

Article III

General Provisions

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3.010 **Scope**

For the purpose of this Zoning Ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the City as a whole. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

3.020 **Only One (1) Principal Building on Any Lot**

In agricultural and residential districts, only one principal building and its customary accessory buildings may here after be erected on any lot. This provision does not prohibit Planned Unit Development complexes as permitted under Article V, Section 5.056, of this ordinance, multifamily dwelling complexes, duplex, accessory residential, and secondary detached single family residential dwelling units, or mobile home parks.

3.030 **Lot Must Access to a Public Road (Deleted and Replaced by Ordinance 02-35, December 19, 2002)**

All buildings and building lots shall have permanent access to a public road. This access must meet one of the following criteria for access and be constructed to maximize sight distance and limited to ensure that traffic congestion as a result of turning movements is reduced to a minimum.

- A. Agricultural and residential lots located on existing roads or those constructed as a part of a subdivision shall front on an accepted public road a minimum of fifty (50) feet, unless the lot abuts a cul-de-sac in which case the frontage shall be thirty (30) feet.
- B. Individual agricultural and residential lots are permitted that only has access provided by fifty (50) foot ingress-egress easement. This easement shall only serve one individual building lot and not be part of the required road frontage for another lot.
- C. All commercial, industrial and nonresidential uses are required to have a minimum frontage of fifty (50) feet on any public road. Lots with minimum frontage are encouraged to develop shared access points with adding tracts, subject to approval by the planning commission.
- D. Residential subdivisions or tract developments containing lots meeting the frontage requirements set forth in A or B, in this section, but constructing a private road to provide access to each are required to meet the following standards:
 - 1. Provide a separate thirty (30) foot ingress-egress easement for these lots and construct a twenty (20) foot double bituminous drive to each lot for access. The access land shall be located to provide adequate sight distance for the road it intersects with. All lanes shall be located to provide adequate sight distance for the road it intersects with. All lanes will be constructed at grades that are accessible by the White House Fire Department.
 - 2. Obtain a driveway permit from the City of White House street Department or Tennessee Department of Transportation and install minimum fifteen (15) inch culvert with headwalls in the ditch where the drive intersects with the public road. In cases where a large culvert is needed, the city engineer will determine the size of pipe. No permit will be issued until the access land is approved by all agencies providing emergency services to the City of White House.
 - 3. All private roads shall provide adequate drainage along the road way and have all ditches stabilize to the requirements established in the Subdivision Regulations.
 - 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants will be administered by an association and contain the provisions and requirements by which the owners may petition the city to accept the private road as a public road.
 - 5. Maintain a minimum separation of two hundred (200) feet between any other access easement or public road.
 - 6. All access lanes shall have a minimum length of seven hundred (700) feet and serve no more than eight (8) tracts or lots.
- E. Residential subdivisions or development containing lots not meeting the frontage requirements set forth in A or B, in this section, but constructing a privately controlled road to provide access to each are required to meet the following standards:
 - 1. Provide a separate thirty (30) foot public ingress-egress easement for these lots and construct a twenty-two (22) foot paved road equal to requirements established in the City of White House Subdivision Regulations.

2. All private roads shall provide adequate drainage along the roadway with curbs and storm drainage system that meet the requirements established in the Subdivision Regulations. All portions of this easement shall be constructed with the capacity to support all emergency vehicles.
 3. Construction plans for all improvements shall be submitted for approval by the Planning Commission and approved by the city engineer.
 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition to the city to accept the private road as a public road. These covenants shall be presented to the Planning Commission prior to final approval of any development. The covenants shall be administered by a Property Owners' Association.
 5. Private roads must at all times allow for public safety access to the development in the event of an emergency. Should a gate be installed limiting access to the site? It shall be manned at all times or gated so that public safety vehicles will be able to open the gate all times.
- F. Commercial developments containing lots not meeting the frontage requirements set forth in A or B, in this section, but constructing a privately controlled road to provide access to each are required to meet the following standards:
1. Provide a separate forty (40) foot public ingress-egress easement for lots and construct a thirty (30) foot paved road equal to requirements established in the City of White House Subdivision Regulations.
 2. All private roads shall provide adequate drainage along the roadway with the curbs and storm drainage system that meets the requirements established in the Subdivision Regulations. All portions of this easement shall be constructed with the capacity to support all emergency vehicles.
 3. Construction plans for all improvements shall be submitted for Approval by the Planning Commission and approved by the city engineer.
 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the city to accept the private road as a public road. These covenants shall be presented to the Planning Commission prior to final approval of any development. The covenants shall be administered by a property owners association.
 5. Private roads must at all times allow for public safety access to the development in the event of an emergency. Should a gate be installed limiting access to the site. It shall be manned at all times or gated so that public safety vehicles will be able to open the gate all times.

3.040 Rear Yard Abutting a Public Street

When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050 Corner Lots

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. On minor secondary roadways only, the front yard setback for the secondary street may be determined by doubling the side setback of the minimum yard requirements of the zoning district.

3.060 Future Street Lines

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right of way as shown in the most current official Major Thoroughfare Plan of White House.

3.070 Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.080 Visibility Triangle at Intersection

On a corner lot in any district except the Central Business District nothing shall be constructed, erected, placed, or allowed to be grown in such a manner as materially to impede visibility between a height of two and one-half (2 1/2) feet and eight (8) feet above the center line grades of the intersecting streets and no vehicle so impeding visibility shall be parked within the triangular areas formed by the right-of-way lines at such corner lots and a straight line joining the right of way lines at points along said street lines fifty (50) feet from the point of the intersection. If the relation of the surface of the lot to the street is such that visibility is already obscured, nothing shall be done to increase the impediment within the vertical and horizontal limits set forth above.

3.090 Access Control (Amended by Ordinance 03-10, August 21, 2003)

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. In residential districts, a point of access for vehicles on to a street shall not exceed thirty (30) feet in width. In nonresidential districts, entry driveways shall meet the following standards: (1) total building area twenty thousand (20,000) square foot or less, main entry driveway shall have limited to a maximum width of twenty-four (24) feet; and (2) building area exceeding twenty thousand (20,000) square feet, main entry driveway shall be limited to a maximum width of thirty-six (36) feet. Applicants seeking additional vehicular lanes and access widths shall submit a traffic study supporting the request to the Planning Commission. All points of access shall be constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one public road for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than two hundred (200) feet of frontage shall have no more than one point of access to any one public street. Lots over four hundred (400) feet in width will be allowed one (1) additional drive for each five hundred (500) feet of frontage over the required four hundred (400) feet.
- C. No point of access shall be allowed within thirty (30) feet of the curb line (or roadway shoulder when there are no curbs) of a public intersection. On collector or arterial streets this minimum shall be fifty (50) feet.
- D. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the White House Street Superintendent, and if a state highway, permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than one hundred-fifty (150) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals. For commercial, industrial, multi-family residential and public/semi-public uses, a recommendation from the city's Design Review Consultant will be required. No curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public road.

3.100 Accessory Use Regulations

The use of land, buildings, and other structures permitted in each of the districts established by this Zoning Ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory use in residential areas shall be limited to covering no more than seventy (70%) percent of the size of the principal use on any lot. The Board of Zoning Appeals may review a larger percentage depending on special conditions relating to the property, including but not limited to, the property and primary building size in relation to the minimum lot size and maximum lot coverage provisions of the zoning district.
- F. Accessory buildings shall be located in the rear yard or side yard. Buildings located in the rear yard shall be ten (10) feet off the property lines for low and medium density zoned districts and five (5) feet off the property lines for high-density, planned unit development districts, and alternative lot size developments in low and medium-density zoning districts. Buildings located in the side yard shall be determined by the side yard setback requirements of the zoning district.

**3.110 Site Plan Requirements (Deleted and Replaced by Ordinance 03-10, August 21, 2003)
(Amended by Ordinance 06-28, July 20, 2006)**

The purpose of this provision is to prevent undesirable and inadequate site development. The White House Regional Planning Commission, except for one-two family dwellings and plans listed under Item C. Staff Approval of Site Plans, is required to review a project prior to issuance of a building permit. Design Review occurs in the context of the review of the site plan.

A preapplication conference with the Planning Director shall be required prior to any submittal for review. At the preconference meeting, applicants will be advised of the details of the Planning Commission review procedures. It is the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the city. At the meeting, the applicant shall designate one (1) contact person to work with the Planning Department for the duration of the project.

Item # A. Plan Design and Submittal Requirements:

The annual Planning Commission schedule lists date of meetings, number of plans required, and submittal dates. Plans shall be prepared by surveyor, engineer, architect, or landscape architect, according to particular types of development proposal. Except that development types referenced under Item C. **(Amended by Ordinance 06-28, July 20, 2006)**

1. The name and address of the development.
2. The name and address of the owner and applicant.
3. The name, address, and contact information of design professional(s).
4. The actual shape, location, and dimensions of the lot (acreage and square footage).
5. Date, scale, north point and any revisions dates.
6. Location map drawn, which shall include streets, and corporate limit lines within a one-half (1/2) mile radius of the site.
7. Civil district, county map and parcel info, and lot number.
8. Existing zoning of the property and abutting property.
9. Names and addresses of the abutting property owners.
10. Notation about relation to current flood maps.
11. Notation about maximum building height.
12. The shape, location, and dimensions of all building, structures existing and proposed with uses of buildings and structures noted.
13. List of all building setbacks.
14. List minimum parking requirements and parking provided.
15. Statement that plans meets all applicable handicap rules and regulations.
16. Existing and proposed topographical features at two (2) foot intervals with reference datum mean-sea-level. For areas proposed not to be disturbed, contours may be at

- larger intervals. Contours shall extend onto abutting properties to determine drainage patterns.
17. Location and dimensions of all right-of-ways, and streets.
 18. Location, size, and availability of servicing utilities, including existing overhead utilities and fire department connections to sprinkler systems.
 19. Existing and proposed means of surface drainage, (retention/detention) with supporting drainage calculations prepared and stamped by an engineer. The surface drainage shall be designed and constructed in accordance with the City of White House Regulations.
 20. Exterior building elevations for all primary and accessory buildings, including all building materials that are colored to illustrate their appearance.
 21. Location and details about all signage and lighting proposed to be attached to building(s).
 22. Location, type, size, and details of proposed freestanding signs, including monument, pole signs, and on-site directional signs.
 23. Location of all vehicular and pedestrian access into and within site. Including, but not limited to, drives, streets, sidewalks, traffic calming, radius and widths, etc.
 24. Location, design, and dimensions of all parking areas, loading zones, fire lanes, and landscape breaks.
 25. Location and screening methods of dumpsters.
 26. Location of all open space and proposed site amenities.
 27. Location of all walls, fences with indication of their height and construction materials.
 28. The lighting plan shall be designed by a lighting design professional and include the following information: (1) A grid photometric lighting plan showing pole locations and maintained horizontal luminance at grade shall be provided that shall extend until 0.0 foot-candle is maintained. (2) Detail drawings of poles and fixtures shall be provided. (3) The detail shall denote the color and height of each pole and fixtures.
 29. Location of existing vegetation including all trees over four (4) inch in caliper and all trees over one (1) inch in caliper and six (6) feet in height in all public right-of-ways. Masses of existing trees shall indicate significant perimeter trees surveyed and average caliper size noted.
 30. Location and types of all erosion control and tree protection methods.
 31. Landscape plan in compliance with Section 3.120, of Zoning Ordinance and the Commercial Design Standards, completed by a State of Tennessee licensed landscape architect, engineers, surveyors, and architects are permitted to complete the landscape plan for site developments as determined by state requirements.

