

CHAPTER 6: DEVELOPMENT STANDARDS

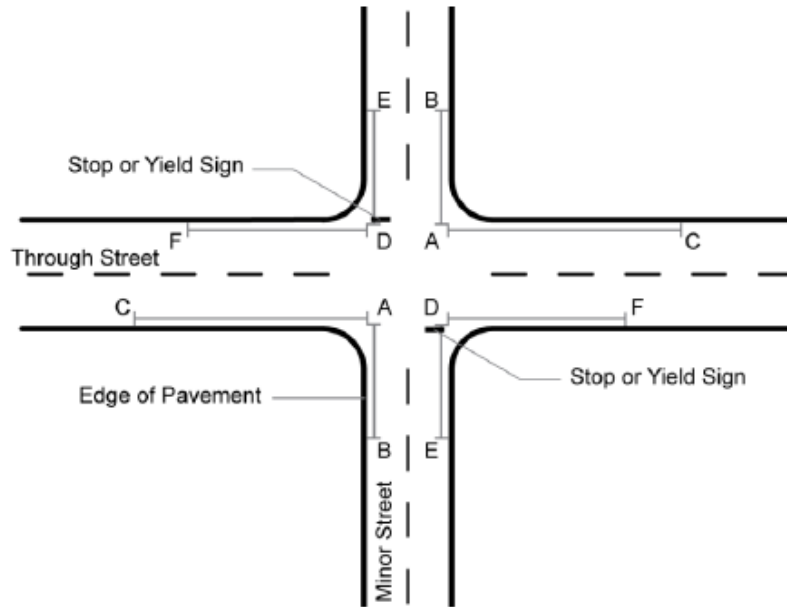
6.1 CLEAR SIGHT TRIANGLE

6.1.1 Areas around all intersections, including the entrance of driveways onto streets, shall be kept clear of sight obstruction. The extent of these areas depends on a number of factors. Listed in 6.1.1, 1) are a number of types of intersections and the regulations applicable to each. 6.1.1, 2) establishes what may be in the area that is to be kept clear of sight obstructions. For approach speeds greater than 40 mph or when such conditions are warranted by the Town Engineer, sight distance shall meet the most recent AASHTO standards.

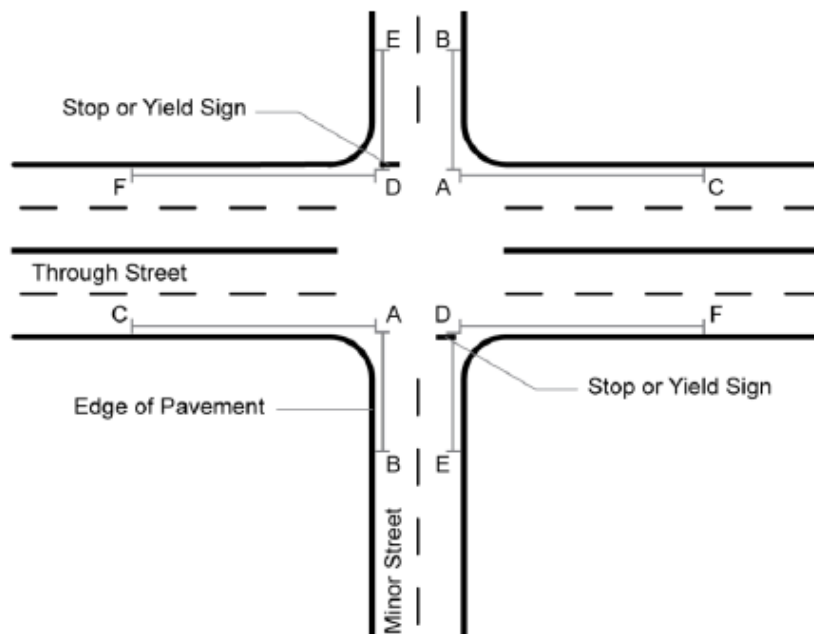
1) **Intersections by Type:**

a) Type "A" Intersection:

- i) A type "A" intersection is one in which two streets converge in any configuration where one street is controlled with either a stop or yield sign (minor street) and the other street is not controlled by a stop or yield sign or other control device (the through street).
- ii) The objective of a type "A" intersection is to allow traffic at the stop sign or approaching the yield sign on the minor street to see approaching traffic on the through street and to allow traffic on the through street to see approaching traffic on the minor street.
- iii) The dimensions of the area that must be clear of sight obstructions depends on whether the minor street is controlled by a stop or yield sign, the posted speed on the through street, and the number of through traffic lanes on the side of the through street closest to the minor street.
- iv) The area that must be kept clear is in the shape of a triangle at each corner of the intersection. Below are two (2) diagrams and tables that will establish the length of two (2) sides of the triangle. Connecting the end points of these two (2) sides establishes the area to be kept clear of sight obstruction. Note that the two (2) sides of the triangle shown on the diagrams below are measured along the edge of pavement.



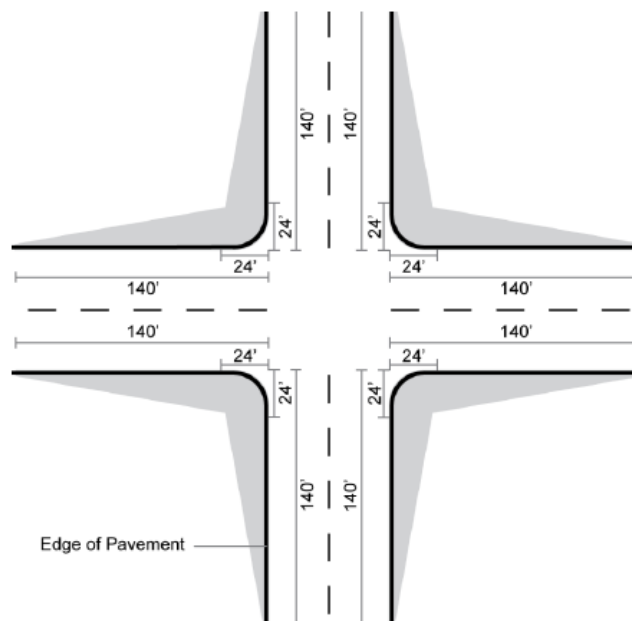
ONE APPROACHING TRAFFIC LANE ON THROUGH STREET					
Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A - B	A - C	D - E	D - F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	105'
	30 MPH	14'	200'	14'	130'
	35 MPH	14'	250'	14'	160'
	40 MPH	14'	275'	14'	180'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	140'
	30 MPH	24'	230'	24'	170'
	35 MPH	24'	280'	24'	205'
	40 MPH	24'	320'	24'	240'



TWO APPROACHING TRAFFIC LANES ON THROUGH STREET					
Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side in Feet			
		Sides			
		A - B	A - C	D - E	D - F
Minor Street Controlled by Stop Sign	Unposted or 20-25 MPH	13'	175'	14'	75'
	30 MPH	14'	200'	14'	90'
	35 MPH	14'	250'	14'	110'
	40 MPH	14'	275'	14'	125'
Minor Street Controlled by Yield Sign	Unposted or 20-25 MPH	24'	190'	24'	105'
	30 MPH	24'	230'	24'	130'
	35 MPH	24'	280'	24'	130'
	40 MPH	24'	320'	24'	180'

