CITY OF COLUMBIA
TENNESSEE

AGENDA

The Columbia Municipal Planning Commission will hold a meeting on Wednesday, January 12th, 2021 at 4:00 P.M., Council Chambers in the basement of City Hall, 700 N. Garden Street, to consider the following items of business

1. Welcome Of Visitors/Rules Of Conduct
2. Review Of Bonds And/Or Letters Of Credit.

   Documents:

   2022_01_LETTERSOFCREDIT.PDF
3. Acknowledgement Of Official Communications Of The Columbia City Council On Annexation And Zoning.
4. Approval Of Minutes
   Approval of minutes from December 8, 2021 meeting of the City of Columbia Municipal Planning Commission.

   Documents:

   2021_12_PC_MINUTES.PDF
5. 21-0150 - Final Plat Approval Of Polk Place 2B Subdivision
   Request from John Franks for Final Plat approval of POLK PLACE 2B subdivision off Theta Pike with surety in the amount of $56,000.

   Documents:

   2022_01_STAFFREPORT_21_0150.PDF
   2022_01_ATTACHMENTS_21_0150.PDF
6. 21-0240 Final Plat Approval Of Independence Subdivision Phase 2 Section 3
   Request from T-Square Engineering for Final Plat approval of INDEPENDENCE SUBDIVISION PHASE 2 SECTION 3 off Carters Creek Station Road with surety in the amount of $372,000.

Documents:

2022_01_STAFFREPORT_21_0240.PDF
2022_01_ATTACHEMENTS_21_0240.PDF

7. 21-0257 Access Management Exception
   Request from Phillip Evers for access management exception at 109 LEE DRIVE.

   Documents:

   2022_01_STAFFREPORT_21_0257.PDF
   2022_01_ATTACHMENTS_21_0257.PDF

8. 21-0260 Minor Plat Within A Planned Unit Development At Halcyon Way
   Request from Teresa Beck to approve a minor plat at HALCYON WAY within a Planned Unit Development.

   Documents:

   2022_01_STAFFREPORT_21_0260.PDF
   2022_01_ATTACHMENTS_21_0260.PDF

9. 21-0262 Multifamily Site Plan
   Request from Eddie Campbell for multifamily site plan approval at 1008 BECKETT STREET being Tax Map 100E Group A Parcel 12.00.

   Documents:

   2022_01_STAFFREPORT_21_0262.PDF
   2022_01_ATTACHEMENTS_21_0262.PDF

10. 21-0265 Rezone Properties Off Pulaski Highway
    Request from Crunk Engineering to rezone properties off Pulaski Highway being PARCELS 80 AND 80.37 FROM TAX MAP 113 and a portion of Parcel 80.47 from Commercial to High Density Residential and Mixed Residential Commercial.

    Documents:

    2022_01_STAFFREPORT_21_0265.PDF
    2022_01_ATTACHMENTS_21_0265.PDF

11. 21-0268 Rezone Property At 210 Rutherford Lane
    Request from K2 Development to rezone property at 210 RUTHERFORD LANE being Tax Map 112 Parcel 3.00 from high density residential and commercial to low density residential.

    Documents:

    2022_01_STAFFREPORT_21_0268.PDF
    2022_01_ATTACHEMENTS_21_0268.PDF

12. 21-0271 Access Management Exception
    Request from Larry Owens for access management exception at 417 AND 419 EAST 9TH

STREET.

Documents:

2022_01_STAFFREPORT_21_0271.PDF
2022_01_ATTACHEMENTS_21_0271.PDF

13. 21-0273 Review And Recommendation Of New Columbia Development Code
Request from Development Services for review and recommendation of a new Columbia Development Code. Throughout 2020 and 2021 Development Services staff and consultant Town Planning and Urban Design Collaborative (TPUDC) worked on a draft of a new Zoning Ordinance to better implement the City of Columbia Comprehensive Plan, CONNECT COLUMBIA. Staff and TPUDC engaged citizens and stakeholders through "Planapalooza" and other outreach. The Planning Commission heard additional stakeholder concerns at the December 8, 2021 meeting. The Commission deferred consideration of the draft to the current agenda so that staff could respond to these concerns and direct the consultant to update the draft. Staff requests that the Commission review the draft Ordinance and recommend adoption to the City Council.

DRAFT ZONING DISTRICTS MAP

VIDEO OF SEPTEMBER 14, 2021 PUBLIC DISCUSSION OF THE DRAFT CODE

Documents:

COLUMBIA CODE PUBLIC DRAFT_7.2.21 REVISIONS COMPLETE.PDF
SIGNS COMMENTS AND RESPONSE.DOCX

14. Other Business

Anyone requesting accommodations due to disabilities should contact the City's ADA Coordinator at 931-560-1570 prior to the meeting.

The 2022 meeting schedule can be found on the City of Columbia Municipal Planning Commission webpage.

The city's comprehensive plan, Connect Columbia can be found on the Planning & Zoning webpage.

For other questions, please contact the Department of Development Services at 931-560-1560.

CURRENT LETTERS OF CREDIT

DECEMBER 23, 2021

NO.	EXP. DATE	DEVELOPER	DEVELOPMENT	AMOUNT	FINAL PLAT	ORIGINAL SURETY AMOUNT
1	09.09.2016	Sterling Martin	Colter Place Subidivison, Section 1 (rds/drainage)	$ 44,502.69	9/15/2015	$44,502.69
2	08.25.2018	Shaw Enterprises - (cashier's check)	The Landings Subdivision, Phase 2, Section 2	$ 108,000.00	10/10/2017	$108,000.00
3	12.13.2018	Honey Farms Management, LLC	Honey Farm Townhomes- Phase 1A (completion of roads)	$ 20,000.00	1/11/2017	$20,000.00
4	01.12.2019	Honey Farms Management, LLC	Honey Farms Townhomes Phase 2, Section 2 (roads)	$ 40,000.00		$40,000.00
5	05.05.2019	General Homes of Columbia, LLC	Armstrong Meadow, Phase 1, Section 3 (roadsd/drainage)	$ 203,500.00	6/27/2017	$203,500.00
6	05.05.2020	Charles Raines Construction, LLC	Honey Farms Subdivsion, Phase 2, Section 8	$ 145,000.00	5/14/2019	$145,000.00
7	05.23.2020	Charles Raines Construction, LLC	Honey Farms Subdivision, Phase 2, Section 10	$ 103,000.00	6/21/2019	$103,000.00
8	06.06.2020	SDHomes of Nashville, LLC	Autumn Brook Subdivision - (roads and drainage)	$ 10,000.00	6/5/2019	$103,000.00
9	09.11.2020	Shaw Enterprises, LLC	Elan Subdivision, Phase 1 (roads & drainage)	$ 157,000.00	9/30/2019	$157,000.00
10	11.30.2020	Meritage Homes of Tenn., Inc.	Taylor Landing, Phase 1B (roads & drainage)	$ 118,500.00	1/15/2020	$118,500.00
11	03.07.2021	LPT, LLC	Greystone Subdivision	$ 166,500.00	5/18/2017	$166,500.00
12	04.25.2021	Arlington Heights General Partnership	Arlington Heights Subdivision, Phase 2, Section 2	$ 105,000.00	8/1/2018	$105,000.00
13	04.27.2021	Howell Home Builders, LLC	Baker Landing Subdivision, Phase 1, Section 1	$ 13,900.00	7/31/2020	$13,900.00
14	04.30.2021	Meritage Homes of Tenn., Inc.	Taylor Landing - Phase 2 (roads & drainage)	$ 188,000.00	5/14/2020	$188,000.00
15	05.09.2021	Arlington Heights General Partnership	Arlington Heights Subdivision, Phase 1, Section 2	$ 106,000.00	6/26/2018	$106,000.00
16	05.23.2021	Columbia Properties, LLC	Polk Place PUD Subdivision, Phase 1 (roads & drainage)	$ 28,000.00	9/19/2019	$28,000.00
17	09.11.2021	FP TCI CCS, LLC	Homestead @carter's Station Section 2, Phase 2B	$ 111,000.00	9/19/2019	$111,000.00
18	09.15.2021	Pulte Homes Tennessee Partnership	Independence @Carter's Station, Section 3, Phase 1	$ 390,000.00	9/21/2020	$390,000.00
19	09.28.2021	Campbell and Lovell Rentals	Savannah Cove Subdivision - roads/drainage	$ 45,000.00	12/17/2007	$160,260.00
20	11.19.2021	FP,TCI,CCS,LLC	Homestead @ Carter's Station - Section 2.3 & 5.1	$ 190,000.00	12/19/2019	$190,000.00
21	11.17.2021	P & L Development	Summerdale, Phase 1 (roads & drainage)	$ 135,000.00	12/11/2019	$135,000.00
22	11.30.2021	Meritage Homes of Tenn., Inc.	Taylor Landing - Phase 4A (roads and drainage)	$ 121,000.00	1/15/2021	$121,000.00
23	12.11.2021	J.D.Eatherly & Charles Raines	Honey Farm Subdivision - Phase 2, Sections 3,4,5,6,& 7	$ 25,000.00		$301,000.00
24	12.16.2021	Quail Run Development Co., LLC	Quail Run Subudivision, Phase 1 (roads & drainage)	$ 157,000.00	1/15/2021	$157,000.00
25	12.17.2021	P & L Development	Summerdale Subdivision, Phase 3 (roads & drainage)	$ 97,000.00	1/5/2021	$97,000.00
26	12.20.2021	FP, TCI, CCS, LLC	Homestead at Carter's Station , Sectin 2, Phase 1	$ 141,000.00		$141,000.00
27	01.04.2022	Shaw Enterprises	Elan Subdivision, Phase 2 (roads and drainage)	$ 142,000.00	12/21/2020	$142,000.00
28	01.24.2022	FP, TCI,CCS,LLC	Homestead at Carter's Station, Secion 2, Phase 2A	$ 87,000.00	3/13/2018	$87,000.00
29	01.26.2022	P & L Development, LLC	Summerdale Subdivision, Phase 3B (roads & drainage)	$ 17,000.00	1/13/2021	$17,000.00
30	2.03.2022	Columbia Properties, LLC	Polk Place PUD Subdivsion, Section 2A (roads & drainage)	$ 55,000.00	1/22/2021	$55,000.00
31	02.05.2022	Fortuna Capital,LLC	Grove Park Subdivision, Phase 5 (roads & drainage)	$ 10,000.00		$102,000.00
32	03.07.2022	McBroom Family Partnership	River Villages Townhomes (roads & drainage)	$ 73,000.00		$73,000.00
33	03.13.2022	Estate of Cyril Evers	Fieldstone Farms - Section 4 (roads & drainage)	$ 21,000.00	6/22/2017	$121,000.00
34	03.19.2022	P & L Development	Summerdale Subdivision, Phase 4 (roads & drainage)	$ 64,000.00	2/22/2021	$64,000.00
35	03.22.2022	J & B Estate	Hatton Hills Subdivision (roads & drainage)	$ 32,000.00	3/19/2021	$32,000.00
36	06.30.2022	Meritage Homes of Tenn., Inc.	Taylor Bend Road - roads & drainage	$ 183,000.00	11/18/2019	$303,000.00
37	09.30.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivision, Phase 1A (roads & drainage)	$ 22,500.00	9/26/2019	$90,000.00
38	04.05.2022	Lennar Homes of Tenn, LLC	Honey Farms , Phase 2, Section 3	$ 50,000.00	2/25/2021	$50,000.00
39	04.16.2022	FP TCI CCS, LLC	Homestead at Carter's Station, Section 2, Phase 1B	$ 65,000.00		$65,000.00
40	04.16.2022	Pulte Homes Tennessee Partnership	Homestead @Carter's Station, 5.2 and 6.1	$ 254,000.00	3/23/2021	$254,000.00
41	05.14.2022	Tennessee Regional Holdings, LLC	Armstrong Street Subdivision (roads & drainage)	$ 75,500.00	4/8/2020	$75,500.00
42	05.21.2022	FP TCI CCS, LLC	Homestead at Carter's Station, Section 4, Phase 1A	$ 134,000.00	6/29/2018	$134,000.00
43	05.21.2022	Charles Raines Construction, LLC	Honey Farms Subdivision, Phase 2, Section 9	$ 9,600.00	8/7/2019	$96,000.00
44	05.21.2022	FP TCI CCS, LLC	Homestead at Carter's Station, Section 4, Phase 1 B	$ 120,000.00	6/29/2018	$120,000.00
45	06.12.2022	FP TCI CCS, LLC	Homestead at Carter's Station , Section 4, Phase 2	$ 121,000.00		$121,000.00
46	06.03.2022	P & L Development, LLC	Summerdale Subdivision, Phase 2 (roads & drainage)	$ 105,000.00	7/21/2020	$105,000.00
47	06.22.2022	FP TCI CCS, LLC	Homestead at Carter's Station, Section 4, Phase 2	$ 121,000.00	6/21/2019	$121,000.00
48	06.30.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivision, Phase 5A (roads & drainage)	$ 48,000.00	6/17/2021	$48,000.00
49	06.30.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivision, Phase 5B (roads & drainage)	$ 72,000.00	7/15/2021	$72,000.00
50	06.30.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivision, Phase 4B, (roads & drainage)	$ 78,000.00	7/16/2021	$78,000.00
51	07.08.2022	FP,TCI,CCS,LLC	Homestead @Carter's Station Subdivision, Section 4 Ph 3	$ 160,000.00	6/12/2020	$160,000.00
52	07.09.2022	Fortuna Capital, LLC	Grove Park Subdivision, Phase 6 (roads & drainage)	$ 12,000.00	10/2/2018	$120,000.00
53	07.19.2022	Riverstone Homes, LLC	Cottages at Bear Creek , Phase 1 (roads & drainage)	$ 165,000.00	7/19/2021	$165,000.00
54	07.31.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivision, Phase 3 (roads & drainage)	$ 117,000.00	9/10/2020	$117,000.00
55	08.14.2022	James Davis, Sr.	Valley View Subdivision, (roads and drainage)	$ 258,000.00	10/5/2020	$258,000.00
56	08.11.2022	Quail Run Development Co., LLC	Quail Run Subdivision, Phase 1B (roads & drainage)	$ 185,000.00	7/19/2021	$185,000.00
57	09.11.2022	FP TCI CCS, LLC	Homestead @ Carter's Station Section 2 Phase 2B	$ 111,000.00	9/19/2019	$111,000.00
58	10.14.2022	P & L Development, LLC	Summerdale Subdivision, Phase 5 (roads & drainage)	$ 55,000.00	10/18/2021	$55,000.00
59	10.15.2022	KCS Property, LLC	Morgan Meadows Subdivision (roads & drainage)	$ 242,000.00		$242,000.00
60	11.08.2022	Pulte Homes Tennessee Partnership	Independence@ Carter's Station, Section 6, Phase 2	$ 207,000.00	9/21/2021	$207,000.00
60	11.12.2022	Columbia Properties, LLC	Polk Place , Phase 2B (roads & drainage)	$ 56,000.00	11/19/2021	$56,000.00
61	11.19.2022	FP TCI CCS, LLC	Homestead@ Carter's Station Subm Section2 Phase 3	$ 190,000.00		$190,000.00
62	11.30.2022	Meritage Homes of Tenn., Inc.	Taylor Landing Subdivion, Phase 4A (roads & drainage)	$ 121,000.00		$121,000.00
63	12.06.2022	Pulte Homes Tennessee Partnership	Independence at Carter's Station, Section 3, Phase 2	$ 372,000.00		$372,000.00

City of Columbia

MUNICIPAL PLANNING COMMISSION
December 8, 2021

CALL TO ORDER:

Chairman Charlie Goatz called the December Planning Commission meeting for the City of Columbia to order at 4:00 p.m. The meeting was held in Council Chambers at City Hall.