32. Location of all environmentally or historically sensitive areas, including but not limited to, slopes exceeding fifteen (15) percent, streams, historic structures, wetlands, trees masses and strands, caves, rock outcrops, cemeteries, areas subject to flooding, etc.
33. Location of all finished floor elevations for all structures.
34. All twenty (20) percent slopes and floodplain areas shall be designated on plans.
35. Location and details of any on-site streetscape furnishings. Trashcans, benches, bikes racks, etc.
36. Location of all proposed outdoor merchandise and storage areas.
37. Location and methods for temporary construction entrances.
38. Provide detail sheet for items, including, but not limited to: headwalls, detention structures, pavement, curb, and sidewalk thickness, etc.

Item B. Expiration of Site Plan Approval **(Added by Ordinance 04-14, September 16, 2004)**

From the date a site plan has been approved, construction must begin within an eighteen (18) month period. If eighteen (18) months pass after the approval of a site plan and no construction has taken place, the site plan becomes null and void and a new site plan must be submitted to the White House Planning Commission for review and approval.

If a building or grading permit is issued and construction begins and becomes inactive for a period of one (1) year, then the site plan shall become null and void. The Planning Commission shall hear all requests for site plan approvals and extensions.

Item C. Staff Approval of Site Plans **(Added by Ordinance 06-28, July 20, 06)**

Minor site plans, meeting the requirements listed in item A, Item # A. Plan Design and Submittal Requirements: shall be approved by City Engineer and/or Zoning Administrator. The following items are considered as minor site plans for staff approval.

1. Building additions not to exceed 10% of the existing size of building up to 2,500 square feet.
2. Parking lot expansion not to exceed 25% of existing parking area up to 20,000 square feet of parking area.
3. New accessory buildings or uses which do not change use or property and Do not exceed 1,000 square feet.
4. Minor exterior building renovations.
5. Minor amendments to approved plans that would not alter or expand use of approval.
6. Any other associated items determined by staff to be minor.
7. New site developments not exceeding 5,000 sq ft of building and parking area and not required to provide grading plans, drainage calculations, or detention requirements due to property being within development or due to existing site conditions.

Applicants may appeal staff requirements to Planning Commission or to Board of Zoning Appeals when required in Article IX of this ordinance.

3.120 Landscaping and Screening Provisions (Amended by Deleting and Replacing by Ordinance No. 99-14, November 18, 1999)

3.120.1 Purposes and Intents

The purposes and intents of this section are to preserve and promote the health, safety and general welfare of the public; to facilitate the creation of a convenient, attractive and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of land. More specifically, this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the blighted appearance of parking lots.

3.120.2 Emergency and/or Disastrous Situations

In the event of emergencies and/or disastrous situations, which may include, but are not limited to, ice and rain storms, tornadoes, floods and similar natural disasters which cause excessive tree and landscape damage throughout the community, the Mayor may suspend these landscaping regulations.

3.121 Applicability

3.121.1 General

The provisions of this section shall apply to all new public, private and institutional land development or building construction within the City, except as specified below:

- a. Except as provided in Subsection 3.126, Transitional Screening and Barriers, no portion of these provisions shall apply to one- and two-family detached dwellings situated on individual lots or parcels of ground
- b. Any addition to an existing building which is less than ten (10) percent of the gross floor area of the building or five thousand (5,000) square feet, whichever is less, shall not be subject to the buffering and screening provisions of Subsection 3.126, but may be subject to the vehicular use areas landscaping requirements, as specified in Subsection 3.121.2. Repeated expansions of the building over a period of time commencing with the effective date of this ordinance shall be combined in determining whether the threshold has been reached.
- c. The following categories of landscaping are required to be provided as specified within Subsections 3.121.2 through 3.121.4.

- d. This section is intended to establish minimum standards to meet the stated purposes and intents as set forth in Subsection 3.120.1. In anomalous or unusual topographic situations or applications, the Municipal-Regional Planning Commission may, upon an affirmative finding that the application of these regulations does not meet the purposes and intents of this article, require, permit or allow alternative applications.

3.121.2 Vehicular Use Area Landscaping*

The provisions of Subsection 3.125, (pertaining to landscaping within vehicular use areas) shall apply to all developments as indicated below:

- a. New Sites

No new site development or building shall hereafter be constructed or “vehicular use area” created or utilized, unless landscaping as required by the provisions of Subsection 3.125, is provided.

- b. Existing Sites

When the square footage of vehicular use area of an existing site is increased, compliance with the provisions of Subsection 3.125, is required as follows:

- (1) Expansion by Twenty-Five (25) Percent or Less

When the vehicular use area is expanded by twenty- five (25) percent or less, only the expansion area must be brought into compliance with Subsection 3.125.3, Interior Plantings.

- (2) Expansion by More Than Twenty- Five (25) Percent

When the vehicular use area is expanded by more than twenty- five (25) percent, the entire vehicular use area shall be brought into compliance with Subsection 3.125.3, Interior Plantings. In addition, the pre-existing vehicular use area shall be brought into compliance with the perimeter vehicular use area landscaping requirements of Subsection 3.125.2, Street Yard Vehicular Surface Plantings.

- (3) Repeated Expansions

Repeated expansions of the vehicular use area over a period of time commencing with the effective date of this ordinance shall be combined in determining whether the twenty-five (25) percent threshold has been reached.

* Vehicular use area as used in this ordinance shall mean any ground surface area, except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also, included are activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery stores.

c. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless, vehicular use area landscaping, as required by this article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.

3.121.3 Buffering and Screening

a. Application

No new use of land, nor any change in the type of occupancy, nor any expansion or addition of an existing land use which singly or collectively exceeds ten (10) percent of the gross floor area of the building or five thousand (5,000) square feet, whichever is less, or twenty- five (25) percent of the land surface area of the existing use at the time this section becomes applicable to the property shall occur without first providing a landscaped transitional protective yard which complies with the requirements of Subsection 3.126, of this article. Such transitional protective yard shall be located on the developing property or on a continuous planting easement on the adjacent or adjoining property, which is to be screened. When:

- (1) new nonresidential development is placed adjacent to vacant land zoned for residential use, the new nonresidential development shall provide one hundred (100) percent of the required buffer;
- (2) new residential development is placed adjacent to vacant land zoned for nonresidential use, the new residential development shall provide fifty (50) percent of the required buffer;
- (3) new residential development is placed adjacent to existing residential development, the new residential development shall provide one-hundred (100) percent of the required buffer; and
- (4) new residential development is placed adjacent to vacant land zoned for residential use, the new residential development shall provide fifty (50) percent of the required buffer.

b. Relationship to Plan Approval

Following adoption of this section:

- (1) No Master Development Plan or Site Plan as required by this Ordinance, may be approved for any use unless such plan is in compliance with the provisions set out in Subsection 3.126, Transitional Protective Yard Requirements.
- (2) The Planning Commission shall not recommend nor shall the Board of Zoning Appeals approve any request for a conditional use permit, unless and until such request demonstrates that the provisions set out in Subsection 3.126, Transitional Protective Yard Requirements, can be met.

3.121.4 Street Yards

a. Application

No new use of land, nor any change in the type of occupancy, nor any expansion or addition of an existing land use which singly or collectively exceeds ten (10) percent of the gross floor area of the building or five thousand (5,000) square feet, whichever is less, or twenty- five (25) percent of the land surface area of the existing use at the time this section becomes applicable to the property shall occur without first providing street yards in accordance with the requirements of Subsection 3.127, for both the existing and additional facility as specified in Subpart 2, of this section.

b. Specific Requirement

The street yard landscape regulations of Subsection 3.127, shall be met for the entire property, except those portions of the lot used for driveways are exempted from all street yard requirements. This street yard may be arranged in any manner chosen by the owner so long as:

- (1) The total square footage of area within the street yard equals five (5) times the length in feet of frontage adjoining the public rights-of-way; and
- (2) The minimum dimension of any street yard used to satisfy this requirement is two (2) feet measured perpendicular to the public right-of-way; and
- (3) The street yard is contiguous with the right(s)-of way; and
- (4) No portion of the street yard used to meet these requirements is more than twenty- five (25) feet from the recorded public right-of-way as measured perpendicular to the right-of-way.

3.122 Landscaping Procedures

When an application is made for a permit on any land where the landscaping requirements of this section are applicable, such permit application shall be accompanied by a landscaping plan. All landscape plans shall be prepared by a landscape architect licensed by the State of Tennessee. Such plan shall contain the information indicated in Subsection 3.122.1, or any additional information as required by the Zoning Administrator to enable a determination to be made as to whether the permit application is in compliance with the provisions of this ordinance. When a site plan is required by Section 3.110, of this ordinance, to be approved on land where the provisions of this section are applicable, the landscape plan shall accompany such site plan.

3.122.1 Plan Content

Landscape plans shall be drawn to scale, including dimensions and distances, and shall clearly delineate:

- a. Location, general type, and quality of existing vegetation, including all trees which are five (5) inches or greater in caliper, tree masses composed of trees smaller than five (5) inches in caliper, as well as smaller trees which may be retained to fulfill the requirements of Subsection 3.122;

- c. The number, location, species and caliper of existing trees located between the principal building and the public street right-of-way which are to be maintained or preserved for credit as per Subsection 3.127.6, along with other existing vegetation proposed to be saved;
- c. Methods and details for protecting existing vegetation during construction;
- d. Schedules with the botanical and common name, size (at the time of planting), quantity, and spacing of all proposed landscape material;
- e. Plant lists or schedules showing both the required and proposed quantities of plants;
- f. Plans, shown over a base map which displays existing and proposed topography, indicating the proposed location of plants and the location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, parking and vehicular use areas, including existing and proposed parking spaces, access aisles, driveways, loading and storage areas;
- g. Planting and installation details and notes necessary to ensure conformance with all required standards.
- h. Means for supplying water including irrigation systems, or the location of hydrants or other sources of water supply. A source of water must be available to meet the requirements of this section.
- i. Any other information which the City may require to clarify the applicant's plan and it's ability to meet the stated purposes and intents of this section.

3.122.2 As-Built Certification

Upon completion of the landscaping required by this ordinance, the designer shall certify that the plan has been followed in the installation. The designer shall note any areas where the installation deviates from the approved plan and the approvals, which were secured to allow that deviation, as secured under the provision of Subsection 3.128, of this ordinance. Any and all such approvals of variance shall be obtained prior to issuance of a Use and Occupancy Permit.