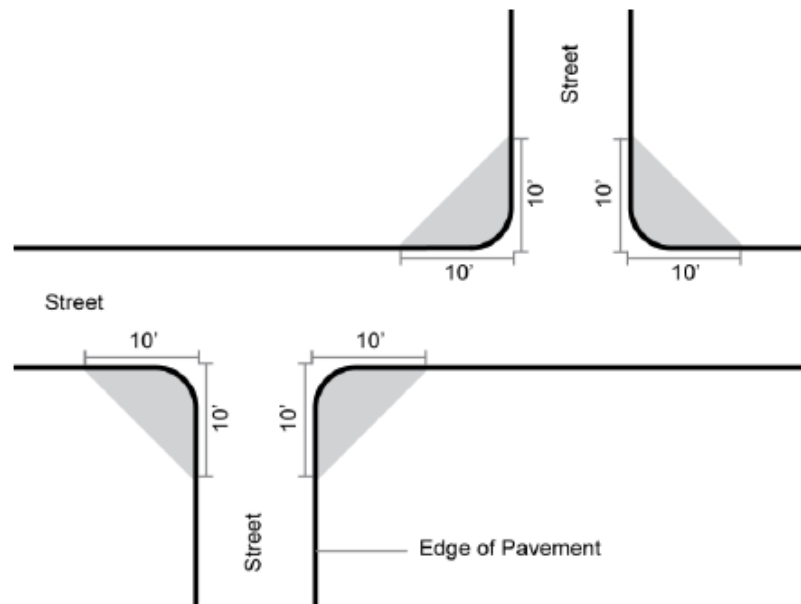
b) Type "B" Intersection:

- i) A type "B" intersection is one in which two (2) streets cross and neither is controlled by a stop or yield sign or other control device.
- ii) The object at these intersections is to allow traffic on both streets to see approaching traffic.
- iii) The area that must be clear of sight obstruction is in the shape of two (2) partially overlapping triangles at each corner of the intersection. One (1) side of each triangle is twenty-four (24') feet long measured along the edge of pavement. The second side is one hundred forty (140') feet long measured along the edge of pavement. Connecting the end points of these sides will define the area that must be clear of sight obstruction.



c) Type "C" Intersection:

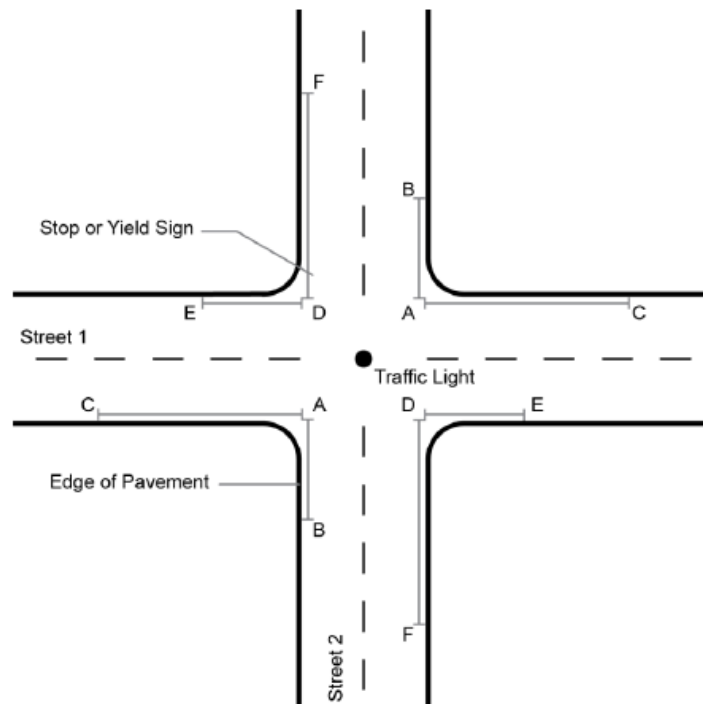
- i) A type "C" intersection is one in which two (2) streets converge in any configuration and both streets are controlled by stop signs.
- ii) The object at these intersections is to allow traffic stopped at the stop sign to see traffic stopped at the stop signs in every approaching traffic lane.
- iii) The areas that must be clear of sight obstructions are in the shape of triangles, one at each corner of the intersection. Two (2) sides of each triangle are ten (10') feet long each as measured along the edge of pavement. Connecting the ends of these two (2) sides defines the area that must be clear of sight obstructions.



d) Type "D" Intersection:

- i) A type "D" intersection is one in which all streets are controlled by a traffic light. The object at these intersections is to allow traffic that could turn on a red light to see approaching traffic and to allow traffic with a green light to see traffic that could turn on a red light.
- ii) The areas that must be kept clear of sight obstructions are in the shape of a triangle, one (1) at each corner of the intersection.

- iii) The dimensions of these areas depend on the speed of the two (2) streets. Below is a diagram and table that will establish the length of two (2) sides of these triangles. Connecting the end points of these two (2) sides will establish the area that must be kept clear of sight obstructions at each corner of the intersection. Note that the two (2) sides of the triangle shown on the diagram below are measured along the edge of pavement.

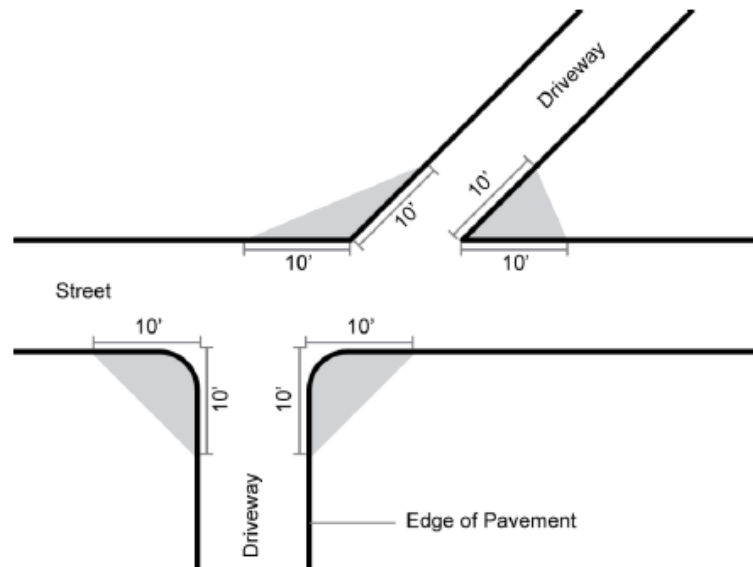


Intersecting Streets	Posted Speed of Through Street	Length of Side in Feet	
		Sides	
		A - B and D - E	A - C and D - F
Street 1	Unposted or 20-25 MPH	13'	175'
	30 MPH	14'	200'
	35 MPH	14'	250'
	40 MPH	14'	275'
Street 2	Unposted or 20-25 MPH	13'	175'
	30 MPH	14'	200'
	35 MPH	14'	250'
	40 MPH	14'	275'

e) Type "E" Intersection:

- i) A type "E" intersection is an intersection in which a driveway or access driveway serving any use other than residential use enters a street.

- ii) The object at these intersections is to allow traffic coming out of the driveway or vehicular access easement or tract to see approaching traffic.
 - iii) These intersections are regulated as Type “A” intersections as if the driveway or vehicular access easement or tract is the minor street controlled with a stop sign and the street is the through street.
- f) Type “F” Intersection:
- i) A type “F” intersection is an intersection in which a driveway or vehicular access easement or tract serving exclusively residential uses enters a street.
 - ii) The object at these intersections is to allow traffic coming out of the driveway or vehicular access easement or tract to see approaching traffic.
 - iii) The areas that must be clear of sight obstructions are the areas enclosed within triangles, one (1) at each corner of the intersection. Two (2) sides of each triangle area are ten (10') feet long each as measured along the edge of pavement. Connecting the ends of these two (2) sides defines the area that must be clear of sight obstruction.



