

ARTICLE III
GENERAL PROVISIONS

SECTION

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3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

3.020. Only one (1) principal structure on any residential lot. Only one (1) principal structure and its customary accessory building or structure may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted under ARTICLE V, Section 5.060, of this ordinance, multi-family dwellings, or mobile home parks.

3.030. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least thirty (30) feet, unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by the Ashland City Municipal Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) in width throughout its entire length, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Ashland City, Tennessee.
- (9) Shared access easements. (See Appendix B, for Figures 1 & 2)

In the subdivision of property, the planning commission may require the formal establishment of private driveway easements or may impose other conditions that require multiple lots or parcels to have shared vehicle access locations to arterial roads such as through the use of private rear access roads or private frontage roads where, in accordance with commonly accepted and applied traffic engineering principles, such is necessary to provide for the safe and efficient flow of traffic upon such streets.

Such shared access easements should not be held to the restrictions of (1), (2), (3), or (8) as stated above.

Public road construction may be substituted for private shared access easements.

Where shared access easements are required, the approved subdivision plat shall state that the transfer of lots shall be subject to the provision of such easements which shall provide for a guaranteed unrestricted right of access to all other owners providing such easements. Said plat shall further state that all owners of lots subject to shared access easements shall be required to execute an agreement specifying responsibility for construction and perpetual maintenance of such easements in accordance with the approved access plan. Said agreement shall specify that the parties thereto shall hold the Town of Ashland City harmless from any and all liabilities resulting from unsafe conditions on the shared access easement. Copies of such agreements from the current owners of all lots through which shared access easements are to run shall be filed with the Town Manager or his designee. Construction on the shared access easement shall not be commenced until all such agreements are thus filed. Copies of all subsequent amendments to such agreements shall also be filed with the Town Manager or designee.

A minimum of a ten (10) foot landscaping strip shall be required between the easement and the arterial roadway. This shall be improved according to the Ashland City landscaping regulations.

All shared access easements shall be constructed with appropriate road base and surfaced with asphalt or concrete and capable of withholding the traffic load as deemed acceptable by the planning commission, upon advice of the Town Engineer.

In the event the owners fail to maintain any shared access easement in a safe and stable driving condition for the motorists, the Town Manager or designee, after appropriate notice, may remedy the condition and bill the owners for all reasonable costs. Should the owners fail to pay the Town the amount of such charge within thirty (30) days from receipt of a certified invoice, the amount of said invoice shall be certified to the Town Attorney who shall process a lien on the properties upon which the expenditure was made.

The above standards shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

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

3.050. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

3.060. Future street lines. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the rights-of-way as shown in the most current official Ashland City, Tennessee Major Thoroughfare Plan Map.

3.070. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. Whenever there are several coterminous substandard lots in the same ownership, such lots shall be required to be combined in order to meet the minimum lot and area requirements of the applicable zoning district.

3.080. Obstruction to vision at street intersections and railroad intersections prohibited. On a corner lot in any district except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. Access control.* In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact the following regulations shall apply:

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a eighteen (18) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty-five (45) feet.
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the Ashland City Street Superintendent, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than thirty (30) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

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

- A. Be customarily incidental to the principal use established on the same zone lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not exceed forty (40) percent of the total square footage of the principal structure on any residential lot, not to exceed six hundred (600) square feet in size. If however, the subject property is at least two (2) acres in size, the Board of Zoning

* See Illustrations in Appendix.

Appeals shall have the discretion to vary this requirement under the conditional use provisions of this ordinance. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.

- F. Be located at least five (5) feet from any officially designated public utility and/or drainage easement, and if there is no designated easement, no less than five (5) feet from the property line.

3.110. Buffer strip. Where a use is established in areas zoned nonresidential (C-1, C-2, C3, P-O, I-1, I-2, and I-3) which abuts at any point upon property zoned residential (R-1, R-2, R-3, R-4, and R-5), the developer of said use shall provide a buffer strip, as defined herein at the point of abutment. Moreover, there shall (also) be installed at least a five (5) foot tall galvanized metal mesh fence, or other acceptable type of fence, i.e., wood, brick, or wrought iron along the entire length of such abutment, when deemed necessary by the planning commission. Whenever, a wooden fence is required, the good, finished side of said fenced must face toward the outside of the property whereon the buffer is situated. A buffer strip shall also be planted and/or placed around the perimeter of any planned development or multi-family dwelling complex situated w i t h i n a n y R-1, R-2, R-3, or R-4 Zoning District, except where such use is situated adjacent to another multifamily dwelling or a planned development project. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a five (5) foot wooden or metal, mesh fence designed to keep litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Planning Commission.

3.120. Plot plan requirements.

- A. Ten (10) copies of all proposals (applications for building permits) for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings in single ownership), shall be submitted to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the planning commission at a scale no smaller than 1"=60', showing contours at five (5) foot intervals; required automobile storage areas; sidewalks abutting all public streets; a graphic cross-section of any on-site paving that is required; servicing sewer and water utilities with reference to location, availability, compatibility, and easements; the location of servicing fire hydrants in relation to minimum locational standards, as well as in relation to possible impediments such as driveways, buildings, structures, and landscaping which may obstruct access for other fire apparatus equipment; loading and unloading spaces; maneuvering areas; openings for ingress and egress to public streets; the location of the centerline, the right(s)-of-way, and the edge of pavement of existing streets, as well as the location of existing curbing where applicable; the total square footage of all on-site paved area; the location of all on-site landscaping, and a tabular listing thereof as per Section 3.140; the enumeration by type and caliper size of endangered tree species and/or protected tree species along with a tabular listing and graphic layout of any required replacement and supplemental trees as regulated in Section 3.150 herein; the location of and tabular enumeration in terms of acreage of areas containing slippage soils, steep slopes, and sinkholes as regulated in Sections 3.160 - 3.180 herein as well as the placement of a notation on the plot plan that the applicable provisions have been satisfied; a proposed drainage plan; the density of development or the required open space; the number of stories (all residential and commercial structures three (3) or more stories in height must have their plans approved by the State Fire Marshall's Office); the number of dwelling units per acre if applicable; all required building setbacks and other yard

requirements; as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets.