ROLL CALL:

Quorum present and included the following:

Present were: Mr. Charlie Goatz
Mr. Thomas Hutto
Mr. Randy McBroom
Mayor Chaz Molder
Mr. Ray Pace
Councilman Ken Wiles

Absent was: Dr. Rose McClain

Other attendees: Mr. Austin Brass, City Planner
Mr. Glenn Harper, City Engineer
Mr. Paul Keltner, Director of Development Services
Mr. Tony Massey, City Manager
Mr. Kevin McCarthy, Planning Associate
Mrs. Sandra Richardson, Secretary
Mrs. Melissa Sanders, Planning Associate
Mr. Douglas Toney, Assistant City Engineer

APPROVAL OF MINUTES:

The November minutes were presented for approval. Councilman Wiles moved to approve with Mayor Molder seconding. Motion carried with a vote of six to zero.

REVIEW OF BONDS:

City Engineer, Glenn Harper reported all letters of credit are in order, or in the process of being updated.

OFFICIAL COMMUNICATIONS:
AGENDA ITEM #2

Acknowledgement of Official Communications of the Columbia City Council on annexation and zoning.

Director Keltner stated that Greens Mill Road annexation and master plan and zoning of RS-10 was approved on final reading. The zoning of Bear Creek and I-65, east of I-65 that was approved on second reading. The Frye Road annexation and zoning, and the Cord Drive rezoning was approved. The 610-616 East 7th Street rezoning to R-6 was approved on final reading. For a first readings Pulaski Highway rezoning at Morrow Lane was removed by the applicant prior to the motion. The first reading for the Rutherford Lane rezoning was denied by City Council.

AGENDA ITEM #3
Case #21-0205

Request from Joseph Ahler for a Preliminary Planned Unit Development Plan at 1451 Lasea Road and Bear Creek Pike.

Staff Recommendation:

Mr. Keltner stated that the applicant reached out after study session and requested to defer this item to January.

Discussion:

Mr. Goatz made the motion to defer with Mr. McBroom seconding. Motion to defer passed six to zero.

AGENDA ITEM #4
Case #21-0239

Request from T-Square Engineering for final plat approval of The Ridge at Carters Station Phase 1A with surety in the amount of $121,000 off Carters Creek Station Road.

Staff Recommendation:

Mr. Keltner presented the details of the staff report. Staff finds this request compatible subject to technical comments.

Discussion: Mr. Goatz moved to approve subject to staff comments and seconded by Mayor Molder. Motion to approve passed six to zero.

AGENDA ITEM #5
Case #21-0241

Request from Allen O'Leary for final plat approval for Vesper Court Phase 1 off Sunset Avenue.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. The original request was for sixteen townhomes and one single family lot. While the owner is developing the site plan, he would like to move forward with the one, single family lot that is on the corner of Pickens Lane. Staff finds it compatible with the preliminary plat that was previously approved in April.

Discussion:

Mr. McBroom moved to approve with Councilman Wiles seconding. Motion to approve passed six to zero.

AGENDA ITEM #6
Case #20-0243

Request from TKC Architecture and Engineering for Preliminary Plat approval of Horizon Park subdivision off Hallmark Drive.

Staff Recommendation:

Mr. Keltner presented the staff report. Staff finds the request compliant with City standards.

Discussion:

Discussion included it is an R-10 zoning district and not RS-10. Mayor Molder moved to approve with Councilman Wiles seconding. Motion to approve passed six to zero.

AGENDA ITEM #7
Case #21-0244

Request from Ragan Smith Associates for multifamily site plan approval at Pulaski Highway and Cord Drive.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. The applicant is willing to provide a sidewalk down Cord Drive. The architectural look is similar to the original proposal. Staff finds the request compatible with our standards.

Discussion:

Mr. Lee Horn, Ragan Smith, Civil Engineer, was present to answer questions. Mr. Goatz asked Mr. Horn to confirm the sidewalk. Mr. Horn stated that he had a

discussion with Mr. Keltner and Mr. Harper, and they are understanding what is being asked for and they will work with them to provide the sidewalk. Mr. Goatz moved to approve subject to technical comments, and the condition of the sidewalk as well. Mr. Pace seconded the motion. Motion to approve passed six to zero.

AGENDA ITEM #8
Case #21-0245

Request from Kimley-Horn to rezone property off Hampshire Pike and Old Williamsport Pike being Tax Map 89 Parcel 41.03 from mixed commercial to a mixed residential commercial district.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. This is a comprehensive suburban corridor and staff included 3.19.6 and 3.18.7 for the review criteria for rezoning of this property.

Discussion:

Mr. Josh Roland, Developer, Kimley Horn, 214 Oceanside Drive, Nashville, was present to answer questions. Discussion included the current apartments, nonconforming, this is a concept plan that is being looked at today. Mr. Keltner stated that the mixed residential commercial does allow for a wide range of land uses. The concept is not binding and could change should the applicant move forward. Mr. Ronnie Hines, 3670 Campbellsville Pike realtor, representing Mr. Pace, developer, is ready to develop this property, and asking for the rezone to be approved. Further discussion included commercial requirements, existing zoning, and decreased residential density. MRC zoning will allow for mixture of land usage, density allowances. Mr. Keltner stated that the applicant could do all residential or all commercial. From the existing MCD zoning, the biggest change to MRC between the two is the townhomes, and the single family. They could do the apartments component and commercial today with the existing zoning. The single family and townhomes would not be allowed under the MCD zoning. Mayor Molder stated for clarification basically the rezoning would be decreasing the residential density that they would otherwise be allowed to at least to residential density, and commercial density is not impacting that at all. Mr. Keltner stated that the new MRC zoning would not impact the density, but it will allow for the mixture of land use or single family townhomes, or apartments they can all be inter mixed within each other. Mr. Goatz stated for clarification changing it from MCD to MRC could allow for more townhomes which could affect density. Mr. Keltner stated density count for the MCD is going to be the RM-2. The RM-2 is one of the highest density districts that we have. The townhomes staff would still look at the density count which is 24 per acre. Further discussion included zoning, allowances, impact, density, townhomes, the type change, connectivity component, preliminary plat process, feasibility study, market analysis, and the concept plan is just a concept. Mr. Keltner stated at the preliminary plat stage it would be looked at for subdivision

standards. Mr. Roland confirmed that they do a market analysis, and there are web based tools that allow you to analyze certain zip codes in areas depending on the supply and demand for various types of housing. He stated that he believes that they are going to work on a market study specific to the property He also stated the main reason for the rezone request is because the acreage of this site is to much for all apartments. They don't need to do 600 apartments, and they would like to have the flexibility to do a mix of single family, townhomes, and apartment uses. Mr. Keltner stated that there are about 2600 existing units for the city as a whole, and that is just apartments. We have about 15,500 as far as residential housing which is growing. The City is about 17% multi family, which is things that are currently built, or being built. Further discussion included the ratios of single family and attached single family are getting a lot closer as we look at permitting per month, apartments are a little different with tracking, and traffic study requirements. Mayor Molder made the motion to approve, with Mr. McBroom seconding. Motion to approve passed five to zero with Mr. Pace abstaining.

AGENDA ITEM #9
Case #21-0249

Request from Tommy Logue for access management exception at 1112 Confederate Drive.

Staff Recommendation:

Mr. Harper gave the details of the staff report. This has an existing driveway, in order to get a second driveway, an exception is required. The reason for the additional drive is to provide a driveway that accesses the home at ground level. The existing driveway access is in the basement. Looking at the criteria for the exception staff finds it acceptable and is favorable for the exception.

Discussion:

Mr. Goatz moved to approve, with Mr. McBroom seconding. Motion to approve passed six to zero.

AGENDA ITEM #10
Case #21-0240

Request from T-Square Engineering for Final Plat approval of Independence at Carter's Station Subdivision Phase 6 Section 2 with surety in the amount of $207,000.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. Staff reviewing of the final plat find it compatible with the preliminary plat that was previously approved.

Discussion:

Mr. Goatz made the motion to approve this request, subject to technical comments, with Mayor Molder seconding. Motion to approve passed six to zero.

AGENDA ITEM #11
Case #21-0272

Request from Development Services for access management ordinance modifications.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. This is a request from the Commission to look at a few items within our access management strategy at study session staff did make the modification to be more efficient. Staff also took the opportunity to clean up a few more items. There are one or two lingering items that we were requested to address. Mr. Douglas Toney gave an update on the solution on the two items. Mr. Toney stated that the requested changes are located in Table 1. The first concern was the ambiguity on the term frontage and changed that term to be a primary frontage. The second concern being how does the maximum number of access points apply to subdivisions and interconnectivity. It was never the intent of access management to limit interconnectivity with street and rights-of-way. It is however, the intent to focus those at points that are best located. Below Table 1, item number one says Table 1 shall not apply to streets, or street style accesses that function to provide increased interconnectivity for the public to adjoining properties or rights-of-way. In that case any streets, and layouts will come via preliminary plat or site development plans to this body. Mr. Keltner stated the two biggest changes were the ability of staff to look at these exceptions, and approve these in-house. Those that may not be a favorable recommendation for staff, that applicant could then appeal that to this body. To speed up the process in regards to access management. The other change was allowing the City Engineer to classify roads without having to go through a longer process, especially as staff continues to move into county situations. With so many roads systems coming into the City's network, is to have that ability to do that. Mr. Goatz stated that the Commission recommended this at last month's meeting and he appreciate staff getting on it.

Discussion:

Mr. Goatz made the motion to approve this request, with Mr. McBroom seconding. Motion to approve passed six to zero.

AGENDA ITEM #12
Case #21-0273

Request from Development Services for review and recommendation of a new Columbia Development Code.

Staff Recommendation:

Mr. Keltner gave the details of the staff report. Staff does have a few lingering comments that they are working on with the consultants that would like to be resolved prior to any recommendation to City Council. On behalf of the applicant being the City of Columbia staff would like to discuss the items, but request to defer this item to January.

Discussion: Mr. Keltner was present to answer questions. Mr. Steve Hill, 217 Trotwood Avenue, expressed concerns not wanting to rush through it, he would like to talk it through, the zoning map, sign Ordinance, changing rules, taking away people's rights for something that is pretty reasonable, and grandfathered in signs. Ms. Penny Worley, 117 Sugar Tree, expressed concerns with realty signs, and the temporary time period. Mr. Goatz asked if the code includes the realtors for sale sign on a residence. Mr. Keltner stated staff is working through that with the consultants and the Supreme Court is strict. Staff cannot say Real Estate sign, because a sign is a sign, and it doesn't matter what it is used for. Code is based on the size of the sign, and where it could go which is different from what we have in the current codes. We are trying to make sure we are legal and conforming. Additional discussion included temporary sign time limit, days on all signs treated the same, working on real estate issues, commercial leasing signs, and separation of signs. Mr. Keltner stated that current zoning code for signs has a size limit, height limit, and number limit. Further discussion included temporary signage, developing signs, the lack of man power, political signs, and Federal law. Sally Woodard, Real Estate Broker, 1118 Nashville Highway, expressed concerns in reference to personal property yard signage, and being exempt. Mr. Goatz stated from the Federal Supreme Court, like what Mr. Keltner stated, they can't eliminate realtor signs, but they are trying to put a limitation to the time frame. Mr. Jimmy Campbell, 453 Due Lane, expressed concerns in reference to the sign ordinance, electronic signs, reprogramming signs frame change limitation, and yard signs. Further discussion included speed of electronic signs, repeat sign offenders, balance across the board, multiple businesses nonconforming, retrieving signs, and enforcement of signs, complaints, city attorney to help with how to not isolate sign types, the new ordinance is a little different, staff is being added, and the goal is to get permanent signs. Mr. Charles Stofel, 102 Nashville Highway, expressed the desire to have the Commission meet with the public early in the day to share input, large projecting signs, internal illuminated signs, safety, over restrictive codes, temporary signs being taken down and put back up, and setbacks. Mr. Keltner stated efforts have been made to receive public input through social media, bill boards, and advertisement for comments. Mr. Goatz encouraged Mr. Stofel to send all additional concerns and comments to Mr. Keltner. Mr. Keltner also asked that if anything else comes up send him an email. Mr. George Stofel, 102 Nashville Highway, expressed a big concern for the non-internally lighted signs, sign codes, and national electrical codes, and need a committee set up to review the sign section. Mr. Steve Hill expressed concerns with the zoning codes, fairness, increase in expensiveness, affordability, and GCS zoning. Mr. Stofel, is concerned for the depth of signs. Ms. Woodard, expressed concerns in reference to how the ordinance will be enforced, and speaking where everyone can hear. Mr. Goatz stated that political signs have not been addressed, and staff is working on the issues. Mr. Gary Walters, 2024 Luther Sharp Road, expressed concerns in reference to the sign time period. Mr. Goatz moved to defer the item per the request from Mr. Keltner. Discussion included advertisement, special called meeting, going through great lengths to advertise, staff was at a standstill with comments, and conducting a

meeting through this body and City Council. Mr. Cody Davis, expressed concerns with communication clarification, who typed up the draft, head of the project, his request is for the City of Columbia to email Columbia Neon to let them know. Mr. Goatz asked Mr. Davis to email Mr. Keltner and he will get all the information for him. His request is to send the billboard advertising invoice to him. Mr. Jimmy Dugger, realtor stated one way to get it out to the realtors is to send the request through Mary Scott, Executive Director of Southern Middle Tennessee Association. She has access to all of the realtors. Mr. Goatz inquired which data are you looking for to be emailed. Mr. Dugger stated the changes, the sign ordinance. Mr. Goatz stated that a special call meeting will be advertised in the *Daily Herald.* Further discussion included the agenda is typically posted on the city's website. Mr. McBroom seconded the motion. Mayor Molder left at 5:15 p.m. Motion to defer passed five to zero.