- g) One-Way Streets and Streets with Median Barriers: The provisions of this section are written to apply to streets with one-way traffic and streets with a median barrier. The Town Engineer may modify the requirements of this section to fulfill the purpose of

these regulations for intersections including a one-way street or a street with a median barrier.

- h) Intersections Not Specifically Regulated: The Town Engineer shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than two (2) streets and for other intersections that are not specifically regulated in paragraphs a) through g).

2) **Permissible Intrusion in the Area to be Kept Clear of Sight Obstruction:**

- a) General: Except as provided in paragraph b) below, unless specifically approved by the Town Engineer, no sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three (3') feet above the grade of the respective center lines of the intersecting street, driveway, or vehicular access easement or tract.
- b) Exceptions: The following are permitted to be within the area that must be clear of sight obstructions:
 - i) Natural and fabricated objects and natural topography of the ground if the Town Engineer determines that adequate visual access is available.
 - ii) To fulfill the intent of this section, the Town Engineer may require land surface modification as part of any development activity on the subject property.
 - iii) Any vegetation extending into the sight triangle must be pruned to maintain a minimum obstruction-free height of eight (8') feet above the finished ground level or as needed to provide adequate sight distance in accordance with Sections 6.1.1, 1) and 2) above.
 - iv) All signs and utility appurtenances must be located to minimize sight obstructions at the intersections and their locations shall be approved by the Town Engineer.

3) **Obstruction Deemed Nuisance – Abatement and Enforcement:** In addition to other remedies as may be provided herein, any obstruction maintained in violation of this section shall be deemed a violation of this Ordinance and shall be processed in accordance with Chapter 10, Section 10.11.8.

4) **Exemptions:** No obstruction to cross-visibility shall be deemed to be accepted from the application of this section because of its being in

existence at the time of the adoption hereof, unless expressly exempted by the terms of this section.

6.2 MOBILITY AND CIRCULATION

6.2.1 Access Control

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

- 1) **Plan Submission:** In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted in accordance with the Site Plan Review requirements in Chapter 10, Section 10.6.
- 2) **Number of Access Points:** Lots less than one hundred (100') feet in width shall have no more than one (1) point of access to any one (1) public street. Lots greater than one hundred (100') feet in width but less than three hundred (300') feet shall have no more than two (2) points of access to any one (1) public street. The Planning Commission may consider additional driveways for lots in excess of three hundred (300') feet in width in consultation with the Town Planner and Town Engineer.
- 3) **Distance from Intersections:** All vehicular access points from a site or parcel shall be located at least fifty (50') feet from the intersection of any right-of-way lines of street or a street and a railroad.
- 4) **Width:** A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25') feet in width for one-way (1 lane) ingress and/or egress and shall not exceed forty-four (44') feet in width for two (2)-way ingress and/or egress. Points of access up to fifty (50') feet in width for businesses engaged primarily in the servicing of automobile vehicles may be granted on a case-by-case basis.
- 5) **Effect on Curbs, Drainage Ditches, and Sidewalks:** No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the Mayor or his Designee. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.
- 6) **Relation to State Highway Regulations:** Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation. In the event of a conflict between state or federal regulations and the Town of Arlington requirements, the most stringent standard shall govern.

6.2.2 Pedestrian Traffic

In all developments due consideration shall be given to pedestrian traffic circulation. In developments adjacent to existing sidewalks, the extension of the sidewalks shall be required. In all new developments, the Planning Commission shall evaluate the density of the development or the location of the development relative to existing and future commercial or residential developments to determine if a need exists for sidewalks in the area.

6.3 TREE PROTECTION

6.3.1 Purpose and Intent

The purpose and intent of the Ordinance is to promote the health, safety and public welfare of the inhabitants of the Town of Arlington, and consistent with forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee. The Ordinance is based on the premises that trees are part of our heritage and our future and that they are an essential part of the quality of life within the Town.

The standards herein are hereby established in order to create greater human comfort by providing shade, to cool the air and otherwise temper the effects of summer heat, to restore oxygen to the atmosphere, to reduce glare and noise levels, to promote clean air quality by increasing dust infiltration, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen to beautify and enhance improved and undeveloped land, to maintain the ambience of the Town, to ensure that tree planting and removal does not reduce property values, all of which aid in protecting the health, safety and general welfare of the Town.

This Ordinance shall apply to all public, as well as private developments, to include developers, builders, and/or owners of real property involved in the erection, repair, alteration, or removal of any building or structure, as well as the grading in anticipation of such development. Exclusions of the Ordinance are homeowners of an existing single family residence on parcels of land within an approved and recorded subdivision.

6.3.2 Administration

The Tree Protection and Grading Ordinance shall be administered by the Town Public Works Superintendent, Town Planner and Town Engineer. The staff shall be supported in its program by other departments within the Town. Specific areas of responsibility are assigned as follows:

- 1) **Town Public Works Superintendent:**
 - a) Provide overall enforcement of this section through the Town Inspector
 - b) Provide inspection of tree planting requirements in new residential areas

- 2) **Town Planner and Engineer:**
 - a) Review development plans in accordance with the provisions of this section as a part of the review process of site development plans
 - b) Provide inspection of development sites to ensure compliance with grading and tree protection requirements
- 3) **Planning Commission and Design Review Committee:** Review development plans for conformance of this section.

6.3.3 Protection of Existing Tree Cover

In all developments due regard shall be shown for landmarks and similar community assets which, if preserved, will add attractiveness and value to the property as well as reflect the Town's commitment to trees. This includes the preservation of existing trees whenever practical and the judicious planting of new tree materials.

- 1) No trees shall be removed from any development unless said trees are within dedicated street right-of-way, within a recorded utility or drainage easement, or are required to be removed in accordance with grading plans approved by the Town's Development Staff. Detailed grading plans are required for Site Plan and Engineering Plat Submissions to the Planning Commission.
- 2) On a residential site, within any Tree Protection Zone, no existing trees eight (8") inches in diameter at a point four and one-half (4½') feet above the ground level shall be removed. A Tree Protection Zone being any distance beyond ten (10') feet from the foundation of a residence for the front and rear yards.
- 3) Adequate protection shall be given to trees to be preserved on a construction site and shall follow guidelines for the protection of existing trees.
 - a) Grading, filling, and trenching should be adjusted to reduce root or soil compaction.
 - b) Prior to any tree removal or commencement of construction, all trees on public or private construction sites that are scheduled for preservation shall be flagged by a colored ribbon and be guarded by a temporary barrier and shall remain until completion of work. The temporary barrier shall be placed a minimum of three (3') feet high and shall protect as much as possible the drip line of any protected tree or cluster of trees.
 - c) No materials, trailers, vehicles, equipment, or chemicals shall be stored, operated, or dumped within the protected area.
 - d) When removing branches from protected trees to clear for construction or pruning to restore the nature shape of the tree, the guidelines of the National Arborist Association Pruning Standards shall be followed. Protected trees shall be pruned, sprayed, and

fertilized as necessary to compensate for any loss of roots and to stimulate root growth and prevent disease. Any damage to tree crowns or root systems shall be repaired immediately after damage occurs.

