

TOWN OF MUNSTER, INDIANA
TREE AND LANDSCAPE ORDINANCE

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Section 1 Purpose and Goals

It is the purpose and intent of this Ordinance is to:

1. Promote and enhance the beauty of the Town of Munster through tree preservation and landscaping;
2. Insofar as practical, safeguard the ecological environment of the Town of Munster by dissuading the unnecessary clearing and disturbing of land and existing natural vegetation;
3. Promote the planting of trees and shrubbery on public and private land.
4. Preserve existing landscaping with maintenance and replacement guidelines.

Section 2 Applicability

1. Building projects that are required to install and maintain landscaping:
 - a. Construction of any principal building (i.e., the main building or structure, as opposed to an accessory use or structure).
 - b. Additions to buildings whose total square footage is in excess of 1,500 SF of floor area
 - c. Repair or rehabilitation of a building if the cost exceeds \$10,000 of the building's replacement cost, whichever is greater.
2. Parking lots and any other vehicular use areas, as defined in Section 10, that are required to install and maintain landscaping, as defined in Section 3:
 - a. Construction of any vehicular use area of 1,200 SF or more which is visible from a public right-of-way.
 - b. Construction of any vehicular use area of 1,200 or more contiguous to a Residence District or existing institution (e.g. schools, hospitals, churches, etc.).
 - c. Repair, rehabilitation, or expansion of any existing parking lot or other vehicular use area more than 1,200 SF if such repair, rehabilitation, or expansion would increase the number of existing parking spaces by more than 25 percent or 4 spaces, whichever is less.
3. Projects exempt from landscaping requirements:
 - a. Construction, repair, or rehabilitation of any one, two, or three family dwelling.
 - b. Construction, repair, or rehabilitation of any fence or accessory buildings or structures that does not meet Section 2 (1).
 - c. Parkway trees are not required where the parkway (the distance from the curb to the right-of-way) is less than nine (9) feet wide.
 - d. Screening is not required for parking lots or other vehicular use areas with fewer than five (5) parking spaces.
 - e. Internal planting is not required for parking lots or other vehicular use areas with fewer than fifteen (15) parking spaces.

Section 3 Landscaping requirements

If the project meets the criteria to require landscaping, then all of the following provisions need to be incorporated:

1. Parkway planting:
 - a. One (1) tree per thirty (30) linear feet (LF) of frontage on a public right-of-way.

- b. Two (2) inch minimum caliper trees.
 - c. Continuous, open planters with continuous planting soil volumes are preferred, (when applicable).
 - d. Tree grates are required where trees are planted in sidewalk openings; use of grates made from recycled materials is encouraged; property owner shall be responsible for maintenance/replacement.
 - e. Structural soil or root paths are required below sidewalks when tree grates are used.
 - f. Black lava rock mulch and 18 gauge galvanized hard wire mesh are required in tree pits below tree grates in the greater downtown area, as defined by the Munster Redevelopment Commission.
 - g. Minimum branch height 6'-0" above the root ball for shade trees, (at full maturity).
 - h. All landscaping shall be irrigated.
2. Parking lot and vehicular use area screening shall be required as follows:
- a. Seven (7) foot wide perimeter landscaped area (2 foot car overhang, 5 foot area).
 - b. Continuous screening hedge, maintained between thirty (30) and forty-eight (48) inches height.
 - c. Tree planting required in perimeter landscaped area at a rate of one per thirty (30) feet of linear frontage.
 - d. Fencing required along public rights-of-way, including alleys. (Chain-link fencing not permitted.)
 - e. Ornamental metal fencing required along lot lines adjacent to public streets.
 - f. Masonry wall, fence, or hedge required along all side and/or rear lot lines of properties contiguous with residential districts.
 - g. Landscaping must be irrigated.
3. Parking lot and vehicular use area internal planting:
- a. Required landscaped area of parking lots and other vehicular use areas to vary as a function of size. Parking lots below 3,000 SF; No internal landscaped area required. Parking lots between 3,000 and 4,500 SF: Internal landscaped area equal to five (5) percent of total area. Parking lots between 4,500 and 30,000 SF: Internal landscaped area equal to seven and one-half (7.5) percent of total area. Parking lots above 30,000 SF: Internal landscaped area equal to ten (10) percent of total area.
 - b. One (1) tree per 125 SF of required internal landscaped area, exclusive of tree planting required in perimeter landscape area.
 - c. Two (2) inch minimum caliper trees outside the "greater downtown", (as defined by the Munster Redevelopment Commission).
 - d. For vehicular use areas below 4,500 SF, required trees may be planted on perimeter.
 - e. For vehicular use areas above 4,500 SF, required trees must be planted in internal islands.
 - f. Use of porous or permeable paving materials for overflow parking and other low use areas is encouraged.
 - g. Backfill internal islands with topsoil to top of curb, and mound topsoil up another six (6) inches above top of surrounding curb.
 - h. Use spreading canopy trees, to increase shade and reduce "urban heat island" effect.
 - i. Landscaping to be irrigated.
4. Parking structures and garages
- a. Trees, shrubs, groundcover, and perennial plantings must be planted in any required setback zone.
 - b. Vines may be required at the base of a parking structure, if so determined by the Department Community Development.
 - c. One hundred percent (100%) of total linear footage of unscreened structure openings, facing a public right-of-way is required to have perimeter planters, landscaped upper level setbacks, hanging baskets, flower boxes, or trellises with plants distributed along the entire length of the