3.122.3 Enforcement of Landscaping Plans

In no event shall a Permanent Use and Occupancy Permit be issued, unless and until all elements of landscaping have been installed and such installation has been certified by the City as complete and in accordance with the approved landscape plan. If at the time application is made for a Use and Occupancy Permit, required nonstructural landscaping (i.e., plant material) is not in place, and it can be determined by the City that because of the unavailability of plant material, or that requiring completion of the landscaping at the time of such request would jeopardize the health of the plant material or weather conditions prohibit the completion of planting, the developer/owner shall make the following arrangements to secure a Temporary Use and Occupancy Permit.

- a. The developer/owner shall produce an agreement in the form of a legally binding contract between the developer and a landscaping

installer/contractor specifying the manner and the date by which the landscaping, as shown on approved plans, is to be installed. The maximum period for installation of the required landscaping shall be the lesser of one (1) year or one (1) growing season from the date of application for a Temporary Use and Occupancy Permit. The City shall be a third party beneficiary to said contract. This agreement shall be secured by a bond or letter of credit made payable to the City in an amount equal to the estimated cost of the landscaping plus fifty (50) percent. In the event of the failure of the developer to execute this contract and thereby perform the work specified in the plan, the City shall call the bond or letter of credit and fund the contract to have the work accomplished.

- b. The developer shall also agree in writing that he, or his successors or assigns shall provide the required planting as specified in the contract required in Paragraph 1, above, as a condition for issuance of a Permanent Use and Occupancy Permit and that no Permanent Use and Occupancy Permit shall be issued unless and until such landscaping is installed. The developer/owner shall also agree that the principal use shall be discontinued should the required planting not be provided as specified in Paragraph 1, above. Violations of these provisions shall constitute an unauthorized illegal occupancy of the principal use, and no further permits of any type shall be approved until the landscaping is installed.

3.123 Definitions

3.123.1 Application

The following definitions shall apply within this section. Where words have not been defined, the standard dictionary definition shall prevail.

3.123.2 Terms Defined

BERMS AND EARTH MOUNDS - Earthen barriers which aid in blocking or screening the view similar to a hedge, fence or wall.

CALIPER - This is a term used to describe the size or cross sectional area of various plants. Caliper is measured in different ways depending on the type and nature of the plant being measured. (See the publication American Standard for Nursery Stock ANSI Z60.1, (latest edition) for details of specific application)

CANOPY TREE - A major shade tree, expected to grow to a mature height of twenty-five (25) feet or more in Middle Tennessee. (Ex. Oaks, Maples, Ash, Sycamore, Tulip Poplar and similar trees)

DECIDUOUS TREES - Trees which shed their leaves and remain barren through the winter months.

DISPLAY AREA - Any portion of a lot used for the exterior display of goods for sale. The term includes exterior display of motor vehicles

EVERGREEN TREES - Trees whose branches generally remain covered with thriving leaves/needles throughout the year.

EXTERIOR FACING RETAINING WALL - Any wall which will hold earthen material such as soil, gravel, etc. back from the exterior of a site. The face of the wall faces away from the major structure and/or use of the site.

FREE STANDING WALL OR FENCE - Any portion of a wall or fence which is constructed to stand above ground; the purpose of which is privacy, visual screening, odor and/or noise retention, etc.

GRASS - Any turf vegetation which is commonly planted and hardy in Middle Tennessee.

GROUNDCOVER - Any low growing plant species which is generally used for coverage within planting beds at the turf level and/or for erosion control on steep slopes. These plant species shall generally be viewed as tolerant of the local climate by landscape professionals within the region.

INTERIOR FACING RETAINING WALL - Any wall which will hold earthen material such as soil, gravel, etc. back from the exterior of a site. The exposed face of the wall faces toward the major structure and/or use of the site.

SHRUBS AND HEDGES - Any plant, deciduous or evergreen, which acts as a visual and physical border, is multi-trunked and/or multi-stemmed, and having a mature height which generally falls within the range of two (2) and twelve (12) feet in planted mature height. These plant species shall generally be viewed as tolerant of the local climate by landscape professionals within the region.

TRANSITIONAL PROTECTIVE YARD - An area on the perimeter of a property which is reserved for plantings and/or other barriers which may be required to screen development from abutting properties.

UNDERSTORY TREES - Trees which are typically between ten (10) and twenty-five (25) feet in height at maturity in Middle Tennessee plantings and having a particularly notable ornamental or aesthetic quality. (Ex: Dogwoods, Redbuds, Goldenrain Trees, Foster Hollies, Crepe Myrtles, and Japanese Black Pines) These plant species shall generally be viewed as tolerant of the local climate by landscape professionals within the region.

VEHICULAR USE AREA - Any ground surface area, except public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of driving, parking, loading, storage, or display (automotive sales lots). Also, included are activities of a drive-in nature in connection with banks, restaurants, automobile service stations and grocery stores.

VINES - Any plant which is generally uses in conjunction with walls, fences, trellice-work, and/or trees for its climbing nature. These plant species shall generally be viewed as tolerant of the local climate by landscape professionals within the region.

3.124 General Provisions

3.124.1 Vision Triangles Protected

Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisle or approach to any street intersection, so as to constitute a traffic hazard or a condition

dangerous to the public safety upon any such street, driveway, parking aisle or street intersection.

3.124.2 Protection of Plantings

All plantings required by the provisions of this section shall be protected and maintained as provided herein.

- a. Whenever any planting areas required by this section are adjacent to parking or vehicular circulation areas, the planting shall be protected from vehicular intrusion or damage from excessive vehicular lubricants or fuels.
- b. All landscaped areas shall be stabilized from soil erosion immediately upon planting, and erosion control shall be maintained for the duration of the premises.
- c. The property owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy, or missing plants shall be replaced with locally adapted vegetation which conforms to the standards of this section.

3.124.3 Replacement of Plantings upon Condemned Property

Whenever any governmental agency or utility operated by any public or quasi-public agency acquires property by condemnation action, and said property complies with the provisions of this section at the time of acquisition, it shall be the responsibility of the condemner to replace, in accordance with the provisions of this ordinance, any landscape materials which were required by this section.

3.124.4 Alternative Methods of Compliance

Although certain material or a particular method of construction is specifically prescribed by this section, it is not intended, especially whenever a stream, natural rock formation or other physiographic condition exists, to prevent the use of materials or methods of construction different from the materials or methods of construction specifically prescribed by this section; provided, any such alternative material or method of construction has been approved in writing or in plan, and its use authorized by the body or department authorized to approve the original plan.

The body or department may approve in writing or in plan any such alternate material or method of construction, provided, it is found that the proposed material or method of construction is, for the purpose intended, at least the equivalent of that specifically prescribed by this section in quality, effectiveness, durability, hardness, and performance, and that such alternative measure better preserves the existing natural condition. The body or department may require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use.

3.124.5 Landscape Standards and Specifications

3.124.5(1) Walls and Fences

a. Materials and Construction Standards

Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine, or other alignment. Fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior

construction of buildings. Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of eight (8) feet o.c. If wood is used, the posts shall be four inches by four inches (4" x 4") minimum. Posts shall be set in or anchored to crowned concrete footings. The base of the footings shall be at least twenty-four (24) inches below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute Standard LP-2, for above ground use or LP-22, for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproof. Slats are to be minimum one-half (1/2) inch in thickness and are to be placed on the outside of the fence, unless the design is two-sided (shadow-box, etc.). All hardware is to be galvanized or otherwise rustproofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this section. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no maximum height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction in side and rear yards. All walls or fences used to meet the requirements of this section shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this section shall not be used for the erection or display of any sign or other advertising device.

b. Height and Landscaping Standards

The provisions of this section shall apply to walls constructed to fulfill the requirements of this section.

(1) Free Standing Walls

Any free standing walls (excepting those directly surrounding trash containers) constructed to stand above ground, the purpose of which is privacy, visual screening, odor and /or noise retention, etc.; shall be a minimum of six (6) feet in height.

(2) Interior Facing Retaining Walls

Walls holding earthen material such as soil, gravel, etc., back from the interior of a site shall be unrestricted as to height.

(3) Exterior Facing Retaining Walls

Walls holding earthen material such as soil, gravel, etc., back from the exterior of a site shall be designed and stamp certified as to design and drainage characteristics by a licensed engineer. All walls shall be landscaped as follows.

(a) A minimum of one (1) ornamental tree or large shrub shall be installed for each one hundred fifty (150) square feet of terraced area. These trees are to be evenly distributed across the length of the terrace.

- (b) A minimum of three (3) shrubs shall be placed between each two (2) trees.
- (c) A planting of grass or groundcover that is deemed to provide sufficient coverage shall be placed along the entire land surface area at the top of the wall to cover and to stabilize the earth from erosion.

3.124.5(2) Earth Berms

Berms shall have a minimum height of one and one-half (1 1/2) feet, a minimum crown width of two (2) feet and a side slope no greater than two to one (2:1), and shall be planted and covered with adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an berm. Berms which are at slopes greater than 3:1 or greater than three (3) feet in height shall be planted with permanent vegetation which will cover the surface to prevent erosion and which does not require mowing to maintain a neat appearance.

3.124.5(3) Plants

All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

a. Quality

Plant materials used to meet the provisions of this section shall comply with the standards of the American Standard for Nursery Stock (ANSI Z60.1), American Association of Nurserymen, for size, quality and form and shall have passed any inspections required under State regulations. Bare root trees be prohibited.

b. Deciduous Trees

Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in Middle Tennessee and having trunk(s) which can be maintained with over five (5) feet of clear trunk in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Trees shall be a minimum of eight (8) feet overall height and at least one and three fourths (1 3/4) inches in caliper at the time of planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

c. Evergreen Trees

Evergreen trees shall be a minimum of six (6) feet high.

d. Understory Trees

(Trees and shrubs which are typically between ten (10) and twenty-five (25) feet in height at maturity in Middle Tennessee plantings and having a particularly notable ornamental or aesthetic quality). Ex: Dogwoods, Redbuds, Goldenrain Trees, Foster Hollies, Crepe Myrtles, Japanese Black Pines.

e. Shrubs and Hedges

Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, (ligustrum species) cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

f. Vines

Vines shall be at least twelve (12) inches high at planting and shall be trained to grow upon walls or fences.

g. Grass or Ground Cover

Grass shall be planted in species normally grown as permanent lawns in Middle Tennessee, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion control, or suitable mulch shall be used. Temporary "nurse-crop" grass seed shall be sown for immediate protection until complete coverage, otherwise, is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grassed areas shall be planted in such a manner as to provide one hundred (100) percent coverage after two (2) full growing seasons.

h. Existing Landscape Material

Existing landscape material which is to be retained to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this section. Existing healthy trees may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: A six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size. The enforcing officer shall reinspect the condition of existing vegetation upon completion of construction, at which time the enforcing officer may require removal of any vegetation deemed by the officer to be damaged beyond repair, and the applicant shall replant the area with trees to meet the conditions, otherwise in force.

i. Recommended Listing of Plants to Be Developed

A listing of plants recommended for use in meeting the various standards and requirements established by this section is to be developed and maintained by the City. Such listing shall also indicate plants which have characteristics which are considered undesirable, and are not to be utilized in plantings required by this section. A summary listing of acceptable landscape materials is cited herein in Subsection 3.129.

