

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. [REPEALED.]
2. ZONING ORDINANCE.
3. AIR POLLUTION CONTROL.
4. MUNICIPAL PLANNING COMMISSION.
5. STORMWATER RUNOFF REGULATION AND CONTROL.
6. MOBILE HOME ORDINANCE.
7. LANDSCAPE ORDINANCE.

CHAPTER 1

[REPEALED]

SECTION

14-101. [Repealed.]

14-101. [Repealed.] (1977 Code, § 11-101, as repealed by Ord. #699, Sept. 2008)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Collegedale shall be governed by the "Zoning Ordinance of the City of Collegedale, Tennessee," and any amendments thereto.¹

¹The zoning ordinance and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

AIR POLLUTION CONTROL

SECTION

14-301. Air pollution control ordinance adopted.

14-301. Air pollution control ordinance adopted. Air pollution prevention, abatement and control within the City of Collegedale shall be governed by Ordinance Number 300, April 1993, and any amendments thereto.¹

¹Ord. #300, April 1993, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4

MUNICIPAL PLANNING COMMISSION

SECTION

14-401. Establishment.

14-402. Mayor or appointee and one commissioner to be members.

14-403. Remaining members.

14-404. Terms.

14-401. Establishment. This chapter shall establish a seven (7) member municipal planning commission. (Ord. #449, § 1, April 1996)

14-402. Mayor or appointee and one commissioner to be members. Membership in the Collegedale Municipal Planning Commission shall include the mayor, or a person designated by the mayor in the mayor's place, and one (1) city commissioner elected by the Collegedale City Commission, whose terms on the planning commission shall be concurrent with the terms of the mayor's or commissioner's official elected office. (Ord. #449, § 2, April 1996, as amended by Ord. #700, Oct. 2008)

14-403. Remaining members. In accordance with TCA 13-4-101(a) the remaining five (5) members of the planning commission shall be appointed by the mayor. (Ord. #449, § 3, April 1996)

14-404. Terms. In accordance with TCA 13-4-101(a) requiring staggered terms for appointed members, the terms of the five (5) appointed members shall be one (1) member for a five (5) year term; one (1) member for a four (4) year term; one (1) member for a three (3) year term; one (1) member for a two (2) year term; one (1) member for a one (1) year term. Thereafter, the terms of appointed members shall be for five (5) years as the initial appointments expire. (Ord. #449, § 4, April 1996)

CHAPTER 5

STORMWATER RUNOFF REGULATION AND CONTROL

SECTION

- 14-501. Purpose.
- 14-502. Definitions.
- 14-503. Permit.
- 14-504. Other requirements.
- 14-505 -- 14-509. Reserved.
- 14-510. Specific requirements; general.
- 14-511. Discharge rate.
- 14-512. Flood elevation.
- 14-513. Allowable detention facilities.
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- 14-515. Sizing of detention storage and outlet.
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- 14-517. Emergency spillway.
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- 14-519. Joint development of control system.
- 14-520. Early installation of control systems.
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- 14-522. Land disturbance of one acre or more.
- 14-523. [Deleted.]
- 14-524. All land disturbances.
- 14-525 -- 14-530. Reserved.
- 14-531. Preliminary plats.
- 14-532. Requirements for construction plans.
- 14-533. Requirements for final plats.
- 14-534. Drainage and detention design requirements.
- 14-535. Maintenance.
- 14-536. Safety features.
- 14-537 -- 14-539. Reserved.
- 14-540. Responsibility.
- 14-541. Interpretation.
- 14-542. Appeals.
- 14-543. Penalties for violation.

14-501. Purpose. The purpose of this chapter is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from development, to reduce the possibilities of hydraulic overloading of the storm sewer system, to reduce economic losses to individuals and the community at large as a result of erosion and the runoff of excess stormwater, and to protect and conserve land and water

resources, while at the same time ensuring orderly development. The provisions of this chapter are specifically intended to supplement existing ordinances regulating the following:

- (1) The subdivision, layout, and improvement of lands located within the City of Collegedale.
- (2) The excavating, filling, and grading of lots and other parcels or areas.
- (3) The construction of buildings, including related parking and other paved areas, and the drainage of the sites on which those structures and their related parking and other paved areas are located.
- (4) The design, construction, and maintenance of erosion control and stormwater drainage facilities and systems. (as added by Ord. #520, June 1999)

14-502. Definitions. For the purposes of this chapter, the following definitions are adopted:

- (1) "Base flood elevation." The elevation delineating the flood level having a one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood elevation), as determined from Flood Insurance Rate Maps (FIRMS) or the best available information.
- (2) "Channel." A natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.
- (3) "City engineer." The person formally designated by the City of Collegedale as the city engineer.
- (4) "Conduit." Any channel, pipe, sewer, or culvert used for the conveyance of movement of water, whether open or closed.
- (5) "Control elevation." Contour lines and points of predetermined elevation used to denote a detention storage area on a plat or site drawing.
- (6) "Design standards for public improvements." Standards on file in the city's offices to which all designs and the resulting public improvements, must conform.
- (7) "Detention facility." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulated behind the outlet.
- (8) "Detention storage." The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.
- (9) "Discharge." The rate of outflow of water from any source.
- (10) "Drainage area." The area from which water is carried off by a drainage system, i.e., a watershed or catchment area.
- (11) "Excess stormwater runoff." The rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that

volume and rate which represented or represents the runoff from the property prior to the date of this chapter.

(12) "Floodplain." The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the Base Flood Elevation and is subject to periodic inundation.

(13) "Hydrograph." A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

(14) "Land disturbance." Any man-made change to improve or unimprove real estate including but not limited to building structures, filling, grading, excavation, clearing, or removal of vegetation.

(15) "One-hundred year storm." A precipitation event of 24-hours' duration, having a one percent chance of occurring in any one year.

(16) "Peak flow." The maximum rate of flow of stormwater at a given point or in a channel or conduit resulting from a predetermined storm or flood.

(17) "Stormwater drainage system." All means, natural or manmade, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to, any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

(18) "Stormwater drainage facility." Any element in a stormwater drainage system which is made or improved by man.

(19) "Stormwater runoff." The waters derived from precipitation within a tributary drainage area flowing over the surface of the ground or collected in channels or conduits.

(20) "Time of concentration." The elapsed time for stormwater to flow from the most distant point in a drainage area to the outlet or other predetermined point.

(21) "Two-year storm." A precipitation event having a fifty percent chance of occurring in any one year.

(22) "Two-year storm runoff." The stormwater runoff having a fifty percent probability of occurring in any one year.

(23) "Unprotected channel." A channel which receives stormwater discharge and which is not paved, rip-rapped, or otherwise improved by addition of man-made materials so as to reduce the potential for erosion.

(24) "Upland area." Any land whose surface drainage flows toward the area being considered for development.

(25) "Urbanization." The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

(26) "Waterbody." Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

(27) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street,

roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

(28) "Wet bottom detention basin." A basin designed to retain a permanent pool of stormwater after having provided its planned detention of runoff during a storm event. (as added by Ord. #520, June 1999)

14-503. Permit. Before initiating any activity regulated by this chapter, an applicant shall be required to obtain a permit from the city which indicated that the requirements of this chapter 5 have been met:

Permit fees shall be:	0 - 2.0 Acres	=	\$ 15.00
	2.1 - 4.9 Acres	=	\$ 50.00
	5.0 - Greater Acres	=	\$100.00

(as added by Ord. #520, June 1999)

14-504. Other requirements. In addition to meeting the requirements of § 14-503 and the more specific requirements of §§ 14-510 -- 14-530 of this chapter 5 and before starting any activity regulated by this chapter, an applicant shall comply with the requirements set forth in all other related ordinances and state statutes and regulations. (as added by Ord. #520, June 1999)

14-505 -- 14-509. Reserved. (as added by Ord. #520, June 1999).

14-510. Specific requirements; general. Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the City of Collegedale in accordance with the requirements set forth in this chapter 5. Notwithstanding the foregoing, exceptions to this requirement are as follows:

(1) For stormwater detention, the development of any subdivision of five or less single-family or two-family lots.

(2) For stormwater detention, the development of commercial or industrial property in which the increase in run-off is less than ten percent (10%) of the pre-development runoff rate and less than five (5) cubic feet per second.

(3) A determination by the city that the excess runoff from the proposed construction, development, redevelopment, or land use change will be insufficient to adversely effect the carrying capacity of the receiving body or watercourse. In this connection and should the city's determination of insufficient adverse effect be sought, the developer shall make available to the city such hydraulic or hydrologic computations as will support the requested exception.