6.3.4 Official Town Tree

It is hereby decreed that the Crepe Myrtle shall be the official Town tree. This selection is made because of its history, superior form and shape, and its strength of structure and lifespan in our geographic area. While it is not recommended that this species be selected over other species in planting on public or private property, it is recommended that the tree be recognized as a symbol of the Arlington community.

6.3.5 Trees of Historic or Special Significance

A tree of significant age or stature can constitute a unique asset to the community. Such a tree specimen should be given special consideration and care. The Board of Mayor and Aldermen can designate a unique specimen as an Arlington Heritage Tree. A tree so designated shall be given special protection, maintenance and recognition by the property owner as the situation warrants.

6.3.6 Tree Planting Specifications:

- 1) **Residential Subdivision Development:** In new residential subdivisions where front yard setbacks are void of trees, the developer/builder shall install street trees to the following specifications:
 - a) The minimum tree planting requirements within the required front yard setback shall include one (1) category one tree two (2") inch caliper measured at a point six (6") inches above the ground level (American Association of Nursery Standards of Measurement).
 - b) **Species Selection:** Trees scheduled for planting must be quality specimens whose physical site requirements are compatible to the intended development. When practical, builders shall confer with prospective home builders on their preference of tree specimens.
 - c) **Residential Subdivisions:** All trees planted under the provision of this Ordinance must be installed within the guidelines of the International Society of Arboriculture. If a tree results in death as a result of improper installation within sixty (60) days from the date the tree is installed, then the developer or builder will be responsible for replacement.
- 2) **Site Plan Review:** On developments that are required to have site plan approval by the Planning Commission and the Design Review Committee the quantity of trees on a site must meet a minimum tree density criteria.

A tree survey showing the location, species and size of all trees on the site, as well as a notation of those that are proposed to remain and those proposed to be removed shall be provided to the Planning Commission and Design Review Committee at the time of application. The plan must also provide a calculation of the tree density factor, as provided below.

A fixed formula will balance the number, size, and category of trees preserved with the number and size of trees planted in order to retain a minimum-desired density factor. The resultant factor can be no less than twenty (20) density units (DU's) per acre. Existing trees and newly planted trees contribute to the total density with the minimum tree size considered for existing trees to be six (6") inches diameter at breast height (DBH) and the maximum tree size for existing trees to be forty (40") inches DBH. The following Tree Value Factors (TVF) shall be multiplied by the respective DBH or caliper inches (CI) and total number of trees to arrive at the total density units. Section 6.3.7 provides a list of trees by category by which to determine the tree value factor. Any other trees shall have a TVF of 0 unless approved by the Design Review Committee.

$$\text{TVF} \times \text{DBH} \times \# \text{ of trees} = \text{DU}$$

TVF	
Category One	1.0
Category Two	.75
Category Three	.50

The combined Tree Density Factor is applied as an average over the total acreage in the development; the tree unit density of existing and replacement trees must be a minimum of twenty (20) times the development acreage. Ideally, the trees should be located so that each acre of the project comes as close as possible to the prescribed unit of tree density per acre.

- 3) **Installation/Maintenance:** Tree replacement for all land uses other than single family shall be in conformance with the Town of Arlington Design Review Committee approval and consistent with the Zoning Ordinance. All plantings approved by the Design Review Committee shall be maintained for the life of the project. Should a tree be removed, destroyed, die, or become diseased or hazardous, it shall be replaced with like material and size as was approved by the Committee.
- 4) **Utility Easement Reservation:**
 - a) No street trees other than those with a mature height of less than twenty-five (25') feet shall be planted within twenty (20') feet of any overhead utility wire.
 - b) No street tree shall be planted over or within ten (10) lateral feet of any dedicated easement including underground water line, sewer line, transmission line or other utility, excluding telephone, cable TV, and individual service lines.
- 5) **Location Requirements:**
 - a) In street plantings, no tree shall be planted closer than ten (10') feet to a fire hydrant, utility pole or street light. No tree shall be planted within fifteen (15') feet of a driveway/street intersection, or within a visibility triangle as in the Town of Arlington Regulations.

- b) Trees planted adjacent to sidewalks or curbs should not be planted any closer than three (3') feet for small trees, five (5') feet for medium trees and seven (7') feet for large trees.

6.3.7 Tree Chart	
CATEGORY ONE SMALL DENSITY	CATEGORY TWO MEDIUM DENSITY
Bradford Pear	Black Cherry (<i>Prunus serotina</i>)
Dogwood, flowering (<i>Cornus florida</i>)	Eastern red cedar (<i>Juniperus virginiana</i>)
Redbud (<i>Cercis canadensis</i>)	Elm, cedar (<i>Ulmus crassifolia</i>)
	Elm, water (<i>Planera aquatica</i>)
CATEGORY ONE MEDIUM DENSITY	Hophornbeam (<i>Ostrya virginiana</i>)
American holly (<i>Ilex opaca</i>)	Persimmon (<i>Diospyros virginiana</i>)
	Sassafras (<i>Sassafras albidum</i>)
CATEGORY ONE LARGE DENSITY	
American beech (<i>Fagus grandifolia</i>)	CATEGORY TWO LARGE DENSITY
Bald Cypress (<i>Taxodium distichum</i>)	American hornbeam (<i>Carpinus caroliniana</i>)
Hickory, bitternut (<i>Carya cordiformis</i>)	Ash, green (<i>Fraxinus pennsylvanica</i>)
Hickory, pignut (<i>Carya glabra</i>)	Ash, pumpkin (<i>Fraxinus tomentosa</i>)
Hickory, shagbark (<i>Carya ovata</i>)	Ash, white (<i>Fraxinus Americana</i>)
Hickory, mockernut (<i>Carya tomentosa</i>)	Basswood (<i>Tilia Americana</i>)
Oak, black (<i>Quercus velutina</i>)	Black gum (<i>Nyssa sylvatica</i>)
Oak, northern red (<i>Quercus rubra</i>)	Oak, blackjack (<i>Quercus marilandica</i>)
Oak, post (<i>Quercus stellata</i>)	Oak, overcup (<i>Quercus lyrata</i>)
Oak, southern red (<i>Quercus falcata</i>)	Pecan (<i>Carya illinoensis</i>)
Oak, swamp chestnut (<i>Quercus falcate</i>)	Southern Catalpa Swamp tupelo (<i>Myssa biflora</i>)
Oak, water (<i>Quercus nigra</i>)	Sweetgum (<i>Liquidambar styraciflua</i>)
Oak, white (<i>Quercus alba</i>)	Sycamore water locust (<i>Gleditsia aquatica</i>)
Oak, willow (<i>Quercus phellos</i>)	Water tupelo (<i>Nyssa aquatica</i>)
Red maple (<i>Acer rubrum</i>)	
Sugar maple (<i>Acer saccharinum</i>)	CATEGORY THREE MEDIUM DENSITY
Tulip Poplar (<i>Liriodendron tulipifera</i>)	Birch, river (<i>Betula nigra</i>)
	Boxelder, (<i>Acer negundo</i>)
CATEGORY TWO SMALL DENSITY	
Crepe Myrtle, <i>Lagerstroemia indica</i>)	CATEGORY THREE LARGE DENSITY
Hawthorn, parsley (<i>Crataegus marshallii</i>)	Honeylocust (<i>Gleditsia triacanthos</i>)
Hawthorn, swamp (<i>Crataegus viridus</i>)	Loblolly Pine Maple, silver (<i>Acer saccharinum</i>)
Holly, deciduous (<i>Ilex deciduas</i>)	Mulberry, red (<i>Morus rubra</i>)
Pawpaw (<i>Asimian triloba</i>)	Sugarberry (<i>Celtis Laevigata</i>)
Sweetbay magnolia (<i>Magnolia virginiana</i>)	Willow, black (<i>Salix nigra</i>)

6.4 LAND DISTURBANCE

6.4.1 Purpose

The purpose of this section is to protect and further the public interest by regulating land disturbance, filling, stripping and soil storage in connection with the clearing and grading of land for construction-related or other purposes.