3.124.5(4) Landscaping in Easements

Landscaping may be located in areas reserved for utility or other easements as long as all the landscape requirements can be fully met, otherwise, landscape buffer plantings shall be provided in addition to, and separate from, any easement. (See Subsection 3.126.3, Paragraph 4.)

3.124.5(5) Landscaping at Driveway and Street Intersections

To assure that landscape materials do not constitute a driving hazard, a sight triangle shall be maintained at all street intersections and intersections of driveways with streets.

3.124.5(6) Joint Driveways and Common Vehicular Use Areas

Vehicular use area screening shall not be required between a vehicular use area, and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties, nor when both of the following conditions exist:

- a. The vehicular use areas are for the required parking for the properties, or the common use of the properties (as substantiated by a reciprocal parking and access agreement); and
- b. A site development plan for the properties has been approved by the Planning Commission.

3.125 Vehicular Surface Area Landscaping

3.125.1 Intent, Purposes and Application

It is the intent of this section to modify and reduce the deleterious visual, environmental and aesthetic effects of vehicular surface areas. The landscape requirements herein have been developed to: filter and reduce the glare of headlight and reflected sunlight from parked automobiles onto the public street rights-of-way; to separate the public from the ill effects of fumes and dust; to visually modify the appearance of parking areas and vehicular surface areas, to encourage the construction of such necessary areas in a manner that more closely follows the existing natural contours of the land; to distribute planting areas around and within the parking areas; to modify the rate of stormwater runoff and increase the capability of groundwater recharge in urban areas; to provide shade, noise attenuation, filtering the air of particulate and gaseous pollutants and other beneficial environmental effects to the microclimate: to prevent the overcrowding of land: and to break the visual blight created by large expanses of vehicular surface areas.

These requirements shall apply to all vehicular surface areas, required or otherwise, regardless of the zoning district where they are located.

3.125.2 Street Yard Vehicular Surface Plantings

a. Applicability

All edges of vehicular surface areas within fifty (50) feet of any street right-of-way are required to have a visually modifying screen or barrier between the vehicular surface area and the right-of-way.

b. Plants and Materials

The owner may use natural plants, fences, walls or earthen berms or any combination thereof to meet the requirements of this section so long as all the minimum criteria set forth below are met.

- (1) The natural plants, fences, walls, earthen berms or combination thereof, must occupy a minimum of seventy-five (75) percent of a vertical rectangular plane equal to the peripheral length of the vehicular area in feet, times an average of (3) three feet six (6) inches as measured from the surface edge of the vehicle area. Such rectangular plane shall be exclusive of driveways and sight lines used for automobile ingress and egress. No additional consideration towards meeting the seventy-five (75) percent average requirement shall be given for any material greater than eighty-four (84) inches in height.
- (2) No more than six (6) continuous lineal feet of vertical plane as measured and viewed perpendicular from the street may be void of any natural plants, berms, closed fences or walls or combinations, thereof.
- (3) See Subsection 3.124.5(1), Subparagraph a, Materials and Construction Standards, for standards of construction and appearance. Additional planting materials shall be provided so that no more than two-thirds of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Forty (40) percent of this plant material may be deciduous.
- (4) All berms installed shall meet the standards of Subsection 3.124.6(2).
- (5) All natural shrubs installed to satisfy the requirements of this section shall be a locally adapted species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. Live vegetation planted on berms may have a lesser mature height provided the combined height of the berm and the plantings after three (3) years are at least thirty (30) inches high. Forty (40) percent of all shrubs may be deciduous.

3.125.3 Interior Plantings

a. Planting Areas

In addition to all other landscape requirements, all vehicular surface areas, temporary or permanent (excluding parking structures) shall provide and maintain landscaped planting areas within the interior of the vehicular surface area. Each planting area shall contain a minimum of three hundred (300) square feet in area with minimum

dimensions of seven (7) feet and, except for vehicular display areas, shall contain at least one (1) and not more than two (2) locally adapted canopy trees a minimum of one and three-fourths (1 3/4) inch caliper and a minimum height of eight (8) feet.

b. Trees Required

Trees shall be required at a minimum rate of one natural canopy tree for every two thousand (2,000) square feet of total vehicular surface area. All vehicular surface areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular surface area for the purpose of computing the required number of trees, notwithstanding ownership.

c. Planting Area Locations

Landscaped planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians between rows of cars, or as part of continuous street or transitional protective yards. The number, size and shape of landscape planting areas shall be at the discretion of the owner; however, tree spacing shall not exceed a maximum of one hundred ninety-five (195) or three (3) double-loaded bays of parking, whichever is less.

Landscaped planting areas shall be distributed in a manner, which fulfills the purposes of Subsection 3.125.1. For vehicular display areas which are not required to have trees, measurements shall be made from the edge of the landscaped planting areas, and no stored vehicle shall be farther than fifty (50) feet from the edge of any landscaped planting area.

d. Shrubs Within Planting Areas

Any vehicular surface area, including vehicular display areas, shall be provided with landscaped areas containing shrubs. Shrubs shall obtain a minimum size of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches tall when planted. No more than forty (40) percent of required shrubs may be deciduous. Shrubs shall be required at the rate of one shrub per five hundred (500) square feet of vehicular surface area.

3.125.4 Loading Area, Display Area, and Utility Service Area Landscaping Requirements

3.125.4(1) Application

All loading areas and display areas with minimum dimensions of fifteen (15) feet or more, designated short-term storage areas and utility service areas not screened by an intervening building, established after the effective date of this section shall be screened from view from any public street right-of-way for their entire length except for necessary points of access.

3.125.4(2) Loading Areas

a. General Screening

See Subsection 3.124.5(1), Subparagraph a, Materials and Construction Standards, for standards of construction and appearance. Additional planting materials shall be provided so that no more than two-thirds (2/3) of the surface

area of the closed fence or wall is visible from the street within three (3) years of erection of the structure. The screening may also be accomplished with a natural evergreen plant material which can be expected to reach a height of six (6) feet or greater within three (3) years of planting. Any plant materials used to fulfill these requirements shall be a minimum of three (3) feet in height when planted, and there shall be no gap greater than four (4) feet between plant material.

b. Loading Areas in Close Proximity to Residential Properties

Loading areas located closer than fifty (50) feet to a property line of land located within a residential zoning district shall be screened from view from the residential property with an earthen berm, closed fence or solid wall which is at least six (6) feet high. See Section 3.124.5(1), Subparagraph a, Materials and Construction Standards, for standards of construction and appearance of fences. Additional planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the any adjoining residence within three (3) years of erection of the structure.

3.125.4(3) Display Areas

Screening for display areas may be accomplished by natural plants, closed fences, walls or earthen berms or any combination thereof to meet the requirements of this section so long as all the minimum criteria set forth below are met.

a. Screening Standard

The natural plants, solid fences, walls, earthen berms or combinations thereof, must occupy seventy-five (75) percent of a vertical rectangular plane equal to the peripheral length of the display area, in feet, times an average of two (2) feet six (6) inches as measured from the surface edge of the display area. Such rectangular plane shall be exclusive of driveways and sight lines used for automobile access. No additional consideration towards meeting the seventy-five (75) percent average requirement shall be given for any material greater than sixty-six (66) inches in height. No more than six (6) continuous linear feet of the vertical plane as measured and viewed perpendicular from the street may be void of any natural plants, berms, closed fences or walls, or combination, thereof.

b. Use of Fences and Walls

See Subsection 3.124.5(1), Subparagraph a, Materials and Construction Standards, for standards of construction and appearance of fences. Additional planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the fence or wall is visible from any adjoining residence within three (3) years of erection of the structure. Forty (40) percent of this plant material may be deciduous.

c. Use of Berms

Any berms installed shall meet the standards set out in Subsection 3.124.5(2).

d. Size and Quality of Plant Material

All natural shrubs installed to satisfy the requirements of this section shall be a locally adapted species expected to reach a minimum height of twenty-four (24) inches and a minimum spread of twenty-four (24) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches tall when planted. Live vegetation planted on berms may have a lesser mature height provided that the combined height of the berm and the plantings after three (3) years are at a height of at least twenty-four (24) inches. No more than forty (40) percent of required shrubs may be deciduous.

3.125.4(4) Utility Service Areas

Screening for utility service areas may be accomplished by locally adapted plantings, evergreen or deciduous, which are a minimum of eighteen (18) inches tall when planted and are expected to reach a height and width equal to or greater than the utility service structures which are required to be screened. Screening for utility service areas in the right-of-way is to be installed by the utility company or the person who installed the service; in all other instances, the property owner shall install the plantings.

3.125.4(5) Temporary Storage Areas

Temporary storage of goods outside a building shall occur in such a manner as to screen from adjacent properties as effectively as the building and the vehicular use area. Such goods, whether in storage trailers, temporary structures or simply stacked on the site, shall be placed in a location which has been approved as a part of the site plan, and shall not obstruct required parking, loading spaces, travelways or firelanes, nor shall such goods be stored within a required setback.

3.126 Transitional Protective Yard Requirements

3.126.1 Intent

This section requires transitional protective yards to be provided and maintained when certain land uses are adjacent to or directly across the street from each other, to protect the uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with a more intensive use. Transitional protective yard regulations are also required to prevent adverse community appearance, to protect the character of the area, to conserve the values of buildings and land, and to provide adequate light and air. Transitional protective yards of different depths and widths are required depending upon the combination of uses and the adverse effects which the uses have.

3.126.2 Location and Extent of Protective Yards

Transitional protective yards are measured from the property line of the property to be screened to vehicular surface areas, buildings, the loading, display, storage and service areas. No transitional screening shall be required in street yards provided in accordance with the provisions of Subsection 3.127.

Transitional protective yards may overlap other yard areas but yard areas used as transitional protective yards must comply with the requirements of this section. Nothing contained in this section shall reduce the minimum requirements of any other yards required by this ordinance. Whenever two (2) or more transitional yards are simultaneously applicable, as for example a property which contains two (2) or more uses, then the more stringent regulation is controlling. If two (2) or more different uses

are present on one lot, only those uses which constitute ten (10) percent or more of the gross floor area of the building or land area shall be considered.