- B. Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Article V, Section 5.060 and Article IV, 4.080, in this ordinance.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Ashland City Municipal Planning Commission.
- D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. Performance bonds or letters of credit for plot plans shall be provided according to the following provisions:
 - 1. All plot plans presented for review and approval to the Ashland City Municipal Planning Commission shall present the planning commission with a document indicating an intent to file a performance bond or letter of credit for improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements. Such document shall be approved by the city engineer, or other specified city employee. It shall specify the amount of such bond or letter of credit by specific type of on and or off-site improvements required, i.e., drainage requirements, landscaping, paving, utilities, etc.
 - 2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.
 - 3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
 - 4. The performance bond or letter of credit shall be retained for a period of one year from the issuance of the building permit which pertains to the approved plot plan. However, if improvements have been made within the one year period, the Mayor and City Council may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative, the city engineer. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall cash the performance bond or letter of credit to facilitate the completion of such improvements.
- F. The approval of any plot plan (site plan) granted under the provisions of this section (Section 3.120) shall become expired in any situation wherein a building permit has not been officially obtained within one (1) year of the official approval of said plot plan (the date wherein the planning commission approved said plot plan). Any application for a building permit for any land use depicted on an approved plot plan which is made beyond a year after the approval of such plot plan shall be denied and no such permit shall be granted until a new plot plan is

prepared and approved by the planning commission under all the terms established within Section 3.120, of this ordinance. Any such resubmittal shall be stamped by the preparing professional utilizing the current date.

G. Where the application for a Commercial project is located on property previously zoned Commercial with a nonconforming use, i.e., zoned Commercial but occupied as Residential, a Site Plan shall be submitted to the Building Official for review. Upon submission of a Site Plan meeting all requirements, a permit for the proposed project may be issued by the Building Official provided all other requirements of the Zoning Resolution are met.

3.130. Solar orientation. Solar orientation devices shall be subject to all required front yard setbacks. If such devices are located in side yards they shall be no closer than ten (10) feet from side property lines. If such devices are located in any rear yard they shall be no closer than eight (8) feet from any side and rear property line. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no solar device within any portion of the required front yard.

3.140. Landscape treatment regulations.*

A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.

B. Applicability. The provisions of this section shall apply to all developments within the Town of Ashland City with the exception of single-family and two-family dwellings each of which is in "fee-simple" ownership, as follows:

1. New Sites

No new site development, building or structure shall hereafter be constructed which involves the creation or utilization of any vehicular use area** unless landscaping as required by the provisions of this section is provided.

2. Change of Use

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

the expanded parking requirements for the new uses.

***See Illustrations in Appendix for guidance.**

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

- C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

Quality - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with exception of shrubs and hedges, vines and ground covers shall be prohibited. (See classification of Plant Materials in the Appendix for acceptable plantings).

Deciduous Trees - (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

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

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

Vines - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

Grass or Ground Cover - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Ashland City as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar

materials,

if

approved by the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a special exception.

D. Existing Landscaping Material:

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards:

The following general and specific area standards shall be met:

1. General Standard

Sites should not be completely covered with impermeable surfaces, which prevent percolation back into the soil and can cause erosion, street flooding, and/or overloading of storm sewer systems. A minimum of fifteen (15) percent of the site or zone lot shall be devoted to permeable surfaces, with ten (10) percent of the sites' parking or vehicular use area being devoted to landscaping.

2. Specific Standards:

a. Area

The minimum individual landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees and Bushes

A minimum of one (1) tree shall be required for each two hundred and fifty (250) square feet, or fraction thereof of required landscape

area. No less than four (4) shrubs shall be required for each required tree (for each two hundred and fifty (250) square feet, or fraction thereof of required landscape area). Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs not to exceed two (2) feet in height, and ground cover.

F. Landscape Treatment Plan:

Ten (10) copies of a landscape treatment plan signed and stamped by a licensed landscape architect, certified to practice in Tennessee, as required by this section shall be prepared at a scale no smaller than 1"=50' showing the location of all landscaped areas, the specific nature of the existing and proposed landscaping, parking aisles, individual parking areas, ingress and egress points, utility easements, dimensions of the lot, the topography of the lot, storm water drainage characteristics, any applicable buildings, and building setback lines. The landscape treatment plan shall be a portion of the plot plan whenever it is required by this Article.

The landscape treatment plan shall be submitted to City Hall no later than twenty (20) days prior to the planning commission meeting, or Board of Zoning Appeals meeting in the case of all special exceptions.

G. Enforcement:

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Surety Instrument

The landscaping plan as submitted and approved shall be secured by a letter of credit made payable to the city in an amount equal to the estimated cost of the landscaping plus ten (10) percent, at the time of the issuance of a building permit whenever plot plan approval is involved, or at time of the issuance of an occupancy permit whenever a special exception is involved, or at the time of the issuance of an occupancy permit whenever a change in use is involved. The period within which all required landscaping improvements must be completed shall not exceed one (1) year, at which time said letter of credit shall be called to complete the approved landscaping plan, if such improvements have not been properly completed. However, at the planning commission's discretion, such letter of credit may be extended for a period not to exceed six (6) months. If this is done an additional five (5) percent of the cost of securing all necessary improvements must be figured into the newly reanalyzed letter of credit. At the end of this period of time, said letter of credit shall be called to facilitate all required improvements if such have not been already completed. Said letter of credit shall be obtained solely from commercial banks and federally chartered savings and loan associations located in Cheatham or Davidson County.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been

submitted and approved by the planning commission whenever changes of

use or plot plans are involved, or by the board of zoning appeals when landscaping pertains to special exceptions. In no case shall any certificate of occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

H. Maintenance:

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.150. Standards pertaining to tree preservation and protection.