This section establishes substantive and procedural requirements to protect the water quality of the streams, rivers, lakes and drainage areas within the Town of Arlington by controlling erosion, sedimentation, and related environmental damage caused by construction-related or other activities. These requirements are intended to address:

- a) Illicit discharge detection and elimination
- b) Construction site stormwater runoff

Volume 3 – Best Management Practices (BMP's) of the Memphis & Shelby County Drainage Design Manual (MSCDDM) details the activities and BMPs required to fulfill these requirements.

6.4.2 General Planning Guidelines

The following are guidelines which shall be used in practical combinations during the development and preparation of any erosion and sedimentation plan for any area being developed for residential, industrial, commercial, recreational, transportation, or public and institutional uses.

- 1) The development plan should be fitted to the soils and topography so as to create the least erosion potential.
- 2) Wherever feasible during construction, natural vegetation should be retained and protected. Where inadequate vegetation exists, temporary or permanent vegetation should be established.
- 3) Where land must be stripped of vegetation during construction, limit the exposed area to the smallest practical size at any one time.
- 4) Limit the duration of exposure to the shortest practical time.
- 5) Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
- 6) Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, should be installed as early as possible.
- 7) Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- 8) Sediment basins to remove suspended soil particles from runoff waters from land undergoing development should be constructed and maintained

wherever erosive conditions indicate they are needed to prevent off-site damages.

- 9) Diversions, grassed water ways, grade stabilization structures, and similar mechanical control measures required by the site should be installed as early in the development of the area as possible.
- 10) Earth cut and fill slopes of 3:1 or flatter are desirable for erosion control and maintenance. The slopes shall not be steeper than three (3) horizontal to one (1) vertical unless stabilized by structural measures (ex. retaining walls, cribbing, etc.).

6.4.3 Requirements for Controlling Erosion and Sediment

- 1) **Best Management Practices (BMP's):** BMP's to be used for all Land Disturbance activities are as outlined in Volume 3 – Best Management Practices of the Memphis & Shelby County Drainage Design Manual (MSCDDM). These BMP's are minimum requirements for controlling erosion and sedimentation from "land disturbing activities." These BMP's do not replace the requirement for individually developed erosion and sediment control plans; however, they do establish minimum standards of practice which apply to all land disturbing projects.

Nothing in the BMP's shall limit the right of the Planning Commission to impose additional or more stringent standards for controlling erosion and sedimentation when recommended by the Town Engineer during the plan approval process.

- 2) **General Criteria:**

- a) Stabilization of Denuded Areas and Soil Stockpiles:

- i) Permanent or temporary soil stabilization must be applied to denuded areas within fifteen (15) days after final grade is reached on any portion of the site. Soil stabilization must also be applied within fifteen (15) days to denuded areas which may not be at final grade but will remain dormant (undisturbed) for longer than sixty (60) days. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions and estimated duration of use.
- ii) Soil stockpiles must be stabilized or protected with sediment trapping measures to prevent soil loss.
- iii) Throughout the implementation phase of any approved plan, dust production from all activities shall be strictly controlled. The person responsible for implementing the approved plan shall institute those dust control measures necessary to assure that adjacent properties are not adversely affected by dust.

- b) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
- c) Protection of Adjacent Properties: Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well vegetated buffer strip around the lower perimeter of the land disturbance; by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins; or by a combination of such measures.

Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least twenty (20') feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls must be provided.

- d) Timing and Stabilization of Sediment Trapping Measures: Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on site must be constructed as a first step in grading and be made functional before up slope land disturbance takes place. Earthen structures such as dams, dikes and diversions must be seeded and mulched within fifteen (15) days of installation.
- e) Sediment Basins: Stormwater runoff from drainage areas with five acres or greater disturbed area must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. The Planning Commission may require sediment basins or traps for smaller disturbed areas where deemed necessary. This sediment basin requirement may also be waived if the Planning Commission agrees that site conditions do not warrant its construction.
- f) Cut and Fill Slopes: Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, up slope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of construction must be provided with additional slope stabilizing measures until the problem is corrected.
- g) Stormwater Management Criteria for Controlling Off-Site Erosion: Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity and peak flow rate of stormwater runoff.
 - i) Concentrated stormwater runoff leaving a development site must be discharged directly into a well defined, natural or manmade off-site receiving channel or pipe. If there is no well defined off-site receiving channel or pipe, one must be

constructed to convey stormwater to the nearest adequate channel. Newly constructed channels shall be designed as adequate channels.

An adequate channel shall be defined as a natural or manmade channel or pipe which is capable of conveying the runoff from a storm event the Town Engineer deems appropriate without overtopping its banks or eroding after development of the site in question. A receiving channel may also be considered adequate to any point where the total contributing drainage area is at least one hundred (100) times greater than the drainage area of the development site in question; or, if it can be shown that the peak rate of runoff from the site for a storm event the Town Engineer deems appropriate will not be increased after development.

- ii) If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:
 - (1) Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such improvements shall extend downstream until an adequate channel section is reached.
 - (2) Develop a site design that will not cause the predevelopment peak runoff rate from a storm event the Town Engineer deems appropriate to increase. Such a design may be accomplished by enhancing the infiltration capability of the site or by providing on-site stormwater detention measures. The predevelopment and post development peak runoff rates must be verified by sound, accepted engineering methods and calculations.
 - (3) Provide a combination of channel improvement, stormwater detention, or other measures which is satisfactory to the Town Engineer to prevent downstream channel erosion.
- iii) All channel improvements or modifications must comply with all applicable laws and regulations. Modifications to flowing streams should be made in accordance with all applicable laws and regulations.
- iv) If the applicant chooses an option which includes stormwater detention, he must provide the Town with a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the party responsible for performing the maintenance. The responsible party may be an individual, organization or the local government whichever has consented to carry out

the maintenance. A maintenance agreement should be executed between the responsible party and the Town.

- v) Increased volumes of un-concentrated sheet flows which will cause erosion or sedimentation on adjacent property must be diverted to a stable outlet or detention facility.
- vi) In applying these stormwater management criteria, individual lots in subdivision developments shall not be considered separate development projects, but rather the subdivision development, as a whole, shall be considered a single development project.
- h) **Stabilization of Waterways and Outlets:** All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a twenty-five (25) year frequency storm without erosion. Stabilization adequate to prevent erosion must also be provided at the outlets of all pipes and paved channels.
- i) **Storm Sewer Inlet Protection:** All storm sewer inlets which are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- j) **Working in or Crossing Watercourses:**
 - i) Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions must be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) must always be re-stabilized immediately after in-channel work is completed.
 - ii) Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided.
- k) **Underground Utility Construction:** The construction of non-exempt* underground utility lines shall be subject to the following criteria:
 - i) no more than five hundred (500') feet of trench are to be opened at one time;
 - ii) where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches; and
 - iii) trench de-watering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems or off-site property.