façade.

- d. Unscreened openings facing residential uses or other sensitive conditions and not facing public rights-of-way, shall be required to have perimeter planting requirements per Section 3 (2).
- e. Uncovered parking on the top level of a parking structure shall require roof top planters around the entire perimeter of the top floor.
- f. Landscaping to be irrigated.

5. Enhancements (planters, street furnishings, etc.)

- a. One (12) SF of sidewalk planter required per linear foot of public right-of-way frontage in areas where trees cannot be planted, sidewalk planters encouraged in other areas.
- b. Rooftop perimeter planters required on all structures where the roof is usable space (i.e. access for building residents or users is encouraged).
- c. Six (6) foot height masonry screen wall required around all newly installed dumpsters and other trash collection bins and areas, furnished with opaque, lockable gates, all masonry walls to have 'climbing' vines planted in available soil at the base of the wall in a sufficient manner to cover.

Section 4 Landscape Plan Requirements

1. Applicability and Approval Process

- a. The requirements of this Section shall apply to projects under this Ordinance, including, but not limited to, projects requiring subdivision approval; or projects requiring planned unit development approval.
- b. Landscape plans shall be submitted to the Plan Commission and shall be required for all such projects unless specifically expressed in this Ordinance.
- c. During initial site review for projects requiring a landscape plan, a site plan shall be submitted to the Plan Commission, which depicts the general location of any existing tree canopy in relation to existing and proposed site improvements.

2. Contents of Landscape Plan

- a. Landscape plans shall be drawn to scale of not less than 1 inch = 50 feet or as an overlay on a topographical survey.
- b. Landscape plans shall contain the following criteria or information estimated as close as possible.
 - i. The location of existing and proposed structures.
 - ii. The location and type of above and below ground utilities.
 - iii. The location of parking lots, drives, roadways, right-of-ways, and sidewalks.
 - iv. The elevations and locations of all fences, bridges, retaining walls or other similar details.
 - v. The number, species, and general location of all non-exempt trees of 10-inch DBH or greater to be removed.
 - vi. Lot coverage calculations before and after site (re)development.
 - vii. The DBH, general location, species of all trees and plant material to be planted after site (re)development.
 - viii. The location and type of all existing trees and plant material which are intended to remain during (re)development of the property.
- c. Residential subdivisions and Planned Unit Developments shall be required to show for Section 4 (2) (b) (ii) and Section 4 (2) (b) (v) above trees and plant material within public property, common areas, open space and or recreation areas.
- d. The Landscape plan shall contain a summary of the covenants and restrictions that pertain to this Ordinance.

- e. The Landscape plan shall contain a statement of the methods by which the applicant will satisfy the requirements of this Ordinance throughout site (re)development.
- f. Landscape plans shall show how the developer intends to work with the natural features of the property, with special concern being given to the preservation of mature trees during site (re)development.
- c. Landscape plans shall specify the planned impact of proposed improvements and development (overhead lines, roadways, berms, parking areas, etc.) upon the property.