3.126.3 Planting Materials

a. Trees

All deciduous trees which are planted to meet the minimum requirements of this section shall be a minimum height of eight (8) feet in height and one and three quarter (1 3/4) inches in caliper and shall have an expected mature height of thirty-five (35) feet or greater, unless subject to an overhead utility line, in which case the mature height may be less. One-half (1/2) the required trees shall be locally adapted natural evergreen species, a minimum of six (6) feet in height at the time of planting. Two (2) evergreen trees, a minimum of four and one-half (4 1/2) feet in height at the time of planting, may be substituted for each required evergreen tree. These trees shall be distributed throughout the transitional protective yard in accordance with the approved landscape plan.

b. Shrubs

Shrubs planted to meet the minimum requirements of this section shall be a minimum of one and one-half (1 1/2) feet in height when planted and be expected to reach a height of six (6) feet or greater within five (5) years of planting. Shrubs planted on berms may have a lesser mature height provided that the combined height of the plantings and the berm after five (5) years is at least six (6) feet. Shrubs shall be planted in such a way as to form a continuous row, with no shrub being greater than ten (10) feet from another as measured from the property line. Shrubs shall be planted in two or more overlapping rows, and a minimum of fifty (50) percent of the required shrubs shall be locally adapted evergreen species.

c. Quantities of Material Required

In the required transitional protective yard, natural trees and shrubs shall be planted in the quantities shown on the chart entitled, "Transitional Protective Yard Requirements" of Subsection 3.126.4 (below). All required plantings shall be no further than fifty (50) feet from the property line, which is to be screened.

d. Plantings Within Easements

With the exception of easements for overhead utility services, vegetative screening shall not be placed within a utility or drainage easement, if the easement holder or the City object to such plantings. Vegetative screening shall not be placed within the flowage area of swales or drainage ditches. Should either the easement holder or the City object to vegetative screening in the easement, the required plantings shall be installed in the same number as otherwise required in the portion of the Transitional Protective Yard remaining after exclusion of the easement area. (See Subsection 3.126.4.)

e. Modifications and Alternatives

The height and quantity of required planting materials and fencing in areas immediately contiguous to street yards required by Subsection 3.127, may be

modified as an alternate method authorized by Subsection 3.124.4, when such screening will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, storage, loading, display or service areas or when such screening will obstruct traffic visibility.

3.126.4 Determination of Transitional Protective Yard Requirements

Generally, a Transitional Protective 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 within any portion of the public right-of-way. The following procedure shall be followed to determine the standard of Transitional Protective Yard required along a zoning district boundary:

- Step A** Determine the zone district for the proposed development site, as well as that of for the abutting site(s).
- Step B** Determine the Transitional Protective Yard standard required for each building site boundary (or portion thereof) by referring to Table 3.126.4. Read down the column beneath the zone district of the proposed site development and across the row, which lists the zone district of the abutting site. The letter in the grid square where the column and the row intersect is the required standard for the Transitional Protective Yard.
- Step C** Select one width/screening option from the appropriate group among those listed in Figures 3.126.4A through 3.126.4D. Any of the listed screening variations shown on the appropriate figure shall satisfy the requirement between the abutting zone districts. (Ex: A-1, A-2, or A-3, may be used to meet the requirements for an A Standard-Transitional Protective Yard.
- Step D** When calculating required numbers of plant materials, round all fractions to the next whole number.

(Ex. Calculation of required plants for a C-3, Transitional Protective Yard for 275 foot frontage:	
<u>Required Canopy Trees</u>	$275/100 \times 6 = 2.75 \times 6 = 16.5$, Round up to 17 canopy trees
<u>Required Understory Trees</u>	$275/100 \times 3 = 2.75 \times 3 = 8.25$, Round up to 9 understory trees
<u>Required Shrubs</u>	$275/100 \times 24 = 66$ shrubs

TABLE 3.126.4

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TABLE OF TRANSITIONAL PROTECTIVE YARD REQUIREMENTS

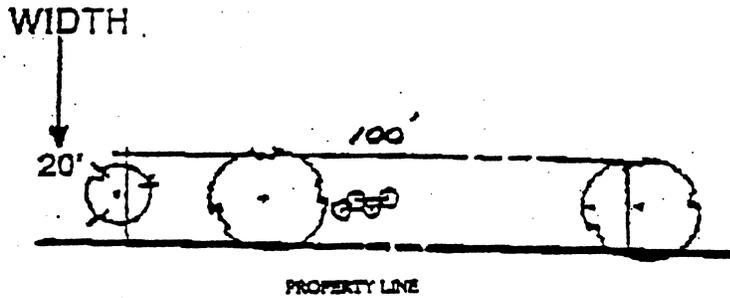
ZONE DISTRICT OF PROPOSED SITE DEVELOPMENTS

	A	R-40	R-20	R-15	R-10	C-1	C-2	C-3	I-1	I-2	I-3	PUD-LDRPUD	PUD-HDRPUD	CPUD	CPUDL	GOPUD	ROPUD
A	-	A	A	B	B	D	D	C	D	D	D	C	C	D	D	D	D
R-40	A	-	A	B	B	D	D	C	D	D	D	C	C	D	D	D	D
R-20	A	A	-	A	B	D	D	C	D	D	D	B	B	D	D	D	D
R-15	A	B	A	-	B	D	D	C	D	D	D	A	B	D	D	D	D
R-10	A	B	B	B	-	D	D	C	D	D	D	C	B	D	D	D	D
C-1	D	D	D	D	D	-	A	B	B	C	D	D	D	C	C	B	C
C-2	D	D	D	D	D	A	-	A	B	C	D	D	D	B	C	B	C
C-3	C	C	C	C	C	B	A	-	C	C	D	C	C	A	B	A	B
I-1	D	D	D	D	D	D	D	D	-	B	C	D	D	B	C	B	C
I-2	D	D	D	D	D	D	D	D	B	-	B	D	D	C	C	C	C
I-3	D	D	D	D	D	D	D	D	C	B	-	D	D	D	D	D	D
PUD-LDRPUD	C	C	B	A	C	D	D	C	D	D	D	-	C	D	D	D	D
PUD-HDRPUD	C	C	B	B	B	D	D	C	D	D	D	C	-	C	C	B	C
CPUD	D	D	D	D	D	C	B	A	B	C	D	D	D	-	B	B	C
CPUDL	D	D	D	D	D	C	C	B	C	C	D	D	C	A	-	B	A
GOPUD	D	D	D	D	D	B	B	A	B	C	D	D	D	B	B	-	A
ROPUD	D	D	D	D	D	C	C	B	C	C	D	D	C	C	A	A	-

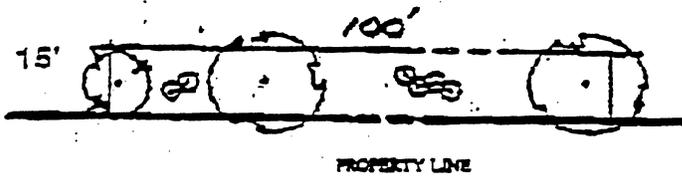
FIGURES 3.126.4A - STANDARD A-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4A, indicates a requirement for an "A" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.

A-1
 1.2 CANOPY
 .4 UNDERSTORY
 4 SHRUBS



A-2
 1.8 CANOPY
 .6 UNDERSTORY
 6 SHRUBS



A-3
 2.4 CANOPY
 .8 UNDERSTORY
 8 SHRUBS

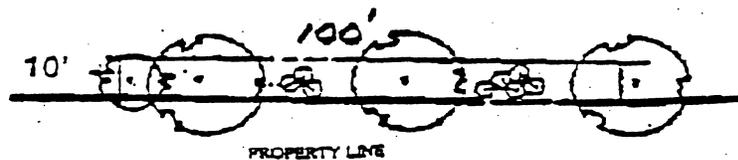


FIGURE 3.126.4B - STANDARD B-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4B, indicates a requirement for a "B" Transitional Protective Yard, select one of the following combinations of widths, and commensurate number of plants per 100' of yard length.

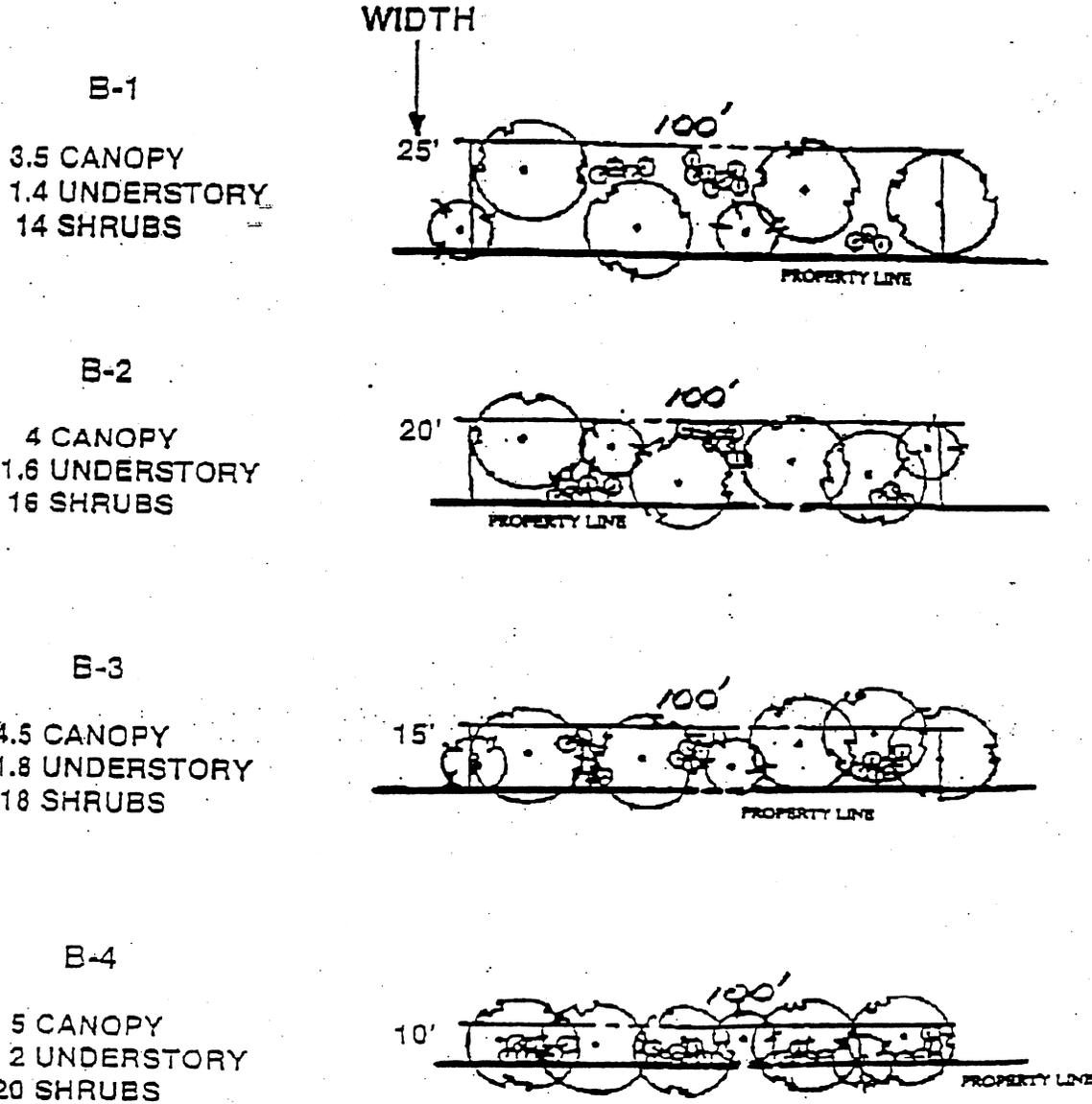


FIGURE 3.126.4C - STANDARD C-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4C, indicates a requirement for a "C" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.