*Non-exempt utility construction includes the installation, maintenance or repair of all utilities which disturb more than ten thousand (10,000) square feet except:

- (1) individual service connections;
 - (2) telephone and electric lines; and
 - (3) underground public utility lines under existing hard surfaced roads, streets, or sidewalks, provided such land disturbing activity is confined to the area which is hard surfaced.
- l) Construction Access Routes: Wherever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (mud) by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.
- m) Disposition of Temporary Measures: All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized or directed by the Town. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- n) Maintenance: All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure continued performance of their intended function.

6.4.4 Erosion Control Measures

Volume 3 – Best Management Practices of the Memphis & Shelby County Drainage Design Manual (MSCDDM) details the erosion control measures which may be used singly or in combination on the project site.

6.4.5 Land Disturbance Permit

No person may engage in any land disturbing activity until he has submitted to the Planning Commission an erosion and sediment control plan for consideration of a land disturbance permit for such land disturbing activity and such plan has been reviewed and approved by the Planning Commission.

- 1) **Permit Applications:** Applications for Land Disturbance permits required by this section shall be in the form prescribed by the Town and accompanied by the site plans and documents determined necessary by the Town Engineer, and as further prescribed in Chapter 10, Section 10.8.

- 2) **Storm Water Pollution Prevention Plan Required (SWPPP) for Land Disturbance Permits:** All applications for Land Disturbance Permits shall be accompanied by a Storm Water Pollution Prevention Plan, prepared for the specific site by or under the direction of a Licensed Professional Engineer. The application shall contain a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Storm Water Pollution Prevention Plan, and the applicant will assume and acknowledge responsibility for compliance with all local, State and Federal ordinances and the Storm Water Pollution Prevention Plan at the site of the permitted activity.

6.5 ACCESSORY AND TEMPORARY STRUCTURES

6.5.1 Accessory Structures

Accessory structures shall be permitted in any zoning district provided that the construction and/or placement of any accessory structure(s) comply with the following standards:

- 1) No accessory structure shall be utilized for human occupation.
- 2) No accessory structure may be constructed except on a lot with a principal building.
- 3) Accessory structures shall not be permitted within any required or designated utility, drainage and/or landscape easement.
- 4) Accessory structures shall not be permitted within any required yard area, except as provided herein, or be constructed and/or placed beyond the front line of the principal building.
- 5) If located completely to the rear of the principal building, an accessory structure may extend into a required rear or side yard provided that the accessory structure be located a distance from the property line and any other structure equal to the height of the accessory structure.
- 6) Any accessory structure located closer than five (5') feet to a principal building shall be attached to the principal building and shall comply in all respects with the required yard and setback requirements applicable to an addition of the principal building.
- 7) Accessory structures and other impervious surfaces such as concrete patios, shall not cover more than thirty (30%) percent of the required rear yard in any zone district.
- 8) The floor area of any accessory structure shall not exceed forty (40%) percent of the floor area of the principal structure not to exceed seven hundred fifty (750) square feet, notwithstanding the rear yard coverage provision contained herein.*
- 9) Accessory structures shall not exceed a wall height of ten (10') feet from the finished grade; however, on double frontage lots, the maximum wall height of an accessory structure shall be eight (8') feet.*

- 10) The roof pitch of any accessory structure shall not exceed 10/12, and shall not otherwise exceed the predominant roof pitch of the principal building.*
- 11) Accessory structures, other than those used in association with agricultural services, as defined in the Zoning Ordinance, shall be architecturally compatible with the principal building, including similar siding, cornice, and roofing materials, as determined by the Town of Arlington Mayor or his designee. Metal accessory structures are specifically prohibited, except for metal roofing when it matches the principal building.

* LOTS AND/OR PARCELS OF RECORD CONTAINING AT LEAST ONE (1) ACRE SHALL BE EXEMPT FROM THESE SPECIFIC STANDARDS.

6.5.2 Temporary Structures

A temporary structure shall be permitted in any district provided that any building permit issued for such a building shall be valid for not more than six (6) months and may be extended no more than three (3) consecutive times and further provided the following provisions are adhered to:

- 1) In residential zone districts, one (1) temporary structure for construction materials and/or equipment and one (1) temporary office for the sale or rental of real property shall be permitted if in connection with and incidental to the development.
- 2) In commercial and industrial zone districts, two (2) temporary structures for construction materials, equipment, and/or one (1) temporary office shall be permitted if in connection with and incidental to development on the parcel.

6.6 SWIMMING POOLS AND SPAS

Swimming Pools, spas and similar-type equipment shall be permitted in any zoning district provided that the construction and/or placement comply with the following standards:

- 6.6.1** All permanent and semi-permanent pools used for swimming or bathing shall be in conformity with the regulations of this section, provided, however, these regulations shall not be applicable to any swimming pool less than twenty-four (24") inches in depth.
- 6.6.2** No swimming pool or appurtenance thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the building inspector. Building permits are issued in accordance with the provisions outlined in Chapter 10, Section 10.2.
- 6.6.3** No more than thirty (30%) percent of the required rear yard in any zone district may be covered by pools and/or accessory structures.
- 6.6.4** Location

- 1) No swimming pool shall be located within any required or designated utility, drainage and/or landscape easement.
- 2) Swimming pools are not permitted in the required front yard and shall not be placed beyond the front line of the principal structure.
- 3) Swimming pools shall be set back from the rear and side lot lines a minimum of five (5') feet.
- 4) In-ground pools shall be set back a minimum of five (5') feet from any principal structure.
- 5) Above-ground and on-ground pools shall be set back a minimum of ten (10') feet from any principal structure.

6.6.5 Barriers

- 1) Swimming pools, hot tubs and spas shall be enclosed by a fence, wall, building, or combination thereof not less than five (5') feet or greater than eight (8') feet in height. The barrier shall completely enclose the property or the pool/spa area so that there is no direct access by small children or unsuspecting persons. In addition, openings in the barrier shall not allow passage of a four (4") inch or larger diameter sphere.
- 2) All applicable requirements of the current adopted edition of the International Residential Code, as amended, shall apply.
- 3) When a barrier is deemed inadequate for protection and the premise owner or occupant fails to secure the area upon Town notification, the Town will, in the interest of public safety, secure the area and charge for all costs incurred by the Town.

6.6.6 Maintenance

It shall be the responsibility of the owner and/or the occupant of the premise to maintain a swimming pool, hot tub, and/or spa in safe, sanitary, and working condition at all times. Water contained in a swimming pool, hot tub or spa shall be maintained to a level of clarity that allows for the unaided visual inspection of the lowest point of the pool, hot tub or spa. Water not meeting this clarity definition shall be deemed a potential health and safety hazard and a public nuisance.

6.6.7 Appurtenances and Accessories

Appurtenances and accessories, such as, but not limited to, circulating pumps, water filters, water heaters, chlorination systems, etc., shall not be located in the required front yard of the principal building, and shall be located a minimum of five (5') feet from the rear and side property lines, and not within any recorded easement on the premise.

6.6.8 Flood Fringe and Floodway Areas

- 1) Installation of swimming pools, hot tubs and spas on properties located in the flood fringe or floodway areas of the Town require approval by the Town Engineer prior to approval of a permit application.
- 2) The following documentation is required by the Town Engineer:
 - a) A plan drawn to scale showing the location, dimensions, existing and proposed elevations and grading of the area(s) where the swimming pool, hot tub and/or spa are to be installed.
 - b) The elevation of the swimming pool, hot tub and/or spa deck in relation to mean sea level.
 - c) The elevation of the one hundred (100)-year base flood as determined from the most recent printing of the Flood Insurance Rate Map (FIRM) for the area as published by the Federal Emergency Management Agency (FEMA).
 - d) Certificate by a Registered Professional Engineer that the swimming pool, hot tub and/or spa deck will be one (1') foot or more above the base flood elevation if the proposed plan is implemented.
 - e) A description of a known benchmark, or temporary benchmark, including location and elevation used in determining elevations at the site.