3.150.1. The purpose of this section is to promote the health, safety, and public welfare within the Town of Ashland City through the maintenance and protection of existing trees that are hereby deemed to constitute either unique and virtually unreplaceable natural features, and/or aesthetic and/or historical treasures.

3.150.2. The nominal standards promulgated herein are established in order: to promote the lessening of air pollution, to promote clear air quality by increasing vegetative air filtration, to reduce noise, heat, glare, and minimize flooding, and to increase the ambiance of the community while protecting values throughout the town.

3.150.3. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance.

(a) Adjusted Caliper Inches (ACI) - The number value resulting from the multiplication of the Tree Value Factor times the actual measured Caliper Inches of trees in each Category of trees that are protected (see definition).

(b) Category I Trees - Broad-leaf evergreen overstory, select hardwoods, and endangered species - Trees Value Factor = 1.0.

(c) Category II Trees - Some deciduous overstory hardwoods, selected cone-bearing evergreens, broad-leaf evergreen understory - Tree Value Factor = 0.75.

(d) Category III Trees - Some deciduous overstory hardwoods, some cone-bearing evergreens - Trees Value Factor = 0.5.

- (e) Caliper Inches - For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity in inches of the diameter of a tree measured six inches (6") above the ground.
- (f) Conifer Tree - Any tree with needle leaves and a woody cone fruit.
- (g) Deciduous Tree - Any tree which sheds its leaves in the fall or winter.
- (h) Drip Line - A vertical line extending from the outermost portion of a tree to the ground.
- (i) Endangered species - Those trees which are under the protection of State and/or Federal law.
- (j) Evergreen - Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.
- (k) Line Clearance - Removal of limbs and branches within a set distance of utility lines.
- (l) Non-development Activity - Any alteration of the natural environment which does not require development or plot plan approval, but which would include the proposed removal or destruction of any tree affected by this ordinance.
- (m) Private Tree - Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.
- (n) Protected Tree - Any tree in Category I, which is six caliper inches (6") or larger, any tree in Category II, which is ten caliper inches (10") or larger, and any tree in Category III, which is eighteen caliper inches (18") or larger, as listed as attached hereto.
- (o) Pruning - Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.
- (p) Public Tree - Any tree in an area owned by a governmental entity.
- (q) Replacement Tree - Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.
- (r) Street Tree - Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens.
- (s) Supplemental Tree - Any tree being planted on a site which is in addition to existing trees and replacement trees.
- (t) Topping - The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.

- (u) Tree - Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.
- (v) Tree Value Factor - The numerical value assigned to each tree Category that represents the importance of that Category of trees with respect to visual buffering, growth characteristics, native species, and aesthetics. The Tree Value Factor for trees in Category I = 1.0; Category II = 0.75; and for Category III = 0.5. The Tree Value Factor for all existing protected trees on a development site, regardless of Category = 1.0. The Tree Value Factor for all trees in screen areas = 1.0.

3.150.4. The Tree Committee. The Ashland City Municipal Planning Commission shall be charged with the responsibility of functioning as the Tree Committee of the Town. The chief enforcement officer of this ordinance (the city building inspector) shall be empowered to effectuate and implement the various provisions as cited within this Section.

- (a) Primary Duties of the Tree Committee. The principal duties of the Tree Committee, drawing on any other local sources available, are (1) to identify special, unique, and archeologically and historically significant trees that are noteworthy and currently extant within the community, and (2) to administer all requirements that are found within this Section, in an effort to protect and preserve Ashland City's special types of trees.

3.150.5 Tree Planting.

- (a) Public Trees. Tree planting shall be undertaken by the city in all public areas in a systematic manner to assure diversity of age, classes, and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the Tree Committee.
- (b) Private Trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The Tree Committee will make every effort to provide information about species, planting techniques, and placement guidelines when requested by residents.
- (c) Replacement Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to replace historic, unique, and/or endangered trees which have been removed, destroyed, or severely damaged during the course of development or construction, except that in no case shall replacement trees be required in excess of the Minimum ACI Density established in 3.150.7(b) of this ordinance.
- (c) Supplemental Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to supplement historic, unique, and endangered trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of the Minimum ACI Density, established in Subsection 3.150.7, (b), of this ordinance.

- (c) Prohibited Plantings. It shall be unlawful for any person to plant trees as follows:
- (1) Within any designated or recorded sewer or water easements: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Boxelder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.
 - (2) Within any recorded or proposed easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty (20) feet.
 - (3) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Boxelder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female) and Cottonwood (except hybrids).

3.150.6 Tree Protection

- (a) Public Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected public tree as defined herein, or that is defined herein as an unique, virtually unreplaceable natural feature in terms of its historic, aesthetic and unique characteristics without first obtaining the permission of the Planning Commission or its designee.
- (b) Private Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected private tree as defined herein, or as described below without first having obtained the permission of the Planning Commission or its designee.
- (1) Any private tree which has been declared a rare or endangered species by an agency of the state or federal government due to size, longevity, rarity, etc., and which is protected by the laws of the State of Tennessee or the laws of the United States.
 - (2) Any private tree which has been declared by the Planning Commission or its designee to have real historical significance.
 - (3) Any private tree which has been declared by the Planning Commission or its designee to have significant value by virtue of its size, species, location, appearance, or other distinguishing feature.

3.1 50.7 Development Activities

- (a) Protected Trees. Developers shall indicate on site plans submitted to the Planning Commission for approval, the location of protected trees, as defined herein, which are proposed to be destroyed during the course of development. The Planning Commission may, at its option, do any or all of the following:

- (1) Require that any protected tree(s) that is (are) destroyed be replaced according to the provisions within this Subsection 3.150.5, of the ordinance. In this respect, the replacement formula shall be that either the type and number of protected trees destroyed or the required post development ACI density shall dictate minimum replacement requirements, whichever is greater.
- (2) Request that the site plan be altered so as to preserve any protected tree(s).
- (3) Request that developer transplant any protected tree(s) to another location on the site.