(4) In the event it is determined to the city manager's satisfaction, after consultation with appropriate engineering consultants, that the goals of this chapter will be better met by the owner or developer of the site paying to the city an amount equal to the cost of the detention pond(s) required herein. Such cost shall be determined by the actual construction cost amount, if known,

or as estimated by the design engineer and approved by the city. This agreement and payment will be completed before the city's approval of the development's construction plans. (as added by Ord. #520, June 1999, and amended by Ord. #601, Oct. 2004, and Ord. #720, June 2009)

14-511. Discharge rate. The peak discharge rate after full development resulting from the proposed development shall not exceed the corresponding peak discharge rate prior to development during storms of 2-year, 5-year, 10-year, and 25 year return frequencies. (as added by Ord. #520, June 1999)

14-512. Flood elevation. There shall be no detrimental effect on the floodway or the flood elevation during a 100 year storm upstream or downstream of the proposed development area as a result of the proposed development. (as added by Ord. #520, June 1999)

14-513. Allowable detention facilities. The increased stormwater runoff resulting from proposed development shall be detained by providing for appropriate detention storage as required by this chapter 5.

Where streets are used for temporary storage of stormwater runoff all manholes for sanitary sewers shall be of a type which prevent the infiltration of the ponded water. Where street are used for the temporary storage of stormwater runoff, in no case shall the maximum design depth exceed six (6) inches. (as added by Ord. #520, June 1999)

14-514. Detention storage. Designs for detention storage and related appurtenances shall be submitted to the city for approval. Upon submittal of designs of detention storage the city shall make a determination as to whether any or all of the facilities proposed are to become part of the public drainage system. The city shall, at the same time, in the case of a proposed subdivision make a determination as to those control elevations that shall be entered on the final plat or make a determination as to the necessity for deed restrictions on any particular lot in said subdivision requiring the preservation of mandatory drainage facilities. Where a non-subdivided parcel of land is proposed for development, the city shall make a determination as to the need for covenants to maintain responsibility for mandatory drainage facilities. All of said facilities shall be designed and constructed in accordance with City of Collegedale specifications, shall be located in easements dedicated to the public, and shall be subject to continuing inspection during the construction period in the same manner as any other public improvement regulated under title 14 of the Collegedale Municipal Code.

Detention facilities associated with residential subdivisions shall be in a separate lot that shall be deeded to the city after 75% of the lots in the subdivision are occupied and the lot soil stabilized. Prior to acceptance of the detention facility the city and the developer will inspect the facility to assure it meets all of the requirements of this chapter 5. If any deficiencies are found, the developer will be responsible to make the necessary changes at his expense. Wet bottom detention basin is not acceptable to the city for operation and maintenance. (as added by Ord. #520, June 1999)

14-515. Sizing of detention storage and outlet. (1) The draining area used in computation will be the total area tributary to the detention storage outlet.

(2) The developer will be required to submit detailed hydrologic and hydraulic calculations to show that the requirements of this chapter 5 will be met. A unit hydrograph method of analysis will be used for detailed hydrologic computations. (as added by Ord. #520, June 1999)

14-516. Discharge velocity. The discharge velocity from detention facilities shall not exceed three feet per second unless it is determined by the city that greater velocities will not be harmful to the receiving channel. Where the city's determination is requested, the developer shall make available such hydraulic or hydrologic computations as will adequately support the course of action being requested. (as added by Ord. #520, June 1999)

14-517. Emergency spillway. Emergency spillways shall be provided to permit the safe passage of runoff generated from rainfall events in excess of the 100-year rainfall event. (as added by Ord. #520, June 1999)

14-518. Freeboard. Detention storage areas shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one foot of freeboard above the water surface during the 100-year rainfall event. (as added by Ord. #520, June 1999)

14-519. Joint development of control system. Stormwater control systems may be planned in coordination by two or more property owners as long as the potential for damage from stormwater is not increased at intervening locations. (as added by Ord. #520, June 1999)

14-520. Early installation of control systems. Stormwater control measures shall be installed prior to undertaking other grading of site and a schedule of construction for this purpose shall be submitted by the owner(s)/developer(s) prior to construction in the City of Collegedale. (as added by Ord. #520, June 1999)

14-521. Flows from upland areas. The total drainage area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being bypassed or discharged via overflow spillways or other devices. Where storm sewers are required they shall be of such size as will provide sufficient capacity to receive the flow generated by five-year storm from upland areas. As to the latter and regardless of whether it has occurred in fact, such upland area shall be deemed to have been fully developed for all purposes of this requirement. (as added by Ord. #520, June 1999)

14-522. Land disturbance of one acre or more. The developer shall comply with the State of Tennessee General NPDES Permit for Stormwater Discharges Associated with Construction Activity and the Hamilton County Water Quality Program permitting requirements and provide copies of each permit to the city prior to starting construction. (as added by Ord. #520, June 1999, and amended by Ord. #684, Nov. 2007)

14-523. [Deleted.] (as added by Ord. #520, June 1999, and deleted by Ord. #684, Nov. 2007)

14-524. All land disturbances. Land disturbances associated with any new construction, development, redevelopment, or land use change on any site of 2,500 square foot or larger or requiring a building permit shall incorporate into the development plan the following elements as minimum:

Stone construction entrance

Silt fence or other sediment retaining device on the low side of the site

Temporary seeding of disturbed areas remaining open more than three weeks

Removal of soil tracked into the public right-of-way

Permanent seeded

A copy of the development plan shall be submitted to the city prior to starting construction. (as added by Ord. #520, June 1999)

14-525 -- 14-530. Reserved. (as added by Ord. #520, June 1999)

14-531. Preliminary plats. Information indicating the manner in which the provisions of this chapter are to be met shall be indicated on all preliminary plats. (as added by Ord. #520, June 1999)

14-532. Requirements for construction plans. Information indicating the manner in which the provisions of this chapter are to be met shall be submitted with all construction plan submissions or any other plan for improvements which falls under the requirements of § 14-510. All computations, plans, and specifications shall be prepared and sealed by a professional engineer registered in the State of Tennessee. (as added by Ord. #520, June 1999)

14-533. Requirements for final plats. The easements or separate lots required for detention facilities shall be shown on the final plat. The control elevation for each detention facility shall be shown on the plat near the detention facility. (as added by Ord. #520, June 1999)

14-534. Drainage and detention design requirements. All subdivisions and other proposed improvements which are subject to the provisions of § 14-510 shall incorporate such design features as are required in this chapter 5. Variation from these requirements shall require the approval of the city commission whose action shall be conditioned upon the following:

(1) That a petition be submitted describing in detail the rationale for the proposed design change.

(2) That there are special circumstances or conditions affecting the property under consideration such that strict compliance with the provisions of this chapter 5 would deprive the applicant of the reasonable use of his land.

(3) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.

(4) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the territory in which said property is located. (as added by Ord. #520, June 1999)

14-535. Maintenance. Designs of detention facilities will incorporate features which facilitate their inspection and maintenance. The designer shall submit an operation and maintenance (O&M) plan for any detention facility prior to its approval by the city. All privately owned detention facilities may be inspected by representatives of the City of Collegedale at such times as they deem necessary. If deficiencies, or conditions creating nuisances, are found, the owner shall be required to initiate the necessary corrections within fourteen (14) days, and all deficiencies shall be corrected within forty-five (45) days.

Prior to starting construction, the developer shall post a bond in the amount of 1.5 times the estimated construction cost of the detention facility plus an amount of \$10,000.00 for the operation and maintenance. The bond will remain in force until the detention facility is accepted by the city. (as added by Ord. #520, June 1999)

14-536. Safety features. Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features shall include, but not be limited to, fencing, hand rails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access. (as added by Ord. #520, June 1999)

14-537 – 14-539. Reserved. (as added by Ord. #520, June 1999)

14-540. Responsibility. The administration of this chapter shall be the responsibility of the City of Collegedale. (as added by Ord. #520, June 1999)

14-541. Interpretation. In the interpretation and application of this chapter, the provisions expressed herein shall be held to be the minimum

requirements and shall be liberally construed in favor of the City of Collegedale. (as added by Ord. #520, June 1999)

14-542. Appeals. The City of Collegedale Board of Commissioners is hereby designated as the appeals board for disputes arising from the application of this chapter. The commission shall be to hear appeals where it is alleged by an appellant that there is error in any order, requirement, decision, grant or refusal made by the city in the enforcement of the provisions of this chapter. (as added by Ord. #520, June 1999)

14-543. Penalties for violation. (1) General. Any person, firm, organization, association, or corporation violating any of the provisions of this chapter 5, including violation of any variances granted under the authority of this chapter 5, shall be deemed guilty of a violation of a municipal ordinance and each such person or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof that any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation, such person or other entity may be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).