6.6.9 Drainage of Water

- 1) The water in swimming pools, hot tubs and spas is presumed to be treated with chemicals and when it is necessary to be drained, shall be drained into the sanitary sewer system, or system as approved by Shelby County Code Enforcement and/or the Shelby County Health Department. Swimming pools shall not be drained into the street storm drains, nor drained on the ground surface.
- 2) Water accumulating on the top of covers is classified as rain water. Rain water may be drained into the sanitary sewer system or the street storm drains. It may be drained into the ground surface provided that it does not cause a nuisance to adjacent property owners. The drainage of rain water onto the ground surface that causes a nuisance to adjacent property owners is a civil matter to be resolved between the property owners.

6.7 FENCES AND RETAINING WALLS

6.7.1 Fences

- 1) It shall be unlawful for any contractor, individual or property owner to commence the installation of a fence until the Town of Arlington has issued a fence permit for such work. Any fence permit issued in conflict with the provisions of this section shall be null and void. It shall be the responsibility of the contractor, individual or property owner to correct any

violations that may exist as determined by the Town within a reasonable time period specified by the Town.

- 2) Fences in side and rear yards must be constructed of customary fence construction materials including, but not limited to, wood, brick, stone and wrought iron. Materials for fences to be constructed in the front yard may be split rail, wood picket, and wrought iron including those that have brick or stone columns. All others are subject to the approval of the Design Review Committee. Specifically prohibited are exposed plain cinderblock, concrete block, metal mesh fencing, chain link, barbed wire or other single wire fencing except in the following instances: barbed wire fencing is permitted where the land is used for agricultural purposes, vinyl coated chain link and chain link on municipal and governmental facilities and when used for sports facilities to protect health, safety and welfare.
- 3) On corner lots or double frontage lots, all fences shall have the finished side toward the street. Where a fence abuts a common open area, parkland, greenbelt or other public areas, the finished side shall be facing said area.
- 4) No fence shall be permitted within the clear sight triangle, as provided in Section 6.1.
- 5) No minimum setback from the right-of-way is required for any fence located in the required front yard which is forty-eight (48") inches in height or less, except that no fence shall be installed within the clear sight triangle, as provided in Section 6.1.
- 6) Fences installed in side and rear yards may not exceed a height of eight (8') feet. In side and rear yards, fences may be constructed on the lot line except as may be limited by the Planning Commission approval of fence location given with a subdivision or site plan approval.
- 7) Fences of not more than forty-eight (48") inches in height may be allowed in a front yard. Periodic posts, decorative columns, and lighting fixture or decorative details may exceed the forty-eight (48") inch height limitation.
- 8) On corner lots, fences exceeding the forty-eight (48") inch height but not exceeding the eight (8') foot height may be constructed in the yard abutting the street on the frontage other than where the principal entrance to the principal structure is located, provided that the fence is set back a minimum of fifteen (15') feet from the right-of-way.
- 9) Any person installing an eight (8') foot fence that joins a six (6') foot fence is required to slope the fence a distance of eight (8') feet to where it joins the six (6') foot fence.
- 10) Fences on double frontage lots and those abutting a public right-of-way, park, greenbelt or other public area, shall be maintained by the property owner or by an established owner's association. In developments where there is no owner's association, the fence shall be maintained by the property owner and access gates shall be installed on all properties which abut the public area. All landscaped areas from the fence line to the pavement edge shall be maintained by the property owner or owner's association in accordance with Town regulations.

- 11) Fences and walls must be installed to provide sufficient clearance from the bottom of the fence to the ground so drainage will flow freely and not negatively impact any adjacent property owner. Fences located in or along drainage easements shall have a minimum ground clearance of two (2") inches. Greater clearance may be required by the Town Engineer to prevent adverse effects on drainage flow.
- 12) Fences, walls and hedges installed in or along public easements (utility, drainage, pedestrian and the like) are subject to removal at the owner's expense in the event maintenance or construction work is required within or along the public easement.
- 13) Lack of proper maintenance and upkeep of a fence or wall shall constitute a violation of these regulations. Lack of proper maintenance shall include, but not be limited to, rotten or deteriorated structural members, missing or broken components, excessive sagging of structural members or warping or distortion of planks and fence or wall materials.
- 14) When a retaining wall is used to increase usable lot area, the sum total of any combination of fence or wall and retaining wall when measured from the exterior of a side or rear property line shall not exceed eight feet in height, unless a four-foot landscaped area is provided between the retaining wall and fence or wall. In this situation, each individual fence and wall or retaining wall shall not exceed six feet in height.

6.7.2 Retaining Walls

- 1) It shall be unlawful to construct, enlarge, or make structural repairs to any retaining wall without acquiring a permit from the Town of Arlington. Cosmetic repairs that do not affect the ability of the wall to resist lateral and vertical soil forces shall not require a permit. The application, submittal, permitting and inspection requirements for retaining walls shall be as specified in the building code and other town codes and ordinances. To obtain a retaining wall permit, a completed application form and plot plan (site plan) must be submitted to the Town of Arlington. The plot plan shall show:
 - a) location of all property lines;
 - b) location of all existing and proposed structures;
 - c) location of existing retaining walls on or adjacent to the property that is to remain in place if applicable;
 - d) portions of existing retaining wall that will be replaced, if applicable;
 - e) location of new, enlarged or structurally repaired retaining wall;
 - f) location of utilities and utility easements, drainage easement and drainage ways; and
 - g) elevation above and below the retaining wall.
- 2) **Exemptions:**

- a) Retaining walls with a height of wall not exceeding four (4') feet are exempt from this section if:
 - i) the wall is set back from any adjacent property lines or structures at a minimum distance equal to the height of the wall;
 - ii) the material retained by the wall slopes up and away from the wall at a ratio not exceeding one (1') foot vertical per three (3') feet horizontal distance; and
 - iii) the wall is not supporting a surcharge.
- b) Emergency repairs required to stabilize slopes may exceed the height limits set forth in this section provided the Town Engineer determines the following criteria are met:
 - i) an imminent danger of slope failure exists that will threaten life or the safety of existing upslope or downslope property;
 - ii) it is determined by the Town Engineer that strict compliance with the other provisions of this section is likely to result in sufficient time to complete the repairs to provide for the necessary stabilization of the active area;
 - iii) the emergency repairs are not necessitated by actions of the applicant or property owner in violation of town codes; and
 - iv) the height of the retaining walls is the minimum necessary to stabilize the slope.