(b) Post Development ACI Density

- (1) There is hereby established a Minimum ACI Density, expressed as "Adjusted Caliper Inches per Acre of Area (See Section 3.150.3 herein for further guidance), for each land use classification in the Town. Within one hundred eighty (180) days following the issuance of a Use and Occupancy Permit, sufficient replacement trees and supplemental trees shall be planted in order to bring the completed site to the Minimum ACI Density.
- (2) The Minimum ACI Density for each primary type of land use classification shall be:

<u>Land Use</u>	<u>Adjusted Caliper Inches at Time of Planting</u>
Residential (total diameter required on each residential lot)	8"/lot or 1 acre which ever is greater
Service and Institutional	20"/acre
Office	20"/acre
Retail	30"/acre
Industrial	35"/acre

**Total Tree Diameters Required
for Various Types of Land Uses***

<u>8"/Lot or Acre ACI Density</u>	<u>20"/Acre ACI Density</u>	<u>20"/Acre ACI Density</u>	<u>30"/Acre ACI Density</u>	<u>35"/Acre ACI Density</u>
Residential Uses	Service and Institutional Uses	Office Uses	Retail Uses	Industrial Uses

*See definitions a, b, c, d, e, i, and n, as cited herein in Section 3.150.3, for further clarification of the preceding table.

3.1 50.8 Tree Equivalency Table.

Category I

Bradford Pear
Ginkgo
Black Walnut
American Chestnut and hybrids
Southern Magnolia
Bigleaf Magnolia
Saucer Magnolia
Umbrella Magnolia
Franklinia
Pin Oak
White Oak
Scarlet Oak
Southern Red Oak
Willow Oak
Chestnut Oak
Northern Red Oak
Shumard Oak
Chinese Elm
American Hornbeam
American Beech
Yellow Poplar
Ohio Buckeye
Japanese Zelkova
Black Maple
Norway Maple
Red Maple
Sugar Maple
English Holly
American Holly
Flowering Dogwood

Category II

Bitternut Hickory
Pignut Hickory
Shellbark Hickory
Shagbark Hickory
Mockernut Hickory
Butternut
Shingle Oak
Bur oak
Blackjack Oak
Chinkapin Oak
Post Oak
Black Oak
Weeping Willow
River Birch
European White Birch
Eastern Hophornbeam

Sweetgum
London Planetree
Sycamore
Eastern Redbud
Yellowwood
Horse Chestnut
Yellow Buckeye
Chinese Parasol Tree
Mountain Laurel
Sourwood
White Ash
Green Ash
Blue Ash
White Pine

Category III

Lombardy Poplar
Black Willow
Hackberry
Winged Elm
English Elm
Slippery Elm
Rock Elm
Paper Mulberry
White Mulberry
Red Mulberry
Cucumbertree
Pawpaw
Sassafras
Downy Serviceberry
Black Cherry
Honeylocust
Black Locust
White Basswood
Black Tupelo
Persimmon
Shortleaf Pine
Virginia Pine
Eastern Redcedar
Eastern Cottonwood (hybrid only)

3.1 50.9 Average Tree Valuation Schedule

Category I \$150.00 to \$400.00 PER CALIPER INCH
Category II \$80.00 TO \$150.00 PER CALIPER INCH
Category III \$80.00 PER CALIPER INCH

3.150.10 Normal Maintenance and Pruning. Nothing in this section shall be construed in any way to prohibit or discourage the normal maintenance or pruning of trees throughout the community. Proper pruning with branch removal at branch or trunk junctures is required for all private trees. The practice of tree topping is prohibited on public trees and strongly discouraged on private trees, unless there will otherwise be potentially dangerous conditions created in relation to high voltage electric lines, etc.

3.150.11 Penalties. Any person violating this ordinance shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be subject to the maximum fines allowed by law. Each subsequent day that any violation continues unabated shall constitute a separate offense.

3.160. Standards applying to steep slopes. Within the context of this ordinance, unless otherwise indicated, there shall be a protection level as applies to slopes as hereafter indicated (see definition section). Areas that are in excess of fifteen (15) percent slope shall be protected as follows:

SLOPE	PERCENT OF SITE TO REMAIN UNDISTURBED
15 - 25%	40
26 - 35%	75
36% OR MORE	95

3.170. Standards applying to slippage soils

A. Protection Level. Slippage soils as defined are highly unstable and subject to movement. They can cause substantial property damage. Depending on their location in the environment, two different protection levels are required under the auspices of this ordinance (see definitions section). Slippage soils on a slope of ten (10) percent or more shall receive ninety-five (95) percent protection. In all other cases, such soils shall receive a twenty-five (25) percent protection level.

B. Design Standards. All slippage soil areas as defined herein shall conform to the following design standards:

1. The developer shall hire a qualified soil scientist to identify all areas of Delrose Soil present on the subject property, whenever Cheatham County soils maps indicate the presence of Delrose Soils on such property. The soil scientist shall determine the extent and depth of soil on the site.
2. The developer shall hire a licensed geotechnical engineer who shall evaluate the subject property. Said engineer shall prepare a report identifying the location, character, and the extent of slippage soil areas. This report shall:
 - (a) contain a design for proper drainage and construction of development;
 - (b) identify areas that require special design treatment for individual lots; and

- (c) provide a map and accompanying acreage calculations which demonstrate that the requirements in Subsection A, of this section, are being met.
- 3. Development on all individual lots identified in the report required above shall be designed by a qualified geotechnical engineer. The design shall be in compliance with the geotechnical report.
- 4. The development shall be supervised and certified upon completion by a geotechnical engineer in order to ensure that all development is in compliance with the approved design.

