

Substitute Ordinance No. BL 2022-1409

An Ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws relative to trees (Proposal No. 2022Z-014TX-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County's urban tree canopy is a utility that improves air quality, manages stormwater, supports public health, provides economic benefits, mitigates the heat island effect, and increases quality of life for Nashville's residents and visitors; and

WHEREAS, Nashville seeks to keep pace with neighboring and peer cities in protection of the urban canopy and green spaces for both quality of life and economic benefit; and

WHEREAS, Nashville's forests provide benefits including enhancing air and water quality, reducing storm surges, flood attenuation, moderating temperature, providing wildlife habitat, providing recreational opportunities, offsetting carbon emissions, promoting tourism and economic opportunity, and enhancing the beauty and livability of Nashville; and

WHEREAS, Nashville's forests are natural ecosystems that take hundreds of years to develop, the value of these forests depends upon the continuity of intact forested areas, and fragmentation of these forests into small isolated remnants undermines the benefits; and

WHEREAS, NashvilleNext, Metro's General Plan adopted in 2015, identifies protection of forest as a county-wide goal; and

WHEREAS, the NashvilleNext Volume II Natural Resources & Hazard Adaption plan NR Policy 1.4 states "create a street tree policy, residential tree ordinance, maintenance program, and preservation policy";

WHEREAS, the Metropolitan Nashville Urban Forestry and Landscape Master Plan Goal #1 is to update and implement landscape standards and "develop a landscape ordinance that includes tree protection for healthy mature existing trees"; and

WHEREAS, the Nashville Open Space Plan – Nashville Naturally, sets a goal of acquiring 6,000 acres of new public parks and green spaces, conserving 6,000 acres of privately protected land, and conserving an additional 10,000 acres through planning tools for a total of 22,000 acres of new conserved open space by 2035; and

WHEREAS, the NashvilleNext- Growth Preservation Survey responses show a strong majority of Nashville citizens support preservation of the urban forest; and

WHEREAS, the Metropolitan Planning Commission has the responsibility of guiding development that is consistent with adopted policy documents and established community goals; and

WHEREAS, updates to the zoning code pertaining to forest will help ensure that the benefits provided by forests are experienced by all citizens and visitors of Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.104.070 of the Metropolitan Code of Laws is hereby deleting in its entirety and replaced with the following:

2.104.070 -- Metro arborist license.

- A. All individuals and firms conducting tree care and removal as a business shall be required to obtain a license to engage in tree care and removal activities. An application for such license shall be submitted to the urban forester by the individual or firm. Such license shall be issued by the urban forester upon proof by

the applicant that the applicant or an employee of the applicant with supervisory power over other employees is an ISA Certified Arborist, and proof that the applicant has a minimum of one million dollars of liability insurance.

B.

1. The Metro Arborist license issued under this section shall be valid for two years from the date of the license issuance and may be eligible for renewal.
2. The urban forester may suspend, revoke, or refuse to issue or renew any permit under this chapter for any of the following causes:
  - a. Fraud in procuring a permit,
  - b. A violation of the ANSI A-300 standards for tree care,
  - c. A violation of this chapter or Chapter 2.226, and
  - d. Unprofessional, immoral, or dishonorable conduct.
3. Applicants may appeal a suspension, revocation or, a refusal to issue or to renew a license by the urban forester to the board of property standards and appeals.

C. Individuals and firms licensed pursuant to this section shall ensure that trees are maintained in an appropriate and professional manner, according to the most recent industry standards as described in the ANSI A-300 Standards for Tree Care Operations. Trees that have been severely pruned, sheared, topped, or that no longer meet their intended function in the landscape shall require replacement per Section 17.28.065. Individuals and firms conducting tree care and removal as a business without first obtaining a license, or not adhering to the outlined professional standards may be subject to a fine.

D. The fee for this license shall be set by the director of codes.

Section 2. That Section 17.04.060 of the Metropolitan Code of Laws is amended by adding the following definitions in alphabetical order:

“ANSI” means American National Standards Institute, a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

“Critical root zone” (CRZ) means the area of soil around a tree where the minimum area of roots considered critical to the structural stability or health of the tree are located. The CRZ is to be determined by measuring one foot per each inch of tree diameter at breast height, with a minimum of ten feet. For example, six inch DBH tree would have a CRZ of at least 10 feet.

"Existing tree canopy" means a contiguous area of 5,000 square feet or greater which consists of the crowns of healthy, self-supporting trees with a diameter at breast height (DBH) of three inches or greater, and which are not listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

“Forest” means a natural ecosystem with a contiguous tree canopy that is at least 80%

closed and that contains some trees of at least 10 inches diameter at breast height.

“Interior Forest” means an area of forest that is more than a 500 foot buffer distance from any road, building, or other area not covered by forest.

“Interior parking” means the area of a parking lot 40 feet away from the property line

“ISA” means the International Society of Arborists.

“Owner” means the person primarily responsible for the subject property. This may include but is not limited to the lot owner, builder, developer, project proponent, project manager, contractor, and owner’s representative.

“Planting season” means the dormant time of the year for trees beginning with leaf drop and ending with bud break; which is generally late fall (November) to early spring (March), excluding winter months when the ground is frozen.

Section 3. That Section 17.12.090, Subsection B.2.h, of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

h. Protected, heritage and historic and specimen trees, as defined by Section 17.28.065 of the Metro Zoning Code.

Section 4. That Section 17.24.020 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.020 -- Landscape plan required.

A landscape plan shall accompany any application for final site plan approval under Section 17.40.170 and any application for a tree removal permit under Section 17.40.460, unless exempted by Section 17.24.050, Exemptions. Applications shall include all necessary drawings, specifications, studies or reports as required by the Planning Commission and Codes Department. The plan submittal shall include but not be limited to; site features such as lot lines, topography, location of all utilities, development footprint, buffers, existing vegetation, Heritage Trees (17.28.065), proposed tree preservation zones, Tree protection fence, and locations of either a sprinkler system or hose bib attachments. Proposed removal of trees in accordance with 17.40.460 must be included in the landscape plan.-The plan shall show location, size, spacing, species, health condition, form and quality of all existing and proposed materials intended to fulfill the requirements of this chapter. The plans and specifications submitted pursuant to this section shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee for all developments which include five thousand square feet or more of permanent structures. Plans and specifications submitted pursuant to this section for developments with less than five thousand square feet of permanent structures shall be exempt from the landscape architect seal requirement.