(2) Additional corrective actions. Any building or structure constructed in violation of the provisions of this chapter 5 or any use carried on in violation of this chapter 5 is hereby declared to be a nuisance per se, with any court of competent jurisdiction having the authority to determine that the owner or developer is guilty of maintaining a nuisance per se and to order such nuisance abated. In this connection, the city is hereby authorized to institute any appropriate action or proceeding in any appropriate court to prevent, restrain, correct, or abate any violations of this chapter 5.

(3) The provisions of this chapter are in addition to and not in restriction of limitations or rights that the citizens of the City of Collegedale may have under the Common laws of the State of Tennessee. (as added by Ord. #520, June 1999)

CHAPTER 6

MOBILE HOME ORDINANCE

SECTION

- 14-601. Definitions as used in this ordinance.
- 14-602. Regulation mobile homes.
- 14-603. Regulating mobile home parks.
- 14-604. Regulating travel trailers and travel trailer parks.
- 14-605. Permit.
- 14-606. Fees for permit.
- 14-607. Application for permit.
- 14-608. Enforcement.
- 14-609. Appeals.
- 14-610. Violation and penalty.

14-601. Definitions as used in this ordinance. Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions where not inconsistent with the context. For the purpose of this ordinance certain words or terms are defined as follows:

The term "shall" is mandatory.

When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

(1) "Buffer strip." The mobile home park shall be screened on all lot lines by one of the methods given below, as selected by the owner. The requirements may be reduced or eliminated by the board of appeals in those parts of the perimeter where the screen would create a traffic hazard.

(a) A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1 1/2) inches at planting, and one row of shrubs with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons.

(b) Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section.

(c) A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high.)

(2) "Health officer." The director of a city, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(3) "Mobile home park." The term mobile home park shall mean any plot of ground on which six (6) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(4) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(5) "Mobile home (trailer)." A detached single-family dwelling unit with any of all of the following characteristic:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

(6) "Permit (license)." A permit is required for mobile home parks, single mobile homes and travel trailer parks. Fees charged for mobile home and travel trailer parks under the permit requirements are for inspection and the administration of this ordinance.

(7) "Travel trailer/motor home." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) Can operate independent of connections to external sewer, water and electrical systems;

(b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

(c) Is identified by the manufacturer as a travel trailer/motor home.

(8) "Travel trailer park." The term travel trailer park shall mean any plot of ground on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located. (as added by Ord. #520, June 1999)

14-602. Regulation of mobile homes. (1) Location. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of said city where said mobile home is outside of any designated and licensed mobile home park or approved mobile home subdivision (see subdivision regulations) after the date of passage of this ordinance, excepting mobile homes located on licensed mobile home sales lots, and except as provided in § 14-602(2).

(2) Grandfathered. Any mobile home already placed on a lot outside of a mobile home park on or before the date of passage of this ordinance will be permitted to remain at its present location. Any mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site, in existence prior to the date of passage of this ordinance, shall be permitted to be utilized for parking and servicing mobile homes hereafter. All nonconforming mobile homes shall comply with chapter 18, Section 18.03 of the Collegedale Municipal Zoning Ordinance.

(3) License. No mobile home shall be used, placed, stored or serviced by utilities within the City of Collegedale or within any mobile home park in said city unless there is posted near the door of said mobile home a valid Tennessee State License. Mobile homes in mobile home subdivisions and any individually located mobile homes shall be assessed property taxes. (as added by Ord. #546, June 2001)

14-603. Regulating mobile home parks. (1) Permit for mobile home park. No place or site within said city shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the city building official in the name of such person or persons for the specific mobile home park. The city building official is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance; see §§ 14-605 and 14-607.

Said existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park.

(2) Inspections by city building official. The city building official is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The city building official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

(3) Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of sixty (60) days or more, and no mobile home shall be admitted to any park unless it can demonstrated that it meets the requirements of the American Standards Association Code Provisions A-119.1-1963, American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturers Association, Mobile Home Standards for Plumbing, Heating and Electrical Systems or any state administered code insuring equal or better plumbing, heating or electrical installations.

(4) Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger

any water supply and shall be in conformity with a plan approved by the city planning commission. All mobile home parks shall be located in the R-3 or U-1 districts as specified in the Collegedale Municipal Zoning Ordinance, with the main park entrance to be located on a collector or arterial street. Signage will be allowed only in conformance with Section 17.05 of the Collegedale Municipal Zoning Ordinance.

(5) Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than five (5) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(6) Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is twelve (12).

(7) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch,¹ and at least fifteen (15) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and thirty-five (35) feet from the right-of-way of any public street or highway and ten (10) feet from streets within the park. In addition, each mobile home space shall contain:

(a) A minimum lot area of three thousand (3,000) square feet;

(b) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet;

(c) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet;

(d) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet.

(e) In no case shall there be over a two (2) foot differential in elevation from one end of the space to the other.

(f) There shall be provided for each mobile home space an appropriate area for an accessory building. As an alternative, a common area may be established to accommodate storage needs for all residents of the mobile home park.

(8) Common area. A centrally located area shall be provided for recreational manner and shall be well drained and free from flood. The size of this area shall be, at a minimum, ten (10) percent of the total park area.

¹If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

(9) Water supply. The mobile home park shall use a public water supply for potable and fire protection purposes. Accordingly, fire hydrants shall be installed in a manner deemed appropriate by the Collegedale Planning Commission.

(10) Sewage disposal. Each mobile home space shall be equipped with a three (3) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. All sewer lines shall be laid in trenches separated at least five (5) feet horizontally from any drinking water supply line.

(11) Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Garbage shall be collected and disposed of in an approved manner.

(12) Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 1, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.

(13) Private streets. Minimum widths of private streets within mobile home parks shall be:

One-way, with no on-street parking	12 ft.
One-way, with parallel parking on one side only	18 ft.
One-way, with parallel parking on both sides	26 ft.
Two-way, with no on-street parking	20 ft.
Two-way, with parallel parking on one side only	28 ft.
Two-way, with parallel parking on both sides	36 ft.

(14) Private street or road base. The base shall consist of crushed stone, grade D, class B, compacted to six (6) inches, and constructed as specified in Section 303, Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, 1968.

(15) Private street asphaltic concrete surface course (hot mix). The asphaltic concrete surface course (paved surface) shall be constructed with asphaltic concrete (grading E) compacted to two (2) inches with not less than an average weight of two hundred (200) pounds per square yard and constructed as specified in Section 411, 258 through 260 of the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction (and subsequent revisions), January 1, 1968.

NOTE: Standards and specifications as indicated in the Tennessee Department of Highways', Standard Specifications for Road and Bridge Construction, are subject to periodic revision. Revisions made in Sections 35 and 104 should be incorporated in new road construction.

(16) Public streets. All public streets within the mobile home park shall meet all minimum requirements for public streets as specified in the Collegedale Subdivision Regulations.

(17) Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each lot. Car parking spaces shall be located for convenient access to the mobile home spaces. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

(18) Buffer strip. A buffer strip shall be planted along all boundaries of the mobile home park (see definition). (as added by Ord. #546, June 2001)

14-604. Regulating travel trailers and travel trailer parks.

(1) Location service. It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park.

(2) Permit for travel trailer park. No place or site within said city shall be established or maintained by any person, group of person, or corporation as a travel trailer park unless he holds a valid permit issued by the city building official in the name of such person or persons for the specific travel trailer park. The city building official is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.

(3) Inspections by city building official or county health officer. The city building official or county health officer is hereby authorized and directed to make inspections to determine the conditions of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The building official or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

(4) Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than ninety (90) days.

(5) Location. Travel trailer parks shall be located in districts as specified in the zoning ordinance of the City of Collegedale.

NOTE: Travel trailer parks, properly regulated, fit well into general commercial complexes in which a variety of complementary facilities are available. Nearby groceries, general stores, filling stations, coin operated laundries, for example, are often in demand by persons looking for travel trailer parks. A rural park setting, however, may be desirable.

(6) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.

(7) Improvements. Site planning improvements shall conform to the standards established in Regulations VI - XX of the State Regulations Governing the construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in Chapter 65, Public Acts of 1965. (as added by Ord. #546, June 2001)

14-605. Permit. The following requirements for permits shall apply to any mobile home park, individual mobile home, and travel trailer park within the corporate limits of said city.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of said city, any mobile home park unless such person or persons shall first obtain a permit therefor. (as added by Ord. #546, June 2001)

14-606. Fees for permit. An annual permit fee shall be required for mobile home parks, and travel trailer parks.

(1) Mobile home parks. The annual permit fee for mobile home parks shall be twenty-five (25) dollars.