OTHER BUSINESS:

Mr. Keltner introduced the new associate planner, Mr. Kevin McCarthy. The Commissioners discussed the request for a special call meeting, being the first or second week in January.

ADJOURNMENT:

Mr. McBroom made the motion to adjourn, with Mr. Pace seconding the motion. Motion to adjourn passed five to zero. Meeting adjourned at 5:30 p.m.

_____ _____

Planning Commission Chairman Date

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0150

APPLICANT/PROPERTY OWNER
John Franks/ Columbia Properties

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
Polk Place Phase 2-B/ Tax Map 90A Group B Parcel 84

SUMMARY OF REQUEST: **Final Plat (Polk Place Phase 2B)**

This request is for a **Final Plat** of 36 townhome units lots within Polk Place Phase 2-B. Access to these lots will come off of Polk Place (Public Road) with townhomes fronting a private drive (Mason Lane) including parking.

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
RM-1 PUD	High Density Residential	RM-1 PUD/ High Density Residential	36 Townhome Units.	2.65 Acres +/- (area of phase)

COMPATIBILITY with the COMPREHENSIVE PLAN:

Suburban Corridor, Proposed Final plat has an existing zoning designation of RM-1 PUD.

PROPERTY HISTORY:

January 2018. Rezoning from GCS to RM1-PUD, approved.

January 2020. Modification of PUD requested to amend product type to allow for two-story units, approved.

March 2020. Revision to Polk Place to dedicate Polk Place from a private drive to public right-of-way, approved.

COMPATIBILITY with the ZONING ORDINANCE:

Staff finds this final plat request to be compatible with the standards of the zoning ordinance conforming to the standards of the RM1-PUD as submitted in the Polk Place master development plan. Approval subject to any technical comments as attached.

ATTACHMENTS (CIRCLE) SUBMITTED PLANS CITY MAPS LEGAL NOTICE LEGAL DESCRIPTION

PUBLIC COMMENTS AGENCY COMMENTS RESPONSE TO STANDARDS

OTHER (DESCRIBE) :
Zoning Ordinance
3.19.6, 3.18.7

TECHNICAL MEETING
Tuesday, August 31, 2021
ITEM NO.
21-0150

DESCRIPTION: Request from John Franks for final plat approval of Polk Place Phase 2B for 36 lots off Polk Place street.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Building

1. No comments.

Police

2. No comments provided.

Columbia Water

3. Water - Incomplete

Atmos Energy

4. No comment.

Maury County E911

5. No comments provided.

Maury County Schools

6. No comments provided.

Duck River Electric Membership Corp

7. No comments.

Engineering

8. Provide LOC and install asphalt binder by 9/20/21.
9. Mason Lane needs temporary turnaround.

Public Works

10. For 36 units, our department recommends two (2) 8 yd dumpsters with 1 to 2 times a week collection. Please see the attached dumpster guidelines. Private sanitation services is an option. (and already in place).

Fire

11. Shall provide a fire apparatus turnaround.
12. Shall work with the CPWS on the required fire flow.

Columbia Power

13. Columbia Power System has an existing power line near your proposed residential development. We are willing to serve this residential development subject to all Columbia Power System policies and procedures in effect at actual time service is rendered provided an approved final plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Wastewater

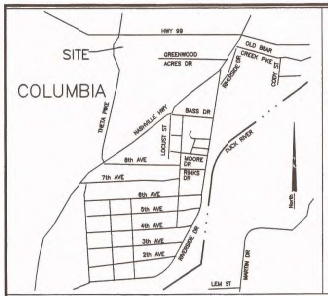
14. Wastewater approves this request.

Planning

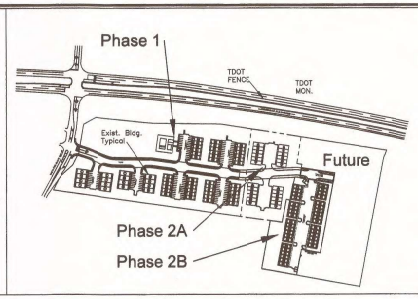
15. Note #4 states the zone is GCS but RM-1 is the current zoning
16. Has the fence on the southern property been installed
17. No Turn around provided

ATTACHMENTS: Final Plat

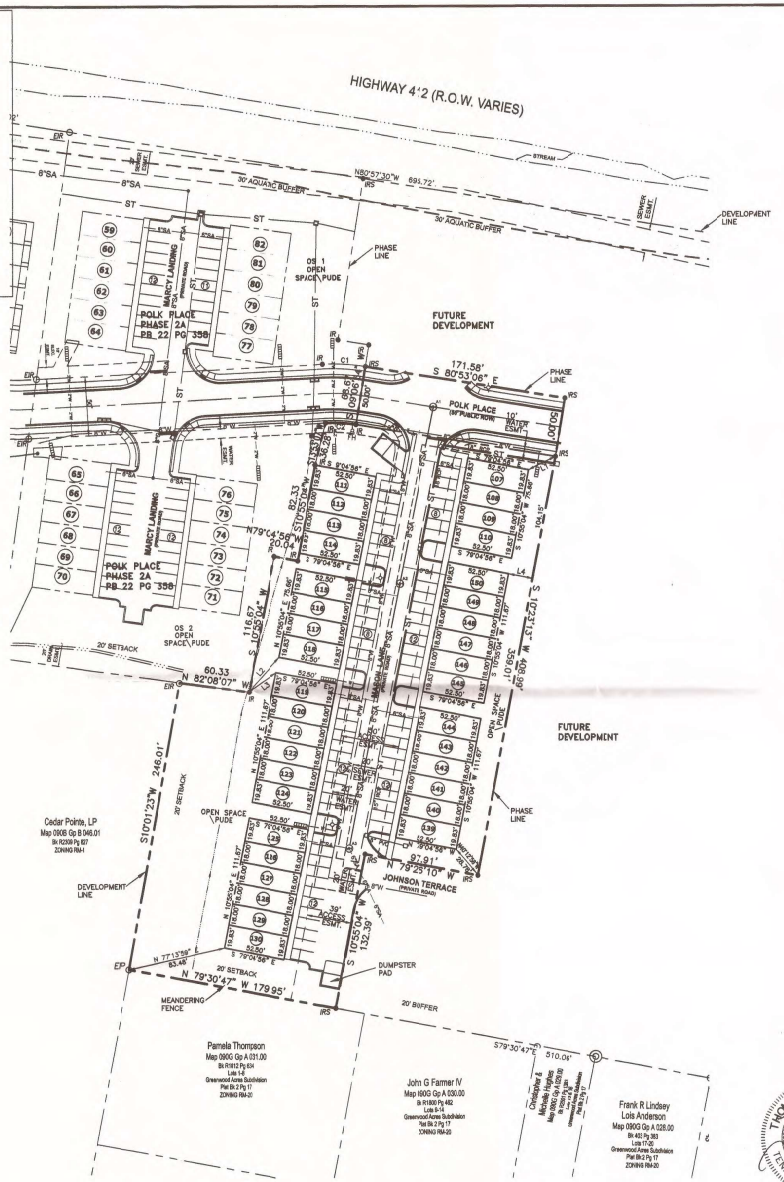
Case #21-0150
Polk Place Phase 2B



Vicinity Map
not to scale



Site Map
not to scale



0 50 100 150

LEGEND

Fence - X
Property Line -
Utility Box UB
Water Main W
Sanitary Sewer Main SA
Storm Sewer Pipe ST
Fire Hydrant FH 18" RCP
Street Lamp
Road Sign
Public Utility Easement AUE
Public Drainage Easement PDE
Public Utility Drainage Easement PUDE
Iron Rod Existing EIR
Iron Rod Set RS
Drainage Feature

Owner/Developer
Columbia Properties, LLC
144 Southeast Parkway, Suite 230
PHONE (615) 567-4420
johnfranks@live.com

Surveyor
Thomas G. King III RLS 1720
Hyde Park Homes, LLC
144 Southeast Parkway, Suite 230
PHONE (615) 567-4420
tomgking3@gmail.com

Survey Notes:

1. This subdivision plat is based on a Site Plan "Polk Pace Phase 2 & 3" Dated 9-29-20.

2. Bearings are referenced to Plat of record titled Polk Place Phase 1 Revision to Phase 1 recorded in Pla Book P22 Page 214 R.O.M.C.T.

3. Subject property ownership: Columbia Properties, LLC Deed Book R2488 Page 89 Maury County Registers Office.

4. Subject property is zoned RM1, City of Columbia.

5. This propety currently identified as a portion of Tax Map No. 90A, Group "B" Parcel Number 34.

6. Subject property lies in Zone "X" as shown on the FEMA FIRN 47119C0170E, with an effective date of 4-16-2007.

7. This surveyor does not warrant or guarantee as to the existence or non-existence of cemeteries, wetlands, karst features (except as provided by CEC, see survey note 7) or any other archaeolgical, geologic, envronmentally sensitive and/or any other protected features on the subject property. Owners/deveopers/contractors should contact the appropriate agencies before beginning any construction.

8. This surveyor did not physically locate any underground utilities shown on the face of this drawing. Locations of any utilities shown were taken from above ground evidence. No reliance should be made as to the size and type of utility reported, or that all such utilities as may exist have been shown. In Tennessee it is the law to call the Tennessee One Call System at least 3 and not more than 10 days before digging. Tennessee One Call System: dial 811.

9. Mailbox Kiosk located in pool building.

10. Open space can be used as public utility and access easement.

11. Stormwater appurtenances as depicted on this Final Plat shall be maintained as directed in the Inspection and Maintenance agreement of Private Stormwater Management Facilities: as recorded in Record Book , pages in the Register's Office of Maury County, Tennessee.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	175.00	36.55	36.48	S 36°52'04" E	11°57'57"
C2	125.00	26.11	26.06	S 36°52'04" E	11°57'57"

LINE	BEARING	DISTANCE
L1	S 63°48'53" W	25.32'
L2	S 41°11'07" W	39.76'
L3	N 54°34'21" E	29.03'
L4	S 79°26'10" E	20.84'

LOT AREA

Area	Sq. Feet	Acres
107	1041	0.02
108	945	0.02
109	945	0.02
110	1041	0.02
111	1041	0.02
112	945	0.02
113	945	0.02
114	1041	0.02
115	1041	0.02
116	945	0.02
117	945	0.02
118	1041	0.02
119	1041	0.02
120	945	0.02
121	945	0.02
122	945	0.02
123	945	0.02
124	1041	0.02
125	1041	0.02
126	945	0.02
127	945	0.02
128	945	0.02
129	945	0.02
130	1041	0.02
131	1041	0.02
132	945	0.02
133	945	0.02
134	945	0.02
135	945	0.02
136	1041	0.02
137	1041	0.02
138	945	0.02
139	945	0.02
140	945	0.02
141	945	0.02
142	1041	0.02
Total	35367	0.81

SITE AREA

Phase 2B ROW	8,579 Sq. Feet	0.20 Acres
Phase 2B Lot Area	35,367 Sq. Feet	0.81 Acres
Phase 2B Open Space	71,445 Sq. Feet	1.64 Acres
Total Phase 2B	115,391 Sq. Feet	2.65 Acres

CERTIFICATE OF APPROVAL FOR STREETS, DRAINAGE AND UTILITIES

I hereby certify that the streets, drainage, and utilities in Polk Pace Phase 2B have been installed in accordance with City specifications, or a performance bond in the amount of for streets and drainage has been posted with the City of columbia, Tennessee, to assure completion of such improvements.

City Engineer
Columbia, Tennessee

CERTIFICATE OF COMPLIANCE

I hereby certify that the subdivision plat hereon has been found to comply with the Columbia Subdivision Regulations and other adopted ordinances and policies.

20

City Engineer

CERTIFICATE OF APPROVAL FOR SEWER SYSTEM

I hereby certify that the sewer system outlined on this Subdivision plat has been installed in accordance with the current local and state governmen requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

Date

Director of Wastewater Department
Columbia, Tennessee

CERTIFICATE OF APPROVAL OF SUBDIVISION NAME AND STREET NAMES

Subdivision name and street names approved by the City Engineering Department and by E-911 Maury County.

Date:

Maury County E911

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Columbia Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the office of the County Register.

Date

Secretary, Planning Commission
Columbia, Tennessee

CERTIFICATE OF APPROVAL OF WATER SYSTEMS

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled "Polk Place Phase 2A Subdivision" has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

Date

Name Title

Columbia Power & Water Systems

CERTIFICATE OF ACCURACY

I hereby certify that to the beast of my knowledge and belief this is a true and accurate survey of the property shown hereon; that this is a Category I Land Survey as defined in Title 62, Chapter 18, Tennessee Code Annotated, and that the ratio of precision is greater than or equal to 1:10,000.

11-8-21
Date

Thomas G. King, III
TN Registered Land Surveyor

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that it i am (we are) the owner(s) of the property shown and described hereon as evidenced in Record Bk R2488, Pg 89, Maury County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, public ways, utilities and other facilities have

11/9/21
Date

BY: John Franks

11/08/21 Revised zoning note 4

POLK PLACE
PHASE 2B

3rd CIVL DISTRICT MAURY COUNTY, TENNESSEE

FINAL SUBDIVISION PLAT

CITY OF COLUMBIA MAURY COUNTY, TENNESSEE

Total Acres = 2.65	Total Lots = 36
Acres New Streets = 0.20	Feet New Streets = 271'
Acres Open Space = 1.64	Closure Error :1/10,000+
Scale : 1" = 50'	Date : 06/21/21

SHEET 1 OF 1

RECEIVED
NOV 09 2021

Case Number:

21-0240

Request:

Request from T-Square Engineering for Final Plat approval of Independence Subdivision Phase 2 Section 3 off Carters Creek Station Road with surety in the amount of $372,000.