Section 5. That Section 17.24.030 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.030 Plant Standards

A. Minimum quality and size standards

1. Newly planted landscape plant materials shall conform to the latest version of the American Standard for Nursery Stock, ANSI Z60.1-2014.
2. Type 1, 2, and 3 Trees, shall meet the planting and size requirements as defined in ANSI Z60.1.
  - a. Canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004.
  - b. Understory trees shall have a caliper of two inches in caliper at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1. For multi-stem varieties caliper shall be determined by taking one-half (1/2) of the caliper of the three largest required trunks.
  - c. Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.
  - d. Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting and shall typically grow to a minimum height of thirty inches for perimeter shrubs and five to six feet for buffer shrubs within four years.
3. Plant material used to meet the requirements of this Code shall be selected from the Urban Forestry Recommended and Prohibited Tree and Shrub List, unless otherwise approved by the Planning or Codes Departments, as applicable.
4. Plants listed on the current edition of the Invasive Exotic Pest Plants of Tennessee, as published by the Tennessee Exotic Pest Plant Council, shall not be credited toward the minimum requirements of this Code.

**B. Plant diversity**

To maintain plant species diversity and health, new plantings shall meet the following:

<b>Number of required trees</b>	<b>Minimum number of different genuses in roughly equal proportions</b>
Less than 20	2 Genuses
20-39	3 Genuses
40 or more	4 Genuses

**C. Stabilization.** Landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

**D. Planting in easements.**

1. Groundcover may be planted or installed within any utility or drainage easement. Trees and shrubs require approval by the easement holder.
2. In areas that require canopy trees where overhead utilities prevent the use of canopy trees, understory trees may be substituted. Multi-stemmed understory trees may be used provided they meet the minimum size at time of planting.

**E. Planting near light poles and transformers.** Trees shall be a minimum of fifteen feet from light poles and transformers. Trees may be clustered or moved to a more appropriate location if light poles or transformers conflict with tree locations, as long as all other tree location requirements are met.

**F. Planting near fire hydrants.** Tree locations near fire hydrants shall comply with the Fire Code, as applicable. Shrubs shall be a minimum of five feet from a fire hydrant.

Section 6. That Section 17.24.050 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.050 Exemptions.

The requirements of 17.24 and 17.28.065 shall not apply to:

- A. Improvements or repairs to interior and exterior features of existing structures, including the conversion of a non-residential building to residential use either in whole or in part, as provided by this title.
- B. Construction previously authorized by a building permit, a final site plan of a planned unit development approved by the planning commission, or an approved subdivision construction plan, any one of which remains valid on the effective date of the ordinance codified in this title. Any development whose permit or approval expires shall not be exempt.
- C. In the event of emergencies, which may include but are not limited to snow, ice and rain storms, tornadoes, floods, and similar natural disasters which cause excessive tree damage throughout the community, the mayor may invoke additional exceptions as necessary to deal with the emergency.
- D. The interior planting requirements of Section 17.24.160 shall not apply to service loading areas.

Section 7. That Section 17.24.060, Subsection C, of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

- C. Landscape Buffer Yard Required for Double Frontage Lot. In cases where residential lots are developed with frontage and access to a street within the subdivision and the rear of the lot is oriented toward a public right-of-way, the rear of such double frontage lots shall be screened from the public right-of-way by a landscape buffer yard according to the following standards:

Street Type	Buffer Standard
Local street	B
Collector street	C
Arterial street	D

Section 8. That Section 17.24.080 of the Metropolitan Code of Laws is deleted in its entirety and replaced with the following:

17.24.080 Maintenance of required landscape materials.

The property owner shall maintain landscaping required by Title 17 and 2.226 in accordance with the following standards:

- A. Use of Required Landscape Area. No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this article.

- B. Watering. To ensure survival all required plant material installed or preserved in accordance with this title, shall be watered and maintained by one of the following methods:
  - 1. An irrigation system, so long as the addition or installation of the irrigation system does not damage existing trees;
  - 2. An outside hose attachment within one hundred feet of all landscaping,
- C. While installation of one of the above watering infrastructure systems is required, the means of watering may be by any practical method.
- D. Planting season. Plant material installation is encouraged during the planting season.
- E. All required plant materials shall be maintained in an appropriate and professional manner, according to the most recent industry standards as described in the ANSI A-300 Standards for Tree Care Operations. Required trees shall not be shaped as shrubs. plant materials required by this section or by 17.28.065 that have been severely pruned, sheared, topped, shaped as shrubs, or that no longer meet their intended function in the landscape shall be considered damaged vegetation in need of replacement and shall be replaced within one year of the date of notice of noncompliance from the metropolitan government.
- F. Replacement of Dead Materials. The property owner shall replace required plants which die. Replacements shall be installed at the earliest possible time within a planting season, and shall be as shown on the approved landscape plan.

Section 9. That Metropolitan Code of Laws is amended by adding the following new Section 17.24.090:

17.24.090 – Landscape Performance Bonds

- A. The applicant shall complete all required provisions related to landscape installation prior to issuance of a Certificate of Occupancy. The reviewing Metro Department may provide a temporary Certificate of Occupancy, in lieu of completed work, in either of the following circumstances:
  - 1. The applicant may post a bond in the amount of 125% of the estimated cost of the landscape installation based on a schedule of fees provided by the reviewing department stipulated as sufficient to secure the satisfactory plant materials, related equipment, installation, and maintenance of such material for 3 years. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in this title.
- B. A performance bond shall mean two documents: a Performance Agreement and an accompanying security document.
  - 1. The Performance Agreement shall stipulate the work to be performed by general categories and the estimated value or cost of each category. The Performance Agreement shall also stipulate a completion date for all of the work to be

- performed. The Performance Agreement shall only be entered into by owner of the property.
2. The security document may be in a form as follows and shall express the value in a total amount equaling the sum of all work categories:
    - a. A Surety Bond issued by an insurance company licensed in the State of Tennessee and shall be non-expiring
    - b. An Irrevocable Letter of Credit issued by or confirmed by a financial institution located in Davidson County, Tennessee, or an adjoining county. Any such letter of credit shall contain an auto-renewal clause.
    - c. Cashier or Certified Check issued by a financial institution located in Davidson County, Tennessee and shall be non-expiring.
  3. The Surety Bond and Letter of Credit options shall not be available to an applicant whose past performance has resulted in breached or expired bonds.
  4. An entity whose past performance has resulted in non-payment of a bond may be excluded from providing a surety bond for an applicant for a period of one year from the date of breach.
- C. All required plant materials, related equipment, installation, and maintenance shall be the responsibility of the applicant at the applicant's expense or cost sharing. Any provisions for reimbursement by the county, or any utility district shall be by separate agreement with the applicable Metro Department or other governmental entity.
- D. Governmental agencies to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a letter from an agent authorized to act in their behalf agreeing to comply with the provisions of this title
- E. In those cases in which a performance bond has been posted and required plant material and related equipment has not been installed within the terms of such performance bond agreement, the reviewing Metro Department may declare the bond to be in default and require that all the plant material and related equipment be installed regardless of the extent of the building development at the time the bond is declared to be in default. The funds of the bond shall be used to install all required plant materials and related equipment.
- F. If the reviewing Metro Department finds that any of the required plant materials and related equipment have not been installed in accordance with this title, the applicant shall be responsible for completing the plantings to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company or financial institution shall be liable severally and jointly for completing said plantings according to specifications.
- G. The reviewing Metro Department shall not release a performance bond until all required plant material and related equipment have been installed correctly. There shall be no release of a bond if there are any outstanding administrative penalties or violations related to the bonded site. The performance bond shall only be released by the reviewing department upon successful completion of the installation as indicated by a site inspection.
- H. The reviewing Metro Department, upon proof of extenuating circumstances by the applicant and acknowledged and agreed to by the reviewing Metro Department, may extend the completion date set forth in such bond and may require an increase in the bonded amount to cover increases in costs.
- I. Should the bond lapse or expire for any reason prior to installation of plant material and related equipment, the temporary Use and Occupancy Certificate shall be revoked, and the reviewing Metro Department shall, through the Metropolitan Department of Law, take any or all appropriate legal action necessary to assure installation of plant material and related equipment. The bond may be declared in

default and the security shall be held by Metro. Only after completion of all improvements or posting of a new bond, shall a temporary Use and Occupancy certificate be issued.