(2) Travel trailer parks. The annual permit fee for each travel trailer park shall be twenty-five (25) dollars. (as added by Ord. #546, June 2001)

14-607. Application for permit. (1) Mobile home parks.

(a) Applications for a mobile home park shall be filled with and issued by the city building official subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (i) The plan shall be clearly legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (ii) Name and address of owner of record;
- (iii) Proposed name of park;
- (iv) North point and graphic scale and date;
- (v) Vicinity map showing location and acreage of mobile home park;
- (vi) Exact boundary lines of the tract by bearing and distance;
- (vii) Names of owners of record of adjoining land;
- (viii) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(ix) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;

(x) Provisions for water supply, sewerage and drainage;

(xi) Such information as may be required by said city to enable it to determine if the proposed park will comply with legal requirements; and

(xii) The applications and all accompanying plans and specifications shall be filed in triplicate.

(b) Certificates that shall be required are:

(i) Owner's certification;

(ii) Planning commission's approval signed by the secretary; and

(iii) Any other certificate deemed necessary by the planning commission.

(2) Individual mobile homes. Applications for individual mobile home permits shall be filed and issued by the city building official. Applicants shall follow established city procedures for securing a building permit. In addition to those procedures, the application shall contain the following:

(a) The name of the applicant who is to reside in the mobile home;

(b) The location of the mobile home;

(c) A description of the mobile home, make, model and year;

(d) Any additional information as may be required by said city to enable it to determine if the mobile home and site will comply with all legal requirements.

(3) Travel trailer parks. Applications for travel trailer parks shall meet the same requirements as contained in § 14-607(1). (as added by Ord. #546, June 2001)

14-608. Enforcement. It shall be the duty of the county health officer and city building official to enforce provisions of this ordinance. (as added by Ord. #546, June 2001)

14-609. Appeals. (1) Board of appeals. The Collegedale Board of Appeals, as established in the Municipal Zoning Ordinance, shall serve as the appellate body for these regulations, and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance, may appeal for and receive a hearing by the board of appeals (advised by the city attorney) for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of this

ordinance, the board of appeals with advice from the city attorney, may, in conformity with the provisions of this ordinance, reverse or affirm any order, requirement, decision or determination made by the building official.

(2) Appeals from the board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board of appeals and the city attorney may seek review by a court of records of such decision in the manner provided by the laws of the State of Tennessee. (as added by Ord. #546, June 2001)

14-610. Violation and penalty. Violations of these regulations will be handled as allowed by the State of Tennessee and the City of Collegedale. (as added by Ord. #546, June 2001)

CHAPTER 7

LANDSCAPE ORDINANCE

SECTION

- 14-701. Purpose.
- 14-702. Definitions.
- 14-703. General provisions.
- 14-704. Landscape/plant installation plan submittal.
- 14-705. Hardships.
- 14-706. Landscape street frontage buffer.
- 14-707. Landscape perimeter.
- 14-708. Screening.
- 14-709. Parking lot requirements.
- 14-710. Residential (R1-R2).
- 14-711. Utility easements.
- 14-712. Plant installation specifications.
- 14-713. Landscape installation requirements.
- 14-714. Enforcement and maintenance.
- 14-715. Stormwater credits.
- 14-716. Tree preservation credits.
- 14-717. Appeals.

14-701. Purpose. (1) Collegedale's scenic landscapes are closely tied to the community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Collegedale's economy.

(2) Landscaping provides important environmental benefits such as reducing air pollution and storm water runoff, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools used for protecting and enhancing a community's scenic quality and visual character of the community.

(3) The purpose and intent of this chapter are the following:

- (a) To promote the scenic quality and visual character of the community;
- (b) To improve the appearance of parking areas and property abutting public rights-of-way;
- (c) To protect property values;
- (d) To reduce storm water runoff and improve water quality;
- (e) To provide transition between incompatible land uses;
- (f) To provide relief from traffic, noise, heat, glare, dust, and debris;
- (g) To stabilize soil and prevent erosion;
- (h) To encourage preservation of desirable trees; and

- (i) To filter pollutants from the air and release oxygen. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-702. Definitions. (1) "Caliper." A measurement of the trunk diameter measured at two and one-half feet (2 1/2') above grade level.

(2) "Class 1 shade trees." Any plant having a central trunk, an expected maturity height of at least thirty-five feet (35'), and an expected minimum mature canopy spread of twenty feet (20').

(3) "Gross Floor Area (GFA)." The total interior space as defined by the International Building Code.

(4) "Impervious surfaces." Includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

(5) "Interior parking bay." All parking bays that do not qualify as a perimeter bay.

(6) "Landscaped area/landscape yard." An area to be planted with grass, trees, shrubs or other natural ground cover. No impervious surfaces are permitted in these areas.

(7) "Landscaped peninsula." A landscaped area defined by a curb and surrounded by paving on three (3) sides.

(8) "Natural buffer." An area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of materials, and impervious surfaces are not permitted in these areas.

(9) "New development." Construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

(10) "Ornamental shade trees." Any plant having a central trunk, a maximum expected maturity height of twenty-five feet (25').

(11) "Perimeter bay." All parking bays that are adjacent to the perimeter of a development.

(12) "Screening shrubs." Evergreen shrubs that maintain foliage year-round.

(13) "Screening trees." Evergreen trees that maintain foliage year-round.

(14) "Street yard." A designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-703. General provisions. (1) Applicability. The requirements of this section shall apply to:

(a) All new public/private/institutional or assembly, developments and all Residential Housing (R1-3).

(b) Existing public/private/institutional or assembly, developments and all Residential Housing (R1-3).

(i) For existing developments and parking facilities, expansion in Gross Floor Area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.

(ii) Landscaping requirements shall not prevent an existing manufacturing facility from expanding.

(iii) Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supercede.

(2) Building expansions. When an expansion: (a) Increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), then:

(i) The entire property shall comply with the landscaped street frontage buffer or parking lot landscaping requirements (option of applicant).

(b) Increases GFA more than twenty-five percent (25%), then:

(i) Meet all of the landscape ordinance requirements.

(3) Parking lot expansions. When an expansion: (a) Of at least ten (10) spaces increases the total number of parking spaces no more than twenty-five percent (25%), then:

(i) The expanded portion of the parking lot shall comply with the landscaping requirements.

(b) Of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%), but no more than fifty percent (50%), then:

(i) Fifty percent (50%) of the existing parking lot(s) within the property and all or any expanded parking lot portions shall comply with the parking lot landscaping requirements.

(c) Of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%), then:

(i) The expanded and existing parking lot(s) within the property shall comply with the parking lot landscaping requirements.

(4) Exemptions. (a) Previously approved developments, which have been given a permit to begin construction prior to the adoption of this ordinance, are exempt.

(b) Town homes with rear loading and which are designed not to have lawns.

(5) Replacement. Vegetation planted or preserved according to an approved landscape plan shall remain alive for minimum of five (5) years from the date of certificate of occupancy. Vegetation planted or preserved that does

not remain alive for five (5) years shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded but which subsequently die, shall be replaced with a tree of the same variety of at least four inches (4") caliper, and at least eighteen feet (18') in height. The replacement of dead landscape material shall be the responsibility of the current property owner.

(6) Irrigation. Required landscaping shall be irrigated by one of the following methods for R3 and all commercial zoning:

- (a) An underground sprinkler system;
- (b) Automatic drop system; or
- (c) A hose attachment within one hundred feet (100') of all landscaped areas. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-704. Landscape/plant installation plan submittal. Proposed developments subject to the provisions of this section and prior to or at the time of receiving a site plan approval shall submit a landscape/plant installation plan prepared by a registered landscape architect or by a licensed landscape professional to the Collegedale Building Inspections Office, and all of the requirements of that plan must be fulfilled before a certificate of occupancy may be granted. This landscape/plant installation plan may be incorporated into a site plan, provided the scale is not less than one inch equals forty feet (1" = 40'). The following elements shall be shown on the landscape/plant installation plan:

- (a) Street frontage buffer as required for all non residential, high density, and industrial developments;
- (b) Interior parking lot landscaping as required for all non residential, high density, and industrial developments;
- (c) Perimeter landscaping as required for all non residential, high density, and industrial developments;
- (d) Zoning of site and adjoining properties;
- (e) Existing and proposed contours at two feet (2') intervals or less;
- (f) Boundary lines and lot dimensions;
- (g) Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the landscape plan;
- (h) Location of all proposed structures and storage areas;
- (i) Drainage features and 100-year floodplain, if applicable;
- (j) Parking lot layout including parking stalls, bays, and driving lanes;
- (k) Irrigation plan;
- (l) Existing and proposed utility lines, and easements;
- (m) All paved surfaces and curbs;
- (n) Existing trees or natural areas to be retained;

(o) Location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, foundation plantings, and screening buffers);

(p) Location, installation size, quantity, and scientific and common names of landscaping to be installed;

(q) The spacing between trees and shrubs used for screening;
and

(r) Sight triangles.