3. Selection and Installation of plant materials

- a. Planting materials used by any person in conformance with provisions of this Section shall be of good quality and of a species expected to thrive in the climate of Northwest Indiana, and on the approved list in the “Guide to the Town of Munster Landscaping”, which by reference is a part of this Ordinance.
- b. All landscaping material used by any person shall be installed in accordance with planting procedures which shall be established and made available by the Town of Munster Parks and Recreation Department.
- c. The scale and nature of landscape material should conform at maturity to the site and structures. For example, larger scaled buildings should ordinarily be complemented by larger scaled plants.
- d. Evergreen should be incorporated into the landscape treatment of a site, particularly in those areas where parking lots are otherwise required to be screened.

4. Preservation of trees

- a. The landscape plan shall indicate the techniques that will be used during construction to preserve existing trees to be retained or relocated on site.
- b. Prior to construction activities, a sturdy fence or barrier should be erected around designated trees for protection at a minimum distance of one linear foot for every inch of DBH. No machinery, tools, chemicals, or temporary soil deposits may be permitted within this area.
- c. Tunneling shall be used for utility placement in all areas where trees are to be preserved. If trenches must be used, they should be planned for minimal root damage.
- d. Soil grading around preserved trees shall be avoided. A depth of no more than six inches of soil may be placed over tree roots within the protected area, nor shall soil be graded away.

5. Variances

Any variance from the requirements of this Ordinance may be requested from the Board of Zoning Appeals for sites employing innovative landscaping treatments. Such innovations are encouraged and shall be favorably considered and recommended by the Site Review Committee as a positive attribute in connection with such a request.

6. Certified Statements

The following certified statements are to be signed by the appropriate parties and made a part of each landscape plan. Sworn statement by owner comments to the maintenance of required landscaping in the following form:

“The undersigned acknowledges that the landscape planting plan shown on the attached landscape plan(s) for the property at _____ (street address), Town of Munster, Indiana has to the best of the undersigned applicant’s knowledge, been designed and will be installed, maintained and replaced as required by current and subsequent owners in accordance with the requirements of the Town of Munster Municipal Code, the landscaping standards of the Town of Munster Zoning Ordinance, and the Guide to the Town of Munster Landscape Ordinance.”

Sworn statement by owner commits to the protection and replacement of required landscaping in the following form:

“Existing parkway and on-site interior trees are to be protected while project is under construction and will be replaced by current and subsequent owner if damaged.”

Sworn statement by registered landscape architect commits to the preparation of the landscape plan in the following form:

“The undersigned landscape architect, registered in the State of Indiana, acknowledges that the landscape planting plan and construction details shown on the attached landscape plan(s) for the property at _____ (street address), Town of Munster, Indiana has been designed in accordance with the requirements of the Town of Munster Municipal Code, the landscaping standards of the Town of Munster Zoning Ordinance, and the Guide to the Town of Munster Landscape Ordinances.”

7. Instructional sign

An Instructional sign no smaller than 8 ½” X 11” laminated to protect the sign shall be placed at the site stating the following: “If you see any problems with this landscape plan or the construction of it, please call the Town of Munster, Building Department at 219-836-6990”.

8. Compliance

The Town of Munster encourages its citizens to help enforce this Landscape Ordinance. By requiring the following notices to be posted at a job site, neighbors and interested people can verify if the approved plans are being maintained as approved. Projects that are suspected to not be in compliance can be reported for follow-up to the Building Department.

The following are to be put on display on site at the same time as the building permit

- . A copy of the approved landscape plan
 - No smaller than 11” X 17”
 - Laminated to protect the plan
 - Showing all plant types, sizes, and locations
- . An instructional sign
 - No smaller than 11” X 17”
 - Laminated to protect the sign
 - Stating the following:
 - “The owner of this site has agreed to install and maintain the required landscaping on this site in accordance with the Town of Munster Landscape Ordinance.
 - Compliance requires the following:
 - New trees and shrubs will be watered for the first two years until firmly established.
 - New trees and shrubs will be pruned to remove dead or damaged wood.
 - Mulch in planting beds will be maintained at a depth of 3”.
 - All planting beds and tree mulch circles will be weeded regularly.
 - Perennials and herbaceous shrubs will be pruned before the onset of new spring growth.
 - All grass will be mowed regularly (i.e. once per week) during the growing season.