- J. Funds derived from liquidation of securities, as a result of performance agreement default, shall be used by the applicable Metro Department to complete the required work. Project administration fees may be charged by the departments or against liquidated funds to offset actual personnel or equipment costs utilized in the accomplishment of required work. Any surplus funds shall be returned to the security provider after all charges and expenses are paid and required work is accepted.

Section 10. That Section 17.24.150, Subsection C, of the Metropolitan Code of Laws is deleted and replaced with the following:

- C. **Landscape Materials.** A minimum of one canopy tree shall be preserved or planted for each forty feet of parking area perimeter, or portion thereof; in cases of utility conflicts, understory trees shall be substituted. The remaining area within the perimeter landscape strip which fronts on a street right-of-way shall be planted with one continuous row of evergreen shrubs which shall be maintained at a height not greater than two and one-half feet, except as modified for berms or walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. The use of concrete, asphalt or other impervious surfaces shall be prohibited.

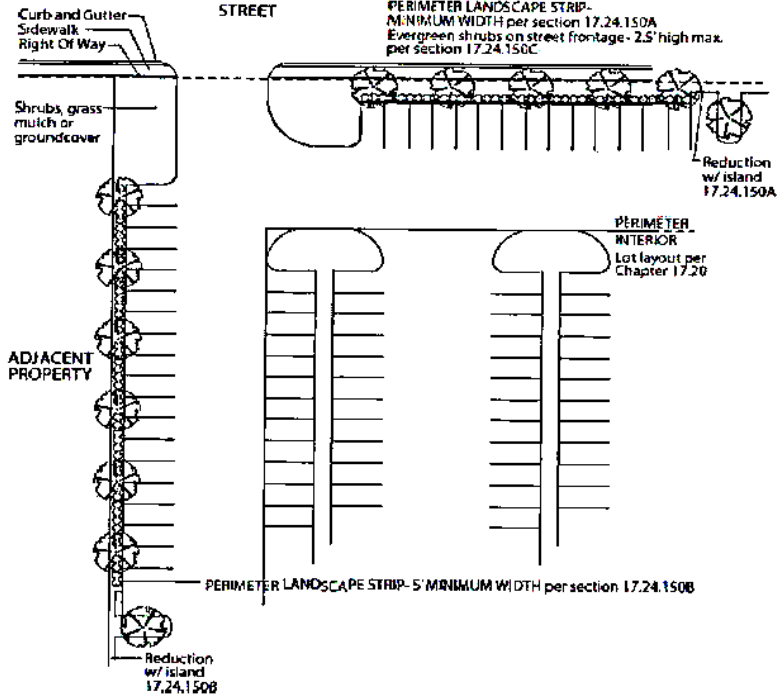
Section 11. That Figure 17.24.150-1 in Section 17.24.150 of the Metropolitan Code is replaced with the following:

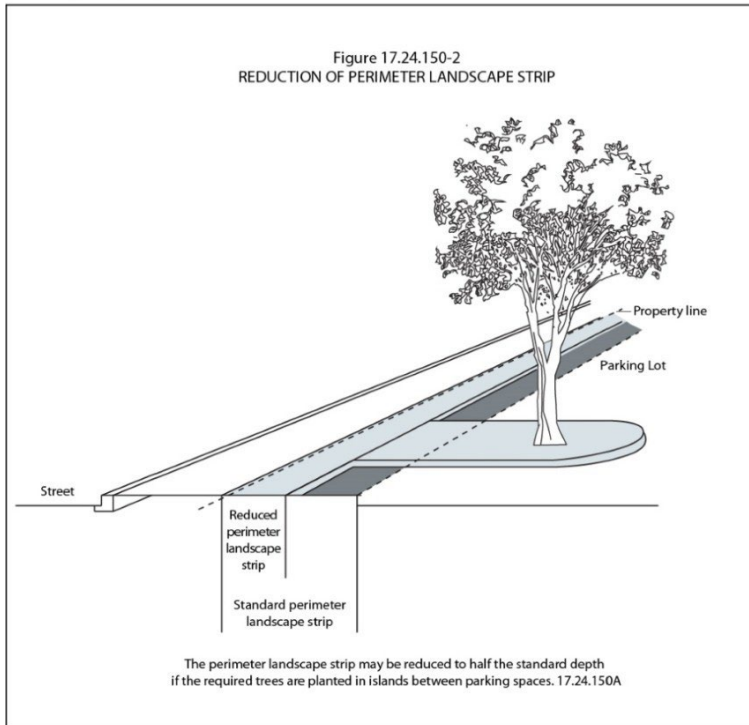


Figure 17.24.150-1  
PERIMETER LANDSCAPE STANDARDS

TREES

Retained or new at  
max. avg. spacing of 40' o.c. per 17.24.150C  
(1 tree / 30'-CC & CF zoning)



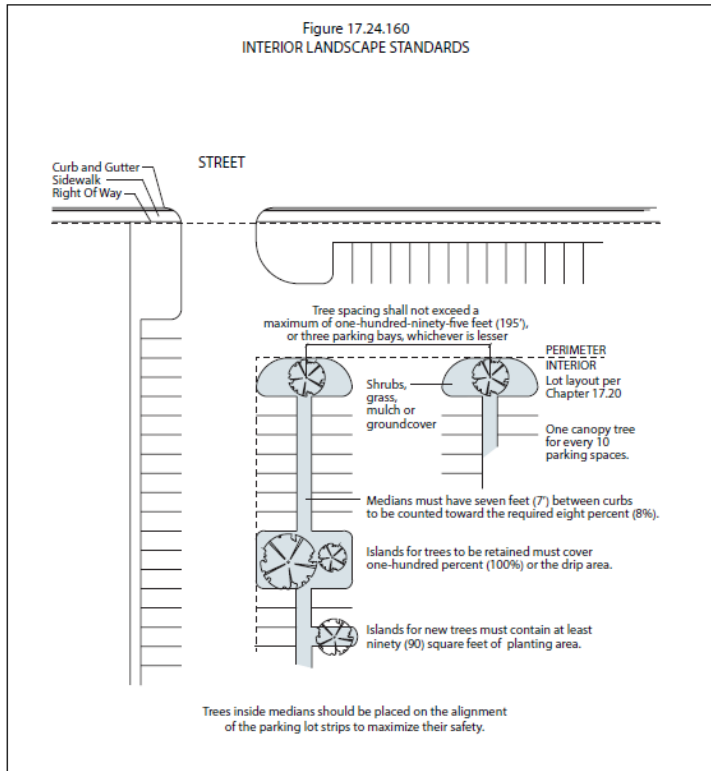


Section 12. That Section 17.24.160.B of the Metropolitan Code of Laws is deleted and replaced with the following:

**B. Minimum Size of Interior Planting Areas.**

Interior parking islands shall be a minimum of one hundred twenty square feet of planting area for each new canopy tree (See Figure 17.24.160),

The applicant has the option in a surface lot used for tractor trailer staging, loading and parking areas to meet the interior planting requirement by placing the required trees in a pattern other than one every 15 spaces so long as the minimum number of trees planted complies with the total requirement. Interior tree islands with light poles or transformers shall be approved by the Urban forester or Planning department prior to the issuance of a building permit.



Section 13. That Section 17.24.200 of the Metropolitan Code of Laws is deleted and replaced with the following:

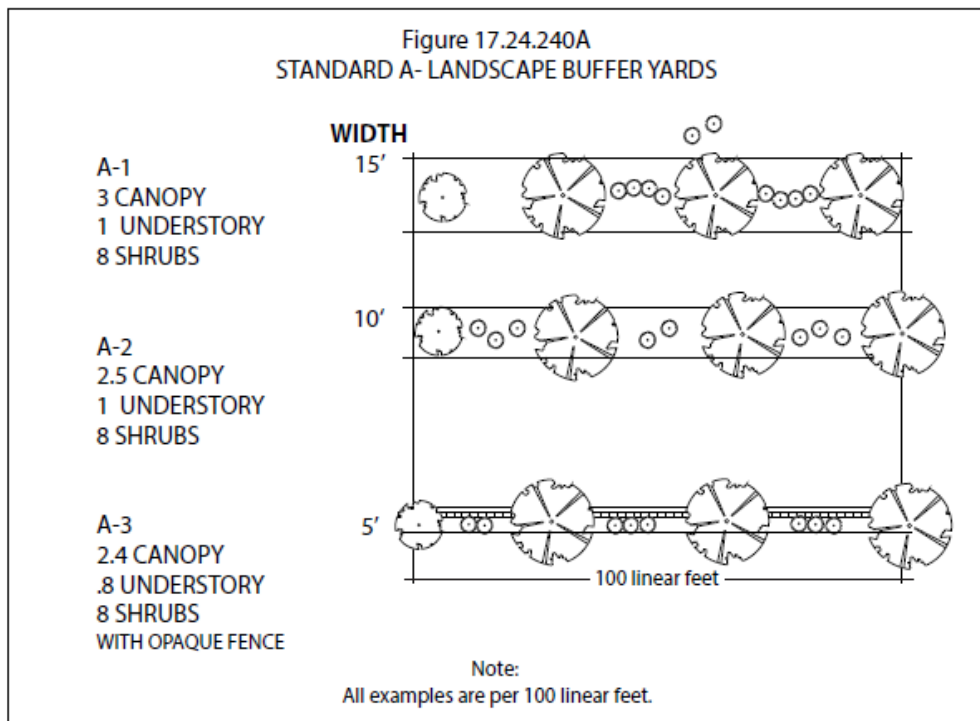
17.24.200 Determination of landscape buffer yard requirements.

Generally, a landscape buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened and shall not be located in any portion of a public right-of-way. When a zoning district boundary falls along a public street of less than four travel lanes, a B-2 landscape buffer yard may be substituted in lieu of the standard buffer required by Table 17.24.230. When the gross floor area of a building legally existing on the effective date of the ordinance codified in this section is enlarged by more than twenty-five percent, the property shall be brought into conformance with the landscaping buffer yards standard of this code to the greatest extent considered reasonable by the zoning administrator. When incremental expansions occur over time, the total of all expansions shall be used by the zoning administrator in applying the provisions of this section. The following procedure shall be followed to determine the standard of landscape buffer yard required along a zoning district boundary:

- A. Identify the zone district for the proposed site as well as for the abutting site(s);
- B. Determine the landscape buffer yard standard required on each building site boundary (or portion thereof) by referring to Table 17.24.230;
- C. Select the desired width/screening option from those listed in Section 17.24.240, landscape buffer yard standards. Any of the listed width or screening

variations shall satisfy the requirement between abutting zone districts.

Section 14. That Figure 17.24.240.A in Section 17.24.240 of the Metropolitan Code is replaced with the following



Section 15. That Section 17.28.065 of the Metropolitan Code is deleted in its entirety and replaced with the following: 17.28.065 - Trees

A. Applicability. Notwithstanding any provision to the contrary, the applicability standards in Section 17.28.020.E shall not apply to this section.

B. Designation of tree types.

1. Designation of Protected Trees. A protected tree is any existing tree with at least a six-inch diameter at breast height (DBH); or any existing tree two inches in DBH or larger located in the public right-of-way. To qualify as a protected tree, the tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List and shall be in fair or better condition with no major insect or pathological problems.

2. Designation of a Heritage Tree.

a. A Heritage Tree is any tree that meets the one or more of the following criteria:

i. Any tree with a DBH that meets or exceeds the following sizes:

TREE TYPE	DBH	EXAMPLES but not limited to:
Deciduous Canopy	24"	Oak, Maple, Poplar, Planetree, Ginkgo
Evergreen Tall	10"	Am Holly, So. Magnolia, Pine, Spruce, Cedar
Deciduous Understory	8"	Redbud, Dogwood, Flowering Cherry, Jap. Magnolia, Jap. Maple
Evergreen Low	8"	Dwf. Magnolia, Hemlock, Hybrid Holly, Cherry Laurel (tree form)

ii. Any tree registered in the Metro Historic or Specimen Tree program;  
or

iii. Any tree listed on the Tennessee Champion Tree list or the Tennessee Landmark and Historic Tree Registry as maintained by the Tennessee Division of Forestry.

b. In addition to the criteria listed above, to qualify as a heritage tree the tree shall meet all of the following as determined by a Metro Licensed Arborist and approved by the Urban Forester:

i. Shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List;

ii. Must have a life expectancy of greater than fifteen years;

iii. Must have a structurally sound trunk without extensive decay;

iv. Must have no more than one major and several minor dead limbs; and

v. Must have no major insect or pathological problems.

3. Designation of Historic and Specimen Trees. Historic and Specimen Trees program is a volunteer program in which trees shall be designated by the Metropolitan Beautification and Environment Commission based on advice from the Metropolitan Tree Advisory Committee and consent of the property owner. No historic or specimen tree shall be removed without a finding by the Metropolitan Beautification and Environment Commission that the tree is a hazard or a determination that it is not economically or practically feasible to develop the parcel without removing the tree. All trees in the Historic and Specimen Trees program shall also be designated as Heritage trees as defined in Section 17.28.065 Trees.

