

**Chapter 115.**  
**Trees and Landscaping.**

**Article I. Definitions.**

§ 115.01. Definitions.

**Article II. Trees in the Public Right-of-way.**

- § 115.20. Maintenance responsibilities.
- § 115.21. Permit--Required for cutting or removal.
- § 115.22. Permit--Application.
- § 115.23. Permit--Issuance conditions.
- § 115.24. Electric utility annual permit.

**Article III. Street Trees.**

- § 115.40. Planting of street trees.
- § 115.41. Maintenance of trees.

**Article IV. Off-street Parking Areas.**

- § 115.60. Purpose.
- § 115.61. Landscaping--required for parking lots.
- § 115.62. Off-street parking areas--tree requirements.
- § 115.63. Interior plantings--area and planting requirements.
- § 115.64. Interior plantings--plant material substitutions.
- § 115.65. Tree wells.
- § 115.66. Plant material protection.
- § 115.67. Landscaping--plan modification conditions.
- § 115.68. Approval of plant materials.
- § 115.69. Landscaping--requirements when property is remodeled or enlarged.
- § 115.70. Landscape plan--review of Greenspace Administrator decision.
- § 115.71. New developments--minimum greenspace percentage.
- § 115.72. Protection of existing trees--planting equivalent.
- § 115.73. Maintenance responsibility.
- § 115.74. Appeals and enforcement.
- § 115.75. Variances.

**Article I. Definitions.**

**Sec. 115.01. Definitions.**

For the purposes of this chapter:

(a) *Accepted shade trees list* means a list of proven shade trees and plant materials deemed adaptable to urban conditions by the City of West Lafayette, as set forth in the WL Tree Manual prepared by the Greenspace Administrator and approved from time to time by the Board of Public Works and Safety.

(b) *Agent* means the agent of a building or land and shall include any person holding a written contract with the property owner stating they hold the responsibility of managing the property.

(c) *Berm* means a mound of earth with a maximum of thirty-three percent slope, back to grade, and covered with appropriate plant material and/or approved materials to aid in reduction of erosions and/or mud and dust generation.

(d) *Existing landscape plan* for purposes of this chapter shall be a plan of a suitable scale that illustrates all existing plant materials and shade trees and identifies them by species and relative size.

(e) *Existing shade trees*. For the purposes of this chapter, any existing six-inch or larger shade tree shall be deemed worthy of preservation if it can reasonably be determined by the Greenspace Administrator to have a remaining life span equal to or greater than that of the structures proposed in the site plan or subdivision plat or which is unique by reason of size, age, or other outstanding quality, such a rarity or status as a landmark or species specimen or the need to reduce runoff and subsequent erosion or dust or mud generation and to reduce storm water run-off.

(f) *Greenspace percentage*. For the purposes of this chapter, the greenspace percentage will include all plant areas interior to the property lines. Not included in greenspace percentage are areas of gravel or stone mulch. The percentage shall be calculated as follows:

$$100\% - \text{Impervious Surface Percentage} = \text{Greenspace Percentage}$$

Greenspace shall be planted with trees, shrubs, groundcover or grass, consistent with good landscape design.

(g) *Greenspace Administrator*. The Greenspace Administrator is a designee of the Mayor who will administer the requirements of this chapter, including review and enforce the requirements of this chapter and report to the Mayor. The Greenspace Administrator shall coordinate with the city engineer and provide staff assistance to the Tree Fund.

(h) *Impervious surface percentage*. For the purpose of this chapter "Impervious surface percentage" (ISP) is an intensity measurement of the impervious surfaces which include building foot print, parking lots, drives, loading areas and sidewalks interior to the property line and all other impervious surfaces. The ISP is calculated by expressing the following fraction as a percentage:

$$\frac{\text{total area of impervious surface on site} \times 100}{\text{total area of the site}}$$

(i) *New development* means any new construction which necessitates the issuance of an improvement location permit and a subsequent certificate of occupancy. New development shall include the

enlargement portion of any remodeling which adds additional floor area to any commercial building.