3) **Design and Construction:**

- a) Retaining wall systems that are newly constructed, structurally repaired or enlarged shall be designed and sealed by a professional engineer licensed to practice in the State of Tennessee for all loads as specified in the building code and within this section and in keeping with nationally-recognized standards. Designs shall be based upon sound engineering and geotechnical principles.
- b) Retaining walls shall not restrict access to utilities.
- c) Retaining walls shall not impede the normal flow of stormwater and shall not cross an open drainage channel.
- d) Retaining walls shall not be constructed over a public or private access easement.
- e) Retaining walls constructed near street intersections shall provide a reasonable degree of traffic visibility.
- f) Maximum Wall Heights

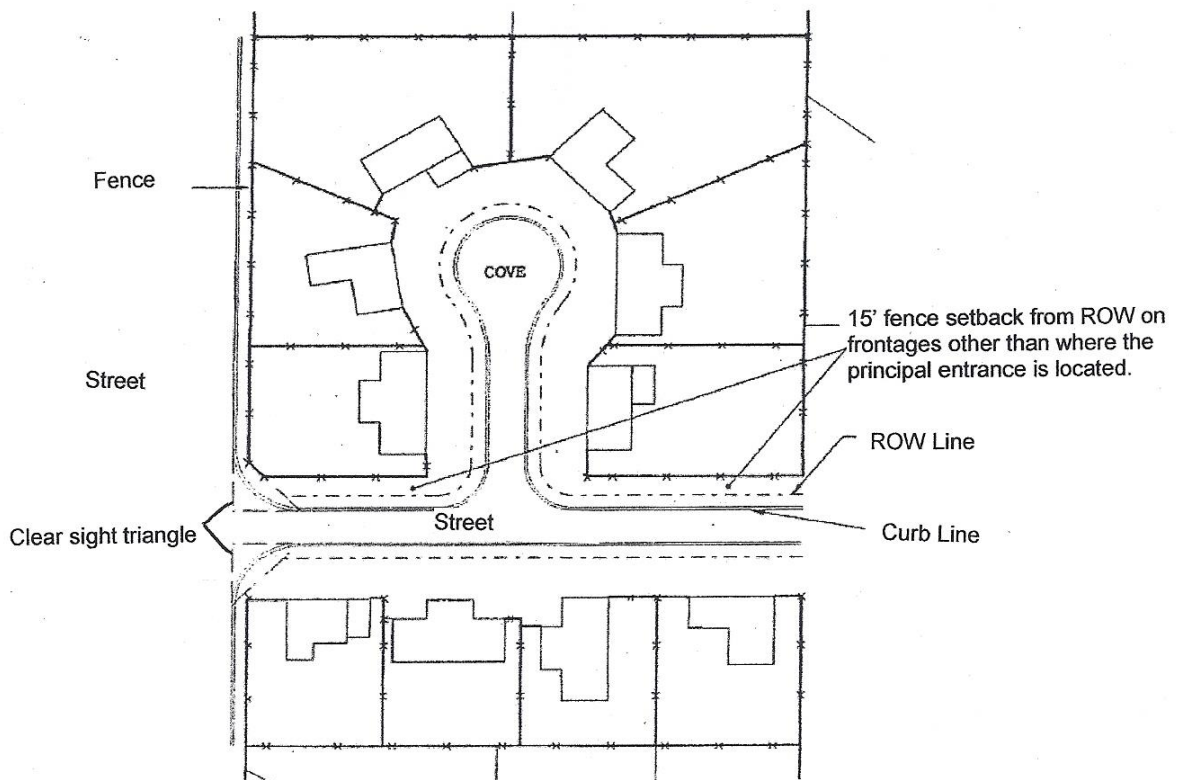
- i) The maximum height of a retaining wall in a fill section shall be limited to ten (10') feet.
- ii) The maximum height of a retaining wall in a cut section shall be limited to twelve (12') feet. A section that consists of a combination of a cut and a fill shall be considered as a cut, provided that the fill above the cut is no more than two (2') feet in depth.
- iii) Where multiple walls are situated in a terrace-like pattern, they shall be considered one (1) wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than or equal to the combined height of the walls.

4) **Variances and Appeals:**

- a) Where there are unique constraints that would prohibit full compliance with the provisions of this section and would deny the property owner of use of their property that would be permitted to other properties, a variance may be considered by the Board of Zoning Appeals, as described in Chapter 10, Section 10.5, and in consideration of the following:
 - i) The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - ii) Variances may be issued in regards to the interpretation of the rules in regards to issuing a permit such as the height of the wall and exemptions. The permit fee shall not be appealed.
 - iii) In passing upon such variances, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors such as practices and design guidelines contained within this section and those that are spelled out in the International Building Code as adopted by Shelby County.
 - iv) Upon consideration of the factors listed above and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this section.
 - v) Variances may be issued upon a determination that the variance is the minimum relief necessary.
 - vi) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;

- ii) a determination that failure to grant the variance would result in exceptional hardship compared to other similarly assessed property; and
 - iii) a determination that the granting of a variance will not result in conflict with existing local laws or ordinances.
- b) Any person or entity aggrieved by any decision or order of the Town Engineer under this section may appeal the decision to the Board of Zoning Appeals, as described in Chapter 10, Section 10.5.

Residential Fence Setbacks



6.8 WASTE DISPOSAL SITES

Off-street refuse collection sites shall be required in all multi-family residential, office, commercial and industrial developments. A refuse collection site shall not be located within any required yard and shall be screened and maintained using a similar material from which the principal building(s) was constructed. Each refuse collection receptacle shall be placed upon a concrete pad of sufficient size to accommodate the desired number of receptacles. Screening for all waste disposal sites shall be in accordance with the specific provisions provided in the Design Guidelines Manual.

6.9 PROVISIONS FOR MANUFACTURED HOMES

6.9.1 Placement of Manufactured Homes

A manufactured home, as defined in Chapter 2 of this Ordinance, and as further defined in Tennessee Code Annotated, Section 13-24-201, is allowed as permitted by this Ordinance and shall meet the following conditions:

- 1) The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
- 2) The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
- 3) The hitches or towing apparatus, axles and wheels must be removed. The roof must be pitched so there is at least a four (4") inch vertical rise for each twelve (12") inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
- 5) The unit must be oriented on the lot so that its long axis is parallel with the street.
- 6) All such units shall be required to connect to a public utility system which includes, gas, electric water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.

6.10 CLUSTER BOX UNITS AND MAIL KIOSKS

Cluster Box Units (CBUs) and associated Mail Kiosks shall be permitted in any zoning district, provided the construction and/or placement comply with the following standards:

- 6.10.1** No CBU or Mail Kiosk shall be constructed, installed, enlarged, or altered until a permit has been obtained from the building inspector. Building permits are issued in accordance with the provisions outlined in Chapter 10, Section 10.2.
- 6.10.2** Installation of CBUs, as well as any associated improvements (e.g., a required shelter, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.
- 6.10.3** CBU related improvements shall be located in Common Open Space or similar private area with access to a street or access easement.
- 6.10.4** CBU related improvements shall be exempt from normal setback requirements of the underlying district, but shall provide a minimum 15-foot setback from the public right-of-way and adjoining buildable lots.
- 6.10.5** CBU related improvements shall be prohibited within the public right-of-way or in any utility easements.
- 6.10.6** CBU related improvements shall not be located within the vision triangle at the intersecting of any street and driveway to any residential, commercial, or industrial property as defined in Section 6.1 of this Ordinance.
- 6.10.7** A site plan for CBUs and related improvements shall be submitted simultaneously with site plans for Common Open Space improvements, as applicable. Plans shall include site layout, access, mail kiosk elevations, lighting, landscaping, and parking.
- 6.10.8** Two dedicated parking spaces shall be provided with easy access to each CBU Kiosk. The number of required parking spaces shall increase at a rate of one required space per 50 dwelling units served. Parking shall be compliant with current Americans for Disabilities Act (ADA) standards.
- 6.10.9** Parking spaces may be provided in a dedicated parking area or within a bulb-out along the right-of-way, subject to approval by the Arlington Town Engineer.
- 6.10.10** CBUs and associated improvements must be installed according to USPS standards and meet all applicable building and fire codes.