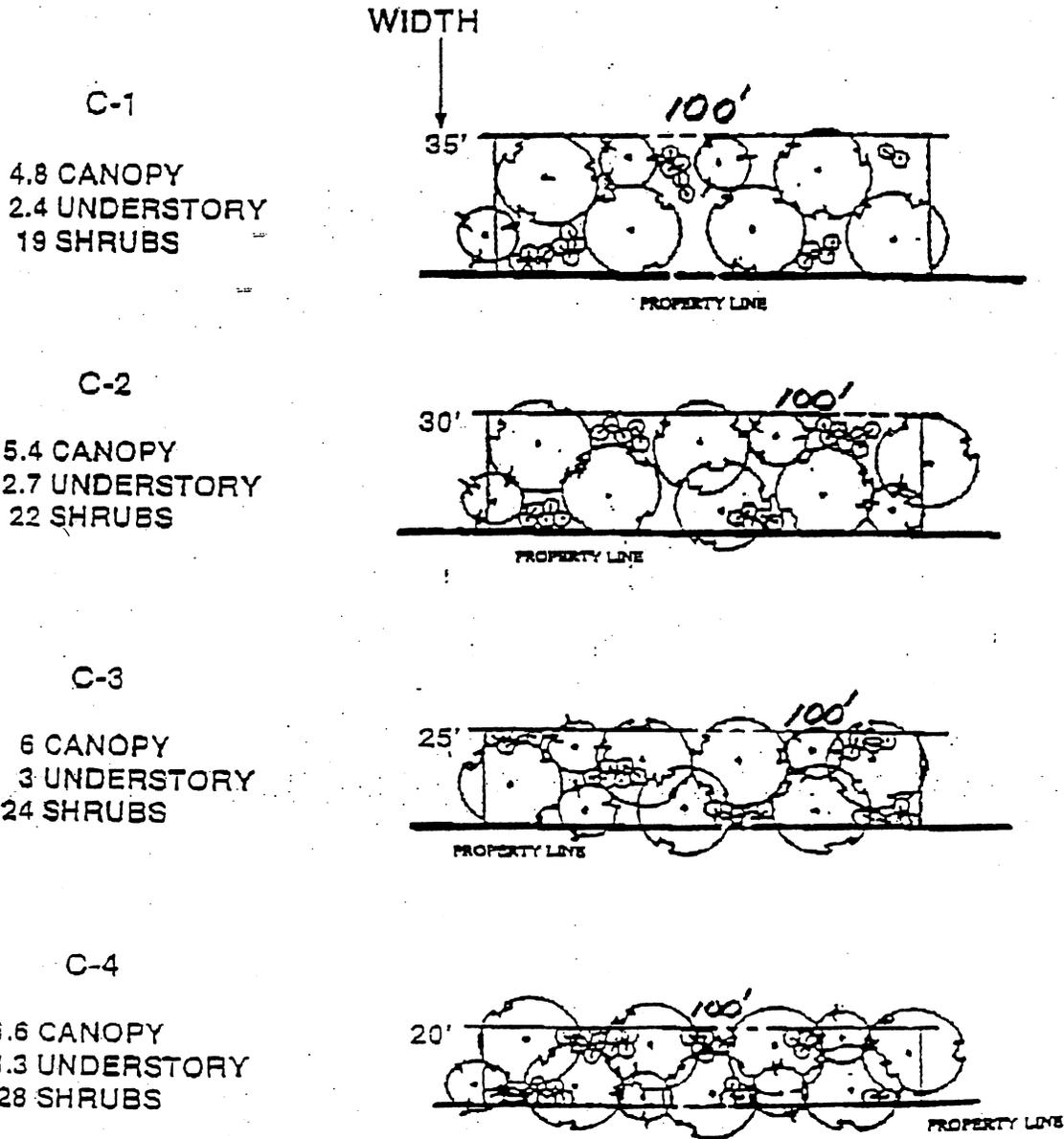
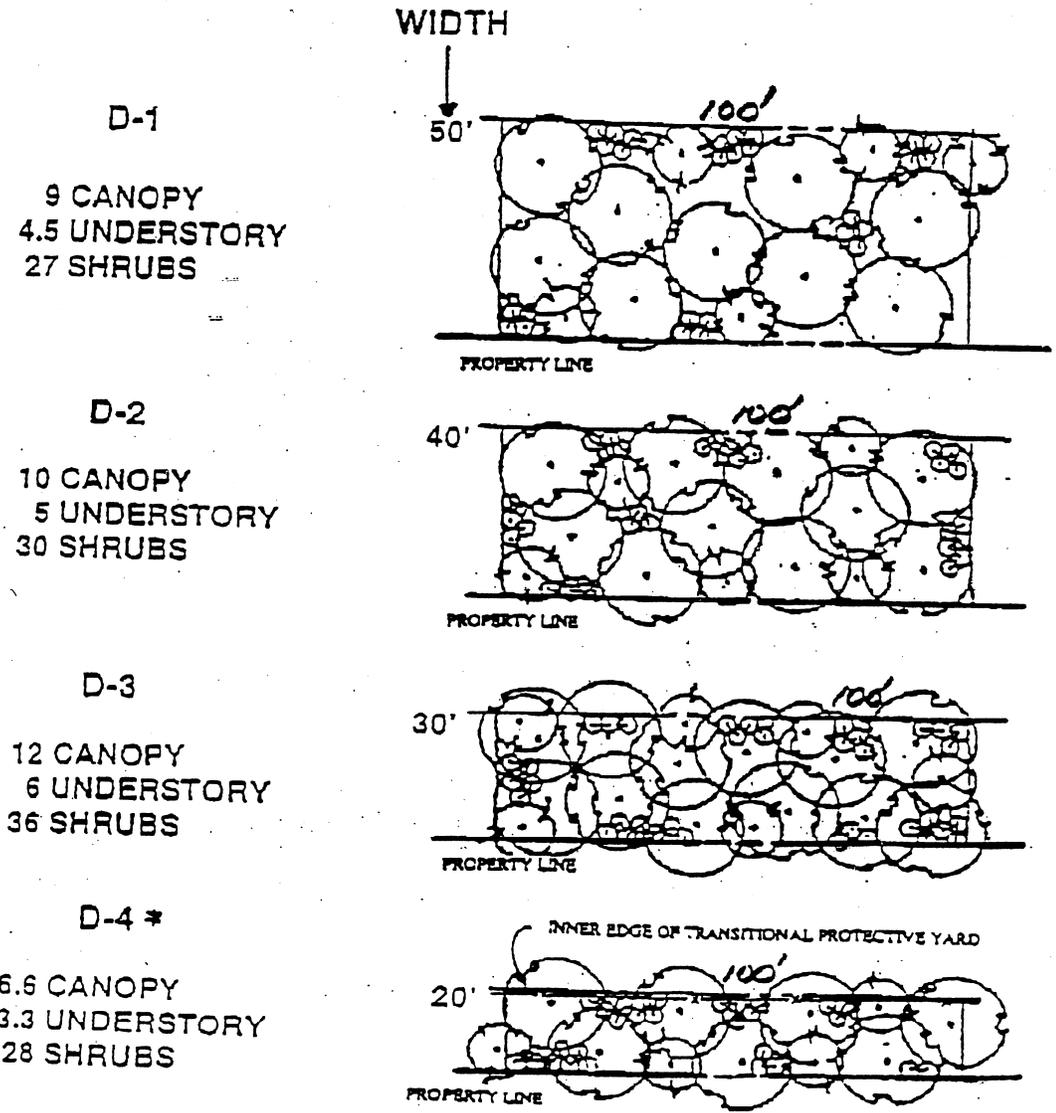


FIGURE 3.126.4D - STANDARD D-TRANSITIONAL PROTECTIVE YARDS

If Table 3.126.4D, indicates a requirement for a "D" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per 100' of yard length.



*Plus minimum six (6) foot height wall or fence placed at the inner edge of the Transitional Protective Yard.

For all Standard D Transitional Protective Yards, a solid masonry wall may be required in any instance where residences are closer than two hundred (200) feet from the boundary of the property installing the Transitional Protective Yard.

3.126.5 Existing Vegetation

a. Credit for Existing Vegetation

So long as the required level of visual barrier is provided by the resulting Transitional protective Yard, existing vegetation which meets or exceeds the quantity, spacing, and height standards, may be used to satisfy the requirements of Subsection 3.126.3, provided that no encroachments shall occur within the greater of either a seven (7) foot radius or one (1) foot in diameter for each inch of circumference of the existing tree and that the provisions of Subsection 3.127.6, are met.

b. Reduction of Required Plantings

The amount of required shrubs in a transitional protective yard may be reduced by fifty (50) percent, if in that yards existing trees meeting the space, quantity and specification requirements of Subsection 3.126.3, are preserved and protected from encroachment, and the reduced number of shrubs still meets the intent of this section for screening at the level of the groundplane.

c. Supplemental Plantings

Supplemental natural evergreen shrub plantings may be required, however, if it can be reasonably inferred that after five (5) years, the existing vegetation will not continually provide a year-round foliage screen between properties from the natural grade to six (6) feet above grade. Where such supplemental shrub plantings are required, the plantings shall have a minimum height of one and one-half (1 1/2) feet when installed, with an expected height of six (6) feet or greater within five (5) years after planting, and shall be planted so that there are no horizontal gaps greater than ten (10) feet between shrubs as measured along the property lines. Where the existing vegetation on site does not meet the established criteria for spacing, quantity, and size of plant, then the owner shall be required to plant only those trees and shrubs, necessary to meet the established standards for the transitional protective yard required for the specific situation. All plants used for this purpose shall be the standards set out in Subsection 3.126.3.

3.126.6 Fences, Walls and Earthen Berms

a. Installation of Closed Fence or Solid Wall

A fence or solid wall may be used as the sole means to meet the requirements of this section, only if the ground area required for transition protective yards, other than such yards for uses requiring Transitional Protective Yard Standard "D", adjoining either property developed residentially, or zoned for any residential use, exceeds twenty (20) percent of the lot area.

b. Height Requirements

See Subsection 3.124.5(1), Subparagraph a, Materials and Construction Standards, for standards of construction and appearance of fences.

c. Width of Transitional Protective Yards with Closed Fences and Solid Walls

If a fence or wall is erected pursuant to Subpart 1, Subsection 3.124.5(1), entitled, "Walls and Fences", the width of the transitional protective yard may be reduced to one-half the required width

d. Grade Changes of Six (6) Feet or More

Whenever a wall or fence is authorized to be constructed, in lieu of such construction, a natural or man-made grade separation at least six (6) feet in elevation may be substituted; provided that the side slopes of such grade are not greater than three to one (3:1), the developing property is located at an elevation lower than the properties to be screened, and the change in grade achieves a similar screening effect as the wall or fence.

e. Earthen Berms

Any earthen berm installed in a transitional protective yard which reduces the width of the transitional yard shall be constructed to meet the standards set out in Subsection 3.124.6(2), and shall be planted in accordance with the provisions of Subsection 3.126.3. A steeper slope than that specified in Subsection 3.124.6(2), may be used in exceptional cases when all the following are met:

- (1) The steeper slope is sufficiently stabilized; and
- (2) The screening objectives of Subsection 3.126.3, are better achieved; and
- (3) Physical constraints of the site prevent the use of a flatter slope.