(j) *Owner* means the recorded owner or contract purchaser of any parcel of land or building.

(k) *Perimeter* means the total lineal outside dimension of a parking lot area.

(l) *Planned development* means a planned development as defined and established under chapter 5 of the Unified Zoning Ordinance of Tippecanoe County.

(m) *Plant materials* include, but are not limited to:

(1) *Shrub* - a woody ornamental plant which is multi-stemmed supporting the main leafy growth.

(2) *Groundcover* - low-growing plants used for covering areas in the landscape, which will conserve soil moisture, maintain an even soil temperature, control weeds, prevent soil erosion and reduce storm water run-off. Nonliving materials or mulch may be used in planting beds, as approved by the Greenspace Administrator, consistent with good landscaping design.

(3) *Shade tree* - a shade tree is a deciduous woody plant which is characteristically over thirty feet in height when it reaches full maturity.

(n) *Public parkway* means the land along the curb, or the grass strip between the sidewalk and the curb adjacent to public streets and/or highways in the public right-of-way.

(o) *Remodelling* means the renovation of an existing building, not including the addition of floor space within or outside of the footprint of the exiting building.

(p) *Screen*. For the purpose of this chapter a screen will be a dense planting and/or berming to a total height of between three and four feet which reduces noise, wind and glare; screens views; and utilizes plant materials approved by the Greenspace Administrator and is designed in an acceptable professional manner.

(q) *Tenant*. The words tenant or occupant applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

(r) *Tree Manual*. A list of trees approved for various uses and planting and maintenance standards. The Tree Manual shall be prepared and amended from time to time by the Greenspace Administrator and approved by the Board of Public Works and Safety.

(s) *West Lafayette tree fund* means a voluntary organization formed for the purpose of planting shade trees along public streets of West Lafayette. It is supported by voluntary contributions and is run by volunteers, who at all times include at least one person with professional credentials relative to all aspects of tree care. All purchases of supplies, materials, or hiring of employees by the West Lafayette tree fund shall be under the established policy and procedure of the Indiana State Board of Accounts and the West Lafayette board of parks and recreation. (Ord. No. 41-84, § 1; Ord. No. 13-90, § 1; Ord. No. 22-02 § 1.)

## **Article II. Trees in the Public Right-of-way.**

### **Sec. 115.20. Maintenance responsibilities.**

Property owners shall have the following responsibilities for shrubs or trees planted in or near the public parkway:

(a) No property owner shall permit limbs or branches obstructing movement or vision of vehicles or pedestrians along streets, alleys or sidewalks in the city.

(b) The owner of any property adjacent to the public right-of-way shall on twenty days' notice given by the order of the board of public works and safety, trim any trees or shrubs so that no limb or branch is maintained in violation of this chapter. If the owner should fail to comply with such order, the board of public works and safety shall cause such tree or shrub to be maintained in accordance with this chapter.

(c) The expense of trimming, maintenance or improvements which are carried out by the city shall be a lien on the property of the owner and shall be collected in the same manner as assessments for the cutting of weeds if no payment is received for such service within sixty days of request for payment by the clerk-treasurer. In addition to the above methods, the city shall have the right to bring a civil action to recover any delinquent charges, together with reasonable attorney's fee. (Ord. No. 41-84, § 2(A); Ord. No. 13-90, § 2.)

(d) The city shall have the right, but does not have the obligation, to plant, prune, maintain or remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, square and public grounds, as may be necessary to insure public safety or to preserve the symmetry and beauty of such public grounds. (Ord. No. 22-02 § 1.)

### **Sec. 115.21. Permit--required for cutting or removal.**

Except for work necessitated by storms or other emergencies, a permit shall be obtained before any person may remove or cut any trees upon the public parkway within the city. A permit shall be issued or denied without charge by the Greenspace Administrator within eight days of the application. (Ord. No. 41-84, § 2(B)(i); Ord. No. 13-90, § 3; Ord. No. 22-02 § 1.)