The sign shall also state: “If you see any problems with the landscaping of this site or the maintenance of it, please call the Town of Munster, Building Department at 219-836-6990”.

Section 5 Maintenance of Landscaping

1. Maintenance and warranty on plants which have been installed are necessary requirements for successful landscaping under this Ordinance. Plants cannot be installed and left alone to their own devices, especially in the problematic urban environment, where plants are subject to poor soils, soil compaction, poor drainage, and physical abuse. Given the stresses and rigors to which plants are subjected, and occasionally owing to owners’ neglect of required maintenance, plants have to be replaced and a replacement warranty is a requirement of this Ordinance. This is a critical component of a successful landscape plan.
2. All required landscaping must be maintained by the property owner in good condition. Any damaged or dead trees, shrubs, or groundcover must be promptly replaced. Maintenance of landscaped areas includes, but is not limited to, weeding, mowing, trimming, pruning edging, cultivation, seeding, fertilization, watering, pest control, and anything else necessary to ensure healthy, vigorous plant growth and maintain the area in a sightly condition.
3. The Landscape Ordinance requires property owners to maintain parkway trees for a minimum period of five (5) years following their initial planting. After this five (5) year period, the Town of Munster will assume responsibility for the maintenance of parkway trees. Landscaping installed on private property must be maintained during all times that the property is in use.
4. Requirements for landscape maintenance, under this Ordinance are as follows:
 - a. All required landscaping on private property is to be maintained throughout the life of the project with the obligations to be assumed by subsequent owners.
 - b. Rainfall is to be supplemented with water for a total rate of one (1) inch per week during the growing seasons for the first three (3) years.
 - c. Slow release (e.g. “gator”) bags are recommended for supplemental watering.
 - d. All required landscaping required by this Ordinance, shall be replaced throughout the life of the project, as required, the obligation for which is assumed by subsequent owners.
5. The recommended calendar for the care of newly installed plants, as found in the Town of Munster Landscape Guide should be followed by all current and subsequent owners.

Section 6 Public Property Tree Removal and Planting

1. No person shall remove a tree from public property nor plant a tree on public property except by the consent of the Town of Munster Street Superintendent or designated agent or agents.
2. No person shall top prune a tree on public property except by the consent of the Town of Munster Street Superintendent or designated agent or agents.
3. The Town of Munster Street Superintendent or designated agent or agents may remove a tree from improved and accepted public way.

4. As a condition of removal of non-exempt trees, the owner must agree to follow the replacement provision in this Ordinance.
5. Tree removal as a result of a municipal project within public property shall require tree replacement in accordance with the provisions of this Ordinance.

Section 7 Private Property Tree Removal

1. This section shall not apply to:
 - a. trees with a DBH of less than 10-inches
 - b. exempt trees
 - c. improved properties, unless specifically expressed in this Ordinance
 - d. unimproved properties of less than one-half (1/2) acre, unless specifically expressed in this Ordinance
2. Tree removal shall require a site plan review or must be part of an approved landscape plan, and furthermore shall be subject to tree replacement requirements in this Ordinance.
3. A person must remove, within a reasonable period of time, and need not replace, a tree if it cannot be saved and if any of the following conditions are present:
 - a. The tree causes a safety hazard to pedestrians or vehicular traffic
 - b. The tree causes a safety hazard to a building
 - c. The tree is diseased or weakenedThese conditions must be verified by the Department of Public Works.
4. Tree Removal Necessitated by Greater Standards
In the event the Town requires the construction of developmental improvements greater than those required by the standards (such as wider street pavements), and said greater improvements necessitate that additional trees be removed from the premises, the developer shall be liable for the replacement of only those trees required to be removed because of the normal standards. The Town shall be liable for the trees removed because of the greater standards.

