA landscaping shall only be required for uses that have more than 20 parking spaces. This section shall not apply to parking lots used for the sole purpose of displaying merchandise for sale.

(B) The VUA landscaping shall contain a variety of plant materials and be dispersed in the form of planting islands or peninsulas throughout the VUA. The minimum size of planting areas shall be 80 square feet.

(C) Planting islands within the VUA shall be required within every other parking row, when parking rows are provided in the interior portions of the parking lot. (See Illustration #1) Planting islands may be placed in a staggered or linear design.

(D) All planting islands shall be planted with grass, low ground cover, shrubs, flowers, trees, or any combination of these. Hard surfaces or gravel are not permitted.

(E) All planting islands shall have a minimum of 6 inch curbs installed to protect the planting area from vehicular traffic.

(F) All plant material (other than grass, or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of 2 feet 6 inches from the edge of pavement or face of curb.

(G) Landscaping materials shall be located between the structure and all common boundaries including the side yard and frontage of parking lots.

(H) Trees used in planting islands 2 to 4 feet wide are restricted to mature height of 10 to 25 feet and defined as small sized trees. Trees used in planting islands 4 to 8 feet wide may use small trees or trees that reach a mature height of 25 to 50 feet and defined as medium sized trees. Trees used in planting islands greater than 8 feet are not restricted by size.

11. Sign landscaping. Landscaping shall be located around the base of freestanding signs. The landscaping shall be ornamental in nature with shrubs, flowers, and other ornamental plant materials. Sign landscaping is not required for free-standing signs permitted before the adoption of this ordinance. The amount of landscape area required shall be 1 square foot of landscape area per 1 square foot of sign area. At least 50% of the required landscaping area shall be planted with trees and/or shrubs.

12. Building landscaping. Any façade or portion of a building façade not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right of way. Blank facades shall be classified as any wall that does not have windows used for display or entry doors for employees or the general public. Buildings which are 10,000 square feet or smaller shall be exempt from the requirements of this section.

(A) Trees shall be provided on an average of at least 1 tree per 40 linear feet of blank façade as defined above and shrubs shall be provided on an average of at least 1 shrub per 10 linear feet of blank façade. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building façade.

(B) Facades that abut VUA's shall have a minimum 8 foot wide planting area. This planting area can be reduced by 4 feet if sidewalks are installed.

13. Screening requirements. The necessity of screening and the type of screening required varies greatly with each particular situation. Therefore, it is the intent of this section to provide a discretionary measure in deciding the appropriate height, width and type of screening necessary, with the following provisions:

(A) Required screening; height limits. Screening shall be required and adequately maintained in the following situations:

a. Where a business zone abuts a residential zone, a screen will be required along the boundary of the business property adjacent to the residential property.

b. Where an industrial zone abuts a residential zone, a screen will be required along the boundary of the industrial property adjacent to the residential property.

c. Where a business or industrial zone abuts a residential zone, a screen will be required along the boundary of the adjacent residential zone.

- i. Where on any lot, or portion thereof, automobiles, appliances and their component parts are under repair or reduction, a screen shall be required.
- ii. Off-street parking lots shall be screened when located adjacent to or in a residential zone.
- iii. Mobile home parks shall provide a screen along their property lines.
- iv. Fences in a residential zone, which may be placed along a boundary for the purpose of providing privacy or security to the resident, shall follow the following height limitations:
  - 1. Front yard: 3 feet.
  - 2. Fences shall be of a decorative design (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted).
  - 3. Side yard: 8 feet.
  - 4. Rear yard: 8 feet.

(B) For the purpose of this section, “fence” shall be interpreted to include any type of fence, wall, trellis or structure placed for the purpose of this section.

(C) All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times.

(D) Uses specified above as requiring screening shall provide a visual obstruction from adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. Fences constructed of chain link, barbed wire, stock wire, chicken wire or other similar type fences are not permitted when used for screening. The result shall be opaque 80% screen, which obscures views from the ground to a height of the object being screened; however, the screen is not required to exceed 8 feet. Plant materials shall be at least 2 feet tall at the time of installation and reach the desired height within 3 to 5 years. When a combination of features is proposed, ¼ of the surface area of walls, fences or berms that face off-site must be covered with plant material within 3 to 5 years. Berms, when utilized, should not have a slope steeper than 3:1. Additionally, screen areas shall be sufficient to allow for the mature growth of plant materials when used.

