

**DEPARTMENT OF PLANNING AND DEVELOPMENT  
HEIGHTS DESIGN OVERLAY DISTRICT RESIDENTIAL  
HANDOUT FOR BUILDING PERMIT APPLICATIONS:**



**APPLICANT SUBMITTALS CHECKLIST:**

Survey requirements for projects that are subject to the DOD. Survey must show:

- Show location of trees to be preserved (if any) along with DBH (diameter at breast height), and genus.
- Photos may be submitted to relate size of tree to be preserved.
- Locations of new trees are not required to be shown on survey.

**INTERPRETATION OF ORDINANCE:**

- 1) If the house is not on a corner lot, calculate total width of street frontage and divide by 40. The ordinance states that there is to be one tree per 40 linear feet or portion thereof, so round up on the answers. 50 feet of street frontage divided by 40 equals 1.25 trees so round up to 2 trees. Required trees are to be planted somewhere within the front yard setback.
- 2) If the house is on a corner lot, the following applies:
  - a) On the front property line, calculate total width of street frontage and divide by 40. The ordinance states that there is to be one tree per 40 linear feet or portion thereof, so round up on the answers. For example, 50 feet of street frontage divided by 40 equals 1.25 trees so round up to 2 trees. Required trees are to be planted somewhere within the front yard setback.
  - b) On the side property line, calculate total width of street frontage and divide by 40. The ordinance states that there is to be one tree per 40 linear feet or portion thereof, so round up on the answers. For example 140 feet of street frontage divided by 40 equals 3.5 trees so round up to 4 trees. Required trees are to be planted somewhere within the side yard setback along the street.
  - c) Trees cannot be transferred from one setback to the other.

**ADMINISTRATION:**

- 1) Permits may not be issued on the same day that they are received. Allow extra time for identification and approval of trees to be preserved and approval of tree species not listed on the list stated in the ordinance. Allow 1-2 days for processing and approval. The zoning desk will collect all information and fill out the checklist when that application is submitted.
- 2) Building permits for interior work only, routine repairs, and maintenance shall not be subject to the Heights DOD.

**DEPARTMENT OF PLANNING AND DEVELOPMENT  
 HEIGHTS DESIGN OVERLAY DISTRICT RESIDENTIAL  
 ZONING COMPLIANCE CERTIFICATE**



ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

ZONING CLASSIFICATION: \_\_\_\_\_ FLOODPLAIN DISTRICT: YES NO

PROPOSED USE: \_\_\_\_\_ EASEMENT CLEARANCE: APPROVED OR DENIED

REG CHART	BLDG HEIGHT	FRONT SETBACK	REAR SETBACK	SIDE SETBACK	MSP	PLATTED BLDG LINE	SITE AREA	COVER-AGE	MIN SEP
PRINCIPAL STRUCTURE									
PROPOSED									
ACCESSORY STRUCTURE									
PROPOSED									

Is this application for a building permit for a new house?

Is this application for a building permit for an addition to an existing house with an increase in foundation area of more than 600 square feet?

Has this house had an addition to it since the enactment of the Heights DOD (November 3, 2019) such that the two additions combined would result in over 600 square feet of foundation area being added to the structure?

**If yes to any of the above 3 questions, this application for a building permit will be subject to the Heights DOD.**

If this application for a building permit for anything other than those stated above, this building permit is not subject to the Heights DOD.

If preservation of an existing tree(s) is desired, on the survey provide the locations, DBH, and genus, of the tree(s) noted. Photos may be submitted for approval. Fencing around the dripline of the tree before site work starts is recommended.

To determine how many trees are required: (round up on number of trees after dividing by 40)

Length of property line frontage along front property line: \_\_\_\_\_ feet divided by 40 = \_\_\_\_\_. # of trees required rounded up \_\_\_\_\_ minus trees preserved \_\_\_\_\_ = net trees to be planted \_\_\_\_\_. (If one preserved tree is in excess of 12" DBH, that tree will satisfy all requirements on that street frontage.)