3.180. Standards as apply to development near sinkholes

- A. Designation. These features are formed from the action of rain, stormwater runoff, and group water on limestone strata (see the definition of sinkhole in the definition section of this ordinance). Sinkholes have the potential to become larger in terms of both area and depth.
- B. Protection Level. One hundred (100) percent of the sinkhole shall be protected as permanent open space.
- C. Design Standards. The following standards apply to all types of sinkholes as defined in this ordinance:
 - 1. The natural runoff rate to sinkholes shall be maintained or reduced. Additional runoff generated by development in the watershed of a sinkhole shall be retained and redirected to surface runoff channels.
 - 2. During construction, all swales leading to a sinkhole(s) shall have effective sedimentation barriers erected to prevent sedimentation from reaching said sinkhole(s).

3.190. Performance Standards

- A. Application of Standards
 - 1. In all industrial districts, any use established or changed to, and any building, structure, or land developed, constructed or used for, any permitted principal use, or any use permissible as a special exception, or any accessory use, shall comply with all the performance standards herein set forth for the district involved.
 - 2. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building or other structure.
 - 3. In the case of any conflict between the activity type and the performance standards, the latter shall control.

4. The provisions of this section shall apply notwithstanding the issuance after the effective date of this Ordinance of any zoning permit or certificate of zoning compliance.
5. Performance standards are not applicable to the temporary construction, excavation, grading, and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the same time, or on the public right-of-way or easement for a community facility activity. In case of conflict between the performance standards set forth herein and any rules or regulations adopted by any other governmental agencies, the more restrictive shall apply.

B. Administration and Enforcement of Performance Standard

1. Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:

- a. Where determinations can be made by the building commissioner or other city employees, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
- b. Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures in 3, a, below, shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

2. Performance Standards Relating to Emission of Smoke, Fire, and Explosive Hazards Where Flash Point of Flammable Materials is Known, Humidity, Heat, Glare, and Electromagnetic Interference

If the building commissioner finds, after making determination in the manner set forth in this Ordinance, that there is violation of performance standards relating to emission of smoke, fire, and explosive hazards where flash point of flammable materials is known,

humidity, heat, glare, or electromagnetic influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Article VII.

3. Performance Standards Relating to Measurement of Particulate Matter, Vibration, Noise, Fire and Explosive Hazards Where Flash Point of Flammable Materials is not Know, Toxic or Noxious Matter, Odorous Matter, and Radiation Hazards

If, in the considered judgment of the building commissioner, there is probable violation of the performance standards as set forth in this section, concerning emission of particulate matter, vibration, noise, fire, and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter, or radiation hazards the following procedures shall be followed:

- a. The building commissioner shall give notice, by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the building commissioner believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the building commissioner within a time limit set by the building commissioner. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the building commissioner within the time limit set constitutes admission of violation of the terms of this ordinance.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined no violation exists, the cost of the determination will be paid by the city.

- b. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the building commissioner, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- c. If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the building commissioner within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.

- d. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the building commission, but requesting additional time, the building commission may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
- e. If reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violations continue, the building commissioner may call in properly qualified experts to make the determination. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article VII.

If no violation is found, the costs of the determinations shall be paid by the city without assessment against the properties or persons involved.

3.190. 1 Performance Standards Regulating Noise

A. Definitions

For the purpose of this section, the following terms are defined:

Decibel: A unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.0002 microbars. It is abbreviated as dB.

Frequency: The number of times that a sound pressure fluctuation completely repeats itself in one (1) second of time. Frequency is designated in cycles per second and is abbreviated as c.p.s.

Impact Noise Analyzer: An instrument to measure the peak sound pressure of an impact sound.

Impact Sound: A sound produced by two (2) or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.

Noise: A subjective description of an undesirable or unwanted sound. (See definition of sound.)

Octave Band: A band of frequencies in which the upper limit of the band is twice the lower limit.

Pre-1960 Octave Bands: These octave bands still in common usage are designated by stating both the lower and upper limit of the band. Eight (8) octave bands cover the entire range of frequencies of interest in industrial noise and are described in United States of American Standards Institute (USASI) Standard No. Z24.10-1 953.

Preferred Frequency Octave Bands: These octave bands are replacing the pre-1960 octave bands. The preferred frequency bands are designated by a single number which corresponds to their geometric center frequency. Nine (9) octave bands cover the entire range of frequencies of interest in industrial noise, and are described in United States of America Standards Institute (USASI) Standard No. S1.6-1 960.

Octave Band Analyzer: An instrument to measure octave band composition of a noise, by means of bandpass filters. It shall meet all requirements of the United States of America Standards Institute. It may be calibrated for use with the pre-1960 octave bands or the subsequent preferred frequencies.

Overall Sound Level: Total sound pressure level in the entire frequency spectrum between twenty (20) and twenty thousand (20,000) cycles per second.

Sound: Rapid fluctuations of atmospheric pressure which are audible to persons.

Sound Level Meter: An instrument to measure the overall sound level. It shall comply with applicable specifications of the United States of America Standards Institute (USASI).

Steady State: A noise or vibration which is continuous such as from a fan or a compressor.

B. Method of Measurement:

For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable United States of America Standards Institute (USASI). During the measurements, the instruments shall be set on the "C" weighting scale with meter set for "slow" response. Impact noises shall be measured on a commercially available impact noise analyzer.

C. Maximum Permitted Sound Levels.

The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with Tables 1A, B, and C. Octave band analyzers calibrated in pre-1960 octave bands shall use Table 1B; preferred frequency analyzers shall use Table 1 C.

TABLE 1A

<u>Industrial Zone</u>	<u>Adjacent Zone Lot Line</u>	<u>Adjacent District Boundary</u>	<u>Residential District Boundary</u>
I-1	C	B	A
I-2 and I-3		C	A

*Except at I-2 and I-3 Boundaries.