**§ 158.214 AVERAGE WIDTH OF EASEMENT.**

The minimum average width of a required landscape easement shall be ~~five~~ 10 feet.

**§ 158.215 TREES.**

Required landscape easements of 10 feet average width or greater shall contain a minimum of one tree per 40 feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped. Existing trees shall be preserved where possible. Tree type shall be approved by the Zoning Administrator and shall be protected from potential damage by vehicles.

**§ 158.220 LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS.**

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways or alleys with streets in accordance with § 158.035. Within this sight triangle no landscape material nor other fixed object shall obstruct vision between a height of three feet and a height of 12 feet above the average elevation of the existing surfaces at the center line of each street, driveway, or alley.

Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, or the like) is visible between the three- and 12-foot limitations mentioned above. A similar exemption is allowed utility poles and traffic signs or lights.

#### **§ 158.221 LANDSCAPE MATERIALS.**

The landscaping materials to be utilized shall consist of the following:

(A) Walls and fences. Walls shall be constructed of natural stone, brick, or artificial materials arranged in a linear, serpentine, or other alignment; fences shall be constructed of wood. In industrial zones there shall be no height limitations on walls or fences. In all other zones, however, there shall be a three-foot height restriction for walls or fences in front yards, and an eight-foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of 80%.

(B) Earth mounds. Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

(C) Plants. All plant materials shall be living plants (artificial plants are prohibited), meet the American Nursery Standards, and shall conform with § 158.226-§ 158.227. If plant material not included in the adopted list is to be used, the developer shall receive prior approval from the Zoning Inspector. In addition, plant material shall meet the following requirements:

(1) Quality. Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

(2) Deciduous trees (trees which normally shed their leaves in the fall). Deciduous trees should be species having an average mature crown spread of greater than 15 feet and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements.

(3) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliber of one and one-half inches and a minimum spread of three feet immediately after planting.

(4) Shrubs and hedges. Shrubs and hedges shall be at least two feet to three feet in average height or spread when planted and shall conform to opacity and other requirements within four years after planting.

(5) Vines. Vines shall be at least 12 to 15 inches high at planting and are generally used in conjunction with walls or fences.

(6) Grass or ground cover. Grass (of common mixtures of Fescues, Bluegrass, and Rye) shall be planted in species normally grown as permanent lawns in the city, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used.

(7) A minimum of 20% of the landscape planting required shall be of evergreen trees and shrubs.

#### **§ 158.222 MAINTENANCE AND INSTALLATION.**

All landscaping materials shall be installed in a sound, workmanlike manner, and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. Inspections will be conducted by the Zoning Inspector after installation of landscaping to assure compliance with the submitted and approved site plan.

The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse, debris, noxious weeds, and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four months or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion. The removal or destruction of landscape material previously approved by the City shall constitute a violation of the zoning ordinance. Replacement of landscape material shall be of like type as that which was removed or destroyed. Surety will be submitted as a part of the public improvements.

Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to refuse a certificate of occupancy permit, require replacement of landscape material, and will subject those in violation to established fines and penalties of this chapter.

### **§ 158.223 PLAN SUBMISSION AND APPROVAL.**

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Planning Commission. The Zoning Inspector shall follow the requirements of this subchapter in approving or disapproving any landscape plan required by this subchapter. Landscape plans also may be submitted as part of any plan review required by the Planning Commission. The property owner or developer shall submit the Landscape Plan to the Zoning Inspector as part of the Site Plan Review process.