If on a corner, length of property line frontage along side property line: \_\_\_\_\_ feet divided by 40 = \_\_\_\_\_. # of trees required rounded up \_\_\_\_\_ minus trees preserved \_\_\_\_\_ = net trees to be planted \_\_\_\_\_. \_\_\_\_\_. (If one preserved tree is in excess of 12" DBH, that tree will satisfy all requirements on that street frontage.)

Trees will be chosen from the approved list of trees as stated in the ordinance? Circle YES or NO.

If trees are to be planted that are not on the approved list of trees as stated in the ordinance, state genus and species below. \_\_\_\_\_

\_\_\_\_\_ APPLICATION IS DENIED  
 \_\_\_\_\_ APPLICATION IS APPROVED.

ZONING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

I hereby certify that the data submitted on or with the application is true and correct. Also, I have read and I understand the Heights Design Overlay District. Any deviation from information contained hereon unless approved by the Zoning Official will render this permit null and void.

\_\_\_\_\_  
 Signature of Contractor, Owner or Agent

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Phone



1 of North University Avenue and Evergreen Street; thence north along the centerline of North  
2 University Street to the centerline intersection of Cantrell Road; thence west along the  
3 centerline of Cantrell Road to the centerline intersection of North Hughes Street; thence north  
4 along the centerline of North Hughes Street to an extension of the north boundary of Betswood  
5 Subdivision; thence easterly along said north boundary of Betswood Subdivision to the  
6 northeast corner of Tract B Betswood Subdivision; thence southerly along the east boundary  
7 of Tract B Betswood Subdivision extended to a point on the centerline of Perryville Road;  
8 thence easterly along the centerline of Perryville Road to the centerline intersection of North  
9 McKinley Street; thence north along the centerline of North McKinley Street to the centerline  
10 intersection of Hawthorne Road; thence east along the centerline of Hawthorne Road to the  
11 centerline of University Avenue; thence north along the centerline of University Avenue to  
12 Brentwood Road; thence west along the centerline of Brentwood Road to an extension of the  
13 west boundary of the Mountain Home Subdivision; thence north along the western boundary  
14 of the Mountain Home Subdivision extended to a point on the centerline of Longwood Road;  
15 thence east along the centerline of Longwood Road extended to the west boundary of the South  
16 West ¼ North West ¼ of Section 30, Township 2 North, Range 12 West; thence north along  
17 the west line of T2N R12W Sec 30 to a point on centerline of the CRI&P railroad; thence  
18 southeasterly along the centerline of the CRI&P Railroad to the intersection of an extension of  
19 the west boundary of Lot 31 Sherrill Heights Subdivision; thence along the west line of said  
20 Sherrill Height Subdivision to the northwest corner of Lot 11 Club Terrace Subdivision; thence  
21 southerly along the west line of Club Terrace Subdivision to a point on the north line of the  
22 southeast ¼ southwest ¼ of Section 29, Township 2 North, Range 12 West; thence easterly  
23 along said north line to the northeast corner of the southeast ¼ southwest ¼ of said Section 29;  
24 thence southerly along east line of the southwest ¼ of said Section 29 to the southeast corner  
25 of the southwest ¼ of said Section 29; thence west along the south line of T2N R12W Sec 29  
26 to the centerline intersection of Cantrell Road; thence southeasterly along the centerline of  
27 Cantrell Road to the centerline intersection of Allsopp Park Road; thence southwesterly along  
28 the centerline of Allsopp Park Road to the centerline intersection of North Lookout Road;  
29 thence southwesterly along the centerline of North Lookout Road to the centerline intersection  
30 of Kavanaugh Boulevard; thence northwesterly along the centerline of Kavanaugh Boulevard  
31 to the centerline intersection of L Street; thence west along the centerline of L Street to the  
32 centerline intersection of North Fillmore Street; thence south along the centerline of North  
33 Fillmore Street to the centerline intersection of Evergreen Drive; thence west along the  
34 centerline of Evergreen Drive to the point of beginning.