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0240

APPLICANT/PROPERTY OWNER
T-Square Engineering/ Pulte Homes Tennessee LP

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
Independence at Carters Station (Hearth Hollow Road)/ Tax Map 41 Parcel 15.00

SUMMARY OF REQUEST: **Final Plat**

This request is for a **Final Plat Approval** for Independence at Carters Station, Section 3, Phase 2 consisting of 46 single-family dwelling lots with each lot having a 20' front and rear setback with a 5' side setback. This plat conforms to the approved PUD master plan for the development.

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
RS-10 PUD, Single Family Residential	Single-Family Residential	Single-Family Residential	46 Single-Family Dwelling Lots	17.05 Acres +/- in Phased Area.

COMPATIBILITY with the COMPREHENSIVE PLAN:
Suburban Neighborhood.
Proposed Final plat has an existing zoning designation of RS-10 PUD meeting this future land use classification.

PROPERTY HISTORY:

2018, Master Plan approval from City Council.

Preliminary Plat 2019-0169, 251 residential lots with density of 3.2 homes per acre. (78 +/- acres) total.

DP 2019-08, Preliminary Plat for Independence at Carters Station 3.1, approved.

COMPATIBILITY with the ZONING ORDINANCE:

Staff finds this final plat request to be compatible with the standards of the zoning ordinance conforming to the standards of the RS-10 PUD zoning district and subject to any technical comments.

Note to applicant, please correct final plat to state RS-10 PUD from R-10 PUD.

ATTACHMENTS (CIRCLE) SUBMITTED PLANS CITY MAPS LEGAL NOTICE LEGAL DESCRIPTION

PUBLIC COMMENTS AGENCY COMMENTS RESPONSE TO STANDARDS

OTHER (DESCRIBE):
Zoning Ordinance
3.19.6, 3.18.7

TECHNICAL MEETING
Tuesday, November 9, 2021
ITEM NO.
21-0240

DESCRIPTION: Final Plat of Independence at Carters Station Section 3 Phase 2

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Maury County E911

1. Contact Maury County 911 for street and development name approvals.

Building

2. No comments.

Columbia Power

3. Columbia Power System has an existing power line near your proposed development. We are willing to serve this new development subject to all Columbia Power System policies and procedures in effect at actual time service is rendered provided an approved final plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Duck River Electric Membership Corp

4. No comments.

Police

5. No comments provided.

Engineering

6. Provide LOC by 11/15/21

7. Install binder, curbing, and off-site improvements by 11/15/21
8. All preliminary lot grading and stormwater facilities shall be completed prior to 11/15

Wastewater

9. Construction is in progress. Wastewater approves this request.

Public Works

10. No comments.

Columbia Water

11. No comments provided.

Atmos Energy

12. No comments provided.

Maury County Schools

13. Travel concern, entry way.

Planning

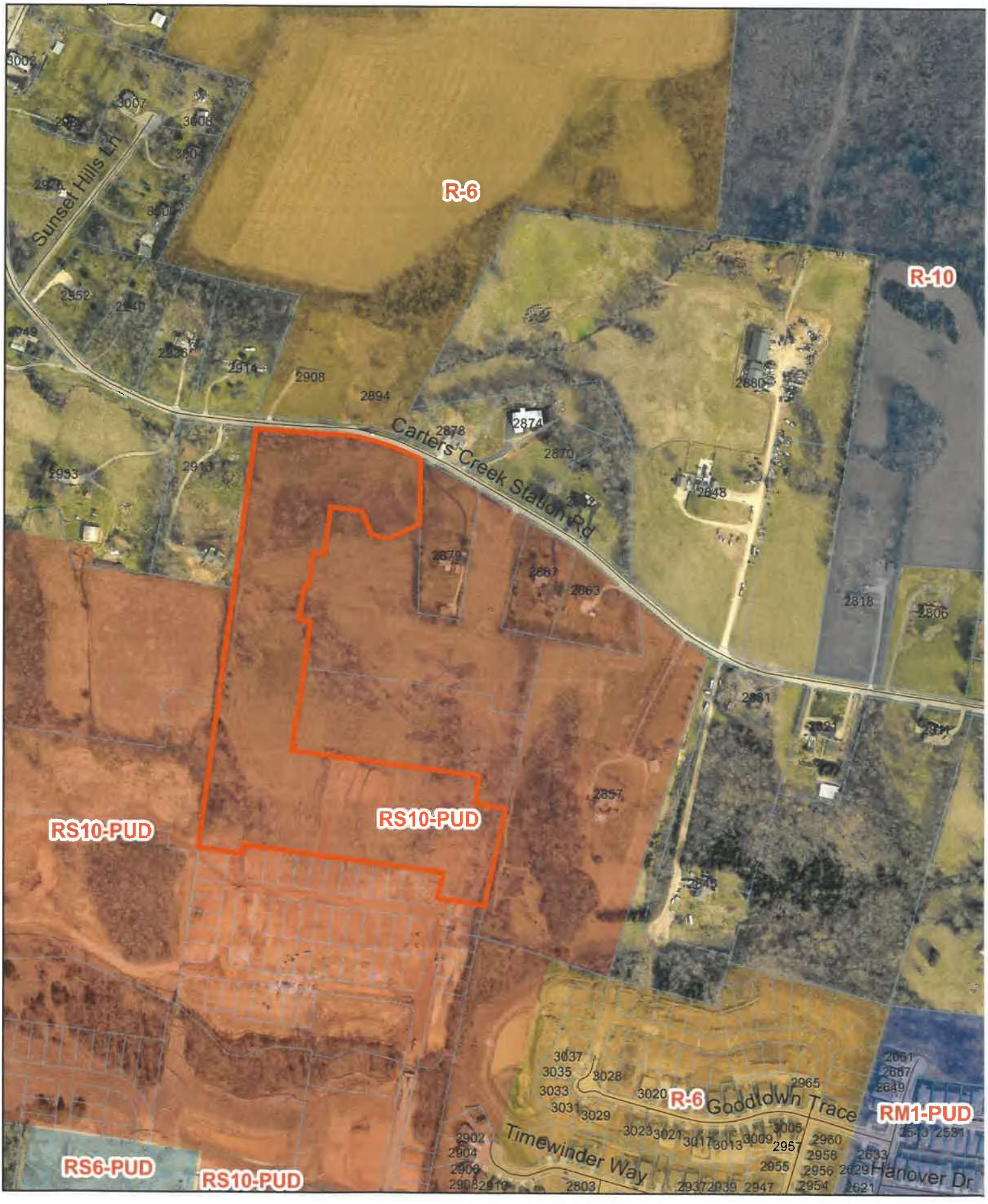
14. No comment.

Fire

15. Shall provide the fire flow. Work with the water department.

ATTACHMENTS: Final Plat

Case #21-0240
Independence 3.2



INDEPENDENCE AT CARTER'S STATION

FINAL PLAT

CARTER'S STATION
SECTION 3, PHASE 2
MAURY COUNTY, COLUMBIA TENNESSEE

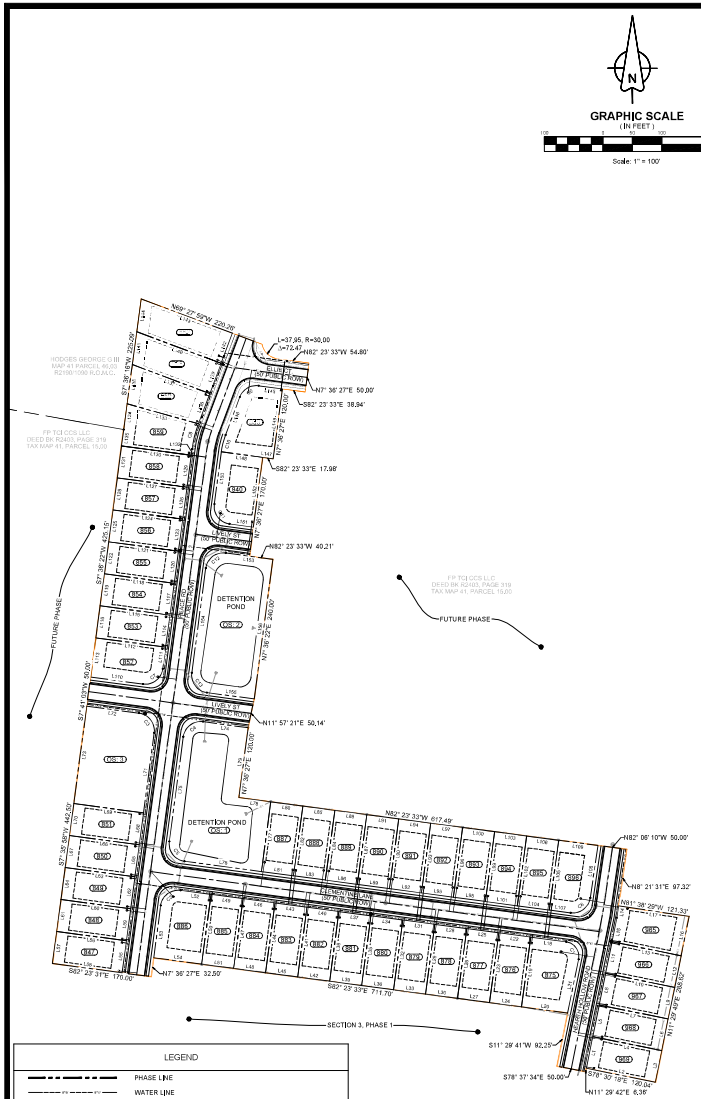
NO.	DATE	REVISIONS

DATE: 10/18/21
SCALE: AS SHOWN
DRAWN BY: T-SQUARE
REVIEWER: TET

J. MARK CANTRELL
PROFESSIONAL LAND SURVEYOR
2011
TENNESSEE NO. 1859
12/17/21

PROJECT
18-0530

SHEET
1 OF 1



Parcel Line Table		
Line #	Length	Direction
L11	53.20	S11° 29' 42.28"W
L12	53.20	N11° 29' 48.88"E
L13	124.15	N78° 38' 17.21"W
L14	53.20	N8° 21' 19.48"E
L15	42.26	N11° 29' 42.28"E
L16	98.23	S11° 29' 48.88"W
L17	131.21	S81° 38' 29.04"E
L18	53.20	N80° 23' 33.17"W
L19	129.20	S7° 36' 26.98"W
L20	19.21	S82° 23' 33.17"E

Parcel Line Table		
Line #	Length	Direction
L21	81.23	N11° 29' 42.28"E
L22	53.20	S80° 23' 33.17"E
L23	129.20	S7° 36' 26.98"W
L24	53.20	N80° 23' 33.17"W
L25	53.20	S80° 23' 33.17"E
L26	129.20	S7° 36' 26.98"W
L27	53.20	N80° 23' 33.17"W
L28	129.20	S7° 36' 26.98"W
L29	53.20	N80° 23' 33.17"W

Parcel Line Table		
Line #	Length	Direction
L31	53.20	S80° 23' 33.17"E
L32	129.20	N7° 36' 26.98"E
L33	53.20	S80° 23' 33.17"E
L34	129.20	N7° 36' 26.98"E
L35	53.20	S80° 23' 33.17"E
L36	129.20	N7° 36' 26.98"E
L37	53.20	S80° 23' 33.17"E
L38	129.20	N7° 36' 26.98"E
L39	53.20	S80° 23' 33.17"E

Parcel Line Table		
Line #	Length	Direction
L41	129.20	N7° 36' 26.98"E
L42	53.20	S80° 23' 33.17"E
L43	53.20	S82° 23' 33.17"E
L44	129.20	N7° 36' 26.98"E
L45	53.20	S82° 23' 33.17"E
L46	129.20	N7° 36' 26.98"E
L47	129.20	N7° 36' 26.98"E
L48	129.20	N7° 36' 26.98"E
L49	53.20	S82° 23' 33.17"E
L50	129.20	N7° 36' 26.98"E

Parcel Line Table		
Line #	Length	Direction
L51	53.20	N82° 23' 33.17"W
L52	53.20	S7° 36' 26.98"W
L53	53.20	N82° 23' 33.17"W
L54	53.20	S7° 36' 26.98"W
L55	53.20	N82° 23' 33.17"W
L56	129.20	S7° 36' 26.98"W
L57	53.20	N82° 23' 33.17"W
L58	129.20	S7° 36' 26.98"W
L59	53.20	N82° 23' 33.17"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	49.87	31.00	92.18°	N35° 20' 58"W	44.63
C2	15.26	31.00	28.21°	N71° 27' 58"W	15.09
C3	47.13	31.00	87.11°	S37° 29' 33"E	42.69
C4	47.13	31.00	87.11°	S50° 30' 27"W	42.69
C5	47.13	31.00	87.11°	S37° 29' 33"E	42.69
C6	95.13	31.00	175.71°	N57° 08' 18"W	62.00
C7	47.13	31.00	87.11°	N37° 30' 27"E	42.69
C8	94.26	209.00	12.91°	N14° 01' 27"W	94.09
C9	49.26	31.00	91.01°	S59° 04' 14"W	44.24
C10	26.18	194.00	7.73°	S41° 04' 17"W	26.17
C11	47.13	31.00	87.11°	S37° 29' 33"E	42.69
C12	47.13	31.00	87.11°	S50° 30' 27"W	42.69
C13	47.13	31.00	87.11°	N37° 29' 33"W	42.69

Parcel Line Table		
Line #	Length	Direction
L71	137.23	S7° 36' 26.98"W
L72	89.01	S82° 23' 33.17"E
L73	167.01	N7° 36' 26.98"E
L74	77.01	N82° 23' 33.17"W
L75	191.01	S7° 36' 26.98"W
L76	137.01	S82° 23' 33.17"E
L77	129.01	N7° 36' 26.98"E
L78	53.20	N82° 23' 33.17"W
L79	129.20	N7° 36' 26.98"E
L80	53.20	S82° 23' 33.17"E

Parcel Line Table		
Line #	Length	Direction
L81	53.20	N82° 23' 33.17"W
L82	129.20	S7° 36' 26.98"W
L83	53.20	S82° 23' 33.17"E
L84	129.20	S7° 36' 26.98"W
L85	53.20	N82° 23' 33.17"W
L86	53.20	S82° 23' 33.17"E
L87	129.20	S7° 36' 26.98"W
L88	53.20	N82° 23' 33.17"W
L89	53.20	S82° 23' 33.17"E
L90	129.20	S7° 36' 26.98"W