### **§ 158.224 PLAN REVIEW.**

The contents of the Landscape Plan shall include the following:

(A) Site plan, drawn to a scale not to exceed one inch to fifty feet, showing the labeling by name and dimensions all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, and the like), water outlets, landscape material (tree, wall, fence, hedge, or earth mound locations), and existing topography, proposed grading at a minimum of two-foot contours;

(B) Typical elevations or cross-sections as may be required; ~~and~~

(C) Title box with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning classification;

(D) Plant schedule including common name, botanic name, cultivar, size and quantity, condition (balled and burlaped, container size or bare root), and planting details using the standards of the American Society of Landscape Architects;

(E) All adjacent property owners, land use, current zoning, and proposed zoning; and



**§ 158.225 VARIANCE.**

The Planning Commission shall have the authority to grant a waiver of any of the requirements in this Chapter upon written request, which outlines the rationale for the waiver. The Planning Commission shall review each written request and grant a waiver only; under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this Chapter.

Any landscape plan submitted to and disapproved by the Planning Commission because it does not meet the requirements of this subchapter may be appealed within 30 days of such action to the Board of Zoning Adjustment.

**SECTION TWO**

That three new sections, 158.226, 158.227, and 158.228 be added to Chapter 158 of the Hopkinsville Code of Ordinances to read as follows:

**§ 158.226 HARDSHIP EXCLUSION.**

No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than 1.5% of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this ordinance. No property owner obtaining a permit for a project involving only a new or expanded parking lot, with no building construction, shall be required to expend more than 3% of the total construction costs for materials and installation costs associated with parking lot landscaping and screening required by this ordinance. In order to qualify for this exclusion, the property owner must submit a bona fide bid from a licensed contractor or nurseryman for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the ordinance from any other items which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items at his discretion to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.

**§ 158.227 ACCEPTABLE PLANT LIST.**

<b>Suggested Woody Plants</b>				
<b>SUGGESTED LARGE TREES (Over 50 feet in Height)</b>				
<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>	<b>PLANT TYPE</b>	<b>HEIGHT</b>	<b>SPREAD</b>
<i>Abies concolor</i>	White Fir	E	30' to 50'	15' to 30'
<i>Acer rubrum</i>	Red Maple (spp., cvs)	D	40' to 60'	30' to 40'
<i>Acer saccharum</i>	Sugar Maple (spp., cvs, hybrids)	D	60' to 75'	50' to 60'
<i>Alnus glutinosa</i>	Black Alder	D	40' to 60'	20' to 40'
<i>Betula nigra</i>	River Birch	D	40' to 70'	40' to 60'
<i>Carpinus betulus</i>	European Hornbeam	D	40' to 60'	30' to 50'
<i>Cercidiphyllum japonicum</i>	Katsura Tree	D	40' to 60'	30' to 50'
<i>Chamaecyparis pisifera</i>	Sawara Falsecypress	E	50' to 70'	10' to 20'