(2) Replacement. Vegetation planted or preserved according to an approved landscape plan shall remain alive for minimum of five (5) years from the date of certificate of occupancy. Vegetation planted or preserved that does not remain alive for five (5) years shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded but which subsequently die, shall be replaced with a tree of the same variety of at least four inches (4") caliper, and at least eighteen feet (18') in height. The replacement of dead landscape material shall be the responsibility of the current property owner. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season

(3) Irrigation. Required landscaping shall be irrigated by one of the following methods for R3 and all commercial zoning:

(a) An underground sprinkler system;

(b) Automatic drop system; or

(c) A hose attachment within one hundred feet (100') of all landscaped areas.

(4) Five-year guarantee. Guarantee from the developer that all plant materials will be warranted for a period of five (5) years from the time of installation. If the developer sells the property, the new owner assumes responsibility for maintaining all landscaping.

(5) Soil and climatic conditions. Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for the growth habits. Plants used in the landscape design shall to the greatest extent be:

(a) Appropriate to the conditions in which they are to be planted;

(b) Have non-invasive growth habits;

(c) Encourage low maintenance, high quality design; and

(d) Be otherwise consistent with the intent of this ordinance.

(as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-705. Hardships. (1) Intent. This section does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total area. For existing developments, where the GFA or parking areas are being increased, the loss of off-street parking

spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

(2) Special administrative remedies. (a) Lots which front on more than one (1) street with the following special exception:

(i) All street frontages other than the primary street frontage may have a landscaped street frontage buffer with a minimum depth of four feet (4').

(b) In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) or the gross required off-street parking for an existing development; or a loss greater than fifteen percent (15%) of the lot area for development, the following administrative remedies may be applied:

(i) Reduce the required minimum landscaped area widths up to fifty percent (50%); and

(ii) Reduce the tree planting requirements by up to twenty-five percent (25%).

(3) Administrative guidelines. (a) Where possible, reduction of landscaping requirements in one (1) area should be offset by an increase of landscaping requirements in other portions of the site.

(b) The first priority is to provide trees and shrubs along the street frontage.

(c) The second priority is to provide trees within portions of the parking lot that are highly visible from the street.

(d) A screen should always be provided if it is required by this section. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five feet (5') in width, require a minimum six feet (6') tall wood or composite fence or masonry wall.

(4) Conflict with other articles in the zoning ordinance and existing zoning conditions. Where any requirement of this section conflicts with the requirement of another article of existing zoning conditions in the zoning ordinance, the most restrictive requirement shall apply.

(a) The project at all times should meet the minimum landscape requirements of this ordinance. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-706. Landscape street frontage buffer. (1) Purpose. The landscaped street frontage buffer serves two (2) primary purposes:

(a) When a parking lot is located adjacent to a public right-of-way, a strip of landscaping helps shield projecting headlights that may impair the vision of passing motorists or pedestrians therefore creating a safer environment.

(b) It also provides an aesthetically pleasing transition from the public right-of-way to private property.

(c) Allows the motorist or pedestrian to see the commercial building's facade but not the parking lots, thus hiding the parking areas from view.

(2) Prohibitions. Parking, merchandise display and off-street loading are prohibited in the landscaped street frontage buffer, and signage.



(3) Buffer options. The site plan for any commercial development, other than that exempt in § 14-702 Exemptions, shall show a landscaped street frontage buffer along all public right-of-ways. The applicant may choose one (1) or a combination of the five (5) options illustrated below to meet the particular site constraints of the development.

(a) Ten foot (10') buffer strip.

(i) Minimum width: Ten feet (10').

(ii) Minimum number of trees required: (A) One (1) shade tree and one (1) ornamental tree per twenty-five (25) linear feet of street frontage.

(iii) Minimum number of shrubs required: (A) Twelve (12) shrubs per twenty-five (25) linear feet of street frontage. A minimum of fifty percent (50%) of shrubs required shall be evergreen.

(b) Earth berm.

(i) Minimum height: Two and one-half feet (2 1/2') higher than the finished elevation of the parking lot.

(ii) Minimum number of trees: One (1) shade tree and one (1) ornamental tree per twenty-five (25) linear feet of street frontage.

(iii) Minimum number of shrubs: Five (5) shrubs per twenty-five (25) linear feet of street frontage. A minimum of fifty percent (50%) of the shrubs required shall be evergreen.

(c) Six foot (6') buffer strip.

(i) Minimum width: Six foot (6') landscaped street buffer with three feet (3') of fall away from street, and out of the right-of-way.

(ii) Minimum number of trees: One (1) shade tree and one (1) ornamental tree per twenty-five (25) linear feet of street frontage.

(iii) Minimum number of shrubs: Three (3) shrubs per twenty-five (25) linear feet of street frontage. A minimum of fifty percent (50%) of shrubs required shall be evergreen.

(d) Twenty-five foot (25') buffer strip. A landscaped buffer area with existing woodlands maintained in twenty-five feet (25') strips along the street frontage.

(i) Existing woodlands to be set aside shall have a minimum depth of twenty-five feet (25') as measured from the public street right-of-way;

(ii) Number of woodland trees (not including prohibited trees) having a minimum caliper of six inches (6") shall equal or exceed the minimum street planting ratio of one (1) shade tree and one (1) ornamental tree per twenty-five feet (25') per linear feet;

(iii) No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and

(iv) No cutting/filling activities or storage or materials/equipment are permitted within the protected woodlands.

(4) Groundcover. (a) Living material. Living materials, such as grass, shall make up a minimum of eighty percent (80%) of the groundcover for the landscaped street frontage buffer. One hundred percent (100%) of living materials is encouraged.

(b) Mulch. Wood mulch or pine straw may make up twenty percent (20%) of the groundcover for the landscaped street frontage buffer. Weed barrier shall be required. Gravel, concrete, brick pavers or other pavement is not appropriate groundcover for the street frontage buffer.

(5) Massing. Massing is multiple rows of alternating plant materials with a combination of trees and shrubs. Massing is strongly encouraged. The maximum distance between massing is twenty-five feet (25'). Massing should be integrated into a bed or in a curb to ease maintenance.

(6) Sight distances. A sight distance at intersections and points of access must be maintained. No landscaping shall constitute a hazard to traffic including, but not limited to landscaping located within the required sight triangle of an intersection.

(7) Exemptions/special situations. (a) Where overhead power lines encroach into the street yard, smaller ornamental shade trees can be substituted for shade trees (see Plant Installation Specifications Section: Ornamental shade trees) (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-707. Landscape perimeter. Perimeter landscaping is a peripheral planting strip along rear and side lot lines that separate uses.

(1) Purpose. Perimeter landscaping:

- (a) Defines parking areas;
- (b) Prevents two (2) adjacent lots from becoming one (1) large expanse of pavement;
- (c) Provides vegetation in densely developed areas;
- (d) Vehicular use areas shall be screened from view of public streets and adjacent uses in accordance with the following standards; and
- (e) Enhance the appearance of individual properties.

(2) Requirement. The site plan for any commercial, high density, industrial development, other than those exempt, shall show perimeter landscaping, in addition to the landscaped street frontage buffer required in § 14-703.

(a) Width. A five foot (5') landscaped strip is required along the side and rear lot lines of a development.

(b) Minimum number of trees. One (1) tree per fifty (50) linear feet.

(c) Continuous visual screen. The planting strip shall contain a continuous hedge composed of a double staggered row of evergreen shrubs with a minimum planting height of thirty inches (30") and maximum center spacing of three feet (3').

(i) Groundcover. All perimeter landscaped areas not dedicated to preservation of existing vegetation shall be landscaped with groundcover.

(ii) Living material. Living materials, such as grass, shall make up a minimum of eighty percent (80%) of the groundcover for the landscaped perimeter. One hundred percent (100%) of living material is strongly encouraged.

(iii) Mulch. Wood mulch or pine straw may make up twenty percent (20%) of the groundcover for the landscaped perimeter. Gravel, concrete, brick pavers or other pavement is not an appropriate groundcover. Weed barrier shall be required.

(e) Screened backfill. Soil used in parking lot islands, driveways medians, and other areas internal to a vehicular use area shall be screened prior to deposition in planting areas.

(3) Vehicular access. The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.

(4) Adjacent properties. The five foot (5') perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.