Parcel Line Table		
Line #	Length	Direction
L91	53.20	N82° 23' 33.17"W
L92	129.20	N7° 36' 26.98"E
L93	53.20	S82° 23' 33.17"E
L94	129.20	S7° 36' 26.98"W
L95	53.20	S82° 23' 33.17"E
L96	129.20	N7° 36' 26.98"E
L97	53.20	N82° 23' 33.17"W
L98	129.20	S7° 36' 26.98"W
L99	53.20	S82° 23' 33.17"E

Parcel Line Table		
Line #	Length	Direction
L101	53.20	S82° 23' 33.17"E
L102	129.20	S7° 36' 26.98"W
L103	53.20	N82° 23' 33.17"W
L104	129.20	N7° 36' 26.98"E
L105	53.20	S82° 23' 33.17"E
L106	129.20	N7° 36' 26.98"E
L107	53.21	N82° 23' 33.17"W
L108	95.46	S9° 21' 39.84"W
L109	57.26	S82° 23' 33.17"E
L110	69.20	N7° 36' 26.98"E

Parcel Line Table		
Line #	Length	Direction
L112	37.23	N7° 37' 26.24"E
L113	129.20	N82° 23' 33.17"W
L114	57.20	S7° 36' 26.98"W
L115	129.20	N82° 23' 33.17"W
L116	57.20	S7° 36' 26.98"W
L117	57.20	N7° 36' 26.98"E
L118	129.20	N82° 23' 33.17"W
L119	57.20	S7° 36' 26.98"W
L120	57.20	N7° 36' 26.98"E

Parcel Line Table		
Line #	Length	Direction
L121	57.20	N7° 36' 26.98"E
L122	129.20	S82° 23' 33.17"E
L123	57.20	S7° 36' 26.98"W
L124	129.20	N82° 23' 33.17"W
L125	57.20	N7° 36' 26.98"E
L126	129.20	S82° 23' 33.17"E
L127	57.20	S7° 36' 26.98"W
L128	129.20	N82° 23' 33.17"W
L129	57.20	N7° 36' 26.98"E

Parcel Line Table		
Line #	Length	Direction
L131	57.42	N82° 23' 33.17"W
L132	129.20	N7° 36' 26.98"E
L133	57.20	S82° 23' 33.17"E
L134	129.20	S7° 36' 26.98"W
L135	57.20	N82° 23' 33.17"W
L136	129.20	N7° 36' 26.98"E
L137	57.20	S82° 23' 33.17"E
L138	129.20	S7° 36' 26.98"W
L139	57.20	N82° 23' 33.17"W

Parcel Line Table		
Line #	Length	Direction
L141	57.42	N82° 23' 33.17"W
L142	57.20	N7° 36' 26.98"E
L143	129.20	S82° 23' 33.17"E
L144	57.20	S7° 36' 26.98"W
L145	129.20	N82° 23' 33.17"W
L146	57.20	N7° 36' 26.98"E
L147	129.20	S82° 23' 33.17"E
L148	57.20	S7° 36' 26.98"W
L149	129.20	N82° 23' 33.17"W

Parcel Line Table		
Line #	Length	Direction
L151	41.15	S82° 23' 33.17"E
L152	129.20	N7° 36' 26.98"E
L153	57.20	N82° 23' 33.17"W
L154	129.20	S7° 36' 26.98"W
L155	57.20	S82° 23' 33.17"E
L156	249.20	N7° 36' 26.98"E

SITE DATA

CURRENT ZONING:	R-10 PUD
MINIMUM BUILDING SETBACKS:	
FRONT:	20'
REAR:	20'
SIDE:	5'
TOTAL PHASE AREA:	12.14 ACRES
NEW R.O.W.	3.70 ACRES
OPEN SPACE:	1.80 ACRES

Lot Areas			Lot Areas			Lot Areas	
LOT	SQ. FT.		LOT	SQ. FT.		LOT	SQ. FT.
OS-1	790127		819	6600.00		900	6602.28
OS-2	263429		820	6600.00		901	6602.28
OS-1	332013.24		880	6600.00		902	6602.28
841	9099.21		881	6600.00		903	6602.28
842	6600.00		882	6600.00			
843	6600.00		883	6600.00			
844	6600.00		884	6600.00			
845	6600.19		885	6600.00			
846	6600.19		886	6600.00			
847	7395.00		887	6600.00			
848	6600.00		888	6600.00			
849	6600.00		889	6600.00			
850	6600.00		890	6600.00			
851	6600.00		891	6600.00			
852	6600.00		892	6600.00			
853	7750.19		893	6600.00			
854	8131.00		894	6600.00			
855	8180.28		895	6600.00			
856	8781.69		896	7815.59			
857	9845.21		899	8600.27			
858	6600.00		900	6600.00			
859	6600.00		901	6600.00			

GENERAL NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THIS PROPERTY INTO 45 LOTS AND DEDICATE OPEN SPACE AREAS AND RIGHT-OF-WAY AND EASEMENTS.
2. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN THE CITY OF COLUMBIA, MAURY COUNTY, TN. ALL MATTERS PERTAINING TO CONSTRUCTION, USE, LOCATION OF IMPROVEMENTS, SIGNAGE, PARKING, NOISE, VIBRATION, EMISSIONS, FIRE HAZARDS, RADIATION, ILLUMINATION, SETBACK PROVISIONS, ETC., ARE SUBJECT TO THE CITY OF COLUMBIA'S ZONING REGULATIONS AS INTERPRETED AND REGULATED BY THE DEPARTMENT OF DEVELOPMENT SERVICES.
3. SUBJECT PROPERTY IS A PORTION OF PARCEL 15.00 AS SHOWN ON MAURY COUNTY TAX MAP 41.
4. DEED REFERENCE: RECORD BOOK R2883, PAGE 125-130, REGISTER'S OFFICE OF MAURY COUNTY, TN.
5. THE HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION AND DATA COLLECTOR AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS) USING THE TDOT NETWORK, TENNESSEE STATE PLANE COORDINATE SYSTEM ZONE 4100, NAD83, DRONE AERIAL PHOTOMETRY WAS ALSO USED TO SURVEY SOME ELEMENTS.
6. NO TITLE REPORT HAS BEEN FURNISHED, THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.
7. THE TOTAL AREA OF THE PHASE SURVEYED IS 12.14 +/- ACRES.
8. THE NEW RIGHT-OF-WAY DEDICATION AREA IS 3.70 +/- ACRES.
9. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X", AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 47119C0119DE WITH AN EFFECTIVE DATE OF 4/16/2017, WHICH MAKES UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT, COMMUNITY NO. 1190, PANEL NO. 0180 SUFFIX E, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED, SAID MAP DEFINES ZONE "X" UNDER "OTHER AREAS" AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
10. THIS PROPERTY IS ZONED R-10 PUD.
11. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF A GENERAL PROPERTY SURVEY AND CONFORMS TO THE ACCURACY OF A CATEGORY 1 SURVEY AS CURRENTLY DEFINED AND ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS, AND THE RATIO OF PRECISION IS LESS THAN 1:10,000.
12. ALL PLOT AND DEED RECORDATION REFERENCES SHOWN HEREON ARE AS RECORDED IN THE REGISTER'S OFFICE FOR MAURY COUNTY, TENNESSEE.
13. THIS SURVEY HAS BEEN SIGNED AND SEALED DIGITALLY.
14. COLUMBIA POWER AND WATER SYSTEMS IS THE POWER PROVIDER.
15. STORM PIPES TO BE 18" RCP, UNLESS OTHERWISE NOTED.
16. STORM WATER MANAGEMENT OPERATION AND MAINTENANCE WILL BE GOVERNED BY THE INSPECTION AND MAINTENANCE AGREEMENT OF PRIVATE STORM WATER MANAGEMENT FACILITIES, DATED _____, RECORDED IN RECORD BOOK _____ PAGE _____, REGISTER'S OFFICE OF MAURY COUNTY, TN.

SPECIAL UTILITY NOTE

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DOWN SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF THE EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) NOR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT.

CERTIFICATE OF SUBDIVISION AND STREET NAMES

SUBDIVISION NAME AND STREET NAMES ARE APPROVED BY THE CITY ENGINEERING DEPARTMENT AND MAURY COUNTY E911.

DATE 20 MAURY E911

CERTIFICATE OF APPROVAL OF SEWER SYSTEM

I HEREBY CERTIFY THAT THE SEWER SYSTEM OUTLINED OR INDICATED ON THIS FINAL SUBDIVISION PLAT HAS BEEN INSTALLED IN ACCORDANCE WITH THE CURRENT LOCAL AND STATE GOVERNMENT REQUIREMENTS OR A SUFFICIENT BOND OR OTHER SURETY HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.

DATE 20 DIRECTOR OF COLUMBIA WASTEWATER DEPARTMENT

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN IN BOOK R2883, PAGE 125-130, MAURY COUNTY REGISTER'S OFFICE, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINE, AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC WAYS, UTILITIES AND OTHER FACILITIES HAVE BEEN FILED.

DATE 20 OWNER

CERTIFICATE OF SURVEY ACCURACY

I (WE) HEREBY CERTIFY THAT TO THE BEST OF MY (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON; THAT THIS IS A CATEGORY 1 LAND SURVEY AS DEFINED IN TITLE 62, CHAPTER 18, TENNESSEE CODE ANNOTATED, AND THAT THE RATIO OF PRECISION IS LESS THAN OR EQUAL TO 1:10,000.

DATE 20 SURVEYOR

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE COLUMBIA SUBDIVISION REGULATIONS AND OTHER ADOPTED ORDINANCES AND POLICIES.

DATE 20 CITY ENGINEER

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE COLUMBIA SUBDIVISION REGULATIONS WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

DATE 20 NAME, TITLE, AGENCY OF AUTHORIZED AGENT

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I HEREBY CERTIFY THAT THE WATER SYSTEM OUTLINED OR INDICATED ON THE FINAL SUBDIVISION PLAT ENTITLED "FINAL PLAT, CARTER'S STATION, SECTION 3, PHASE 2" HAS BEEN INSTALLED IN ACCORDANCE WITH CURRENT LOCAL AND STATE GOVERNMENT REQUIREMENTS, OR A SUFFICIENT BOND OR SURETY HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.

DATE 20 SUPERINTENDENT OF COLUMBIA

CERTIFICATE OF APPROVAL OF STREETS, DRAINAGE AND UTILITIES

I HEREBY CERTIFY THAT THE STREETS, DRAINAGE AND UTILITIES DESIGNATED IN INDEPENDENCE AT CARTER'S STATION (SECTION 3, PHASE 2) HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR A PERFORMANCE SURETY IN THE AMOUNT OF $_____ FOR STREETS AND DRAINAGE HAS BEEN POSTED WITH THE CITY OF COLUMBIA TO ASSURE COMPLETION OF SUCH IMPROVEMENTS.

DATE 20 CITY ENGINEER

THE PROPERTY DESCRIBED ON THIS PLAN DOES NOT LIE WITH AN AREA OF SPECIAL FLOOD INSURANCE RATE MAP, PREPARE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), COMMUNITY PANEL NUMBER 47119C0180E, REVISED 16 APRIL 2017.

OWNER OF RECORD
PULTE HOMES TENNESSEE LIMITED PARTNERSHIP DEED BK. R2883, PG. 125-130, MAP 41 P/O PARCEL 46.07
APPLICANT
T-SQUARE ENGINEERING 1329 WEST MAIN ST FRANKLIN, TN 37064 615.678.8212

Tennessee 811

T-SQUARE ENGINEERING
1329 WEST MAIN STREET • FRANKLIN, TN • 615-678-8212 • WWW.T2-ENG.COM

P:\Projects\2018\18-0530 (Carters Station - Pulte Homes)\Independence Construction Plans\Phase 3,2\Production\18-0530 Independence 3,2 Final Plat.dwg, 12/17/2021 10:43:10 AM

Case Number:

21-0257

Request:

Request from Phillip Evers for access management exception at 109 Lee Drive.

STAFF REPORT

CASE NUMBER:	**21-0257**
APPLICANT:	**Phillip Evers**
SUBDIVISION:	**River Heights**
ZONING:	**R-10**
PROPERTY LOCATION:	**109 Lee Drive**
MAP NUMBER:	**Tax Map: 89E; Group: B; Parcel: 10.00**
REQUEST:	**Access Management Ordinance Exception**

Project Proposal

The request is for an exception to the Access Management Ordinance to allow an additional access to Lee Drive. The proposed secondary access is along a minor local roadway, Lee Drive, and the access management ordinance limits this lot to one assess point. The Proposed access, which was installed prior to receiving an exception, does not meet standards for site distance, minimum driveway width, or minimum culvert size.

Points of Discussion

Access Management Ordinance

Public Notice

Public notice appeared in the Daily Herald two times prior to this meeting fulfilling notice requirements.

Review

Items for Planning Commission consideration for an exception to the provisions of the access management Ordinance are:

1. The applicant provides a notarized affidavit that affirms the information provided in the exception request is true and correct.
2. The Conditions upon the request is based are unique to this property and are not applicable to other properties throughout Columbia.
3. The specific property has exceptional narrowness, shallowness, or shape.
4. The specific property was a lot of record prior to the adoption of this ordinance.
5. The specific property has exceptional topographic conditions or other extraordinary or exceptional conditions that pertain to the physical nature of the property.
6. The strict application of this Ordinance would result in practical difficulties to or undue hardship on the owner of the property.
7. The situation is not self –created
8. The exception may be granted without substantial detriment to the public good and without sustainably impairing the intent and purpose of this Ordinance.

Based on the technical review, staff finds the proposed access location to not meet the criteria for an exception to the access management ordinance. Furthermore, The recently constructed access should be removed unless an exception is approved by Planning Commission.

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0257

DESCRIPTION: Request for exception to the city' of Columbia's access management Ordinance for residential building lot.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Building

1. No comments.

Police

2. No comments provided.

Atmos Energy

3. No comments provided.

Maury County E911

4. No comments provided.

Maury County Schools

5. No comments.

Duck River Electric Membership Corp

6. No comments provided.

Columbia Power

7. Columbia Power System has no objections at this time for the addition of a second driveway located at 109 Lee Drive. Any relocation of facilities would be the responsibility of the property owner.