<i>Eucommia ulmoides</i>	Hardy Rubber Tree	D	40' to 60'	40' to 50'
<i>Ginkgo biloba</i> (Male)	Ginkgo	D	50' to 80'	30' to 50'
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	D	60' to 75'	40' to 50'
<i>Ilex opaca</i>	American Holly	E	40' to 70'	20' to 40'
<i>Larix decidua</i>	European Larch	D	70' to 75'	25' to 30'
<i>Liriodendron tulipifera</i>	Tulip or Yellow Poplar	D	70' to 90'	35' to 50'
<i>Magnolia acuminata</i>	Cucumbertree Magnolia	D	50' to 80'	50' to 80'
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	D	70' to 100'	25'
<i>Picea abies</i>	Norway Spruce	E	40' to 60'	25' to 30'
<i>Picea glauca</i>	White Spruce	E	40' to 60'	10' to 20'
<i>Picea omorika</i>	Serbian Spruce	E	50' to 60'	20' to 25'
<i>Picea orientalis</i>	Oriental Spruce	E	50' to 60'	20' to 30'
<i>Picea pungens</i>	Colorado Spruce	E	50' to 70'	20' to 30'
<i>Pinus resinosa</i>	Red Pine	E	50' to 80'	20' to 40'
<i>Pinus strobus</i>	White Pine	E	50' to 80'	20' to 40'
<i>Pinus sylvestris</i>	Scotch Pine	E	30' to 60'	30' to 40'
<i>Pinus thunbergii</i>	Japanese Black Pine	E	20' to 50'	var.
<i>Platanus x acerifolia</i>	London Planetree	D	70' to 100'	60' to 80'
<i>Plantanus occidentalis</i>	American Sycamore	D	75' to 100'	75' to 100'
<i>Quercus alba</i>	White Oak	D	60' to 100'	50' to 80'
<i>Quercus bicolor</i>	Swamp White Oak	D	50' to 60'	50'
<i>Quercus coccinea</i>	Scarlet Oak	D	70' to 75'	40' to 50'
<i>Quercus imbricaria</i>	Shingle Oak	D	50' to 60'	40' to 60'
<i>Quercus muehlenbergii</i>	Chinkapin Oak	D	70' to 80'	80'to100'
<i>Quercus nigra</i>	Water Oak	D	50' to 80'	40' to 60'
<i>Quercus phellos</i>	Willow Oak	D	40' to 60'	40' to 50'
<i>Quercus rubra</i>	Northern Red Oak	D	60' to 75'	40' to 50'
<i>Quercus shumardii</i>	Shumard Oak	D	40' to 60'	40' to 50'
<i>Stephanolobium japonicum</i>	Japanese Pagoda	D	50' to 70'	40' to 60'
<i>Taxodium distichum</i>	Bald Cypress	D	50' to 70'	20' to 30'
<i>Thuja occidentalis</i>	American Arborvatae	E	40' to 60'	10' to 15'
<i>Tilia cordata</i>	Littleleaf Linden	D	60' to 70'	30' to 50'
<i>Tilia tomentosa</i>	Silver Linden	D	50' to 70'	30' to 50'
<i>Tsuga canadensis</i>	Eastern Hemlock	E	40' to 70'	25' to 35'
<i>Tsuga caroliniana</i>	Carolina Hemlock	E	45' to 60'	20' to 25'
<i>Ulmus americana</i>	American Elm (hybrid resistant to Dutch Elm Disease)	D	60' to 80'	40' to 55'
<i>Ulmus parvifolia</i>	Lacebark Elm	D	40' to 50'	40' to 50'
<i>Zelkova serrata</i>	Japanese Zelkova	D	50' to 80'	40' to 70'

### SUGGESTED MEDIUM TREES (25 to 50 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acer campestre</i>	Hedge Maple	D	25' to 35'	25' to 35'
<i>Amelanchier arborea</i>	Downy Serviceberry	D	15' to 25'	10' to 15'
<i>Carpinus caroliniana</i>	American Hornbeam	D	20' to 30'	20' to 30'
<i>Cladrastis kentukea</i>	Yellowwood	D	30' to 50'	40' to 50'
<i>Corylus colurna</i>	Turkish Filbert	D	40' to 50'	20' to 30'
<i>Gleditsia tricanthos</i> var. <i>intermis</i>	Thornless Honey Locust	D	30' to 50'	30' to 50'
<i>Halesia tetraptera</i>	Carolina Silverbell	D	30' to 40'	20' to 35'

<i>Ilex opaca</i>	American Holly	E	40' to 50'	18' to 40'
<i>Juniperus virginiana</i>	Eastern Redcedar	E	40' to 50'	10' to 20'
<i>Koelreutearia paniculata</i>	Golden Raintree	D	30' to 40'	30' to 40'
<i>Nyssa sylvatica</i>	Tupelo, Black Gum	D	30' to 50'	20' to 30'
<i>Ostrya virginiana</i>	Hophornbeam	D	25' to 40'	20' to 30'
<i>Oxydendrum arboretum</i>	Sourwood	D	25' to 30'	20' to 25'
<i>Parrotia persica</i>	Persian Parrotia	D	20' to 40'	15' to 30'
<i>Phellodendron amurense</i>	Cork Tree	D	30' to 45'	30' to 40'
<i>Pinus cembra</i>	Swiss Stone Pine	E	30' to 40'	15' to 25'
<i>Pinus parviflora</i>	Japanese White Pine	E	25' to 50'	25' to 50'
<i>Prunus sargentii</i>	Sargent Cherry	D	40' to 50'	30' to 50'
<i>Prunus subhirtella</i>	Higaen Cherry	D	20' to 40'	15' to 30'
<i>Prunus yedoensis</i>	Yoshino Cherry	D	20' to 40'	20' to 40'
<i>Pyrus calleryana</i>	Callery Pear (cultivars only except 'Bradford')	D	30' to 50'	20' to 35'
<i>Quercus acutissima</i>	Sawtooth Oak	D	35' to 45'	30' to 40'
<i>Stewartia pseudo-camellia</i>	Japanese Stewartia	D	20' to 35'	20' to 30'
<i>Syringa reticulata</i>	Japanese Tree Lilac	D	20' to 30'	15' to 25'