**Sec. 115.22. Permit--application.**

Application for a permit must be made with the Greenspace Administrator's office not fewer than eight days in advance of the time the work is to be done. (Ord. No. 41-84, § 2(B)(iii); Ord. No. 22-02 § 1.)

**Sec. 115.23. Permit--issuance conditions.**

Condition to the issuance of any permit to remove any trees, may be the planting of approved trees in the place of those removed. (Ord. No. 41-84, § 2(B)(ii).)

**Sec. 115.24. Electric utility annual permit.**

An annual permit shall be issued to the electric utility for trimming and cutting trees in the public parkway. The permit shall include utility trimming schedules and procedures and be reviewed annually with the Greenspace Administrator. (Ord. No. 41-84, § 2(B)(iv); Ord. No. 13-90, § 4; Ord. No. 22-02 § 1.)

**Article III. Street Trees.**

**Sec. 115.40. Planting of street trees.**

(a) Tree Fund. The city wishes to encourage an orderly planting of shade trees along the public streets of the city. Therefore, the tree fund is authorized to plant shade trees with the cooperation of the adjacent property owner along the streets of the city within the public right-of-way. The cost of tree planting will be borne by the tree fund. In its planting of trees, the tree fund shall conform to all relevant ordinances and regulations already in force. The placement and choice of trees shall take into consideration the individual requirements of the site, preference of adjacent property owners and the goal of a unified street vista.

(b) Required Street Trees. All new developments adjacent to a minor arterial, collector street, local street or shared access road shall have street trees and a street tree plan shall be submitted with the application for an improvement location permit and shall be installed before issuance of a final certificate of occupancy. Street trees shall be installed as follows:

(1) Species and Number. Trees to be planted shall be deciduous and shall be of a root growth pattern which minimizes potential damage to street, sidewalk and utility facilities. Trees shall be required at the standard of one tree per forty feet of frontage for trees listed on the preferred shade tree list, and one tree per thirty-five feet of frontage for trees on the alternate substitute list. The required number shall be rounded to the nearest whole number. Tree species shall be selected from the preferred shade tree list unless overhead lines are present.

(2) Location. Trees shall be located as determined by the first of the following applicable rules. If a location is shown on the subdivision plat, that location

must be used unless impractical. If a consistent pattern of street trees is already started on the street, that pattern must be followed unless impractical. If the planting strip between the curb and the sidewalk is at least five feet in width, the trees must be planted in that strip unless impractical. Otherwise the trees shall be planted behind and adjacent to the public parkway. All street trees shall be planted at least thirty feet back from any intersection with a local or collector street and fifty feet back from any intersection with major or minor arterial. Street trees shall have a minimum spacing of twenty-five feet and the spacing of street trees shall coordinate with street trees planted on any adjoining property abutting the same street.

(3) Size. Trees required by this chapter in single and two family projects shall have a minimum caliper of one and one-half inches immediately after planting. Trees required by the chapter for all other uses shall have a minimum caliper of two and one-half inches immediately after planting.

(4) Additional Provisions. For a commercial development, the planting location may be varied or the requirement of street trees may be waived under the following circumstances:

- (A) If the planting of the street trees would impair vision at the entrance or exit to any parking lot, or
- (B) If the planting of street trees would functionally duplicate trees planted under the section for off-street parking lots. (Ord. No. 41-84, § 3(A); Ord. No. 13-90, § 5; Ord. No. 22-02 § 1.)

**Sec. 115.41. Maintenance of trees.**

The owner, tenant, and their agent if any, of the property located behind the public parkway on which trees are planted by the tree fund shall be jointly and severally responsible for the maintenance of trees planted under this chapter. Such trees or any other trees required by this chapter shall be maintained in good condition so as to present a healthy, neat and orderly appearance, maintaining the tree's natural shape and crown—excessive pruning or topping are not acceptable or approved practices. Tree topping shall be unlawful as a normal practice by an person, firm or city department to any street tree, park tree, other tree on public property or trees required by this chapter. All plant materials shall be kept free from refuse and debris. (Ord. No. 41-84, § 3(B); Ord. No. 13-90, § 6; Ord. No. 22-02 § 1.)