The octave band noise levels corresponding to the above designations are as follows:

TABLE 1B

PRE-1960 OCTAVE BANDS

<u>Octave Bands Cycles per Second</u>	<u>A</u>	<u>B</u>	<u>C</u>
20--75	73 dB	80 dB	83 dB
75--150	60	74	78
150--300	53	69	72
300--600	47	63	66
600--1200	43	57	60
1200--2400	40	52	55
2400--4800	37	46	49
4800--10 KC	34	40	43

TABLE 1C

PREFERRED FREQUENCY OCTAVE BANDS

<u>Preferred Center Frequency (Cycles/Second)</u>	<u>A</u>	<u>B</u>	<u>C</u>
31.5	69 dB	78 dB	82 dB
63	69	78	82
125	58	73	76
250	52	67	70
500	46	61	64
1000	43	66	59
2000	39	50	53
4000	36	44	47
8000	33	39	42

For impact noise levels, the values in Table 1D, shall apply. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than three (3) dB higher than the values indicated on the sound level meter.

TABLE 1D

<u>Overall</u>	<u>A</u>	<u>B</u>	<u>C</u>
Impact	76 dB	85 dB	95 dB

Between the hours of 7:00 p.m. and 7:00 a.m., all of the permissible noise levels indicated in the previous tables for residential district boundaries shall be reduced by five (5) decibels.

Noises not directly attributable to an activity located on the zone lot are excluded from the above limitations (such as from independent transportation facilities).

3.1 90.2 Performance Standards Regulating Vibration

A. Definitions

Displacement: Amount of motion involved in earthborne vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (1/2) of the total excursion for a steady-state vibration. Displacement is usually reported in inches (or decimal fraction of an inch).

Frequency: The number of times that a displacement completely repeats itself in one (1) second of time. Frequency is designated in cycles per second and is abbreviated as c.p.s.

Impact Vibration: An earthborne vibration produced by two (2) or more objects (or parts of a machine) striking each other.

Particle Velocity: A characteristic of vibration which depends on both displacement and frequency. If not directly measured, it can be computed by the following formula: Particle velocity (inches per second) equals 6.28 times frequency (cycles per second) times displacement (inches).

Steady State: A noise or vibration which is continuous such as from a fan or a compressor.

Vibration: A reciprocating movement transmitted through the earth.

B. Method of Measurement

The instruments to be used for these vibration measurements shall be recording instruments which simultaneously record vibration in three (3) mutually perpendicular directions. They may record either particle velocity versus time, or displacement versus time. If displacement is recorded, particle velocity should be determined from the following relationship: Particle velocity equals 6.28 times displacement (inches) times frequency (cycles per second).

C. Maximum Permitted Vibration Levels

The maximum permitted vibration across zone lot lines and district boundaries shall be permitted in accordance with Tables 2A and 2B.

TABLE 2A

Industrial Zone	Adjacent Zone Lot Line	Adjacent District Boundary	Residential Boundary
I-1	C	B	A
I-2 and I-3	C	A	

***Except at I-2 and I-3 Boundaries.**

The peak particle velocities that correspond to the above designations are as follows:

TABLE 2B

Maximum Particle Velocity (Inches/Seconds)

<u>Vibration</u>	A	B	C
Steady State	.01	.05	.10
Impact	.02	.10	.20

The maximum particle velocity shall be the vector sum of three mutually perpendicular components recorded simultaneously.

For purposes of this Ordinance, steady-state vibrations and vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibration.

Between the hours of 7:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated in the previous table for residential district boundaries shall be reduced to one-half (1/2) of the indicated values.

3.1 90.3 Performance Standards Regulating Smoke and Particulate Matter A.

Definitions

Ambient Air Quality: The quantitative character of general atmosphere with respect to air pollutants.

Effluent: The emission of air pollutants from any source. Microgram: One millionth of a gram.

Opacity: That property of a gaseous effluent tending to reduce light transmission through the plume, and as used in this Ordinance refers to the obscuration of an observer's view, but shall not include obscuration of an observer's view due to water droplets.

Particulate Matter: Matter, other than uncombined water, which is suspended in air or other gases, in a finely divided form, as a liquid or solid at standard conditions.

Ringelmann Number: The shade of gray which appears on the chart published and described in the U. S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks and other sources.

Smoke: Small gas-borne or airborne particles resulting from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

Standard Conditions: A gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of 29.92 inches mercury absolute.

Suspended Particulates: Particulate matter found in the atmosphere and sampled in accordance with American Society for Testing and Materials Test No. D2009-65.

B. Emission of Smoke and/or Visible Effluent

1. In all industrial districts, the opacity of smoke or visible effluent, exclusive of uncombined water droplets, from any source shall not exceed Ringelmann No. 1, except as provided below.
2. In all industrial districts, the emission of smoke or visible effluent, exclusive of uncombined water droplets, may exceed Ringelmann No. 1, but not Ringelmann No. 3, for the times and intervals herewith:

I-1 District--Six (6) minutes in any four (4) hour period.

I-2 and I-3 Districts--Six (6) minutes in any continuous sixty (60) minutes.

C. Emission of Particulate Matter

1. Source Limitations.

In all industrial districts, the emission of particulate matter from all stacks, vents, chimneys, flumes or other openings of any process, operation or activity within the zone lot shall not exceed the rate described for each district. The maximum emission rate shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

TABLE 3A

<u>District</u> <u>Acre*</u>	<u>Maximum Rate for All Emission</u> <u>Sources, Pounds per Hour per</u>
I-1	1
I-2 and I-3	2

***Area of the Zone Lot.**

2. Ambient Air Quality. In all industrial districts, suspended particulates emitted from air pollution sources shall be limited across zone lot lines or district boundaries in accordance with the following table. Measurements shall be made at ground level or habitable elevations and shall consist of twenty-four (24) hour samples.

Values given are above background.

TABLE 3B

<u>District Meter</u>	<u>Across</u>	<u>Suspended Particulates, 24-Hour Sample, Micrograms per Cubic</u>
I-1	Zone Lot Line	50
I-2 and I-3	District Boundary	100

D. Windborne Particulates

Emission of particulate matter from open storage areas, yards, roads, material piles and the like shall be kept to a minimum by appropriate landscaping, paving, oiling or other means. Such windborne dust shall be subject to the ambient air quality standards.

3.1 90.4 Performance Standards Regulating Odor

A. Definitions

Odorous Matter: Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor Threshold Concentration: The lowest concentration of odorous matter which will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 (1967).