Engineering

8. Proposed access, which was installed prior to receiving an exception, does not meet standards for site distance, minimum driveway width, or minimum culvert size.
9.

Public Works

10. No comment.

Wastewater

11. Wastewater approves this request.

Fire

12. No comments.

Planning

13. No comment.

Columbia Water

14. No Conflict.

ATTACHMENTS: Site Plan

GENERAL AFFIDAVIT

I, Phillip Evers, personally appeared before the Undersigned Notary Public, and under affirmation make the following statment(s):

Regarding my letter dated 5 November 2021 to the City of Columbia, 109 Lee Drive Access Management Exception Request:

This affidavit is to affirm that the information provided in the Access Management Request is true and correct.

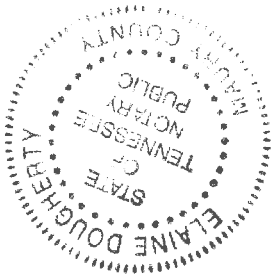
Dated this 5th day of November, 2021

Phillip Evers

Subscribed and Sworn before me, this 5th of November, 2021

Notary Public

My comm. exp: 5/22/2023



Case #21-0257
109 Lee Drive

City of Columbia, Tennessee
Planning Commission
700 North Garden Street

November 5, 2021

RE: 109 Lee Drive- Access Management Exception Request

Dear Planning Commission,

I (Phillip Evers) have added a second driveway to my property 109 Lee Drive for a safer access to get to the property. The access is off Lee Drive which is a high traffic residential street.

With the addition of more residential units in the close proximity of Lee Drive, this results in an increase of vehicles coming and going.

The original driveway is a safety hazard due to the location of it and the street. The driveway requires those backing out of it to reverse into the street. This results in the driver cutting 90 degrees into the street thus hindering the view of the driver as well as cutting into both lanes of the street. It affects those driving up the street as they have to stop and wait until the driver gets back into the correct lane. It also affects those coming down the street around the curve having a delay in reaction to stopping their vehicle before potentially hitting the driver backing into the street.

Because of the strict enforcement of the ordinance of Columbia, it would result in practical complications and unwarranted troubles.

Part of the reason I added the second access to the property was to have better access to the house for those who can't go up multiple steps through the basement. It would be easier access to enter the upstairs level of the house either through the front door or kitchen. The previous owners had cars parked in the grass in the front of the house, as the driveway could only hold only so many cars. Resulting in them parking in the front of the yard and cutting through the grass to get onto the street to be able to leave.

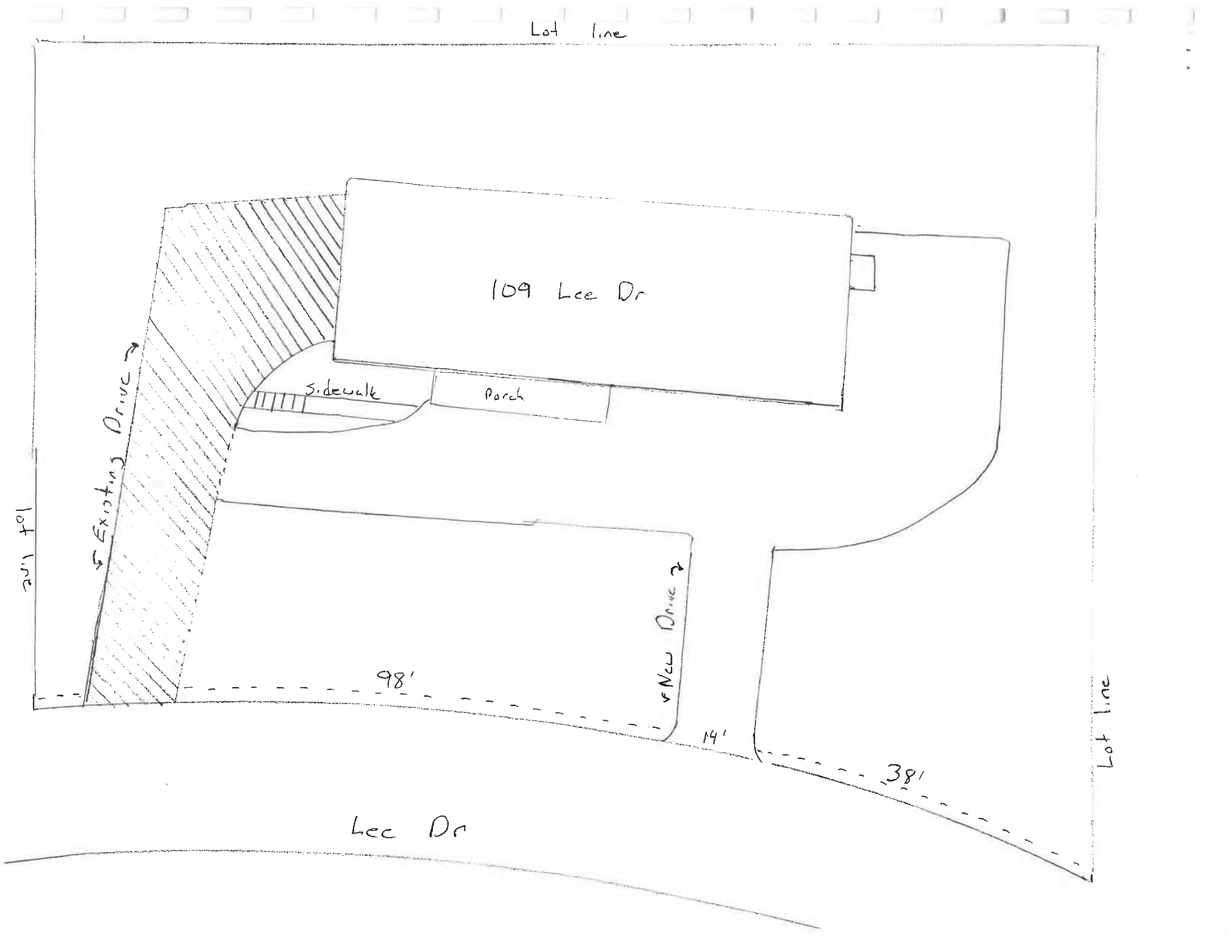
The application has been submitted with drawings to show the existing and new driveway. My intent is to show the size, location, orientation, and physical attributes of the driveways.

I have attached the drawing showing the access, existing, and proposed.

I firmly believe that the additional access to my property will not have any negative impact on the life, safety, health, and general welfare of those living on Lee Drive as well as the city of Columbia, TN.

Sincerely,
Phillip Evers

RECEIVED
NOV 08 2021
By: 21-0257


Lot line
109 Lee Dr
Sidewalk
Porch
Existing Drive
New Drive
98'
14'
38'
Lot line
Lee Dr

Case Number:

21-0260

Request:

Request from Teresa Beck to approve a minor plat at Halcyon Way within a Planned Unit Development.

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0260

APPLICANT/PROPERTY OWNER
Teresa Beck / Visionary Ventures

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
Independence at Carters Station (Banner Road)/ Tax Map 46.07

SUMMARY OF REQUEST: **Revision of PUD Master Development Plan (Minor Plat)**

This request is for a **Minor Plat Approval** for the re-platting of lots 4-6 within the Eleventh on Seventh Planned Unit Development.

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
R1-PUD, Single Family Residential	Single-Family Residential	Single-Family Residential	Re-Platting of Single-Family Residential Lot	0.64 Acres +/-

COMPATIBILITY with the COMPREHENSIVE PLAN:
Urban Neighborhood.
Proposed plat has an existing zoning designation of R1- PUD meeting this future land use classification.

PROPERTY HISTORY:

April 11th, 2007, Preliminary PUD Master Plan, approved.
May 9th, 2007, Final Plat, approved.
December 2008, HZC commission approval of wall and gate.

COMPATIBILITY with the ZONING ORDINANCE:

This minor plat is for the combination of lots 4 & 5 into one contiguous 12,361 SF lot (*lot 4*) with the expansion of lot 6 (15,547 SF). The minimum front setback of the lots will be 10' when including 15' rear setback conforming to the development standards of this PUD master plan approved in 2007.

ATTACHMENTS (CIRCLE) SUBMITTED PLANS CITY MAPS LEGAL NOTICE LEGAL DESCRIPTION

PUBLIC COMMENTS AGENCY COMMENTS RESPONSE TO

STANDARDS

OTHER (DESCRIBE):
Zoning Ordinance
3.19.6, 3.18.7

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0260

DESCRIPTION: Request from Teresa Beck for Final PUD plan of lots 4-6 of Eleven of Seventh located off Halcyon Way.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Building

1. No comments.

Police

2. No comments provided.

Columbia Power

3. Columbia Power System has an existing power line along Bullock St. and West 7th St. near your residential planned unit development Eleven on Seventh located off Bullock St. and West 7th Street. We are willing to serve this new development subject to all Columbia Power System policies and procedures in effect at actual time service is rendered provided an approved final plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Atmos Energy

4. No comments provided.

Maury County E911

5. No comments provided.

Maury County Schools

6. No comments.

Duck River Electric Membership Corp

7. No comments.

Engineering

8. Provide purpose note.
9. Provide water and sewer certificates

Public Works

10. No comments.

Fire

11. Shall provide a fire flow report from the water department showing the nearest fire hydrants to this development.

Wastewater

12. The sanitary sewer service connection associated with this subdivision is private and not the responsibility of the City of Columbia Wastewater Department. Wastewater approves this request and expects the future connections to remain privately owned.

Planning

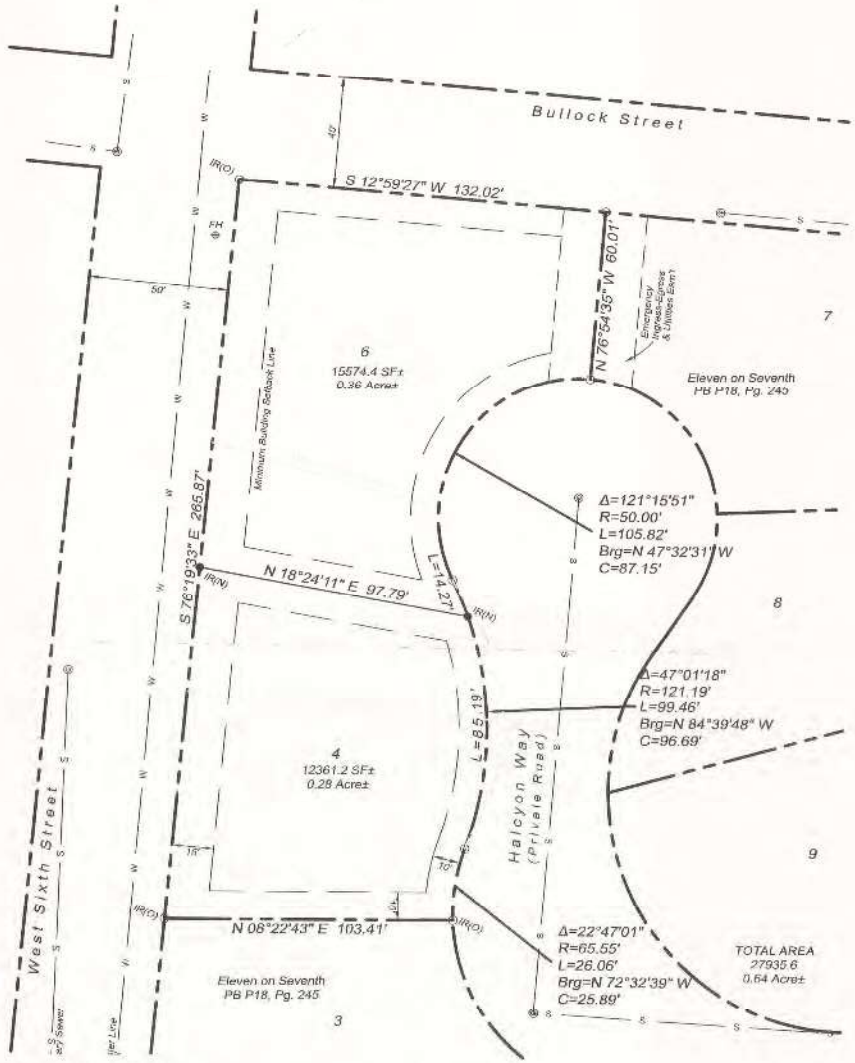
13. no comments

Columbia Water

14. Water is available 8" water main.

ATTACHMENTS: Minor Plat

Case #21-0260
713-721 Halcyon Way



NOTE: There is a Public Utilities and Drainage Easement 10' in width on front and rear property lines and on all property lines parallel to or abutting public roads and there is a Public Utilities and Drainage Easement 5' in width on all other interior lot lines except as otherwise shown.

GENERAL NOTES

1. BEARINGS ARE BASED ON MAGNETIC OBSERVATION.
2. ALL DISTANCES ARE BASED ON A FIELD RUN SURVEY USING EDM EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
3. LOTS ARE ALL OF PARCEL 14.03, GROUP "A", TAX MAP 100-G.
4. LOTS ARE THE PROPERTY OF TEEKTU DEVELOPMENT, LLC. AS RECORDED IN DEED BOOK R2037, PAGES 159, R.O.M.C., TENNESSEE.
5. LOT IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NUMBER 47119C0285F, EFFECTIVE DATE APRIL 16, 2007, WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT.
6. NO TITLE REPORT FURNISHED TO THIS SURVEYOR, THEREFORE, THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.
7. LOTS ARE PRESENTLY A RESIDENTIAL PLANNED UNIT DEVELOPMENT. BUILDING SETBACKS ARE AS SHOWN ON THIS PLAT.
8. STORM WATER RUNOFF TO BE DETAINED BY USE OF POROUS PAVEMENT AND BIORETENTION AREAS AS SHOWN ON PLANS BY PHOENIX ENVIRONMENTAL ENGINEERS DATED 7/23/2018. REQUIREMENTS FOR BIORETENTION AREA MAKEUP TO BE REGULATED BY RESTRICTIVE COVENANTS.

CERTIFICATE OF OWNERSHIP & DEDICATION.

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER DATE

OWNER DATE

CERTIFICATE OF APPROVAL OF SUBDIVISION NAME AND STREET NAMES

SUBDIVISION NAME AND STREET NAMES APPROVED BY THE CITY ENGINEERING DEPARTMENT AND BY E-911 MAURY COUNTY.