**Article IV. Off-street Parking Areas.**

**Sec. 115.60. Purpose.**

The intent of this article is to set minimum requirements for perimeter and interior planting which would provide screening and shading around and throughout off-street parking areas; and provide pedestrians with safe, shaded walkways. (Ord. No. 41-84, § 4(A).)

**Sec. 115.61. Landscaping-Required for parking lots.**

(a) Parking Lots Covered. Off-street parking areas which are part of a new development and contain either ten or more parking spaces or a total parking area of five thousand or more square feet shall be landscaped in accordance with this chapter, unless the development is a planned development.

(b) Planned Developments. It is the policy of the city of West Lafayette that planned developments should have landscape plans which meet or exceed the requirements of this chapter, in addition to particular requirements of planned developments including buffering adjacent uses. (Ord. No. 41-84, § 4(A)(i); Ord. No. 13-90, § 7.)

**Sec. 115.62. Off-street parking areas--tree requirements.**

(a) Shade Trees Required for off-street parking areas as defined in this chapter, the number of shade trees to be planted on the perimeter shall be one for every thirty feet of lineal footage on the perimeter of the parking area. Trees may only be grouped per American Association of Nurserymen (AAN) recommendations.

(b) Screening Requirements for Off-Street Parking Areas. For off-street parking areas in new developments only, as defined above, which are adjacent to a public street, a screening area shall be positioned between the right-of-way and the parking area. This screening area, which may include a berm, shall be planted with shrubs and/or an appropriate ground cover shall be provided. The shrubs shall be approved by the Greenspace Administrator. The shrubs shall be positioned so that they form a continuous, tight screen at mature growth.

(c) Shade trees and screening within the twenty-five-foot vision triangle at entrances to and exits from parking lots shall leave vision clear between two and one-half feet and eight feet in height. For this purpose the screen height may be reduced to between eighteen and thirty inches. (Ord. No. 41-84, § 4(A)(ii); Ord. No. 13-90, § 8; Ord. No. 22-02 § 1.)

**Sec. 115.63. Interior plantings--area and planting requirements.**

For every off-street parking area containing ten or more interior spaces, an interior planting area equivalent to two hundred fifty square feet shall be provided for every ten parking spaces or for each fraction of ten parking spaces not located on the perimeter of the parking area or adjacent to a building. The total area thus determined may be allocated to individual planting islands, or to planting strips paralleling traffic lanes. Each planting

island shall have at least one shade tree for every one hundred fifty square feet of planting area, and appropriate ground cover, each planting strip will have one shade tree for each thirty lineal feet. Planting strips or islands shall be sized so that there is at least three feet between the center point of each tree and the inside edge of the nearest border and planted with acceptable ground cover or approved materials. Planting islands or strips and trees shall be spaced so that each parking space has a tree trunk within 25 feet of a point on the perimeter of each such space. Trees may only be grouped per American Association of Nurserymen (AAN) recommendations. (Ord. No. 4184, § 4(A)(iii); Ord. No. 13-90, § 9; Ord. No. 19-91, § 1; Ord. No. 22-02 § 1.)

**Sec. 115.64. Interior plantings--plant material substitutions.**

For the interior planting requirements, if the parking lot meets the requirement that each parking space has a tree trunk within 25 feet of a point on the perimeter of each such space, the applicant may substitute an additional forty lineal feet of perimeter berming including ten shrubs and one shade tree for each two hundred fifty square feet of planting strip or island. (Ord. No. 41-84, § 4(A)(v); Ord. No. 13-90, § 10; Ord. No. 22-02 § 1.)

**Sec. 115.65. Tree islands, strips or wells.**

All tree islands, strips or wells shall have pavement or stone removed so that all underlying soil is native soil or better. When tree wells are used in parking areas, they will be protected by permanent curb stops placed in such a manner as to prevent car overhangs from coming into contact with shade tree trunks. (Ord. No. 13-90, § 11; Ord. No. 22-02 § 1.)