### SUGGESTED LARGE SHRUBS OR SMALL TREES (10 to 25 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acer tataricum</i> var. <i>ginnala</i>	Amur Maple	D	15' to 18'	15' to 20'
<i>Acer palmatum</i>	Japanese Maple	D	15' to 25'	15' to 25'
<i>Acer pensylvanicum</i>	Striped Maple	D	15' to 20'	12' to 20'
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	D	8' to 12'	8' to 15'
<i>Aesculus pavia</i>	Red Buckeye	D	10' to 20'	10' to 20'
<i>Amelanchier laevis</i>	Allegheny Serviceberry	D	15' to 25'	15' to 25'
<i>Cercis canadensis</i>	Eastern Redbud	D	20' to 25'	20' to 30'
<i>Chionanthus virginicus</i>	White Fringetree	D	15' to 30'	15' to 30'
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15' to 25'	20' to 30'
<i>Cornus florida</i>	Flowering Dogwood	D	20' to 25'	20' to 30'
<i>Cornus kousa</i>	Kousa Dogwood	D	15' to 20'	15' to 20'
<i>Cornus mas</i>	Corneliancherry Dogwood	D	20' to 25'	15' to 20'
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	20' to 30'	20' to 25'
<i>Crataegus viridis</i>	Green Hawthorne	D	20' to 30'	20' to 30'
<i>Crataegus x lavalleyi</i>	LaValle Hawthorne	D	15' to 25'	10' to 20'
<i>Forsythia x intermedia</i>	Border Forsythia	D	8' to 10'	10' to 12'
<i>Hamamelis virginiana</i>	Common Witchhazel	D	20' to 30'	20' to 25'
<i>Hydrangea paniculata</i>	Panicle Hydrangea	D	15' to 25'	10' to 20'
<i>Ilex x attenuate</i> 'Fosteri'	Foster Holly	E	10' to 20'	5' to 10'
<i>Juniperus chinensis</i>	Chinese Juniper (cultivars)	E	12' to 25'	var.
<i>Magnolia stellata</i>	Star Magnolia	D	15' to 20'	10' to 15'
<i>Magnolia virginiana</i>	Sweetbay Magnolia	D	10' to 20'	10' to 20'
<i>Magnolia x soulangiana</i>	Saucer Magnolia	D	20' to 25'	20' to 30'
<i>Malus</i> (varieties)	Crabapple (must be cultivar with disease resistance)	D	10' to 25'	10' to 30'
<i>Pinus densiflora</i>	Japanese Red Pine	E	10' to 15'	10' to 15'
<i>Pinus mugo</i>	Mugho Pine	E	15' to 20'	20' to 30'
<i>Platycladus orientalis</i>	Oriental Arborvitae	E	15' to 25'	10' to 12'
<i>Prunus serrulata</i>	Oriental Cherry (cultivars)	D	15' to 20'	15' to 20'

<i>Ptelea trifoliata</i>	Hoptree	D	15' to 20'	15' to 20'
<i>Taxus cuspidata</i>	Japanese Yew (cultivars)	E	10' to 20'	10' to 30'
<i>Viburnum lentago</i>	Nannyberry	D	15' to 18'	6' to 10'
<i>Viburnum opulus</i>	Cranberrybush Viburnum	D	8' to 10'	10' to 15'
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	D	12' to 15'	8' to 12'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	E	10' to 15'	10' to 15'
<i>Viburnum rufidulum</i>	Southern or Rusty Blackhaw	D	12' to 15'	8' to 12'
<i>Viburnum sieboldii</i>	Siebold Viburnum	D	15' to 20'	10' to 15'
<i>Viburnum trilobum</i>	American Cranberrybush	D	8' to 12'	8' to 12'