1 **See attached Exhibit "A" for map of area.**

2 **Section 36-434.47. - Definitions.**

3 *Responsible Party.* As defined in Section 15-6 above, means the following:

- 4 (1) The permit applicant who is the designated agent for development related activities  
5 for purposes of obtaining all required permits. The permit applicant relinquishes  
6 responsibility to the construction superintendent when all necessary permits have  
7 been issued by the City; or,  
8 (2) The Construction Superintendent who is that person designated as the on-the-site  
9 agent for the project and responsible for all construction related activities until the  
10 issuance of a final Certificate of Occupancy; or,  
11 (3) The lessee or any person or entity having control of the property subject to this  
12 chapter; or,  
13 (4) The owner, which is the person, firm, corporation or other entity holding current legal  
14 title to the property. The responsibility of the owner shall commence upon the date  
15 of issuance of the Certificate of Occupancy.

16 *Preserved Tree* means a tree selected for preservation by the responsible party and approved by the  
17 City. A tree is considered preserved if a minimum of 75% of the critical root zone is maintained at  
18 undisturbed natural grade and not more than 25% of the tree canopy is removed. Nothing within this  
19 definition requires that a properly planted and appropriate tree shall survive for a period greater than  
20 thirty-six (36) months.

21 *Tree Canopy.* As defined in Section 15-6 above, means the outermost spreading branch layer of a  
22 tree.

23 **Sec. 36-434.48. - Application of design regulations.**

- 24 (a) The regulations in this Division shall be in addition to and shall overlay all other Zoning  
25 Districts and other ordinances requirements regulating the development of land so that any  
26 parcel of land lying in the Overlay District shall also lie within one (1) or more of the other  
27 underlying Zoning Districts. Therefore, all property within this Overlay District will have  
28 requirements of both the underlying and Overlay Zoning District in addition to other ordinance  
29 requirements regulating the development of land. In case of conflicting standards between this  
30 division and other city ordinances, the overlay requirements shall control.  
31 (b) These regulations shall apply to all lots zoned or occupied by single-family or two-family  
32 dwellings except non-residentially occupied lots with Conditional Use Permits.  
33 (1) Any addition to the principal structure of more than 600 square-feet of foundation area.

1 (2) All other subsequent additions after passage of this division that result in total of more  
2 600 square-feet of foundation area added to the principal structure as existing before  
3 the passage of this Division.

4 (3) Construction of new single-family or two-family structures.

5 (4) Any lot that has had the principal building demolished and has not had active  
6 construction activities on that lot within one (1)-year of the Demolition Permit being  
7 issued.

8 **Sec. 36-434.49. - Review section.**

9 Prior to the issuance of any Building Permits within the boundaries of the Heights Landscape  
10 Design Overlay District, the Planning & Development Department Director shall determine  
11 compliance of all Building Permit requests with the terms of this ordinance.

12 **Sec. 36-434.50.**

13 New construction and additions or modifications to existing structures on lots zoned or occupied  
14 by single-family or two-family dwellings except non-residentially occupied lots with Conditional  
15 Use Permits.

16 (a) In order to be compatible with the tree canopy of the neighborhood, new construction and  
17 additions to existing structures shall comply with the following criteria:

18 (1) Plans for new construction, additions and modifications which are subject to this  
19 ordinance shall be submitted to the Planning & Development Department; and,

20 (2) The Department will review plans for consistency with the detailed requirements  
21 of this ordinance and consistency with the tree canopy of the District; and,

22 (3) If a proposed tree is not on the list of approved trees, but in the opinion of the City  
23 Arborist, in consultation with the Planning & Development Department Director,  
24 is compatible with the intent of this Division, then such approved alternative is in  
25 compliance with the provisions of this Code..

26 (b) *Tree Preservation.* There is no requirement under this Division to preserve existing trees  
27 within the front-yard and street side-yard setbacks as defined per the underlying zoning.  
28 However, the responsible party may select certain trees to be preserved to comply with the  
29 provisions of this Division. See Section 15-52 (g) Prohibited Activities and Section 15-52 (h)  
30 Tree Protection for proper methods of tree preservation.