B. Emission of Odorous Matter.

1. In the I-1 District, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the I-1 District boundary (except in I-2 and I-3 Districts), measured either at ground level or habitable elevation.
2. In the I-2 and I-3 Districts, the release of odorous matter shall not exceed the odor threshold concentration in a residential district, measured either at ground level or habitable elevation.

3.1 90.5 Performance Standards Regulating Toxic Matter A. Definitions

Sulfur Oxides: The oxides of sulfur which include sulfur dioxide and sulfur trioxide.

Threshold Limit Values: The maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week, and as adopted by the American Conference of Governmental Industrial Hygienists.

Toxic Matter: Materials which are capable of causing injury to living organisms by chemical means when presented in relatively small amounts.

B. Emission of Sulfur Oxides.

1. In the I-1 District, the maximum emission rate of sulfur oxides shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.
2. In the I-1 District, the emission of sulfur oxides (as sulfur dioxide) from all sources on the zone lot shall not exceed two (2) pounds per hour per acre.*

***Area of Zone Lot.**

3. In the I-2 and I-3 Districts, the emission of sulfur oxides from all sources on the zone lot shall not exceed three (3) pounds per hour per acre.*

***Area of Zone Lot.**

C. Emission of Other Toxic Matter.

1. In all industrial districts, the measurement of toxic matter shall be at ground level or habitable elevation at the points indicated below and shall be the average of a twenty-four (24) hour sample. The release of airborne toxic matter (other than sulfur oxides) shall not exceed one-thirtieth (1/30) of the threshold limit values of toxic materials currently listed by the American Conference of Governmental Industrial Hygienists. If a toxic material is not so listed, the applicant shall satisfy the City Board of Health that the proposed levels will be safe to the general population.
2. Measurement of airborne toxic matter shall be conducted as follows:

TABLE 4A

<u>District</u>	<u>Sample Location</u>
I-1	Across Zone Lot Line
I-2 and I-3	Across District Boundary

3.1 90.6 Performance Standards Regulating Fire and Explosive Hazards

A. Definitions

Active to Intense Burning: A rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the fire marshal to have equivalent burning characteristics.

Detonable Materials: Materials which decompose by detonation. Such materials include explosive, unstable compounds, and fissionable matter.

Flash Point: The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

SCF (Standard Cubic Feet): Which is the measure of the volume of a gas reduced to sixty (60) degrees Fahrenheit and 29.92 inches mercury, absolute.

B. Detonable Materials

1. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each industrial district and the rules and regulations of the metropolitan fire marshal. Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, TETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorite and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
2. In the I-1 District, the storage, utilization or manufacture of material or products which decompose by detonation is limited to five (5) pounds, except that this provision shall not apply to mining and quarrying extractive activities in existence at the time of adoption of this Ordinance.
3. In the I-2 and I-3 Districts, the storage and utilization (but not manufacture) of material or products which decompose by detonation in excess of five (5) pounds, is permitted, in accordance with state and local regulations.

C. Fire Hazard Solids

1. In the I-1 District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be prohibited.
2. In the I-2 and I-3 Districts, the storage, utilization or manufacture of solid materials is permitted, in accordance with state and local regulations, but outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines.

D. Fire Hazard Liquids and Gases

1. In all industrial districts, the storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of fifty-five (55) gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.
2. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each industrial district.

The storage of flammable liquids having a flash point of three hundred (300) degrees Fahrenheit or higher is permitted without restriction in all industrial districts.

3.1 90.7 Performance Standards Regulating Radioactive Materials

A. Definitions

Microcurie: One millionth of a curie which is a standard unit of radioactivity.

Unsealed radioactive Materials: Radioactive material that is not permanently bonded or fixed in a capsule or matrix designed to prevent release or dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

B. State Requirements.

The manufacture, storage and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection against Radiation" issued by the Tennessee Department of Environment and Conservation.

TABLE 5

STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES

<u>District</u>	<u>LIQUIDS</u>		<u>GASES</u>	
	<u>Above Ground Flash Point, Degrees Fahrenheit</u>	<u>Below Ground Flash Point, Degrees Fahrenheit</u>	<u>Above Ground</u>	<u>Below Ground</u>
I-1	Less than 125	Less than 125		
	10,000 Gal.	20,000 Gal.		
	125--300	<u>125--300</u>		
I-2 and I-3	40,000 Gal.	80,000 Gal.		
	Unlimited, except that within 300 ft. of a district boundary no more than 50,000 gal. per acre within such distance shall be permitted	Unlimited	300,000SC Unlimited, except that within 300 ft. of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted	600,000SCF Unlimited

C. Quantities of Unsealed Radioactive Material by District

The manufacture, storage and/or utilization of unsealed radioactive materials shall be limited in accordance with the following table:

TABLE 6A

<u>District</u>	<u>Maximum Quantity Permitted</u>
I-1	One million times table below
I-2 and I-3	Ten million times table below

TABLE 6B

Materials	Microcuries	Materials	Microcuries
Ag105	1	P32	10
Ag111	10	Pd103+Rh103	50
As76, As77	10	Pd109	10
Au198	10	Pm147	10
Au199	10	Po210	0.1
Ba140+La140	1	Pr143	10
Be7	50	Pu289	1
C14	50	Ra226	0.1
CA45	10	Rb86	10
Cd109+Ag109	10	Re186	10
Ce144+Pr144	1	Rh105	10
Cl86	1	Ru106+Rh106	1
Co60	1	S85	50
Cr51	50	Sb124	1
Cs187+Ba187	1	Sc46	1
Cu64	50	Sm158	10
Eu154	1	Sn118	10
F18	50	Sr89	1
Fe55	50	Sr90+Y90	0.1
Fe59	1	Ta182	10
Ga72	10	Tc96	1
Ge71	50	Tc99	1
H3(HT0 or H320)	250	Te127	10
I131	10	Te129	1
In114	1	Th (natural)	50
Ir192	10	Tl204	50
K42	10	Tritium (See H3)	250
La140	10	U (natural)	50
Mn52	1	U233	1
Mn56	50	U234-U235	50
Mo99	10	V48	1
Na22	10	W185	10
Na24	10	Y90	1
Nb95	10	Y91	1
Ni59	1	Zn65	10
Ni63	1	Unidentified radioactive materials above in unknown mixtures	0.1

3.1 90.8 Performance Standards Regulating Glare

A. Definitions

Footcandle: A unit of illumination. Technically the illumination at all points one (1) foot distant from a uniform point source of one (1) candlepower.