### SUGGESTED MEDIUM SHRUBS (6 to 10 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acanthopanax sieboldian</i>	Fiveleaf Aralia	D	8' to 10'	8' to 10'
<i>Aronia arbutifolia</i>	Red Chokeberry	D	6' to 10'	3' to 5'
<i>Aronia melanocarpa</i>	Black Chokeberry	D	3' to 5'	3' to 5'
<i>Calycanthus floridus</i>	Carolina Allspice	D	6' to 9'	6' to 12'
<i>Chamecyparis pisifera</i>	Sawara falsecypress (selected cultivars)	E	6' to 8'	6' to 7'
<i>Cornus serica</i>	Redosier Dogwood	D	7' to 9'	10'+
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	D	5' to 10'	6' to 10'
<i>Cotoneaster multiflora</i>	Many Flowered Cotoneaster	D	8' to 12'	12' to 15'
<i>Forsythia suspense</i>	Weeping Forsythia	D	8' to 10'	10' to 15'
<i>Fothergilla major</i>	Large Fothergilla	D	6' to 10'	5' to 8'
<i>Hamamelis vernalis</i>	Vernal Witchhazel	D	6' to 10'	6' to 10'
<i>Ilex crenata</i>	Japanese Holly	E	5' to 8'	5' to 8'
<i>Ilex glabra</i>	Inkberry	D	6' to 8'	8' to 10'
<i>Ilex verticillata</i>	Winterberry	D	6' to 9'	6' to 9'
<i>Ilex x meserve</i>	Meserve Holly	E	6' to 10'	6' to 10'
<i>Juniperus communis</i>	Common Juniper	E	5' to 10'	8' to 12'
<i>Kalmia latifolia</i>	Mountain Laurel	E	7' to 10'	7' to 10'
<i>Lindera benzoin</i>	Spicebush	D	6' to 12'	6' to 12'
<i>Myrica pennsylvanica</i>	Northern Bayberry	D	5' to 12'	5' to 12'
<i>Pieris japonica</i>	Japanese Pieris	E	9' to 12'	6' to 8'
<i>Rhododendron</i> (varieties)	Rhododendron (varieties)	E	var.	var.
<i>Taxus x media</i>	Anglojap Yew	E	5' to 12'	var.
<i>Viburnum dentatum</i>	Arrowwood Viburnum	D	6' to 8'	6' to 12'
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum	D	8' to 10'	6' to 8'

### SUGGESTED SMALL SHRUBS (4 to 6 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Berberis koreana</i>	Korean Barberry	D	4' to 6'	3' to 5'
<i>Berberis thunbergii</i>	Japanese Barberry	D	4' to 5'	5' to 7'
<i>Berberis x mentorensis</i>	Mentor Barberry	D	5' to 7'	5' to 7'
<i>Chamaecyparis obtuse</i>	Hinoki Falsecypress (cultivars)	E	5' to 7'	5' to 7'
<i>Clethra alnifolia</i>	Summersweet Clethra	D	5' to 7'	5' to 7'
<i>Leucothoe fontanesiana</i>	Dropping Leucothoe	E	5' to 7'	5' to 7'
<i>Pinus mugho</i>	Mugho Pine (cultivars)	E	5' to 7'	5' to 7'