C. Tree Preservation.

1. It is the intent of this section to minimize the removal of trees and to ensure that property owners and developers take reasonable measures to design and locate the proposed improvements so that the number of trees to be removed is minimized. In particular, the design shall attempt to preserve protected, heritage, and historic and specimen trees, which meet the criteria set forth in Section 17.28.065, designation of tree types

2. Tree Inventory and Map. Prior to beginning any tree clearing, development work,

or land disturbing activity impacting trees, a tree inventory and map shall be completed per the requirements described in Section 17.40.460 -Tree removal permit procedures.

3. Minimum tree canopy retention. A percentage of the existing tree canopy shall be retained on a site in accordance with the table below:

Percent of Canopy to be Preserved

Percentage of Existing Tree Coverage Prior to Tree Removal	Single and Two-Family Developments				Multi-Family Developments				Nonresidential Developments*				
	AR2A, AG, R80, RS80, R40, RS40	RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM2-NS, RM4, RM4-NS	R8, R8-A, RS7.5, RS7.5A, R6, R6-A, RS5, RS5-A, RM6, RM6-NS, RM9, RM9-A, RM9-NS, R20, RS15, R15, RS10, R10, RM2, RM2-NS, RM4, RM4-NS	RS3.75, RS3.75A, RM20, RM20-A, RM20-NS, RM20-A-NS, OR20, OR20-A, OR20-NS, OR20-A-NS, RM40, RM40-A, RM40-NS, RM40-A-NS, RM60, RM60-A, RM60-NS, RM60-A-NS, MUN, MUN-A, MUN-NS, MUN-A-NS, MUL, MUL-A, MUL-NS, MUG, MUG-A, MUG-NS, MUG-A-NS, MUI, MUI-A, MUI-NS, MUI-A-NS, ON, OR40, OR40-A, OR40-NS, OR40-A-NS, ORI, ORI-A, ORI-NS, ORI-A-NS (See Note 1)	RM2, RM2-NS, RM4, RM4-NS, MHP	RM6, RM6-NS, RM9, RM9-NS, RM9-A, RM9-A-NS, RM15, RM15-A, RM15-NS, RM15-A-NS, MUN, MUN-A, MUN-NS, MUN-A-NS, A-NS (See Note 2)	RM20, RM20-A, RM20-NS, RM20-A-NS, OR20, OR20-A, OR20-NS, OR20-A-NS, RM40, RM40-NS, RM60, RM60-A, RM60-NS, RM80-A, RM80-A-NS, RM100-A, RM100-A-NS, OR40, OR40-A, OR40-NS, MUG, MUG-A, MUG-NS, MUI, MUI-A, MUI-NS, MUI-A-NS, Any adaptive residential eligible development (See Note 2 and 3)	RM15, RM15-NS, RM20, RM20-NS, RM40, RM40-NS, RM60, RM60-A, RM60-NS, RM80-A, RM80-A-NS, RM100-A, RM100-A-NS, OR20, OR20-NS, OR40, OR40-NS, MUG, MUG-A, MUG-NS, MUI, MUI-A, MUI-NS, MUI-A-NS, Any adaptive residential eligible development (See Note 2 and 3)	CN, CN-A, CN-NS, CN-NS, A-NS, SCN, SCN-NS, ON	MUN, MUN-A, MUN-NS, MUN-A-NS, CL, CL-A, CL-NS, CL-A-NS, CS, CS-A, CS-NS, CS-A-NS, CA, CA-NS, SCC, SCC-NS, OL, OR20, OR20-A, OR20-NS, OR20-A-NS	MUL, MUL-A, MUL-NS, MUL-A-NS, SCR, SCR-NS, OR40, OR40-A, OR40-NS, OR40-A-NS, OG, OG-NS	MUL, MUL-A, MUL-NS, MUL-A-NS, SCR, SCR-NS, OR40, OR40-A, OR40-NS, OR40-A-NS, MUG, MUG-A, MUG-NS, MUG-A-NS	ORI, ORI-A, ORI-NS, ORI-A-NS, MUG, MUG-A, MUG-NS, MUG-A-NS
80%-100%	40%	35%	25%	20%	35%	25%	20%	20%	35%	25%	20%	20%	10%
60%-79%	45%	40%	30%	25%	40%	30%	25%	25%	40%	30%	25%	25%	11%
40%-59%	50%	45%	35%	30%	45%	35%	30%	26%	45%	35%	30%	26%	12%
20%-39%	55%	50%	40%	35%	50%	40%	35%	28%	50%	40%	35%	28%	13%
19% or less	60%	55%	45%	40%	55%	45%	40%	30%	55%	45%	40%	30%	14%

Note 1: Any property not within R/RS zoning designation developing under Single or One and Two-Family bulk standards. They shall follow the requirements under Single and One and Two-Family.

Note 2: Any property not within RM zoning designation developing a Multi-Family only development shall follow the requirements under Multi-Family Developments

Note 3: Any development utilizing unlimited FAR as permitted and proposing a building height of over 5 stories shall follow the requirements under Multi-Family Developments

\* For the purpose of this table the term "Nonresidential Developments" means any development that includes at most 90% residential of floor area.

4. Tree save areas.
  - a. The minimum tree canopy to be retained within the development site shall be placed in tree save areas, which shall include the areas occupied by the critical root zones of all healthy trees being retained in accordance with this section.
  - b. Tree save areas shall be depicted as an open space lot, conservation easement, or deed restriction on the concept plan, development plan, preliminary SP, site plan, or, landscape plan and recorded on the final plat or documentation as accepted by the Planning or Codes departments, as appropriate.
  - c. Consideration shall be given to the following when determining tree save areas:
    - i. Interior Forests;
    - ii. Riparian buffers, natural drainage courses, or wetlands;
    - iii. Land with naturally occurring slopes of 20 percent or greater;
    - iv. Habitat used by endangered or threatened species;
    - v. Heritage and specimen trees;
    - vi. Scenic corridors and viewsheds;
    - vii. Tree rows.
  - d. Tree save areas shall be protected per the requirements of Section 17.28.065 - Protection of trees during development activities.
5. In the event any trees requiring protection pursuant to this section are removed from a site, including within five-years prior to application for development, without a tree removal permit, such development shall be subject to the requirements of Section 17.40.470.

#### D. Replacement of trees.

1. Trees removed pursuant to Section 17.40.460, tree removal permit procedures, shall be replaced at the expense of the property owner to meet the required tree density standard described in subsection E.3 of this section.
2. Any tree that is removed without a required tree removal permit or on a parcel where trees have been removed on the site, within five years prior to a building permit, grading permit, site plan, subdivision, or other development approval, not including such changes occurring prior to the enactment of this ordinance, the property shall be subject to the revegetation requirements of Section 17.40.470.
3. Tree density.
  - a. Each Heritage Tree to be removed shall be replaced according to the 'Heritage Tree Schedule' in this section. The replacement of Heritage Trees may be utilized toward the site tree density requirements.