(5) Pavement. No pavement may be located within five feet (5') of the property line on any lot unless it is included with an ingress/egress location. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-708. Screening. (1) Intent. To provide a transition between land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of minimum specified depth along the shared property line.



Example: Proper Screening of Commercial Building.

(2) Procedure. Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of matrix) and each adjoining property (along the top of matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided in this section.

Adjacent Property

P R O P O S E D		Industrial	Commercial	University	High-density residential	Low-density residential
	Industrial	X, D	C, E, D	B, E, D	A, E, D	A, E, D
	Commercial	C, E, D	X, D, E	B, E, D	B, E, D	B, E, D
	University	C, E, D	C, E, D	X, D	B, E, D	B, E, D
	High-density residential	A, E, D	B, E, D	C, E, D	C, E, D	C, E, D
	Low-density residential	A, E	B, E	C, E	C, E	C, E

X=No screen required

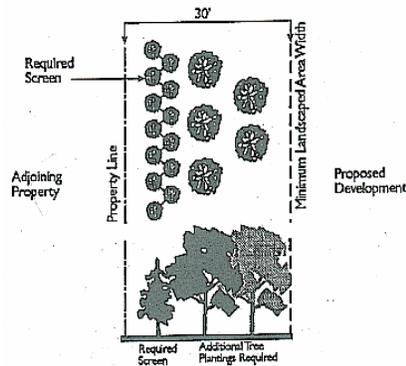
ZONING DISTRICTS

Industrial	I-1
Commercial	C-1, C-2, C-3 and MU-TC
University	U-1
Residential (High Density)	R-1-H, and R-3
Residential (Low Density)	R-1-L, and R-2

(3) Screening types.

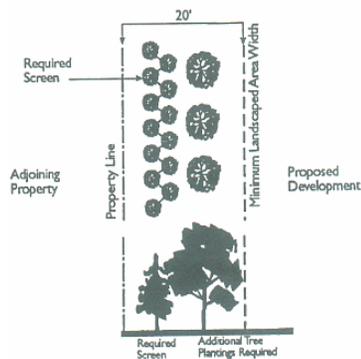
Type A – 30 feet deep Landscape Yard planted with:

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- 2 rows of Class 1 Shade Trees spaced a maximum of 35 on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.



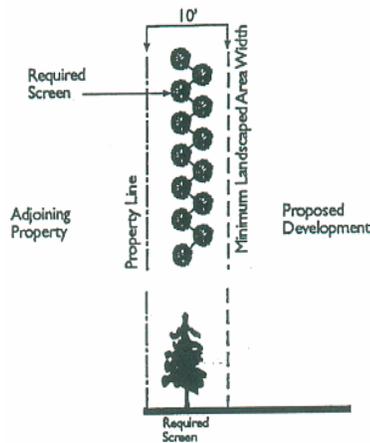
Type B – 20 feet deep Landscape Yard planted with:

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- 1 row of Class 1 Shade trees spaced a maximum of 35 feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.



Type C – 10 feet deep Landscape Yard planted with:

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center;
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.



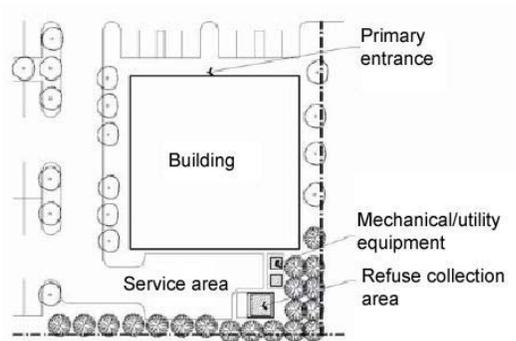
Type D – Screening of Dumpsters – Screened in the manner described below:

- Screening shall be a minimum height of 6 feet.
- All four sides of the dumpster shall be screened.
- The screen should incorporate access to the dumpster by using a wood fence or other opaque device as a gate, chain length fencing is not allowed in this application.
- Screening materials can be any combination of evergreen plantings, wood, composite or masonry material.



Example: Properly Screened Dumpster

Type E – Screening of Service areas, maintenance areas, equipment areas, and building or ground mounted mechanical equipment, including but not limited to transformers, backflow preventers, telephone risers or equipment cabinets, generators, or similar devices. Also loading docks, berths, or similar spaces. Also outdoor storage of materials, stock or equipment. Also water meters, gas meters, electrical meters, air-conditioning, or similar HVAC device equipment. Must be screened from offsite views.



Example: Site elements like dumpsters or mechanical/utility equipment or other service areas can be screened with vegetation or walls.



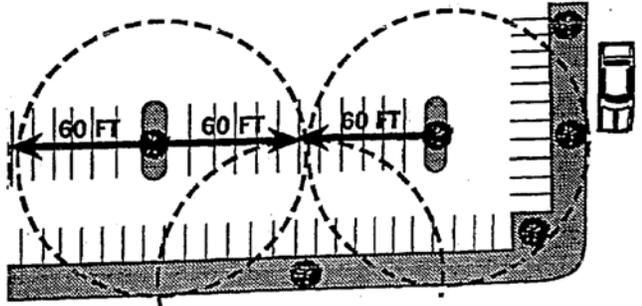
Example: Vegetative Screen around HVAC system.

Type F – Stormwater Facilities – located in the landscaped yard subject to the following conditions:

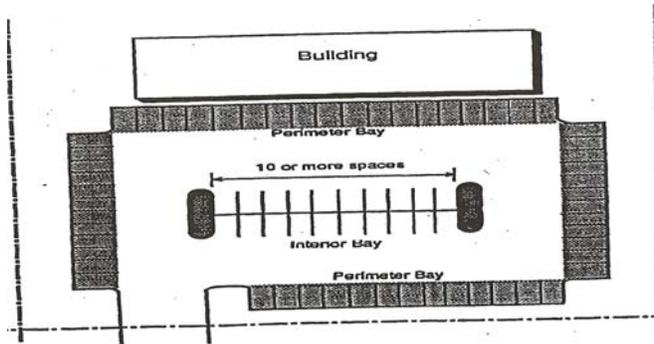
- No rip-rap, crushed stone, concrete or other impervious materials are exposed.
- Trees and other living organic materials can be planted along the stormwater facility as long as the plantings do not interfere with the intended use of the facility. (as added by Ord. #577, June 2003, and replaced by Ord. # 742, April 2010)

14-709. Parking lot requirements. (1) Intent. The intent of this section is to break up the expanse of pavement, to provide shade, and to reduce glare from parked cars and loading docks.

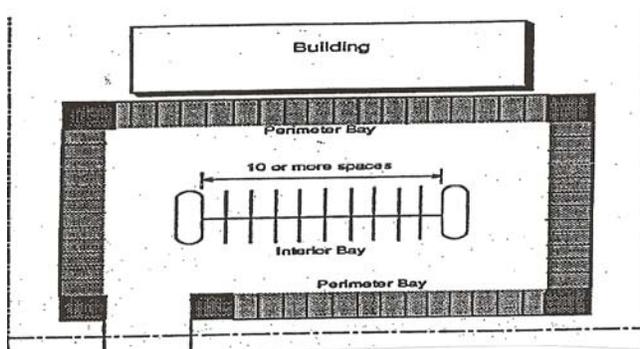
(2) Design criteria. (a) No parking space can be more than sixty feet (60') from a tree.



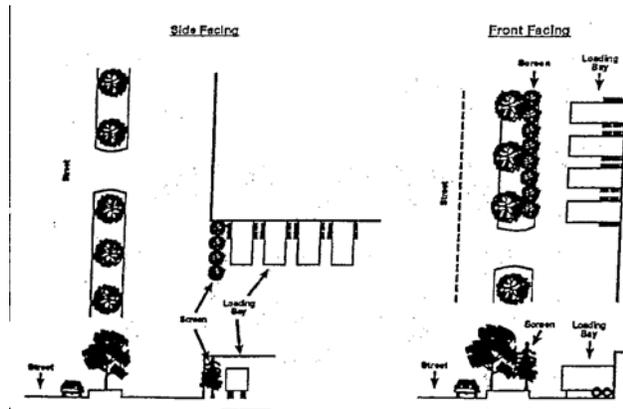
(b) Ends of all interior parking bays that contain a minimum of ten (10) contiguous parking spaces shall be bordered on both sides by a landscape island.