### SUGGESTED LOW SHRUBS (1 ½ to 4 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Abelia x grandiflora</i>	Glossy Abelia	D	3' to 5'	3' to 5'
<i>Abeliophyllum distichum</i>	Korean Abelialeaf	D	3' to 5'	3' to 4'
<i>Berberis thunbergii</i>	Japanese Barberry (cultivars)	D	3' to 5'	4' to 7'
<i>Buxus microphylla</i>	Littleleaf Boxwood	E	3' to 4'	3' to 4'
<i>Cotoneaster horizontalis</i>	Rock Cotoneaster	D	2' to 3'	5' to 8'
<i>Deutzia gracillis</i>	Slender Deutzia	D	2' to 4'	3' to 4'
<i>Fothergilla gardenia</i>	Dwarf Fothergilla	D	2' to 4'	3' to 4'
<i>Hypericum frondosum</i>	Golden St. Johnswort	D	3' to 4'	3' to 4'
<i>Hypericum prolificum</i>	Shrubby St. Johnswort	D	2' to 4'	2' to 4'
<i>Ilex crenata</i>	Japanese Holly	E	2' to 4'	2' to 4'
<i>Juniperus chinensis</i> var. <i>sargentii</i>	Sargents Chinese Juniper	E	1.5' to 2.5'	7' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper	E	2' to 2.5'	6' to 10'
<i>Potentilla fruticosa</i>	Bush Cinquefoil	D	1' to 4'	2' to 4'
<i>Spiraea x bumalda</i>	Bumalda Spirea	D	2' to 3'	3' to 5'
<i>Taxus baccata</i>	English Yew	E	2' to 4'	3' to 5'

### SUGGESTED GROUND COVER (Below 1 ½ feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Ajuga reptans</i>	Carpet Bugle	E	4" to 12"	var.
<i>Arctostaphylos uva-ursi</i>	Bearberry	D	6" to 12"	2' to 4'
<i>Cotoneaster adpressa</i>	Creeping Cotoneaster	D	12" to 18"	4' to 6'
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster	D	12" to 18"	6' to 8'
<i>Hedera helix</i>	English Ivy	E	6" to 8"	var.
<i>Hypericum calycinum</i>	St. Johnswort	D	12" to 18"	18" to 24"
<i>Juniperus conferta</i>	Shore Juniper	E	12" to 18"	6' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper (cultivars)	E	12" to 24"	4' to 8'
<i>Juniperus sabina</i>	Savin Juniper (cultivars)	E	12" to 18"	3' to 5'
<i>Liriope muscari</i>	Liriope	E	12" to 18"	var.
<i>Pachysandra terminalis</i>	Japanese Spurge	E	1" to 10"	var.
<i>Vinca minor</i>	Periwinkle	D	3" to 6"	var.
<i>Xanthorhiza simplicissima</i>	Yellowroot	D	12" to 24"	var.

spp.=species; cvs=cultivars; E=evergreen; D=deciduous; var.=varies

### § 158.228 UNDESIREABLE PLANT LIST.

Undesirable Plant List	
SCIENTIFIC NAME	COMMON NAME
<i>Acer negundo</i>	Boxelder
<i>Acer platanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Betula papyrifera</i>	White Birch
<i>Betula pendula</i>	European White Birch
<i>Celtis occidentalis</i>	Hackberry
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Elaeagnus umbellate</i>	Autumn Olive
<i>Fraxinus</i> (all)	Ash
<i>Ginkgo biloba</i> (female)	Ginkgo (except for male)
<i>Ligustrum</i> (all)	Privets (all)
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Maclura pomifera</i>	Osage Orange
<i>Paulownia tomentosa</i>	Empress Tree
<i>Populus alba</i>	Silver-leafed Poplar
<i>Populus nigra</i>	Lombardy Poplar
<i>Pyrus calleryana</i> 'Bradford'	Bradford Pear
<i>Robinia psuedoacacia</i>	Black Locust
<i>Salix babylonica</i>	Weeping Willow
<i>Ulmus americana</i>	American Elm (except for Dutch Elm resistant hybrids)
<i>Ulmus pumila</i>	Siberian Elm

### SECTION THREE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

### SECTION FOUR

Any and all existing ordinances inconsistent with this ordinance are hereby repealed.

### SECTION FIVE

This ordinance shall take effect after its passage and publication according to law.

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## ORDINANCE 24-2007 AMEND SECTIONS OF CHAPTER 158, ZONING CODE

**PUBLICLY READ AND PASSED FIRST TIME:** August 7, 2007

**PUBLICLY READ AND PASSED SECOND TIME:** August 21, 2007

**APPROVED:** \_\_\_\_\_  
**J. Daniel Kemp**  
**Mayor**

**ATTEST:** \_\_\_\_\_  
**Christine F. Upton, CMC**  
**City Clerk**