31 (c) *Credits for Preserved Trees.* For each existing tree preserved within the front or side-yard  
32 setback, there shall be a one to one credit applied to the minimum tree requirements. Trees in  
33 the front or side-yard setback that are to be preserved that are twelve (12) inches or greater in  
34 diameter at breast height (DBH) shall fulfill all requirements for the required trees within the  
35 front or side-yard setback.



- 1 (d) *Required Tree Planting.* One (1), two and one-half (2-1/2)-inch or greater caliper single trunk  
2 tree measured at twelve (12) inches above soil line shall be planted for every forty (40) feet or  
3 portion thereof of street frontage of the lot. Multi-trunk trees shall be measured as a total  
4 caliper of all trunks at twelve (12) inches above the soil line and shall be required to have a  
5 minimum of four and one half (4-1/2)-inch or greater caliper. On corner lots, trees required on  
6 one (1) street frontage may not be planted on a different street frontage. A minimum of one  
7 (1) tree shall be planted for each street frontage.
- 8 (e) *Approved Planting Times.* To be an appropriately planted tree, the tree shall be planted in the  
9 spring, or in the fall, with the approval of the City's Arborist, in consultation with the Planning  
10 & Development Department.
- 11 (f) *Tree Form.* Trees planted shall provide shade. Trees shall not be planted that are of a columnar  
12 form at maturity. A tree with a columnar form at maturity will be five (5) or more times as tall  
13 as they are wide.
- 14 (g) *Species.* Trees shall be selected from the list attached as Exhibit B. Native species not on the  
15 list are permitted upon review and approval by the City's Arborist, in consultation of the  
16 Planning & Development Department. See attached Exhibit B for a list of Trees.
- 17 (h) *Location.* Trees shall be planted within the front yard and street side yard setbacks as defined  
18 per the underlying zoning. Trees shall not be planted within five (5) feet of adjoining property  
19 lines. A Franchise Permit is required for all trees that are proposed to be planted in the public  
20 right-of-way. All tree plantings shall not interfere with above or utilities, obstruct views at  
21 *intersections, or cause other public safety concerns.*
- 22 (i) *Installation.* Trees shall be planted according to recognized horticultural practices.
- 23 (j) *Continuous Maintenance.* See Sec 15-53. Tree Pruning. Responsible parties shall in no  
24 instance overly prune to reduce or prohibit a tree's mature height and spread. Trees shall not  
25 be topped. Trees shall be maintained according to recognized horticultural practices. Nothing  
26 requires that a properly planted and appropriate tree shall survive for a period greater than  
27 thirty-six (36) months. Any tree required to be planted which dies within thirty-six (36) months  
28 of planting shall be replaced by the responsible party during the next planting period. In no  
29 event will an approved and appropriately planted tree ever be pruned in such a manner as to  
30 preclude future vertical growth.
- 31 (k) *Standards for Preserved Trees.* The City Official may visit each site and review photographs  
32 of each site for which there is a plan in order to verify that the trees to be preserved pursuant to  
33 the plan are of sufficient size, quantity and quality to warrant preservation. Trees that do not  
34 warrant preservation shall not qualify as preserved trees as determined by the City Official.

1 (l) *Utility.* This article shall not apply to the maintenance of overhead or underground utility lines,  
2 nor does it apply to the development of subdivisions in the construction of streets, curbs,  
3 gutters, storm sewers and overhead or underground utility lines. It is expected that proper care  
4 and planning are used in the construction so that the maximum number of trees can be  
5 preserved.

6 **Sec. 36-434.51. - Exceptions.**

7 Any request to vary, alter, or modify specifications of this Design Overlay District shall be  
8 processed as a request for a variance considered by the Board of Adjustment.

9 **Section 2.** Nothing in this ordinance shall affect any Planned Zoning District in affect prior to the date  
10 of the approval of this ordinance.