MAURY COUNTY E911 DATE

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAS SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE COLUMBIA SUBDIVISION REGULATIONS AND OTHER ADOPTED ORDINANCES AND POLICIES.

CITY ENGINEER DATE
COLUMBIA, TENNESSEE

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR COLUMBIA, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION, AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE MAURY COUNTY REGISTER.

SECRETARY, COLUMBIA MUNICIPAL REGIONAL PLANNING COMMISSION DATE

CERTIFICATE OF SURVEY ACCURACY

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND IN MY PROFESSIONAL OPINION, THIS MAP AND THE SURVEY ON WHICH IT IS BASED EXCEEDS THE MINIMUM REQUIREMENTS OF A CATEGORY I SURVEY AS DEFINED IN TITLE 62, CHAPTER 18, TENNESSEE CODE ANNOTATED (LAST REVISED JANUARY, 1993) AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:23000 AS SHOWN HEREON.

John E Cleghorn 11-8-2021
JOHN E. CLEGHORN, R.L.S. #1439 DATE

SPECIAL NOTE:
Water, sanitary & storm sewer along with roadway to be maintained by Eleven on 7th Homeowners Association.

FINAL PLAT

RESUBDIVISION LOTS 4-6 ELEVEN ON SEVENTH PLANNED UNIT DEVELOPMENT CITY OF COLUMBIA, TENNESSEE MAURY COUNTY

REVISIONS:

CLEGHORN LAND SURVEYING, LLC
P.O. BOX 216
LAWRENCEBURG, TN 38464
931-766-2867

DRAWN BY: JEC
DATE: 11-8-2021
JOB NO.: 2005-253
DWG. NO.: 2005-253RESUB4-6
APPROVED BY: JEC

11-8-2021

S1

Received
NOV 12 2021
By: MO

Case Number:

21-0262

Request:

Request from Eddie Campbell for multifamily site plan approval at 1008 Beckett Street being Tax Map 100E Group A Parcel 12.00.

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0262

APPLICANT/PROPERTY OWNER
Eddie Campbell / Campbell & Lovell Rentals

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
1008 Beckett St / Map 100 E, Parcel 012.00

SUMMARY OF REQUEST: **Multifamily Master Site Plan Review (1008 Beckett Street)**

This request is for a multi-family site plan consisting of a single site tri-plex (*3 units*). Each unit will consist of 2 bedrooms with 6 off street parking stalls required.

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
MCD (Mixed Commercial District)	Vacant Land	North: MCD/ Multi-Family Triplex South: IG/ Auto Repair Salvage Yard East: MCD/ Vacant Land West: MCD/ Auto Repair Salvage Yard	Multi-Family Residential (Tri-plex)	Est. 21,657 or 0.49+/- acres.

COMPATIBILITY with the COMPREHENSIVE PLAN:

Urban Neighborhood: The current zoning of the property as MCD (*Mixed Commercial District*) supports multi-family residential.

PROPERTY HISTORY:

None Listed:

COMPATIBILITY with the ZONING ORDINANCE/STAFF COMMENTS:

Multi-Family

A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. Dwelling units may be mixed vertically or horizontally.

8.3.2 Multi-Family Dwellings

Multi-family dwellings shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

Applications for a multi-family dwelling shall be subject to the Site Development Plan Review requirements of Sec. 3.5 and shall require Planning Commission approval.

The site plan shall include an approved floor plan showing the number of rooms and the proposed number of dwelling units. The floor plan shall be kept on file with the Inspections Department.

Multi-family dwellings shall not contain more than 12 dwelling units per floor on a single unbroken frontage and no more than 24 units within a single structure.

Design Criteria, General

a. Multi-family dwellings may be appropriately intermingled with other types of housing.

b. Each dwelling unit shall be provided with reasonable visual and acoustical privacy.

c. Sidewalks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

d. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

e. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

f. All dwelling units shall be so positioned as to assure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.

g. Access and circulation shall adequately provide for fire fighting and other emergency equipment, service deliveries, furniture moving vans, and refuse collection.

h. The usage of garage parking is allowed but shall be placed 3' feet from back of sidewalk or else they shall be 22' feet or more from back of sidewalk.

i. Garage parking spaces shall be counted as required parking if the space is at least 15'feet wide and 22' feet deep or more with no obstructions with a minimum door opening of 10' feet.

j. Spaces that meet 8.3.2.E4.h-i shall not count for more than 30% of the required parking.

This multi-family site plan request consists of a one-unit tri-plex with each off the three units consisting of two bedrooms. The overall design of the tri-plex will be a 54 x 31 gable style design with a primary façade material of lap siding. A sidewalk will be accessible from the parking area leading to entrances of two units at the side (north) elevation with one front facing entrance. Landscaping requirements have been averaged from a 40' buffer requirement from MCD abutting IG zoning. This site plan does not indicate a dumpster enclosure area indicating personal can enclosures for each unit. Due to limitation and scale of multi-unit site plan, additional discussion may be added regarding amenity areas as listed above. See technical comments

ATTACHMENTS (CIRCLE) SUBMITTED PLANS CITY MAPS LEGAL NOTICE LEGAL DESCRIPTION

PUBLIC COMMENTS AGENCY COMMENTS RESPONSE TO STANDARDS

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0262

DESCRIPTION: Request from Eddie Campbell for multi-family site plan approval at 1008 S. Beckett. Street.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Building

1. No comments.

Police

2. No comments provided.

Columbia Power

3. Columbia Power System has an existing power line near your proposed development. We are willing to serve this new development subject to all Columbia Power System policies and procedures in effect at actual time service is rendered provided an approved final plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Atmos Energy

4. No comments provided.

Maury County E911

5. No comments provided.

Maury County Schools

6. No comments.

Duck River Electric Membership Corp

7. No comments provided.

Planning

8. Provide van accessible parking stall
9. Provide landscaped termination islands
10. Show materials and all sides of building
11. Site plan will need details as listed in Zoning Ordinance Section 3.5.4C
12. Landscape plan detail needed

Engineering

13. Subject to construction plans, required with or prior to building permit.

Fire

14. Shall provide a fire flow report from the water department or third party contractor. Shall show the nearest fire hydrants to this development.
15. Shall sprinkler and install fire alarm system if considered apartments.

Wastewater

16. The Wastewater Department has capacity to service this proposed development. Any extension to the existing sewer infrastructure would be initiated by the property owner, and must comply with existing regulations. If, after Department review, the proposed facilities are a logical extension of the City's Wastewater system, then the extension of services may be advanced in accordance with local, state and federal rules, regulations and policies. The funding and construction of those sanitary sewer improvements will remain the responsibility of the owner. New customers will be required to pay all fees and charges applicable at the time of connection to the sanitary sewer system. No detail design plan for an extension of the sewer has been proposed at this time.

Public Works

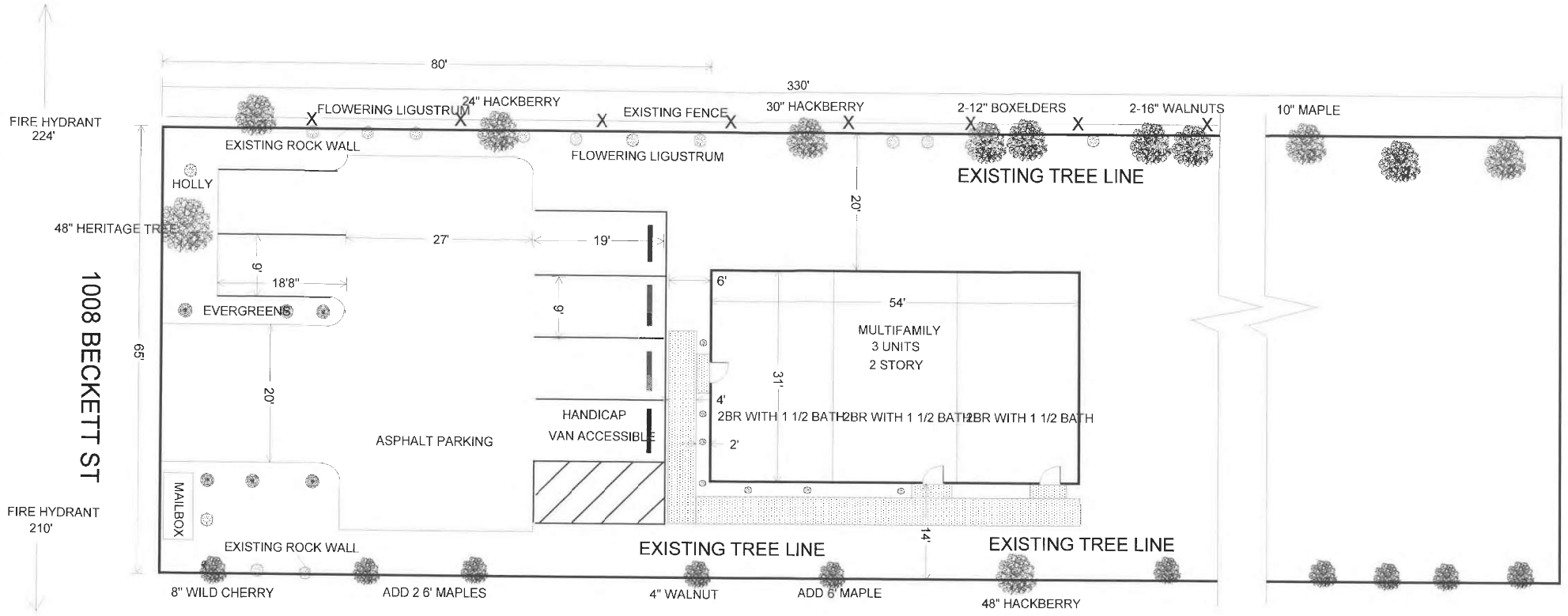
17. No comment.

Columbia Water

18. Water Available, 4" CI Main.

ATTACHMENTS: Site Plan

Case #21-0262
1008 S. Beckett St.



3 UNITS - EACH WITH 2 BEDROOMS AND 1 1/2 BATH

6 PARKING PLACES

ZONED MCD

RECEIVED
DEC 16 2021
By: 21-0262

Case Number:

21-0265

Request:

Request from Crunk Engineering to rezone properties off Pulaski Highway being Parcels 80 and 80.37 from Tax Map 113 and a portion of Parcel 80.47 from Commercial to High Density Residential and Mixed Residential Commercial.

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0265

APPLICANT/PROPERTY OWNER
Cruck Engineering/ JLM Investments LLC

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
Pulaski Highway/ Tax Map 113 Parcel 80.37, Portion of 80.47

SUMMARY OF REQUEST: **Zoning Amendment, GCS to RM-1 (*High Density Residential*) & GCS to MRC (*Mixed Residential Commercial*)**

This request is for the rezoning of a portion of an undeveloped tract located on the east side of Pulaski Highway from **GCS (General Commercial Services) to RM-1 (High Density Residential) & MRC (Mixed Residential Commercial).** A conceptual site plan has been submitted in support of this zoning request indicating a proposal for a multi-family apartment complex; townhome units and single-family residential lots. In addition, this concept plan indicates remaining frontage of the tract to remain GCS (*General Commercial Services*).

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
GCS (*General Commercial Services*)	Vacant Parcel	RM-1/ GCS/ MCD/ & Vacant Land/ Commercial	Concept for Multi-Family Residential Complex/ Townhomes/Single Family Residential & Commercial Outparcels.	72.9 +/- acres (22.4 +/- acres in Rezoning Request).

COMPATIBILITY with the COMPREHENSIVE PLAN:

Suburban Corridor. This future land use characterized for the subject property supports high density residential uses including the proposed RM-1 & MRC Zoning districts.

PROPERTY HISTORY:

21-0186, request for a zoning map amendment from GCS (*General Commercial Services*) to RM-1 (*High Density Residential*) & MRC (*Mixed Residential Commercial*). Request denied by Planning Commission.

COMPATIBILITY with the Zoning Ordinance/ Staff Comments:

Zoning Ordinance Referenced: (Proposed MRC Zoning District)
Article 6.3.8 District Development Standards

MRC – Mixed-Use Residential Commercial Service Districts
These districts are designed to provide adequate space in appropriate locations for high intensity office uses intermixed with high density residential and limited retail service functions. Characteristics of permitted residential developments are buildings designed for multiple dwelling units, or designed to be attached with party walls. Commercial development, having a minimum of characteristics objectionable in a high-density residential environment, is permitted. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or as nodes along major traffic arteries.

- Maximum height 75' with increased (40' +) setback for structures.
- Permits Commercial; Multi-Family Development & Single-Family Development including townhomes.
- Multi-family site plan would take additional review and approval from Planning Commission if subject site was zoned MRC as requested.

RM-1 High Density Residential Districts

- Maximum Height of 35' with a minimum 6,000 SF lot area.
- Permits Multi-Family & Single-Family Development including townhomes.
- Multi-family site plan would take additional review and approval from Planning Commission if subject site was zoned high density residential as requested.

This proposal includes rezoning 19.6 acres of the property from GCS (*General Commercial Services*) to MRC (*Mixed Residential Commercial*). The MRC zoning district differs from the GCS zoning district as MRC has allowances for multi-family residential. In addition, a 2.8-acre section is proposed to be rezoned from GCS to RM-1 (High Density Residential). A concept plan indicates these lots as single-family residential that would be required to conform to a 6,000 SF lot with a 50' lot width minimum. This proposal indicates a remaining frontage of property abutting Pulaski Hwy to remain GCS (*General Commercial Services*) that differs from an initial request to Planning Commission (*21-0186*) that requested the entire rezoning of the property from GCS to MRC & RM-1.

ATTACHMENTS (CIRCLE)	SUBMITTED PLANS	CITY MAPS	LEGAL NOTICE	LEGAL DESCRIPTION
	PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS	

Section 3.19.6 of the *Columbia Zoning Ordinance*, (CZO) requires the following criteria to be reviewed and specific findings made on the following items for the amendment:

3.19.6 CRITERIA FOR PLANNING COMMISSION RECOMMENDATIONS

...

The recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the

following, where applicable:

- Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;
- Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- Whether the proposed change would create substantial adverse impacts in the adjacent area or the City in general; and
- Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

Staff's review of Section 3.19.6 in relation to this request finds the following:

A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;

The Comprehensive Plan designation for this property is Suburban Corridor which does support high density residential uses thus meeting the intent, goals, objectives, policies, guiding principles and programs of any adopted plans.