Section 8 Private Property Tree Replacement

1. Tree replacement shall be based on the below ratio for every non-exempt tree of 10" DBH or greater.
 - a. 1:1 tree replacement to removal for trees between 10" DBH and less than 16" DBH
 - b. 2:1 tree replacement to removal for trees between 16" DBH and less than 24" DBH
 - c. 3:1 tree replacement to removal for trees between 24" DBH and less than 30" DBH
 - d. 4:1 tree replacement to removal for trees 30" DBH and over
2. A property owner shall, at their option:
 - a. plant replacement trees on the site or subsequent phase; or
 - b. if the person has another approved project within the Town, plant replacement trees on said site with the consent of the Town; or
 - c. pay to the Town a fee of \$350.00 per replacement tree to be deposited in the Tree Fund, as set forth in this Ordinance.

Section 9 Plant Types and Standards

1. General standards

This Section describes general standards; tree planting standards; hedge planting standards; shrub planting standards; and groundcover planting standards. To ensure installation of plants that will thrive under stressful urban conditions, certain species must be encouraged. The standards listed below will help prevent the planting of trees that become hazards, maintenance problems, or a scar on the landscape.

2. Quality

Plants shall meet the standards of “American Standard for Nursery Stock,” ANSI Z60, 1 –latest edition, American Association of Nurserymen, which by reference is made a part of this ordinance, and the Guide to the Town of Munster Landscaping.

3. Inspection

During construction, parkway trees will be inspected by the Building Department to confirm compliance with the landscape ordinance. If the trees fail to meet the requirements of the landscape ordinance, they must be replaced at the owner’s expense. At the end of five (5) years, the Building Department will notify the applicant at which time the Street Superintendent will perform an acceptance inspection. If the project is approved, the Street Superintendent will then assume responsibility for the trees in the public right-of-way. Applicants should ensure that the nursery man supplying the trees and the landscape architect observing the planting are familiar with the Town standards and specifications. At the applicant’s request, the Street Superintendent staff will inspect trees at the nursery. In such cases, the applicant shall reimburse all Town expenses for inspection including the cost of travel, lodging (if necessary).

4. Size

- a. Standards for size are at time of installation.
- b. Minimum size shall be 2” caliper, measured 6” above ground.
- c. Trees shall have a clear trunk, free of branches, to a minimum height of 6’ 0”.
- d. Trees shall be balled-and-burlapped (B&B), or containerized.
- e. 2” caliper trees shall be 12’ 0” to 14’ 0” heights, with a maximum height of 16’ 0”.
- f. 2” caliper trees shall have a minimum 24” diameter X 18” depth root ball.

5. Types of species

Planting of any tree species or varieties not listed in the Guide as an acceptable species will require a written application to, and permission from, the Town of Munster.

Section 10 Glossary

1. Ascending: Upright, Spreading tree form.
2. Basal clearance: Distance from the trunk to the drip line at maturity.
3. Botanical name: The Latin scientific name of a plant, a binomial consisting of “genus” and

“species”; each plant has a unique botanical name.