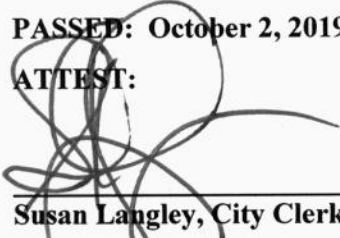
11 **Section 3. *Penalty.*** If responsible party determined to be out of compliance with the provisions of  
12 this ordinance does not come into compliance within a time frame set by the Planning & Development  
13 Department, then the responsible owner shall be subject to the penalties set forth in Section 1-9 of this  
14 Code.

15 **Section 4. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
16 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
17 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
18 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
19 ordinance.

20 **Section 5. *Repealer.*** All laws, ordinances, resolutions, or parts of the same that are inconsistent with  
21 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

22 **PASSED: October 2, 2019**

23 **ATTEST:**

24   
25 \_\_\_\_\_  
26 **Susan Langley, City Clerk**

**APPROVED:**

27   
28 \_\_\_\_\_  
29 **Frank Scott, Jr., Mayor**

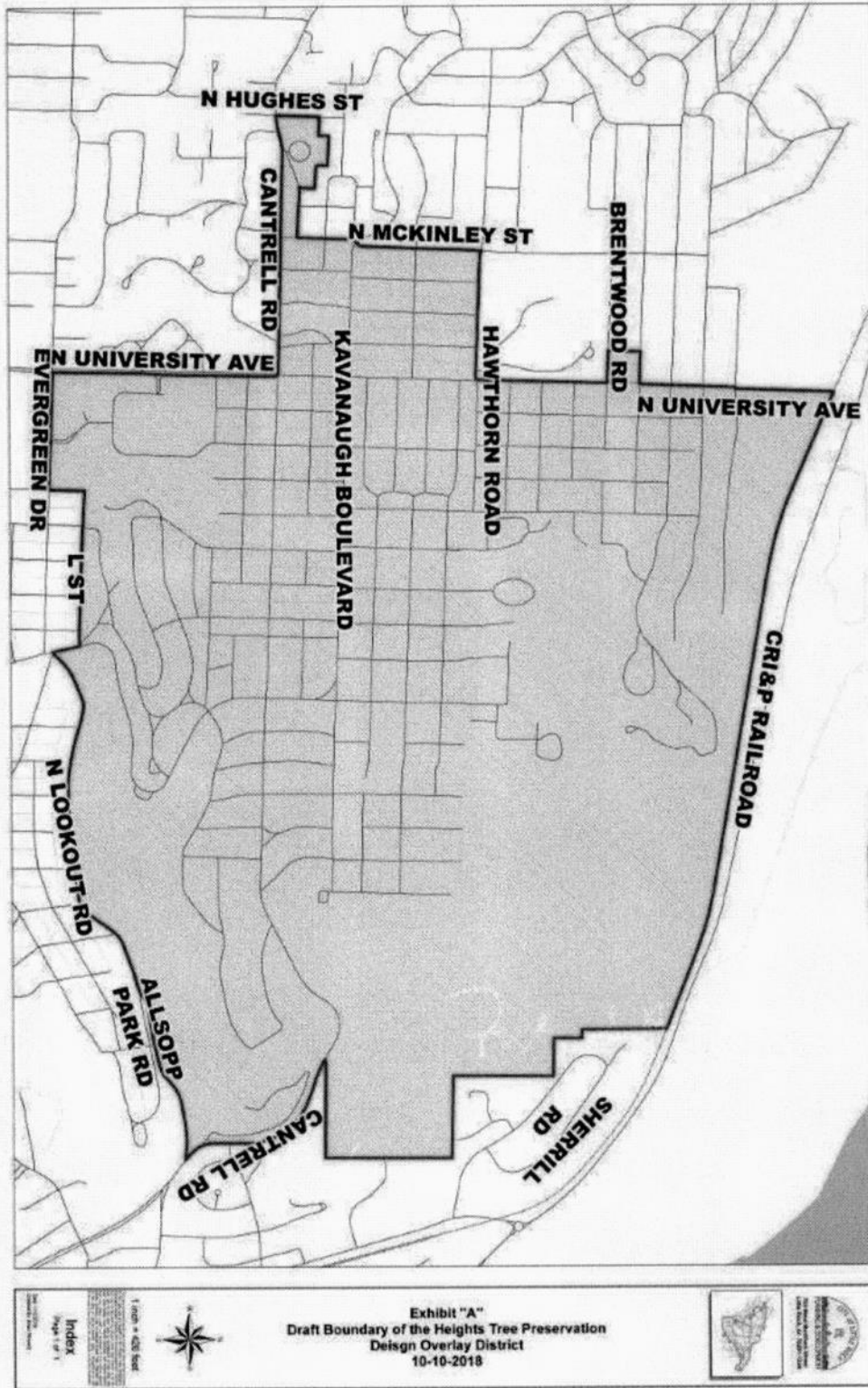
30 **APPROVED AS TO LEGAL FORM:**

31   
32 \_\_\_\_\_  
33 **Thomas M. Carpenter, City Attorney**

34 //  
35 //



# Exhibit A



## Exhibit B

Trees shall be selected from the following list:		
(1) Deciduous—Large (average height 60' × 40' width)		
Botanical Name	Common Name	Native species
<i>Fagus grandifolia</i>	American Beech	
<i>Liriodendron tulipifera</i>	Tulip Poplar Tree	
<i>Magnolia acuminata</i>	Cucumber Magnolia	
<i>Platanus occidentalis</i>	Sycamore	
<i>Quercus acutissima</i>	Sawtooth Oak	
<i>Quercus alba</i>	White Oak	Yes
<i>Quercus falcata</i>	Southern Red Oak	Yes