- b. Each property, other than those residential properties provided for in E.3.c of this section, shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both. Any trees located on a green roof may be utilized toward the required tree density units of a site as approved by the Urban Forester.
- c. Residential properties shall attain the following tree density factors:
  - i. Property within a single and/or two-family residential subdivision for which the preliminary site plan is filed with the planning commission after the date of enactment of this subsection shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both, within the common area and excluding the area of the building lots. Proof of compliance with this requirement shall be provided prior to the release of any applicable public infrastructure bonds.
  - ii. Requirements for individual single and two-family residential lots.
    - (1). Individual single and two-family lots, other than those lots zoned AG or AR2A, shall include at least one new two-inch caliper canopy tree for each twenty feet of frontage (or portion thereof), excluding alley frontage, not to exceed a total of eight trees per lot.
    - (2). Unless otherwise approved by the Urban Forester individual single and two-family lots on a cul-de-sac shall include at least two new two-inch caliper canopy trees for each twenty feet of lot frontage (or portion thereof)
    - (3). If the width of an individual single or two-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least eleven units per acre using retained or replacement trees, or both.
    - (4). Proof of compliance with this subsection shall be provided prior to the issuance of a certificate of occupancy.
- d. Compliance with this subsection, shall be calculated using gross acreage of the property but shall not include the following:
  - i. The portion of the land area currently or proposed to be covered by buildings
  - ii. The fenced area of any athletic field;
  - iii. The area of a lake or pond which is covered by water year round; and
  - iv. Open areas of golf facilities.
  - v. Natural areas preserved in open space pursuant to section 17.12.090 of this title if trees in the natural areas shall not be counted toward TDU.
- e. Retained and replacement trees shall contribute toward the tree density.
- f. Tree density schedules shall be calculated according to the following schedules.

**Retained Tree Schedule**

UNITS represents basal area  
 DBH refers to diameter at breast height

DBH	UNITS	DBH	UNITS	DBH	UNITS	DBH	UNITS
6	1.8	20	6.0	34	11.9	48	28.8
8	2.4	22	6.6	36	12.6	50	30.0
10	3.0	24	8.4	38	13.3	52	31.2
12	3.6	26	9.1	40	20.0	54	35.1
14	4.2	28	9.8	42	23.1	56	36.4
16	4.8	30	10.5	44	26.1	58	37.7
18	5.4	32	11.2	46	27.6	60	42.0

**Heritage Tree Schedule**

UNITS represents basal area  
 DBH refers to diameter at breast height

DBH	UNITS	DBH	UNITS	DBH	UNITS
8	3.2	14	5.6	20	8.0
10	4.0	16	6.4	22	8.8
12	4.8	18	7.2	24*	9.6

\*Greater than 24" equals DBH × 0.5 per inch

**Replacement Tree Schedule**

UNITS represents basal area  
 CAL refers to caliper size (a tree's diameter measured six inches from the top of the root ball)

Canopy Trees							
CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.5	5	0.9	8	1.3	11	1.9
3	0.6	6	1.0	9	1.5	12	2.1
4	0.7	7	1.2	10	1.7	14	2.3

Understory and Columnar Trees							
CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.25	5	0.5	8	0.7	11	1.0
3	0.3	6	0.5	9	0.8	12	1.1
4	0.4	7	0.6	10	0.9	14	1.2

- Replacement trees shall be selected from the list and shall meet the total required

TDU value.

5. A retained tree moved from one location to another on the site may be given credit upon approval of the urban forester.
6. Except for sites located within the Downtown Code (DTC) zoning district, credit toward the required tree density may be given for the installation of street trees that meet the following criteria:
  - a. Street trees shall be a minimum of two-inch caliper. Canopy trees shall be installed except where conflicts with overhead utility lines exist; in those instances, understory trees may be substituted.
  - b. Street trees shall be depicted on the landscape plan.
  - c. The proposed location of street trees and planting area dimensions and standards shall be subject to review and approval by the urban forester and Nashville Department of Transportation.
  - d. The owner of the property frontage along which the street trees are installed shall be responsible for maintenance and replacement, when necessary, of street trees installed per this title to ANSI A300 tree care industry standards.
7. Subdivision developments, other than single and two-family residential subdivisions required to meet the tree density requirements of subsection C.3.c. of this section, shall be exempt from the tree replacement provisions of this title during the phases of construction to install streets, utilities and drainage structures required to be installed or bonded prior to recording of a final plat, so long as: (1) the tree survey includes the area to be disturbed by the construction of streets, utilities and required drainage facilities; and (2) the removal of protected and Heritage Trees, as set forth in subsection 17.28.065, is confined to the area of disturbance determined by the planning commission to be the minimum area necessary to install the infrastructure required by the subdivision regulations; and (3) so long as no protected and Heritage Trees, as set forth in Section 17.28.065, are to be removed outside of the agreed upon disturbed area. Development of individual parcels within the subdivision must comply with the tree replacement provisions unless exempted by other provisions of this title.
8. Existing developments not otherwise exempted shall comply with the tree replacement provisions of this title when undergoing redevelopment or expansions as follows:
  - a. No additional compliance is required if either:
    - i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent, of the value of all improvements on the lot prior to expansion; or
    - ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square feet of all improvements on the lot prior to expansion.

b. When the previously improved portion of a lot is enlarged, or additional area is incorporated into the lot, only the additional area or expanded area of improvement is required to be brought into compliance with the tree replacement requirements, if either:

- i. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent of the value of all improvements on the lot prior to expansion; or
- ii. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square footage of all improvements on the lot prior to expansion.

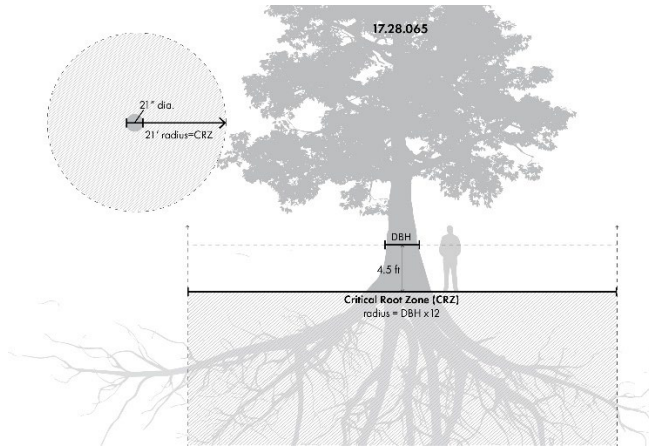
c. Total compliance is required if exemption cannot be claimed under other provisions of this section.