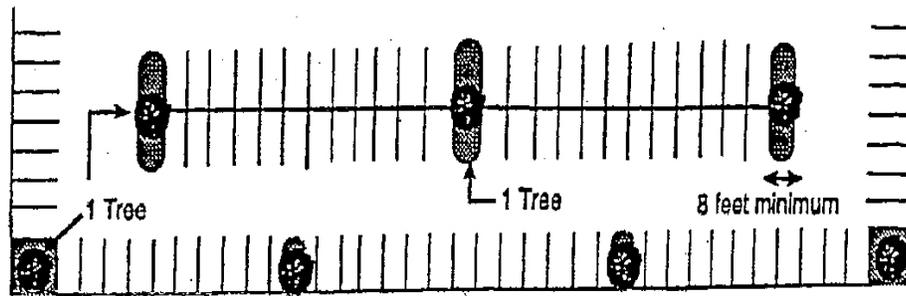
(c) Ends of all perimeter parking bays shall be bordered by a landscaped peninsula.



(d) Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way as described below.



(3) Dimensions/planting criteria. (a) Landscaped islands and peninsulas used to meet the landscape requirements.



(b) Shall have a minimum width of eight feet (8') and a minimum landscaped area of two hundred (200) square feet.

(c) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.

(d) The trees referred to in this parking section are Class 1 Shade Trees (see Plant Installation Specifications Section). In the special situations specified below, smaller Ornamental Shade Trees may be substituted for Class 1 Shade Trees:

(i) An overhead obstacle such as a canopy or power lines limits the tree height;

(ii) The tree is located within twenty feet (20') of a building.

(e) All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.

(f) The screening material for loading docks and delivery stalls shall consist of the following:

- (i) One (1) row of evergreen shrubs spaced a maximum of five feet (5') on-center or a row of evergreen trees spaced a maximum of ten feet (10') on-center (See Plant Installation Specifications Section for a list of recommended plantings); and
- (ii) Provide a landscaped yard with a minimum depth of eight feet (8') for the planted screen.
- (g) Groundcover. All interior parking lot landscaped areas not dedicated to preservation of existing vegetation shall be landscaped with groundcover. Weed barrier shall be required.
 - (i) Living material. Living materials, such as grass, shall make up a minimum of sixty percent (60%) of the groundcover for the interior parking lot landscaping. One hundred percent (100%) of living materials is strongly encouraged.
 - (ii) Non-living material. Non-living materials, such as wood mulch, pine straw, or decorative rock (three-fourths inches (3/4") or smaller gravel in a natural color tone), may make up forty percent (40%) of the groundcover for the interior parking lot landscaping. Weed barrier shall be required. Brick pavers or other pavement is not appropriate non-living groundcover.
- (4) Vehicular display areas. Applicants shall select one (1) of the following options for vehicular display areas:
 - (a) Compliance with standard. Comply with the interior parking lot landscaping requirements described in this section and the required Landscaped Street Frontage Buffer requirements in § 14-703; or
 - (b) Increase street frontage buffer. In lieu of the interior parking lot landscaping requirements, increase the required street frontage buffer to fifteen feet (15') wide and install the number of trees required for the interior landscape requirements within the street frontage buffer.
- (5) Wheel stops. Except as provided below, all landscape areas at the front line of off-street parking spaces must be protected from encroachment of intrusion of vehicles through the use of wheel stops or curbs.
 - (a) Minimum height. Wheel stops shall have a minimum height of six inches (6") above the finished grade of the parking area.
 - (b) Anchoring. Wheel stops shall be properly anchored and shall be continuously maintained in good condition by the property owner.
 - (c) Location. Wheel stops shall not be placed in locations of anticipated pedestrian traffic. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-710. Residential (R1-R2).

(1) A minimum of two (2) shade trees or four (4) ornamental trees, as specified by Section Plant Installation Specification's, minimum size, shall be planted in the front yard, or within ten feet (10') of front of residence in side yard, for each new residential lot in the R1 and R2 residential districts. R-3 for the purposes of this landscape ordinance is considered to be a "commercial" development and must comply with the sections on commercial developments. Trees existing in the front lawn can be credited towards the landscaping requirements as per § 14-709. The tree or trees shall be planted prior to receiving a certificate of occupancy. Screening requirements in section screening are required to be installed prior to receiving a certificate of occupancy (screening requirements met with shrubbery cannot be used to offset shrubbery requirements within this section). Shrubs will be required at a rate of seven (7) per one thousand (1,000) heated square feet of a residential dwelling and will comply with all standards and planting requirements within this ordinance, and will be installed prior to receiving a certificate of occupancy. Lawn grass is required in all front yards and areas of property visible from road frontage, and required to be at a height of three inches (3") prior to receiving a certificate of occupancy. Whether the lawn is seeded and straw on it or sod is put out the height of the grass must be a minimum of three inches (3") in height.

(2) Example: Prior to getting a certificate of occupancy for a two thousand four hundred (2,400) square foot house the following must be done to meet the requirements of this ordinance.

- (a) A minimum of sixteen (16) three (3) gallon shrubs must be planted.
- (b) The grass on the lawn must be at a minimum of three inches (3") high.
- (c) Air conditioning equipment, electrical, gas, and water meters must be screened.

(d) A minimum of two (2) shade trees or four (4) ornamental trees must be planted. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-711. Utility easements. (1) Intent. To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

(2) Policy. (a) Any tree or shrub used to meet the requirements of this ordinance shall not be located within proposed or existing utility easements unless it meets one (1) of the special exceptions as defined below.

(3) Special exceptions. (a) (i) Written permission has been obtained from the holder of the utility easement.

(ii) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller ornamental trees may be substituted.

(b) If none of the special exceptions above apply, the following options shall be considered in order of priority:

(i) Priority 1. Plant the tree as close to the easement as possible.

(ii) Priority 2. For highly visible areas (street yard, parking lots in front) plant the tree in the same general where area where it can be seen from the street or parking lot. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-712. Plant installation specifications. (1) Intent. All landscaping materials shall be installed according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival.

(2) Class 1 Shade Trees. These trees are intended to be used to meet the tree planting requirements specified in the Landscaped Street Frontage Buffer, Landscaped Perimeter, Residential Landscaping, and Parking Lot Sections. All Class 1 Shade Trees shall be installed at a minimum caliper of two inches (2") as measured from two and one-half feet (2 1/2') above grade level. Class 1 Shade Trees shall also have a minimum expected maturity height of at least thirty-five feet (35') and a minimum canopy spread of twenty feet (20'). Evergreen trees can be treated as Class 1 Shade Trees provided they meet the minimum maturity height and canopy spread criteria.

Recommended species:

- Southern Sugar Maple
- Sugar Maple
- River Birch
- European Hornbeam
- American Hornbeam

- Katsura Tree
- Yellowwood
- Ginkgo (use male only)
- Seedless Honey Locust
- Sweetgum
- Dawn Redwood
- Black Gum
- American Hophornbeam
- Chinese Pistache
- White Oak
- Swamp White Oak
- Scarlet Oak
- Overcup Oak
- Water Oak
- Willow Oak
- Northern Red Oak
- Shumard Oak
- Japanese Pogodatree
- Littleleaf Linden
- Princeton American Elm
- Bald Cypress
- Japanese Zelkova

(3) Ornamental shade trees. These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All ornamental shade trees shall be installed at a minimum caliper of one and one-half inches (1 1/2") as measured at two and one-half feet (2 1/2') above grade level from the base of the tree. Ornamental shade trees shall have a maximum expected maturity height of twenty feet (20') and minimum canopy spread of ten feet (10').

Recommended species:

Common Name

- Bloodgood Japanese Maple
- Trident Maple
- Hedge Maple
- Amur Maple
- Serviceberry
- Redbud
- Flowering Dogwood
- Kousa Dogwood
- Thornless Cockspur Hawthorne
- Winter King Hawthorne
- Golden Raintree
- Crapemyrtle
- Sweetbay Magnolia

- Okame Cherry
- Autumn Flowering Cherry
- Yoshino Cherry

(4) Screen trees. Screening trees are used to meet the tree planting requirements of the screening section. All screening trees shall be installed at a minimum height of eight feet (8') and have a minimum expected mature spread of eight feet (8').

Recommended species:

Common Name

- Sapphire Cypress
- Atlas Cedar
- Deodar Cedar
- Leyland Cypress
- Foster Holly
- American Holly
- Eastern Red Cedar
- Southern Magnolia
- Shortleaf Pine
- Canadian Hemlock
- Carolina Hemlock
- American Arborvitae
- Green Giant Arborvitae

(5) Screening shrubs. All screening shrubs shall be installed at a minimum size a minimum size of three (3) gallons and have an expected maturity height of at least eight feet (8') and a mature spread of at least five feet (5').

Recommended species:

Common Name

- English Holly
- Burford Holly
- Nellie R. Stevens Holly
- Wax Mirtle
- Cherrylaurel
- English Laurel
- Eastern Arborvitae
- Leatherleaf Viburnum

(6) Foundation and landscape shrubs. All foundation and screening shrubs shall be installed at a minimum size of three (3) gallons.