**Sec. 115.66. Plant material protection.**

The Plants in the planting island, planting strips and tree wells shall be protected by a continuous border of at least six inches in height made of such materials as stone, concrete and/or treated landscape timbers which are solidly anchored. Wheel stops shall be placed three feet from the continuous border as described above, in each parking space that abuts the strip. (Ord. No. 41-84, § 4(A)(iv), Ord. No. 13-90, § 12; Ord. No. 22-02 § 1.)

**Sec. 115.67. Landscaping--plan modification conditions.**

The Greenspace Administrator may approve minor modifications in a landscaping plan, as long as they are consistent with the terms of this chapter. (Ord. No. 41-84, § 4(A)(vi); Ord. No. 13-90 (part); Ord. No. 22-02 § 1.)

**Sec. 115.68. Approval of plant materials.**

The plant materials used to meet the requirements of this chapter shall be approved by the Greenspace Administrator and must be on the "preferred shade tree" or the "alternate/substitute" lists in the West Lafayette Tree Manual as required. Variations on plant selections

may be allowed by the Greenspace Administrator. Trees shall have a minimum caliper of two and one-half inches immediately after planting. Shrubs shall be of a sufficient size to be hardy upon planting and sized so that the screen reaches the minimum design height within three years after planting. (Ord. No. 41-84, § 4(A)(vii); Ord. No. 13-90, § 13; Ord. No. 22-02 § 1.)

**Sec. 115.69. Landscaping--requirements when property is remodelled or enlarged.**

(a) For any remodelling or renovation which requires the issuance of an improvement location permit and/or a certificate of occupancy on a new or existing development that contains a parking lot with either ten or more parking spaces or an area of five thousand or more square feet, the property shall be required to match the ratio of square feet renovated to the shade tree requirements of §§ 115.62(a) and 115.63, if applicable (so that if ten percent of the square feet of the building is renovated, then ten percent of the planting requirements of §§ 115.62(a) and 115.63 will be completed).

(b) In the event that the property is enlarged during remodelling so as to constitute a new development, then the property shall be required to match the ratio of square feet added to all requirements of this chapter. The requirements of this subsection shall be cumulative with those of subsection (a) and (c). (Ord. No. 41-84 § 4(A)(viii); Ord. No. 13-90, § 14; Ord. No. 22-02 § 1.)

(c) If any spaces are added to any off-street parking area, such addition shall meet all of the requirements of this chapter. The requirements of this subsection shall be cumulative with those of subsection (a) and (b).

(d) In the event that the property for which an improvement location permit is requested is found to be in violation of this chapter, the Greenspace Administrator may require that the property be brought into compliance before issuance of a certificate of occupancy. (Ord. No. 22-02 § 1.)

**Sec. 115.70. Landscape plan--review of Greenspace Administrator decision.**

Any decision of the Greenspace Administrator concerning a landscape plan shall be final unless an aggrieved person shall file a written request with the clerk-treasurer for review specifying the reasons the decision of the Greenspace Administrator is alleged to be incorrect within ten days after the decision of the Greenspace Administrator. The board of public works and safety shall hear and determine any review of a decision of the Greenspace Administrator which is filed as required in this section. (Ord. No. 41-84; § 4(A)(ix); Ord. No. 13-90, § 15; Ord. No. 22-02 § 1.)

**Sec. 115.71. New developments--minimum greenspace percentage.**

All new developments shall have a minimum greenspace percentage as specified below.

(a) Any commercial or industrial use in the following districts shall require the following greenspace:

District	Requirement
Any CB or CBW district.....	7 percent
NB, NBU, HB or GB district.....	20 percent
OR or MR district.....	30 percent
I1 district.....	30 percent
I2 district.....	25 percent
I3 district.....	20 percent

For any lot under one acre in size, the above requirements are reduced by 20 percent of the percentage set forth above.

(b) Any residential use shall require the following greenspace. (Ord. 13-90, § 16.)