4. Caliper: A caliper is the diameter measurement of the trunk taken 6 inches above ground level for trees less than 4” caliper, and measured at 12” above ground for trees of 4” or more.
5. Columnar: upright tree form (see also “fastigiated”).
6. Common name: The English name of a plant, there is often more than one common name to a plant, or one common name shared by several plants, leading to confusion.
7. Container: Structure having sides and bottom, sitting on the sidewalk, filled with soil, used for planting, especially where paving or utilities preclude planting in the natural ground.
8. Courtesy walk: Narrow walk (usually 2’-6” or 3”-0”) crossing the planted part of the parkway, connecting the curb to the sidewalk.
9. Deciduous: Plants shedding or losing foliage at the end of the growing season.
10. Diameter Breast Height (DBH): the diameter of a tree in inches measured four (4) feet above the ground.
11. Drip line: Imaginary line at the outermost edge of the tree canopy. Minimum distance from trunk at which protective fencing is to be maintained.
12. Evergreen: Plants having foliage that persists and remains green all year.
13. Exempt Tree: any tree on the Exempt List as maintained and provided by the Town of Munster Parks and Recreation Department (Exhibit A).
14. Far side: A relative term, dependent upon traffic direction, referring to that part of an intersection across (on the far side of) the intersecting street from the drivers point of view.
15. Fastigate: Narrow upright tree form (see also “columnar”).
16. Groundcover: Low growing plants usually no higher than 12” or 18”.
17. Internal planting: An area inside the perimeter of a parking lot used for landscaping.
18. Landscaped area: An area the ground of which is completely covered with grass, groundcover shrubs, trees, or other living plant material.
19. Large Tree: A tree with a mature height above forty-five feet (45’).
20. Medium Tree: A tree with a mature height of between twenty-five feet (25’) and forty-five feet (45’).
21. Multi-stem: A tree form characterized by several trunks, or stems, rather than a single trunk. Examples include birch and alder.
22. Near side: A relative term, dependent upon traffic direction, referring to that part of an intersection before (on the near side of) the intersecting street from the driver’s point of view.
23. Nuisance Tree: a diseased or weakened tree with an accelerated potential to cause physical human harm or to cause property damage.
24. Ornamental tree: Deciduous tree, mature height less than 30”, possessing qualities such as flowers, fruit, and attractive foliage or shape.
25. Parkway: That portion of the public way between the street and the nearest parallel property line, including sidewalk area.
26. Parkway landscape is: An area between the sidewalk and the back of street curb used for landscaping.
27. Parkway planter: A large planter cut-out in a sidewalk, usually edged with a concrete curb and/or metal fence located in the parkway landscape area.
28. Parkway tree: A permitted shade or ornamental tree planted in the parkway.
29. Perimeter landscape area: The seven foot-wide area of a site measured inward from the property line.
30. Perimeter planter: A planter located along the outer edge of a building, usually a parking structure.
31. Person: a person shall be defined as any individual, corporation, business or any other entity, whether private or governmental, including the Town of Munster.

32. Priority Tree: any tree on the Priority Tree list as maintained and provided by the Town of Munster Parks and Recreation Department (Exhibit B)
33. Public Property: all property owned by the Town of Munster or any agency or department thereof and all property included in the Public Way as defined by the Munster Zoning Ordinance.
34. Replacement Tree: a replacement tree shall be a tree 1 ¾ -inch caliper or greater which is not an exempt tree. Further, replacement trees shall conform at mature size with the planting space, taking into consideration buildings, sidewalks, curbs and overhead and underground utilities.
35. Rooftop planter: A perimeter planter on the roof of a building.
36. Root path: A geotextile channel connecting tree root balls to other adjacent trees and/or adjacent green space.
37. Shade tree: Large-scale, deciduous tree, mature height above 30' generally having a single stem, planted primarily for shade.
38. Shrub: Small-scale plants, generally without a single stem, used as hedges, foundation planting, borders, and ascents, possessing qualities such as flowers, fruit, and attractive foliage or shape.
39. Sidewalk planter: A raised planter located in the parkway landscape area.
40. Small Tree: A tree with a mature height of less than twenty feet (25').
41. Structural soil: Soil that has been amended with aggregate to support concrete sidewalks and asphalt parking lots while providing nourishment to plant roots (e.g. "Cornell," "Amsterdam," or other soil that has the ability to support a concrete slab while allowing for root penetration).
42. Tree: a woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches and which ordinarily, grows to a height of ten feet or more with a diameter in excess of 6 inches at a height of five feet.
43. Tree Canopy: shall mean the area covered by tree stems, branches and leaves as viewed overhead. Canopy shall be quantified in square foot coverage.
44. Tree grate: Cast iron covering over a tree pit allowing pedestrian circulation over the pit while reducing soil compaction.
45. Tree guard: Protective cage around a tree trunk, usually cast-iron, attached to a tree grate, to protect the tree trunk.
46. Tree pit: A cut-out or hole in the sidewalk, filled with soil, in which a tree is planted, sometimes covered with a tree grate.
47. Urban heat island: Developed area marked by an increase in ambient air temperatures due to large amounts of concrete, asphalt and metal absorbing and reflecting solar energy.
48. Vehicular use area: Any area of the lot not located within any enclosed or partially enclosed structure and which is devoted to a use by or for motor vehicles including parking (accessory or non-accessory) or storage of automobiles, trucks, or other vehicles; loading areas; service areas and drives; and access drives and driveways.