3.127 Street Yard Landscape Regulations

3.127.1 Intent

It is the intent of this section to establish a landscape planting area parallel to the recorded public street right-of-way. This area shall contain plantings of trees and other live vegetation to provide a more pleasing view from the ways of travel, to provide continuity of vegetation throughout the City, to reduce the amount of impervious surface and reduce stormwater runoff, to filter air, provide shade, and otherwise improve the microclimate, and to preserve a remnant of the City's natural vegetative cover.

3.127.2 Applicability

Any use of land, including vehicular surface areas and parking structures, established after the effective date of this section shall provide a street yard along any existing or proposed public street right-of-way adjacent to or adjoining the property, except those portions of the lot used for driveway construction, are exempt from all street yard requirements. The street yard shall be required as follows:

- a. For existing developed lots with unexpired building permits issued prior to the time this section becomes applicable to the property, the required street yard shall be at least five (5) feet wide as measured perpendicular to the public street right-of-way abutting the property.
- b. For existing undeveloped lots platted prior to the application of this section to the property the required street yard shall be at least five (5) and no more than twenty-five (25) feet wide measured perpendicular to the public street right-of-way abutting the property. The minimum area of the street yard in square feet, shall be equal to the length of the property line measured along the right-of-way, in linear feet, times ten (10). Widths in excess of twenty-five (25) feet in width shall not be calculated in determining the minimum area.
- c. For all new lots developed or otherwise platted and recorded after application of this section to the property, the required street yard shall be at least seven and one-half (7 1/2) feet and no more than twenty-five (25) feet wide measured perpendicular to the public street right-of-way abutting the property. The minimum area of the street yard, in square feet, shall be equal to the length of the property line measured along the right-of-way, in linear feet, times fifteen (15). Widths in excess of twenty-five (25) feet shall not be calculated in determining the minimum area.
- d. For properties which are either acquired by condemnation or which have a change in the type of use which results in a change in the type of occupancy of a building, the applicable required minimum street yard width as determined in Subsections (1) through (3), above, shall be provided in the same manner as set forth in Subsection 3.121.4, except that the multiplier of five (5) contained in Subsection 3.121.4, shall be increased to equal the width of the applicable required minimum street yard.
- e. For properties which have expansions or additions made after application of this section, the required minimum street yard widths shall be provided as set forth in Subsection 3.121.4.

3.127.3 Alternative Street Yards

In lieu of the average fifteen (15) foot wide street yard area required by Subsection 3.127.2, a minimum street yard area equal to twelve (12) times the length of the recorded public right-of-way abutting the property may be substituted as an alternative, provided:

- a. An inventory of all existing trees located within the street yard and sized five (5) inch calipers or greater is shown on the site plan, or landscape plan when no site plan is required. The inventory shall contain as a minimum the scientific name, caliper and location of all trees identified on the inventory, and
- b. The species of existing trees shown on the inventory should have the characteristics required in Subsection 3.127.5; and

- c. The minimum number of existing trees shown on the inventory shall equal the average rate of six (6) caliper inches of trees, for each fifty (50) foot linear distance of the street yard measured parallel to the street; and
- d. One or more of the following requirements are met:
 - (1) All trees shown on the inventory are preserved. Preservation of existing trees shall be done in accordance with Subsection 3.127.6, or
 - (2) Each tree shown on the inventory which is not preserved in accordance with Subsection 3.127.6, is replaced with one (1) new tree equal to one-half (1/2) of the caliper of the unpreserved tree, but the maximum required replacement size need not exceed six (6) inch caliper), or
 - (3) A continuous area of the street yard equal to at least twenty (20) percent of the street yard area remains unaffected by land disturbing activities, and that located within this undisturbed area are trees at least one (1) inch caliper which sum total of circumference or caliper equals the circumference or caliper of all trees required in that yard.

NOTE: The required number of caliper inches shall be comprised of one or more trees, provided a total of six (6) caliper inches is provided for each fifty (50) linear feet of frontage and that no tree less than one and three-quarter (1 3/4) inches in caliper shall be credited toward this requirement.

3.127.4 Use of Street Yards

Street yards required by the provisions of this ordinance shall be landscaped and properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs, and may unless otherwise prohibited include fences or walls, screening for loading, utility, and display areas, and plantings for vehicular surface areas. All fences shall conform to the requirements of this section. No more than fifteen (15) percent of this required protective yard shall be covered with an impervious surface, which may be used without limitation for walkways, fountains or walls, but not vehicular surface, storage, utility service, display, service, or loading areas.

3.127.5 Trees Within Street Yards

Street yards shall contain natural trees, either existing or planted, of at least eight (8) feet in height and one and three-quarter (1 3/4) inches caliper as follows:

- a. No street yard shall contain less than one (1) natural tree.
- b. Each street yard shall contain an average of at least one tree for every fifty (50) linear feet of street yard or fraction thereof, as measured from the corners of the property, and shall be located so that at least one tree is within every one hundred (100) linear feet of street yard or fraction thereof. Such street trees shall be planted at least ten (10) feet from any

tree on the right-of-way. Along street yards for display areas, the spacing of trees may be one natural tree for every one hundred-fifty (150) linear feet of the street yard or fraction thereof.

- c. All required trees in the street yard must be a locally adapted species, with an expected mature height of thirty-five (35) feet or greater and an expected crown spread of at least thirty (30) feet or greater, unless subject to an overhead power line in which case the mature height may be less.

3.127.6 Preservation of Existing Trees

Preservation of existing live trees between the principal building and the public street right-of-way can be credited towards the tree planting requirements of this section according to the following ratio: The credit toward the required number of trees shall be a number equal to the value of one-sixth (1/6) the sum in inches of the caliper(s) of each preserved tree(s) but no fraction thereof. To be included in the computation for credit for existing trees, each preserved tree must be a least one and three-quarter (1 3/4) inches in caliper and be uniformly encircled by a protected ground area. At a minimum, this protected ground area for an existing tree shall be the greater of either a seven foot radius, or one foot in diameter for each inch of circumference of the tree, except those trees in parking lots which are already located inside planting areas with a minimum dimension of seven (7) feet may be used. During construction activities, the protected ground area shall be clearly marked in the field.

No credit will be allowed for any tree proposed to be retained, if there is any encroachment within the "protected ground area" defined by a circle which has as its center the trunk of the tree, or if the tree is unhealthy or dead. The replacement of dead or unhealthy trees which are used for credit may be accomplished provided the replacement trees shall be equal to the number of credited trees.

For the purposes of this section an encroachment is defined as any change in the natural grade, construction of impervious surfaces, trenching or excavation, storage of equipment, materials or earth, and the temporary or permanent parking or circulation of vehicles or equipment.

3.127.7 Landscape Maintenance

All landscaping materials shall be installed in a sound, workmanlike manner, and according to accepted horticultural procedures. Any landscape material that fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, of notification or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. All fences and/or walls which are provided in compliance with the requirements of this section shall be maintained to preserve them structurally and present an attractive appearance.

Failure to replace materials within the time period specified in said notice shall constitute a violation of this ordinance, per Article VIII, Section 8.060.

3.128 Variances

3.128.1 General

Where it can be shown that strict compliance with the requirements of these regulations can not be met, due to unavailability of sufficient land, a variance from the provisions of this section may be sought.

3.128.2 Variance Procedure

The owner shall submit in writing a request for variance at the time application is made for approval of a site plan. The request shall detail the reasons for such request and shall demonstrate that alternative means of compliance authorized by Subsection 3.124.4, are unfeasible upon the site in question.

3.128.3 Administrative Variances

A variance of up to fifteen (15) percent of the land area or requirement for plants may be approved by the Zoning Administrator, provided that the applicant demonstrates that the request for variance complies with all requirements of Subsection 3.128.4 (below).

3.128.4 Minimum Adjustments Only

Any request for variance must be held to the minimum necessary. The Zoning Administrator must find that each of the following conditions apply to the particular circumstances prior to the granting of the variance.

a. Practical Difficulties or Unnecessary Hardship

That strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardship.

b. Not Detrimental

That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.

c. Maintains Intent of Ordinance and the Development Plan

That such variance is within the intent and purpose of this ordinance and will not adversely affect the community objectives of this ordinance.

3.128.5 Variances by the Zoning Board of Appeals

Any request for variance which exceeds the standards for administrative approval may only be approved by an action of the Zoning Board of Appeals in accordance with the provisions of Article IX, Section 9.060.

3.128.6 Technical Advisory Committee

There is hereby created a Technical Advisory Committee which shall be comprised of the following members:

- The Planning Commission Chairman
- The Zoning Administrator (City Planner)
- The City Engineer
- The State Planner

The purpose of the Committee is to review landscaping plans presented to meet the requirements of this section and to make such recommendations and reports, as it deems necessary and appropriate.

3.129 List of Trees and Shrubs

Species of trees to be used for required plantings must be from the following list unless a substitution is approved as specified. No tree from the list of Non-Acceptable Trees may be used as required trees.

*Indicates trees suitable for street tree plantings.