District	Requirement
AA or AW district	.....75 percent
A district .....	50 percent
NBU or MR district .....	30 percent
CB or CBW district .....	7 percent
R1 or R1A district .....	40 percent
R1B district.....	35 percent
R1U, R1Z, R2, R2U, R3, R3U, R3W or R4 districts.....	30 percent

(c) Any use allowed in the Flood Plain (FP) district as per NUZO 3-2 shall require 90% vegetative cover (see NUZO 2-26-8).

(d) It is the policy of the City of West Lafayette that Planned Developments should require minimum greenspace comparable to that of the most similar zoning district and use, as set forth above.

**Sec. 115.72. Protection of existing trees--planting equivalent.**

There will be clear marking of trees to be preserved; and the marking will be followed through by the construction of protective barriers around the tree to be preserved. Preservation trees six inches or more in diameter when measured three feet from the ground, and in healthy conditions will be considered equivalent of planting two

shade trees in meeting the requirements of this chapter. (Ord. No. 41-84, § 4(B); Ord. No. 13-90, § 17.)

**Sec. 115.73. Maintenance responsibility.**

(a) The owner shall be responsible for the maintenance of all landscaping required by this chapter which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be kept free from refuse and debris.

(b) Removal of existing trees or plants required by this chapter shall require prior approval by the Greenspace Administrator.

(c) Should the condition of the tree or plant material not be reversible, the owner shall replace the tree or plant materials with acceptable tree (from the "accepted shade tree list") or plants as applicable, or equivalent trees as specified by the Greenspace Administrator. In such an order, the Greenspace Administrator may give due consideration to the size and species of the tree or plant being replaced, the overall landscape plan and the efforts by the owner to maintain the existing landscape. (Ord. No. 41-84, § 4(C); Ord. No. 13-90, § 18; Ord. No. 22-02 § 1.)

**Sec. 115.74. Appeals and enforcement.**

(a) Appeals. All orders of the Greenspace Administrator concerning planting, maintenance, removal, replacement or any other matters under this chapter shall be final unless an aggrieved person shall file a written request with the clerk-treasurer for review specifying the reasons the decision of the Greenspace Administrator is alleged to be incorrect within ten days after the decision of the Greenspace Administrator. The board of public works and safety shall hear and determine any review of a decision of the Greenspace Administrator which is filed as required in this section.

(b) Permits Not Granted. In the event of any failure to comply with this chapter, the city engineer or any other officer of the city shall not issue a certificate of occupancy, a rental certificate or any additional improvement location permit until the noncompliance is cured.

(c) Enforcement by Injunction. The requirements of this chapter may be enforced by a mandatory or prohibitory injunction by an appropriate court.

(d) Enforcement by Civil Penalty. Failure to comply with any of the requirements of this chapter is punishable by a civil penalty of not less than one hundred dollars nor more than five hundred dollars and each day an offense occurs shall be considered a separate offense. (Ord. No. 41-84, § 4(D); Ord. No. 13-90, § 19; Ord. No. 22-02 § 1.)

**Sec. 115.75. Variances.**

(a) An owner of an existing structure which is being remodelled but not enlarged may request a variance from the requirements of this chapter in cases where it would be impossible to meet the requirements of this chapter and other applicable ordinances. A written request with a proposed landscape plan must be filed with the Greenspace Administrator at least fourteen days prior to hearing on forms prescribed by the board of public works and safety.

(b) The board of public works and safety may grant a variance only after a public hearing and upon a showing by the applicant that

(1) The strict application of this chapter would constitute an unnecessary hardship upon the applicant and the hardship is not merely economic nor is it self imposed,

(2) The need for the variance arises from some condition peculiar to the property involved,

(3) The variance would not diminish the use or value of neighboring property, and

(4) The proposed plan with a variance meets the requirements of the ordinance as nearly as possible under the circumstances.

(c) The board of public works and safety may condition the grant of a variance upon any contingencies or commitments by the applicant which further the policies of this chapter. (Ord. No. 13-90, § 20; Ord. No. 22-02 § 1.)