<i>Quercus michauxii</i>	Swamp Chestnut Oak	Yes
<i>Quercus nigra</i>	Water Oak	Yes
<i>Quercus nuttallii</i>	Nuttall Oak	Yes
<i>Quercus palustris</i>	Pin Oak	Yes
<i>Quercus phellos</i>	Willow Oak	Yes
<i>Quercus shumardii</i>	Shumard Oak	Yes
(2) Deciduous—Medium Trees (average height 40' × 30' width)		
Botanical Name	Common Name	Native species
<i>Acer rubrum</i> "Drummondii"	Swamp Red Maple	
<i>Acer rubrum</i>	"Red Sunset" Red Sunset Maple	
<i>Betula nigra</i>	River Birch	Yes
<i>Ginkgo biloba</i>	Ginkgo (male)	
<i>Koelreuteria paniculata</i>	Golden Rain Tree	
<i>Pistacia chinensis</i>	Pistachio	
<i>Taxodium distichum</i>	Bald Cypress	Yes
<i>Ulmus parvifolia</i>	Chinese Elm	
(3) Trees to be planted under utility lines shall be selected from the following species:		
Deciduous—Small Trees (average height 20' × 15' width)		
Botanical Name	Common Name	Native species
<i>Acer palmatum</i>	Japanese Maple	
<i>Cercis canadensis</i>	Redbud	

Cercis chinensis	Chinese Redbud	
Cornus florida	Flowering Dogwood	Yes
Ilex decidua	Deciduous Holly	
Magnolia soulangiana	Saucer Magnolia	
(4) Evergreen—Large Trees (average height 60' × 30' width)		
Botanical Name	Common Name	Native species
Magnolia grandiflora	Southern Magnolia	
(5) Evergreen—Medium Trees (average height 40' × 30' width)		
Botanical Name	Common Name	Native species
Ilex opaca	American Holly	
Magnolia virginiana	Sweet Bay Magnolia	
(6) Evergreen—Small Trees (average height 20' × 15' width)		
Botanical Name	Common Name	Native species
Ilex attenuata "Fosteri"	Foster's Holly	
Ilex vomitoria	Yaupon Holly	