Recommended Trees:

BOTANICAL NAME**COMMON NAME**Small Trees:

Amelanchier canadensis
 Cercis canadensis*
 Chioanthus virginicus
 Comus florida
 Cornus mas
 Cotinus coggygia
 Koeireuteria paniculata*
 Lagerstroemia

Magnolia soulangeana
 Magnolia stellata
 Malus
 Prunus cerasifera 'Atropurpurea'
 Prunus serullata
 Prunus subhirtella pendula
 Prunus yedoensis

Medium Trees:

Acer campestre
 Acer ginnala*
 Acer rubrum'
 Acer saccharinum
 Betula nigra 'Heritage'
 Cladrastis lutea
 Crataegus phaenopyrum'
 Juniperus virginiana
 Magnolia virginiana
 Nyssa sylvatica
 Oxydendrum arboreum
 Serviceberry
 Red Bud
 White Fringe Tree
 Flowering Dogwood
 Comelian Cherry
 Smoke Tree
 Golden Rain Tree
 Crape Myrtle (all species and cultivars except Dwarf and Semi-Dwarf)
 Saucer Magnolia
 Star Magnolia
 Flowering Crabapple (all species and cultivars)
 Purple Leaf Plum
 Japanese Flowering Cherry (all cultivars)
 Weeping Cherry
 Yoshino Cherry (all cultivars)

Hedge Maple
 Amur Maple
 Red Maple (all cultivars)
 Silver Maple
 Heritage River Birch
 American Yellowwood
 Washington Hawthorn
 Eastern Red Cedar (all hybrids)
 Sweet Bay Magnolia
 Black Gum or Tupelo
 Sourwood

Picea abies
 Picea pungens
 Pinus nigra
 Pinus sylvestris
 Pinus thunbergii
 Platanus acerifolia 'Bloodgood'
 Pyrus calleryana*
 Quercus acutissima*
 Quercus robur 'Fastigiata'
 Sophora japonica
 Tilia cordata*

Large Trees:

Acer platanoides
 Acer saccharum
 Fraxinus americana
 Fraxinus pennsylvanica
 Ginkgo biloba
 Gleditsia triacanthos inermis
 Liquidamber styraciflua
 Liriodendron tulipifera
 Magnolia grandiflora
 Metasequoia glyptostroboides
 Pinus strobus
 Platanus occidentalis
 Quercus borealis
 Quercus coccinea
 Quercus imbricaria
 Quercus macrocarpa
 Quercus montana
 Quercus palustris
 Quercus phellos
 Quercus shumardii
 Salix babylonica

Taxodium distichum
Tilia amedcana
Tsuga canadensis
Ulmus parvifolia
Zelkova serrata 'Village Green'

Norway Spruce
Blue Spruce
Austrian Pine
Scotch Pine
Japanese Black Pine
'Bloodgood' London Plane
Callery Pear Varieties
Sawtooth Oak
Pyramidal English Oak
Pagoda Tree
Little Leaf Linden (all cultivars)

Norway Maple (all cultivars)
Sugar Maple (all culvars)
White Ash (all seedless varieties)

Green Ash (all seedless varieties)

Non-Acceptable Trees:

Acer negundo
Ailanthus altissima
Albizia julibrissin
Betula papyrifera
Catalpa bignonioides
Ginkgo biloba
Laburnum anagyroides
Melia azedarach
Morus species
Paulownia tomentosa

Populus alba
Populus deltoides

Populus nigra
Prunus serotina
Ulmus amedcana
Ulmus pumila

Box Elder
Tree of Heaven
Mimosa
Paper Birch
Southern Catalpa
Ginkgo (female plant)
Golden Chain Tree
Chinaberry
Mulberry
Empress Tree,
Tree of Heaven
White or Silver
Easter Cottonwood

Lombardy Poplar
Black Cherry
American Elm
Siberian Elm

Ginkgo (Male Variety)

Thornless Honey Locust (all cultivars)
Sweet Gum ('Rotundiloba' suggested)
Tulip Poplar
Southern Magnolia
Dawn Redwood
White Pine
American Sycamore
Northern Red Oak
Scarlet Oak
Shingle Oak
Bur Oak (favors moist soil)
Chestnut Oak
Pin Oak
Willow Oak
Shumard Oak
Weeping Willow
Bald Cypress
American Linden
Canadian Hemlock
Chinese Elm
'Village Green' Zelkova

Undesirable Characteristics

weak wood, short lived, insects
offensive odor (male)
mimosa wilt disease
insects
messy flowers, seed pods
offensive fruit odor
environmental stress
weak wood, seeds, suckers
objectionable fruit
seed sods

Poplar weed wood, diseases
weak wood, extensive root system,
prolific seeding
extensive root system
objectionable fruit, insects
Dutch elm disease
short lived, insects

Recommended Shrubs

Alnus Serrulata
Common Alder
Amphora Fruticosa
Indigobush Amphora
Aronia Arbutifolia
Red Chokeberry
Calycanthus Flordus
Common Sweetshrub
Cornus Racemosa
Gray Dogwood
Dirca Palustris
Atlantic Leatherwood
Euonymus Obovatus
Running Euonymus
Hydrangea Arborescens
Smooth Hydrangea
Llex Vertillata
Common Winterbery
Myrica Pensylvanica
Northern Bayberry
Pacistima Canbyi
Canby Pachistima
Pieris Floribunda
Mountain Piers
Quercus Ilicifolia
Scrub Oak
Rohdodenron Arborscens
Sweet Azalea
Ribes Missouriense
Missouri Gooseberry
Rosa Setigera
Prairie Rose
Rubus Allegheniensis
Alleghany Blackberry
Symphoricarpos Occidentalis
Western Snowberry
Vaccinium Corymbosum
Highbursh Blueberry
Viburnum Cassinoides
Witherod Viburnum

3.130 Solar Orientation

Solar energy devices shall be subject to the setback and height limitations affecting dwellings, buildings, and other major improvements. The use of solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with the greatest dimension on a north/south axis. Whenever possible lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no

solar energy devices located between the front yard setback line and the principal structure.

3.140 Buffer Installation (Example) (Deleted by Ordinance No. 99-14, November 18, 1999)

Deleted.

3.150 Minimum Design Standards for Transmission and Communications Towers and Stations

It is the intent of this Section to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such Towers are compatible with surrounding land uses. The purpose of this Section is also to promote and encourage shared use/collocation of such Towers and Antenna Support Structures as a primary option, rather than construction of additional single-use Towers.

3.150.1 Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers

All transmitter stations, including towers and operating equipment located within White House shall adhere to the following standards:

1. Transmitter stations, including towers and operating equipment in connection therewith, shall adhere to all of the following conditions:
 - (a) No building or equipment in connection with transmitter stations shall be located nearer than fifty (50) feet to any leasehold line and property line.
 - (b) All towers with a height of one hundred fifty (150) feet (from the base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of ninety miles per hour (90 MPH) plus ice loading for White House, Tennessee.
 - (c) All towers shall be set back from all leasehold lines and property lines by a distance that is equal to:
 - (1) for a guyed tower, twenty (20) percent of the height, and
 - (2) for a self-supporting tower, fifty (50) percent of the height.
 - (3) any tower and antenna within or adjacent to a residential zoning district, one hundred (100) percent of the height. The setback required may be reduced to a safe fall zone distance determined by a State of TN licensed engineer but depending on the design of the tower shall not be less than (1) or (2).

- d) All such towers adjacent to any residential zoning district shall be screened and buffered adjacent to a chain link fence that is at least six (6) feet tall. Such screening shall be opaque in a two (2) year period. (See definition of buffer strip).
- e) All telecommunications towers must be completely surrounded by at least an six (6) foot tall chain link fence.
- f) All new telecommunication towers will be placed at least two (2) miles from any existing telecommunications tower. A special exception , to be granted by the Board of Zoning and Appeals, may reduce this minimum distance to one-half (1/2) mile if necessary.

3.150.2 Applications Requirements

An application to develop a transmission and communications tower shall include as a minimum the following:

- 1. All site plan information within this ordinance, which is deemed as being applicable by the Planning Commission.
- 2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- 3. Documentation that any applicable leasehold is no less than fifty (50) years in duration.
- 4. The names, addresses, and telephone numbers of all owners of other Communications/ Transmission Towers or useable antenna support structures within a one-half (1/2) mile radius of the proposed new Tower site, including city-owned property.
- 5. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunication's facilities on city-owned Towers or useable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.
- 6. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunications Facilities on Towers of useable Antenna Support Structures owned by other persons located within a one-half (1/2) mile radius of the proposed Tower site.
- 7. Written technical evidence from an engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or useable Antenna Support Structures owned by other persons located within one-half (1/2) mile radius of the proposed Tower site.

3.150.3 Small Towers and Antennas:

This ordinance shall not govern any tower or installation of any antenna, that is less than thirty-five (35ft) in height except for the following

requirements:

1. All towers/antennas shall require a permit and comply with the City's adopted codes and the manufacture's specifications. The tower and antenna installation shall also comply with the Federal Aviation Administration and Federal Communication Commission requirements, is applicable.
2. All towers/antennas shall be set back from all leasehold lines and property lines by a distance that is equal to 100 % the height of the tower measured from the base of the tower. The setback may be reduced to a safe fall zone distance determined by a State of TN licensed engineer.
3. No tower/antenna shall be located in the front yard of a property between the building and the street.
4. Towers and antennas shall be constructed with a method to prevent unauthorized access to the tower.

3.150.4 Public Hearing Review:

The Planning Commission shall review and hold a public hearing for all requests for towers/antennas regulated under section 3.150 that exceed thirty-five (35) feet in height in residential zoning districts and 100 feet in all other zoning districts.

3.160 Minimum Administrative Submittal Requirements (Added by Ordinance 00-07, February 17, 2000) (Amended by Ordinance 04-06, April 15, 2004)

In order for site plans, preliminary master plans, final master plans, construction plans, landscaping plans, building architectural plans, recreational amenity plans, sketch plats, preliminary plats, final plats, requests for the acceptance of public improvements, requests for the reduction of surety instruments, rezoning requests, and/or any other potential agenda items be formally considered by the planning commission, then such requests or items must be submitted to the Planning and Codes Department. The submittal date and number of required plans shall be as listed on the annually approved Planning Commission Submittal Calendar. It should be noted however, that if the city's plans review staff determine that the number of deficiencies of said submittal(s) is excessive, said item(s) will be pulled from the upcoming planning commission agenda, in order that the necessary corrections first be made. It is the responsibility of the project applicant(s) to expeditiously contact the city planning director in order to obtain the status of any prior submittal(s), and to collect the appropriate item(s) in a timely fashion, in order that the required deficiencies be remedied. In the case of any agenda item that has been formally considered by the planning commission and deferred for thirty (30) days by the planning commission (not indefinitely deferred), said item may be submitted under the amended submittal dates as listed on the annually approved Planning Commission Calendar, and be subject to being officially entertained at the said Planning Commission Meeting.

3.170 Zero Lot Line Provisions (Added by Ordinance 02-33, November 21, 2002)

On appeal to the Board of Zoning Appeals, zero side lot line setbacks will be allowed as a special exception subject to the following provisions:

- A. All lots must have the minimum required lot width at the building setback for the zoning district.

- B. Any lot proposed for zero lot line provisions must have a revised plat approved that includes the revised setbacks and easements.
- C. If proposed or existing buildings are to be connected by a common wall, the building must meet all building and fire codes for the type of structure.
- D. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the buildings and both buildings must meet building and fire codes for the type of structure.
- E. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on either side of the lot.
- F. The side yard setback shall be increased by fifty (50) percent for all lots containing an open side yard.
- G. All other provisions of the zoning ordinance must be met.
- H. All commercial, industrial or multi-family use requesting this special exception must have a site plan in compliance with Section 3.110, approved by the planning commission prior to consideration by the Board of Zoning Appeals.

3.180 Cul-De-Sac Lots (Added by Ordinance 06-14, April 20, 2006)

Permanent cul-de-sac streets shall be permitted when the Planning Commission determines that roadway connection is not required due to topography, natural features, or development patterns. To create consistent front setbacks for lots within a development, the lot width at front building setback for lots fronting on a cul-de-sac may be reduced by 20%.