Recommended species:

Common Name

- Creeping Juniper
- Japanese Holly
- Shore Juniper
- Pfitzer Juniper

- Foster Holly
- Helleri Holly
- Youpan Holly
- Inkberry Holly
- Nandina (all cultivars)
- Leatherleaf Viburnum
- Barberry (all cultivars)
- Azalea
- Mop Cypress
- English Holly
- Burford Holly
- Dwarf Burford Holly
- Cherry Laurel
- Crape Mirtle
- Fragrant Olive
- Burning Bush
- Ever-Blooming Rose
- Forsythia
- Japanese Barberry
- Otto Laurel
- Skipp laurel

(7) Prohibited plants. The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance:

Common Name

- Silver Maple
- Tree of Heaven
- Mimosa
- Garlic Mustard
- Asian Bittersweet
- Air-potato
- Autumn Olive
- Thorny Olive
- Winter Creeper
- English Ivy
- Sericea Lespedeza
- Chinese Privet
- Common Privet
- January Jasmine
- Japanese Honeysuckle
- Amur Bush Honeysuckle
- Morrow's Bush Honeysuckle
- Tartarian Honeysuckle
- Bush Honeysuckle

- Purple Loosestrife
- Japanese Grass
- Mulberry
- Eurasian Water Milfoil
- Princess Tree
- Common Reed
- Japanese Knotwood, Japanese Bamboo
- Silver Poplar
- Kudzu
- Bradford Pear
- Multiflora Rose
- Tropical Soda Apple
- Johnson Grass
- Japanese Spiraea
- Siberian Elm (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-713. Landscape installation requirements. (1) Location.

(a) Drainage. Trees shall not be placed where they interfere with site drainage.

(b) Overhead utilities. Trees shall not be placed where they require frequent pruning in order to avoid interference with overhead power lines. In such locations, small ornamental trees are encouraged.

(c) Water lines. Landscaping shall be installed at locations that avoid placement directly above water lines.

(d) Fire hydrants. Landscaping shall not be placed within six feet (6') of a fire hydrant.

(e) Foundation planting requirement. On lots containing nonresidential and mixed uses, shrubs shall be placed around the building perimeter of the primary facade, a minimum of three feet (3') from the building.



Example: of Foundation Planting.



(2) Minimum size. Immediately upon planting, trees shall meet the minimum requirements:

- (a) Ornamental Trees 2.0" Caliper;
- (b) Evergreen Trees 8' in height;
- (c) Shade Tree 2.5" in caliper;
- (d) Shrubs 24" in height and in a 3 gallon pot, if not ball and burlaped.

All plant material shall meet the requirements established by the American Association of Nurserymen publication "American Standard for Nursery Stock" (ANSI Z60.1 latest edition.)

(3) Species mix. When more than ten (10) trees are to be planted to meet the requirements of this ordinance, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is listed below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

- (a) 11-20 required trees = 2 Species (but no more than 70% of each)
- (b) 21-30 required trees = 3 Species (but no more than 40% of each)
- (c) 31-40 required trees = 4 Species (but no more than 40% of each)
- (d) 41+ required trees = 5 Species (but no more than 40% of each) (as added by Ord. #742, April 2010)

14-714. Enforcement and maintenance. (1) Final occupancy permit. If the landscaping has not been installed and inspected for proper installation prior to receiving the certificate of occupancy, a temporary certificate of occupancy may be granted provided the following conditions are met:

(a) Property owner posts a construction bond with the city finance department;

(b) The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a twenty-five percent (25%) contingency cost, as shown on the submitted landscape plan; and

(c) The cost of the landscaping shall be certified by a licensed landscape contractor.

After receiving the temporary certificate of occupancy, the remaining landscape material shall be installed within ninety (90) days from the date the certificate of occupancy is issued. The bond shall be called if the required landscaping has not been installed by the end of the ninety (90) day period and the funds applied to complete the landscaping work.

(2) Maintenance. (a) The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way.

(b) Unless otherwise specified by the city, owners shall be responsible for maintaining street trees planted adjacent to the site in conjunction with construction.

(c) Homeowners associations are responsible for the maintenance of open lots, medians, street trees associated with the development.

(d) Landscape areas shall be maintained in accordance with the approved landscape plan and shall present a healthy and orderly appearance free from refuse and debris.

(e) All plants shown on an approved landscape plan used to meet a minimum requirement of this ordinance shall be replaced if they die, are seriously damaged, or a new timeline for a new landscape plan and new landscaping is installed.

(3) Damage due to natural occurrence. (a) In the event that any vegetation or physical element functioning to meet the standards of this subsection is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild animals, the owner or developer may be required to replant if the landscape standards are not being met.

(b) The owner shall have one (1) growing season to replace or replant.

(4) Protection during operations. (a) The owner or developer shall take actions to protect trees and landscape from unnecessary damages during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances or roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.

(5) Maintain shape. (a) All required trees shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared,

topped, or shaped as shrubs. Trees required by this chapter that have been severely pruned, sheared, topped, or shaped as shrubs that no longer meet their intended function shall be considered as damaged vegetation in need of replacement, and shall be replaced within one (1) growing season.



Example: Severe pruning or shaping interferes with the tree's intended purpose as a screening element, and may require the tree to be replaced. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-715. Stormwater credits. RESERVED FOR FUTURE USE. (as added by Ord. #577, June 2003, and replaced by Ord. #742, April 2010)

14-716. Tree preservation credits. (1) Healthy trees. No tree preservation credits will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations.

(2) Protection during construction. Trees for which credit is given shall be protected during construction from:

- (a) Mechanical injuries to root, trunk, and branches;
- (b) Injuries by chemical poisoning;
- (c) Injuries by excavation; and
- (d) Injuries by paving.

(3) Credit options. If an applicant is preserving trees, the applicant may use the existing trees as credit either toward a reduction in parking requirements or in a reduction of the number of trees required, as described below and as approved by the planning commission.

(a) Reduction of parking requirements. To allow an existing or new development to preserve trees within or adjacent to a parking lot, the number of required off street parking spaces may be reduced as described below:

Parking Space Reduction Credits

- Total Diameter of all Preserved Trees: 4-7.9 inches = 1 parking space credited
 - Total Diameter of all Preserved Trees: 8-22.9 inches = 2 parking spaces
 - Total Diameter of all Preserved Trees: 23-29.9 inches = 3 parking spaces
 - Total Diameter of all Preserved Trees: 30+ inches = 4 parking spaces
2. Reduction of required trees. Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:
- Diameter of Preserved Tree: 4-7.9 inches = 1 shade tree
 - Diameter of Preserved Tree: 8-22.9 inches = 2 shade trees
 - Diameter of Preserved Tree: 23-29.9 inches = 3 shade trees
 - Diameter of Preserved Tree: 30+ inches = 4 shade trees (as added by Ord. #742, April 2010)

14-717. Appeals. (1) Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within sixty (60) days of the building inspection office's decision. Decisions of the board of zoning appeals may be appealed to a court of competent jurisdiction, should any court of competent jurisdiction find any portion of this section to be unlawful or unconstitutional. Such finding shall not affect this section as a whole or any portion of it not found invalid.

(2) Unique factors relating to topography, soil and vegetation conditions, space limitations, or uses of neighboring property may make landscaping impossible, ineffective or unnecessary. Section 14-703(3) provisions provides administrative remedies and guidelines where the strict application of the landscape ordinance would create an undue hardship. If the administrative remedies and guidelines as described within § 14-702 does not relieve the undue hardship, requests for use of alternative landscaping schemes or variances are justified only when one (1) or more of the following conditions apply:

(a) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible, impractical, or ineffective. If the request is a variance in the screening requirements, a letter shall be required from the owners of the abutting property to acquiesce with the variance or alternative landscaping scheme.

(b) Due to a change of use of an existing site, the required screening requirements (buffer yard) are larger than can be provided as required by the provisions of this ordinance.

(c) The site involves space limitations or unusually shaped parcels.

(d) When the strict application of this landscape ordinance would impact the safety of the general public.

(i) A variance application must be completed and a one hundred dollar (\$100.00) fee submitted to the city codes and inspection department. (as added by Ord. #742, April 2010)

CHAPTER 8

DESIGN REVIEW COMMISSION

SECTION

14-801. Established.

14-801. Established. A Design Review Commission for the City of Collegedale, Tennessee, is hereby established. The authority of enforcing commercial design standards is delegated to the Collegedale Municipal Planning Commission as permitted under Tennessee Code Annotated, § 6-54-133. (as added by Ord. #744, June 2010)