B. Limitation of Illumination in Residential Districts. In all industrial districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of one (1) footcandle when measured in a residential district.

C. Performance Standards Regulating Electromagnetic Interference. In all industrial districts, no operations or activities shall be conducted that cause electrical disturbances to be transmitted across zone lot lines.

3.200 Standards applying to grading operations. **(Amended by Ordinance 315, March 14, 2006, Adding New Sections 3.200 – 3.310)**

3.210 Establishment and purpose. There are established for the City of Ashland City, Tennessee the following regulations and requirements for permitting of grading operations:

1. This section shall be known and may be cited as “The Ashland City Grading Ordinance”.
2. The purpose of this section is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor “yard improvement” measures.

3.220 Definitions. Wherever used in this section, the following words shall have the meaning indicated:

1. Building permit shall mean a permit issued by the Building Official pursuant to the provisions of the zoning ordinance of Ashland City for the construction, correction, or alteration of a structure or building.
2. Excavation shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.
3. Fill shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.
4. Existing grade shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.
5. Grading shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

6. Grading permit shall mean any permit required under this section.
7. Person shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.
8. Site shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.
9. Topsoil is that upper portion or layer of naturally occurring terrain two inches to ten inches (2" - 10") that is composed of mostly organic matter and has the ability to support vegetation.
10. Stripping shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation.

3.230 Scope. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this section, except that this section shall not apply to:

1. Commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay, unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.
2. Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.
3. Construction which is the implementation of plans for developments(s) duly reviewed and approved by the Ashland City Planning Commission.
4. Grading or excavation pursuant to a permit for excavation in public streets **for which inspection is provided by the city.**
5. Grading in connection with a public utility improvement or public work for which inspection is provided by the city.
6. Grading or excavation by a public utility company in private easements or public rights-of-way **for which inspection is provided by the city.**
7. An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this section to, nor the requirement of a grading permit for, any fill made with the material from such excavation.
8. Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (T.C.A., Section 43-26-103).
9. The construction of a single residence or addition to an existing single family residence.

Permits will be required for any other grading operation not noted above and covered in one or more of the following situations:

1. Topsoil stripping or sod removal having a single or combined area coverage on one site of twenty-five hundred (2,500) square feet (equivalent to fifty (50) feet square).
2. Excavation or placement of fill material having a volume of one hundred (100) cubic yards or more on one site.
3. Areas excavation or fill having a coverage of one thousand (1,000) square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one site.
4. An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three (3) feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.
5. A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.
6. An excavation or fill within a public sewer, water main, storm drain, or power line easement.
7. An excavation or fill which will encroach on or alter a natural drainage channel or water course.

No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the Building Official.

A separate permit shall be required for each separate noncontiguous site. One permit may cover both an excavation and a fill on the same site made with excavation materials.

3.240 Application. The permit application shall include but not necessarily be limited to the following:

1. Basic Information:
 - a. The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;
 - b. The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;
 - c. The street address at the point of access to the property where the work is to be performed;
 - d. The name and address of the owner of the property on which the work is to be performed;
 - e. A description of the equipment and methods to be used in performing the work;

- f. The name of the firm that will haul excavated material to or from the property where the work is to be performed;
- g. The name, address and phone number of the person to have effective control of the work;
- h. The estimated dates for starting and completing the work to be done;
- i. Report of a Soils Engineer if required by the Building Official;
- j. Such further applicable information as the Building Official may require in order to carry out the purposes of this section.

2. Detailed Information:

- a. A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the Building Official;
- b. Such further engineering or soils data as may be required by the Building Official to fully assess the scope and consequences of the proposed work;

3. Drainage Considerations:

- a. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
- b. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the Building Official as a safe place to deposit and receive such waters;
- c. The Building Official may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters;
- d. Will comply with all State agencies and their requirements.

3.250 Duration of permit. As stated in Subsection 2.304, 1, I, the estimated time frame for this work will be submitted with the permit application. The Building Official will, at the time the permit is issued, set a completion date, but due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, and extension of time may be granted. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated.

3.260. Denial of permit. An application for work under the provisions of this section may be denied for any of the following reasons:

- 1. Insufficient or inadequate information submitted to determine scope of project;
- 2. Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc.

3.270. Inspection of work. Monitoring of the work will be accomplished by the Building Official or his representative as follows:

1. Before project is commenced;
2. Upon completion of the project;
3. At any other time(s) the Building Official may deem necessary.

3.280. Surety for permitted work in public rights-of-way. Public Performance Bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights-of-way or private property easements. The form and amount of bond will be set by the Building Official at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work.

3.290 Permit fees. Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

1. Area coverage of less than twenty-five hundred (2,500) square feet or less than one hundred (100) cubic yards of material. **Fifty Dollars (\$50.00)**
2. Area coverage of more than twenty-five hundred (2,500) square feet or more than one hundred (100) cubic yards of material. **One hundred Dollars (\$100.00)**

3.300 Maintenance. The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

1. The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
2. The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;
3. Upon completion, the project must be left in and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.;
4. Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights-of-way.

3.310 Violations and Penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this section. When written notice of a violation of any of the provisions of this section has been served by the Building Official on any person, such violation shall be discontinued immediately. It shall be construed to be a violation of this section to solicit public or "at large" "dumping of materials on any site by placement of "Dump Dirty and Rock Only", "Dump Here", or any other similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this section.