9. Any replacement tree planted for credit shall be replaced by a tree of equal or greater diameter than originally planted if the tree dies. Under no circumstances shall any replacement tree, planted for credit, be removed by the owner or developer without the prior permission of the urban forester. All trees and shrubs required by this code shall be inspected within three years of initial planting. Where a replacement tree dies as a result of a natural disaster or other unforeseeable event or as invoked by the mayor as necessary to deal with an emergency, there may be no requirement that a replacement tree planted for credit be replaced.
10. Where construction work will be completed under a phased schedule, site work and tree removal for the entire tract may be completed at one time and replacement or addition of trees can be deferred for a maximum of five years, so long as each phase is in compliance with the tree density requirements upon completion of that phase, and so long as the entire site is in compliance with the tree density requirements within five years, or upon completion of the entire project, whichever occurs first.
11. Notwithstanding any provisions of this title to the contrary, the board of zoning appeals may hear and decide appeals from any order, requirement, decision, or determination made by the urban forester in carrying out the enforcement of this chapter.

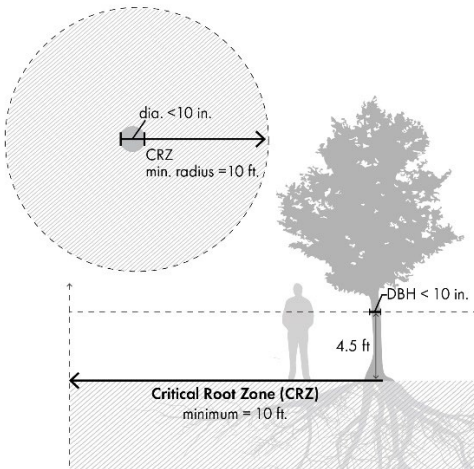
#### E. Protection of trees during development activities.

1. Generally. To assure the health and survival of retained trees, the following kinds of tree injuries shall be prohibited during all development activities:
  - a. Mechanical injuries to roots, trunk and branches;
  - b. Injuries by chemical poisoning or soil flooding;
  - c. Injuries by grade changes;

- d. Injuries by excavations, trenching, or soil compaction; and
  - e. Injuries by paving or other soil covering or material storage.
2. Tree Protection Zone. A tree protection zone shall be established around each retained tree, tree preservation area and protected natural area as shown in Figures 17.28.065. If the critical root zone is less than ten feet, the protection zone shall be a minimum of ten feet. The configuration of the tree protection may be adjusted upon approval of the urban forester.



17.28.065 Small Trees



3. Development Prohibited within the Tree Protection Zone. All development activities shall be prohibited within the tree protection zone provided for any protected trees or natural area created by section 17.12.090 Conservation Development, including any construction of buildings, structures, paving surfaces, and storm-water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.

4. Development Prohibited within the Natural Areas. All development activities shall be prohibited within any tree protection zone established for a natural area preserved in open space pursuant to Section 17.12.090 Conservation Development.
5. Fencing of Tree Protection Zone or Natural Area Open Space. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone or natural area open space within a fence as follows:
  - a. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.
  - b. During construction, each tree protection zone shall be identified with temporary signs to clearly demarcate the extent of the zone. Signs shall be made of a recyclable material and installed on the tree protection fence, visible on all sides of the fenced-in area at a rate of at least one sign for every 50 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR". The owner shall maintain the protective barrier during the entire construction process and shall make certain that it is observed by the contractor.
  - c. The location of tree fence shall be coordinated with any required silt fence. Tree fence shall be located toward the tree with the silt fence outside to prevent erosion inside a tree preservation area.
  - d. Tree fence shall be maintained until the Urban Forester has completed a final inspection and released the project.
6. Tree Protection Zone Encroachment.
  - a. Utility Excavation. Excavating or trenching shall not be permitted within the tree protection zone. Utilities shall be located away from the tree protection zone. If trees are damaged or destroyed during excavation or trenching, the damaged or destroyed trees shall be replaced in accordance with section 17.40.470.
  - b. Sodding and Groundcover. Placement of sod or other groundcovers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone, so long as tree roots in the area are not damaged by the method of preparation.
7. Inspections.
  - a. All retained trees, pursuant to a tree survey shall be inspected by the urban forester one year following completion of the project to ensure that they are surviving in a healthy condition.
  - b. Retained trees which require repair or replacement shall be determined by the urban forester.
  - c. Any retained tree which is damaged during construction, or with damage occurring as a result of construction, shall be replaced as provided in Section 17.40.470. Trees planted to replace damaged or removed protected trees shall not be counted toward the site TDU.

d. The owner shall be notified in writing of the urban forester's determinations.

F. Less desirable trees.

The urban forester shall compile a list of plants which are considered less desirable in the area of the metropolitan government. Upon adoption following public hearing and comment by the metropolitan planning commission, such list shall have the force and effect of regulation. The metropolitan beautification and environment commission, upon advice of the tree advisory board, may add or delete trees from such list from time to time following public hearing. Once such list of less desirable plants is duly adopted, the plants included therein may not be used to satisfy the requirements of Section 17.28.065, except as specifically permitted therein. Use of such trees in excess of the requirements of sections listed above is not prohibited.

Section 16. That Section 17.40.440 of the Metropolitan Code is deleted in its entirety and replaced with the following:

17.40.440 General.

Unless exempt from the provisions of this chapter, no person shall remove or in any way damage any retained, protected or Heritage Tree without first obtaining a permit from the zoning administrator. Any tree which is damaged, destroyed or removed without the required tree permit shall be replaced as provided in Section 17.40.470.

Section 17. That Section 17.40.460 of the Metropolitan Code is deleted in its entirety and replaced with the following:

17.40.450 General exemptions.

The following uses or activities shall be exempt from the tree removal requirements of this article; however, these exemptions do not apply to any tree registered in the Historic or Specimen Tree program, any tree listed on the Tennessee Champion Tree list, or any tree listed on the Tennessee Landmark and Historic Tree Registry as maintained by the Tennessee Division of Forestry:

- A. Commercial Growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
- B. Surveyors and Engineers. A Tennessee-licensed land surveyor or engineer in the performance of duties, provided such alteration or removal is limited to a swath of three feet or less in width.
- C. Activities conducted on any AG and AR2A zoned property of less than two acres or on R/RS zoned property of less than one acre, shall be exempt.

Section 18. That Section 17.40.470 of the Metropolitan Code is deleted in its entirety and replaced with the following:

17.40.460 Tree removal permit procedures.

The application procedures and standards for review of tree removal permit applications shall be as follows:

- A. **Application Requirements.** Unless exempt under Section 17.40.450 —General exemptions, no person shall remove or in any way damage any retained, protected, or Heritage Tree without first obtaining a permit from the zoning administrator; A tree removal application shall be submitted to the Codes or Planning Department as applicable for the type of proposed development. Applications shall include all necessary drawings, specifications, studies or reports as required by the Planning Commission and Codes Department.
  1. The application shall include the name, address, telephone number, email address, and signature of the landowner and/or agent. If a tree removal permit is desired for a boundary tree, such information shall be included within the application for all boundary landowners and/or agents. For the purposes of this section, “boundary tree” means a tree in which a property line passes through any part of its trunk.
  2. Except for development approved pursuant to Section 17.12.090, each application for a tree removal permit shall be accompanied by a tree inventory and map based upon current information and a landscape plan that includes the tree replacement requirements. An application for a tree removal permit for a Conservation Development approved pursuant to Section 17.12.090 shall submit a tree inventory and map based upon current information and a landscape plan that includes the tree replacement requirements for any trees located outside of the natural areas required to be preserved in open space. Any tree inventory and map and landscape plan required by this section, at sites which include five thousand square feet or more of proposed structures, shall be prepared by, or under the direction of, a permitted arborist or registered forester and bear the seal of a landscape architect registered in Tennessee. The map shall have an accuracy of plus or minus three feet for all sites which include five thousand square feet or more of permanent structures. Any tree inventory and map and landscape plan submitted pursuant to this section for sites with less than five thousand square feet of permanent structures shall not require professional credentials as described within this subsection. The tree inventory and map shall show the location, size, health, and type of retained, protected and Heritage Trees, including common or scientific names. The inventory and map shall indicate which retained, protected and Heritage Trees are intended for removal and/or grubbing and which will be left undisturbed. The inventory and map and final site plan shall illustrate the following:
    - a. The locations of existing and proposed buildings, property boundaries, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.
    - b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected and Heritage Trees and appropriate tree protection fencing for those trees.



- c. For a conservation development approved pursuant to 17.12.090 survey plans shall locate and label all natural areas to be preserved and show and label the limits of disturbance.
  - d. For a conservation development approved pursuant to 17.12.090, the site analysis plan shall be included with the submittal.
  - e. All trees six inches diameter at breast height (DBH) and above, within the area of disturbance shall be inventoried and shown on the inventory and map or final site plan. All trees twenty-four inches DBH and greater, or those that qualify as Heritage Trees under Section 17.28.065 of this title, shall be inventoried and shown on the map or final site plan whether they are within the area of disturbance or not.
  - f. The inventory and map shall depict the location, species, size, and health of each tree. Any proposed tree protection zones and Tree Save Areas shall be depicted. In instances of large, established tree stands, the zoning administrator may accept an approximation of the location, species, size, and health of such trees, utilizing a scientifically defensible methodology.
  - g. The inventory and map shall include a recent and accurate photograph or representation with the date the photograph or representation was taken or created and shall include the location and extent of the existing onsite tree canopy, including an estimate of the total percentage. Publicly available images are acceptable but any portion of the publicly available image which is no longer accurate shall be noted with supplemental images or descriptions
3. Each application for a tree removal permit shall include a plan for disposal of the tree.
  4. The application shall include sufficient information to demonstrate that the activity is designed and constructed to avoid and minimize adverse effects to retained, protected and Heritage Trees, to the maximum extent practicable at the site.
  5. The application shall include a tree replacement proposal that complies with the requirements of Section 17.28.065.
  6. The application shall include sufficient information to demonstrate that the activity complies with the requirements of section 17.28.065.
  7. The application shall include the contact information, business license, and arborist permit obtained pursuant to Section 2.104.070 for the person or entity to be engaged in the business of tree removal services at the site.
  8. The application and accompanying documents shall be submitted in copies sufficient to administer this article.
  9. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purpose of evaluating the application.

10. Tree permits allowing for pruning or removal of trees necessitated by the installation and/or on-going maintenance of public utilities and communications facilities may be issued by the urban forester to public utilities and communications facilities for a period of one year and may be renewed annually subject to continued compliance with the conditions of this article.
- B. Tree Removal Permit Review Criteria. No permit for the removal of a retained, protected or Heritage Tree shall be granted unless the demonstrates compliance with sections 17.28.065, and satisfies one or more of the following conditions:
1. The site has received development, site plan or subdivision approval.
  2. The tree is located in such proximity to an existing structure that the safety, utility or structural integrity of the structure is materially impaired.
  3. The tree materially interferes with the installation, servicing or functioning of existing or infrastructure, utility lines or services for which there is no feasible relocation alternative.
  4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
  5. The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
  6. Any law or regulation requires the removal.
- C. Tree Removal Permit Review Procedures.
1. If the site requires a grading permit and/or development plan approval, tree removal permits shall not be issued until after the grading permit and/or development plans have received all appropriate approvals.
  2. Applications that involve subdivision review or any form of site plan review before the planning commission, shall be reviewed by the planning commission in accordance with the applicable review procedures.
  3. Applications that do not involve final site plan review, but only the issuance of grading or building permits shall be reviewed by the zoning administrator and urban forester in accordance with the review procedures already in effect for the review and approval of such permits.
  4. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purposes of evaluating the application.
  5. Unless otherwise specified, a tree removal permit shall automatically expire and become void if the work authorized by such permit is not commenced within six months after the date of the permit or if, once commenced, removal work is suspended, discontinued, or abandoned for a period equal to or greater than six months.
  6. Tree removal authorized by the approval of a final site plan or by

approved subdivision construction plans shall remain valid concurrent with the approved plans.

7. Notice of commencement and completion of the work or other activity authorized by the tree permit shall be made by signed affidavit to the urban forester as stated on the permit issued.

- D. Notification. Any person obtaining a tree removal permit shall provide notice to the public by posting signage on the subject property a minimum of seven days prior to the start of work. Such signage shall remain posted on the property until completion of tree removal activities. The signage shall include the address of the removal, name and phone number of the applicant, permit number for the tree removal permit, the permit number for the licensed Metro arborist and phone number of the urban forester. The sign shall be 24" (vertical) × 36" (horizontal) and shall contain the following language "TREE REMOVAL PERMIT". Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.

Section 19. That Section 17.40.470 of the Metropolitan Code is deleted in its entirety and replaced with the following:

#### 17.40.470 Tree Removal Violations.

In cases where tree clearing, development work, land disturbance, or intentional damage to trees occurs in violation of the standards of this section, including tree removals or damage on a parcel within five years prior to receiving a building permit, grading permit, site plan approval, subdivision approval, or other development approval, not including such changes occurring prior to the enactment of this ordinance, the following shall apply:

- A. Tree replacement shall be required at a rate of 44 TDU for each acre disturbed or at a rate of two caliper inches for each inch of removed tree based on the diameter of the remaining tree trunk or stump, whichever rate is higher.
- B. Replacement trees shall be planted within 12 months of the removal, or prior to issuance of use and occupancy permits in cases of permitted development activities.
- C. In the case of a tree removal violation, the required replacement trees shall not count towards tree density units required by this
- D. Replacement trees shall be maintained through an establishment period of three years. If the replacement trees do not survive the establishment period, the owner shall install new replacement trees, and the establishment period shall reset.
- E. In addition to any other penalty imposed for failure to obtain a required permit, where work commenced prior to the issuance of a permit, a fine of fifty dollars per violation per day of violation shall be imposed.

Section 20. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 21. This Ordinance shall take effect on March 15, 2023 and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.