A. The legal purposes for which zoning exists are not contravened;

All future development of the property will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be contravened.

B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;

The surrounding property is low density commercial & vacant land. The proposed rezoning would be consistent with the Suburban Corridor Future Land Use.

C. Whether the proposed change would create substantial adverse impacts in the adjacent area or the City in general;

The proposed uses on the property at the time of development will be required to conform to the Zoning Ordinance standards in effect at that time to mitigate any potential adverse impacts upon adjoining property owners.

D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change;

The subject property meets the minimum lot area required in the zoning ordinance.

3.18.7 ACTION BY THE PLANNING COMMISSION FOR REZONING'S

Staff's review of Section 3.18.7(B) in relation to this rezoning request finds the following:

1. The rezoning agrees with the general plan for the area;

   The Comprehensive Plan designates the subject property as "Suburban Corridor" The request would agree with an RM-1 & MRC Zoning Designation.

2. The legal purposes for which zoning exists are not contravened;

   All future development will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be contravened.

3. There will be no adverse effects upon adjoining property owners;

   The surrounding properties are vacant land and low density commercial.

4. No one property owner or small group of property owners will benefit materially from the change to the detriment of the general public;

   The proposal is similar in development and supported by the comprehensive plan in which the general public representatives confirmed.

5. Conditions affecting the area have changed to a sufficient extent to warrant an amendment to City's Zoning Map.

   In the community, housing demands within the city limits may have increased to a sufficient extent that may warrant a zoning map amendment to RM-1 & MRC at such location.

6. There are adequate schools, roads, parks, wastewater treatment facilities, water supply, and stormwater drainage facilities to support this zoning change.

   No reports from any facilities that the zoning request cannot be serviced.

December 20, 2021

City of Columbia
Technical Review Committee
700 N Garden Street
Columbia, TN 38401

RE: Item No 21-0265
Baker Tract Rezoning to MRC & RM-1

Below are our responses to comments received on December 7, 2021. We believe we have satisfied all comments, but if you have additional concerns or questions, please do not hesitate to contact us. Our responses are as follows:

Building

1. No comments.
   Response: Noted.

Police

2. No comments provided.
   Response: Noted.

Public Works

3. No Comment.
   Response: Noted.

Columbia Power

4. Columbia Power System has an existing power line near your proposed residential development.
   Response: Noted.

Atmos Energy

5. No comments provided.
   Response: Noted.

Maury County E911

6. No comments provided.
   Response: Noted.

Maury County Schools

7. No comments provided.
   Response: Noted.

Duck River Electric Membership Corp

8. No comments provided.
   Response: Noted.

Engineering

9. No comments on rezoning.
   Response: Noted.

10. Note: no access shall be permitted along Pulaski Pike. Internal shall be provided.
    Response: The future site plan will be adjusted to allow for access from internal streets and drives along the north side of the development to avoid driveways directly onto Pulaski Hwy.

11. Note: request 65' minimum ROW along Road D 250' from Pulaski ROW Line.
    Response: The future site plan will be adjusted to provided additional ROW along Road D.

12. May require TIS update.
    Response: Understood, any adjustments to the previous traffic impact studies will be made prior to future submittals.

Fire

13. No comment.
    Response: Noted.

Wastewater

14. Any extension to the existing sewer infrastructure would be initiated by the property owner, and must comply with existing regulations. If, after Department review, the proposed facilities are a logical extension of the City's Wastewater system, then the extension of services may be advanced in accordance with local, state and federal rules, regulations and policies. The funding and construction of those sanitary sewer improvements will remain the responsibility of the owner. New customers will be required to pay all fees and charges applicable at the time of connection to the sanitary sewer system. No detail design plan for an extension of the sewer has been proposed at this time. Wastewater approves this request.
    Response: Noted and understood.

Planning

15. Just concept no review of layout.
    Response: Noted.

16. Concept shows MRC for zoning but application has RM-2 and RM-1 please confirm request.
    Response: The submitted concept plan and legal descriptions are correct. We wish to rezone the majority of the existing GCS land to MRC, not RM-2. The correct application calling for a request to MRC was emailed to staff prior to the initial submittal deadline as discussed with Mr. Keltner.

17. Just as a note the depth of commercial parcels would limit commercial future uses.
    Response: Following discussions with Mr. Keltner, he originally made this comment with the assumption that the area shown on the concept plan zoned MRC was meant to be zoned RM-2. Now with the understanding that we wish to rezone to MRC and not RM-2, this comment is

less applicable because most commercial uses would be allowed to span between the GCS and MRC zoning lines. The strip of GCS that will remain along Puliaski Highway is established with a depth of 225 feet to easily be able to create 1 to 1.5 acre lots. The land zoned GCS along Pulaski Highway would prevent the development of any multi-family uses directly against the highway.

Columbia Water

18. Domestic water available, no fire protection 8" CI Main.
    Response: Understood. A proposed private fire tank and pump is shown graphically on the concept plan in the northwest corner of the multi-family development that is proposed to serve the multi-family, townhomes, and commercial developments.

We believe that all comments have been addressed. If you have any questions or need additional information, please do not hesitate to contact me at adam@crunkeng.com or 615-873-1795.

Sincerely,

Adam Crunk, PE
Crunk Engineering LLC

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0265

DESCRIPTION: Request from Crunk Engineering to rezone properties at TM 113 Parcels 80, 80.37 and portion of 80.47 to MRC and RM1.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Building

1. No comments.

Police

2. No comments provided.

Public Works

3. No comments.

Columbia Power

4. Columbia Power System has an existing power line near your proposed residential development.

Atmos Energy

5. No comments provided.

Maury County E911

6. No comments provided.

Maury County Schools

7. No comments provided.

Duck River Electric Membership Corp

8. No comments provided.

Engineering

9. No comments on rezoning
10. Note: no access shall be permitted along Pulaski Pike. Internal shall be provided.
11. Note: request 65' minimum ROW along Road D 250' from Pulaski Pk ROW line
12. May require TIS update.

Fire

13. No comment

Wastewater

14. Any extension to the existing sewer infrastructure would be initiated by the property owner, and must comply with existing regulations. If, after Department review, the proposed facilities are a logical extension of the City's Wastewater system, then the extension of services may be advanced in accordance with local, state and federal rules, regulations and policies. The funding and construction of those sanitary sewer improvements will remain the responsibility of the owner. New customers will be required to pay all fees and charges applicable at the time of connection to the sanitary sewer system. No detail design plan for an extension of the sewer has been proposed at this time. Wastewater approves this request.

Planning

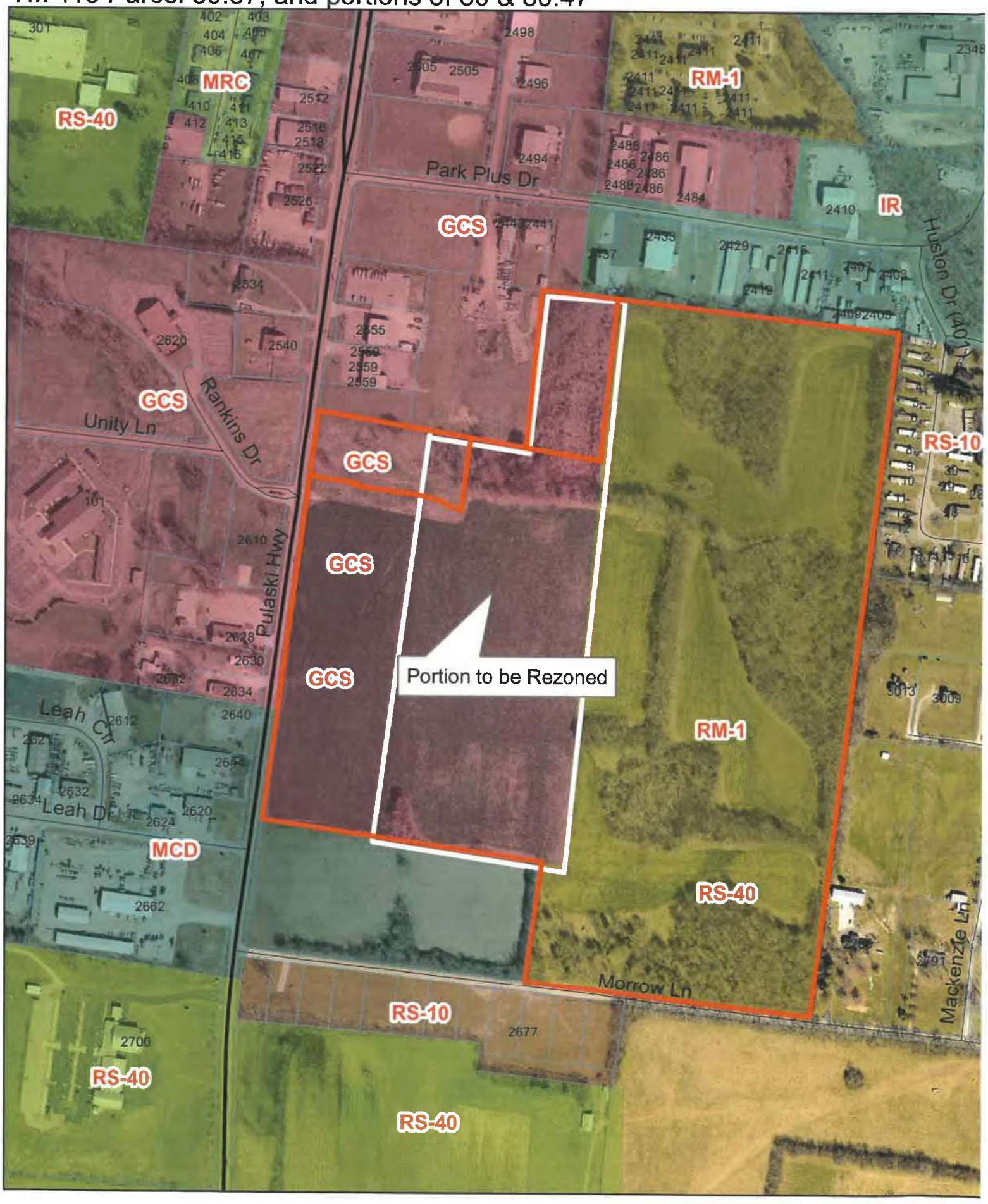
15. Just concept no review of layout.
16. Concept shows MRC for zoning but application has RM-2 and RM-1 please confirm request.
17. Just as a note the depth of commercial parcels would limit commercial future uses.

Columbia Water

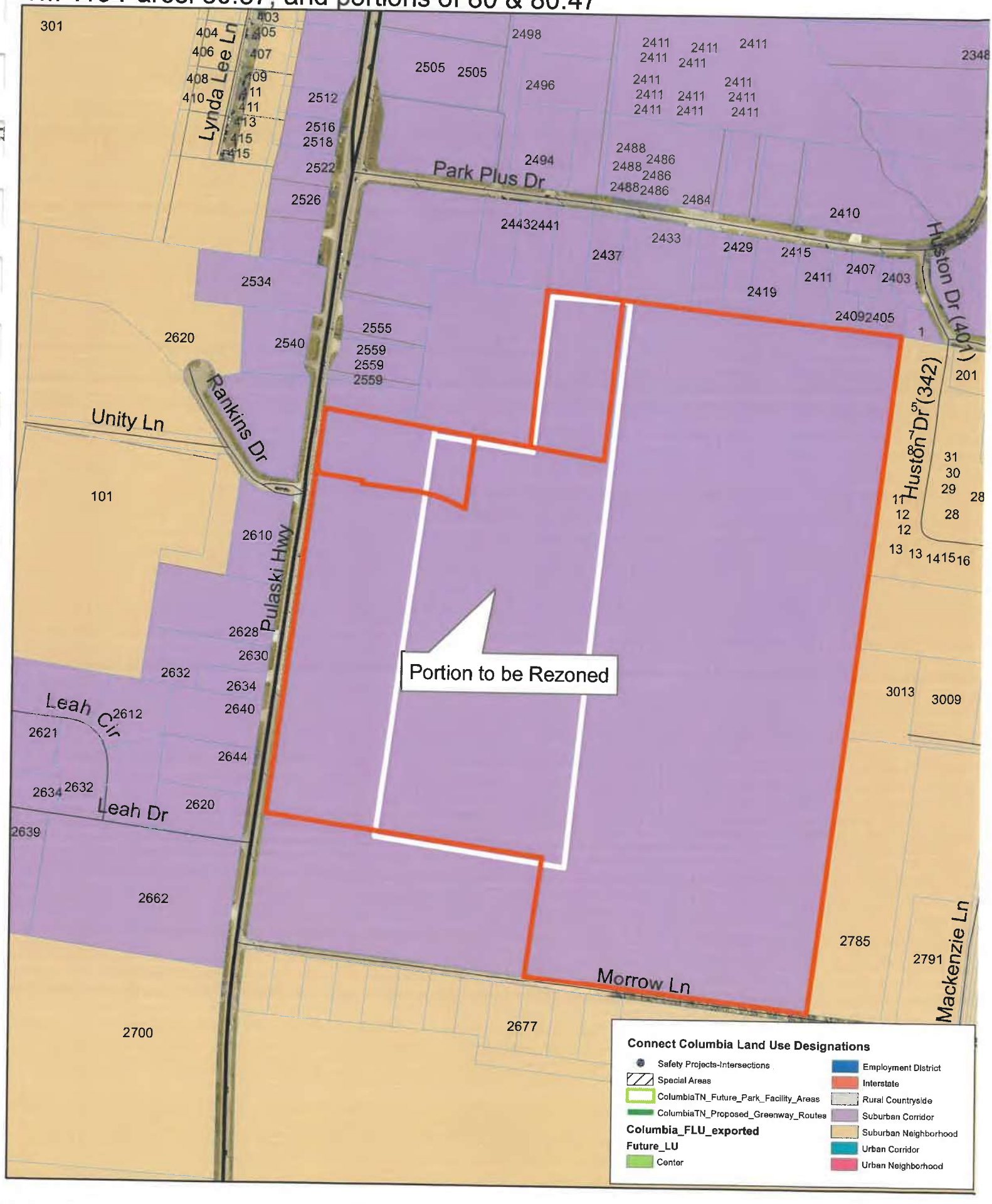
18. Domestic water available, no fire protection 8" CI Main.

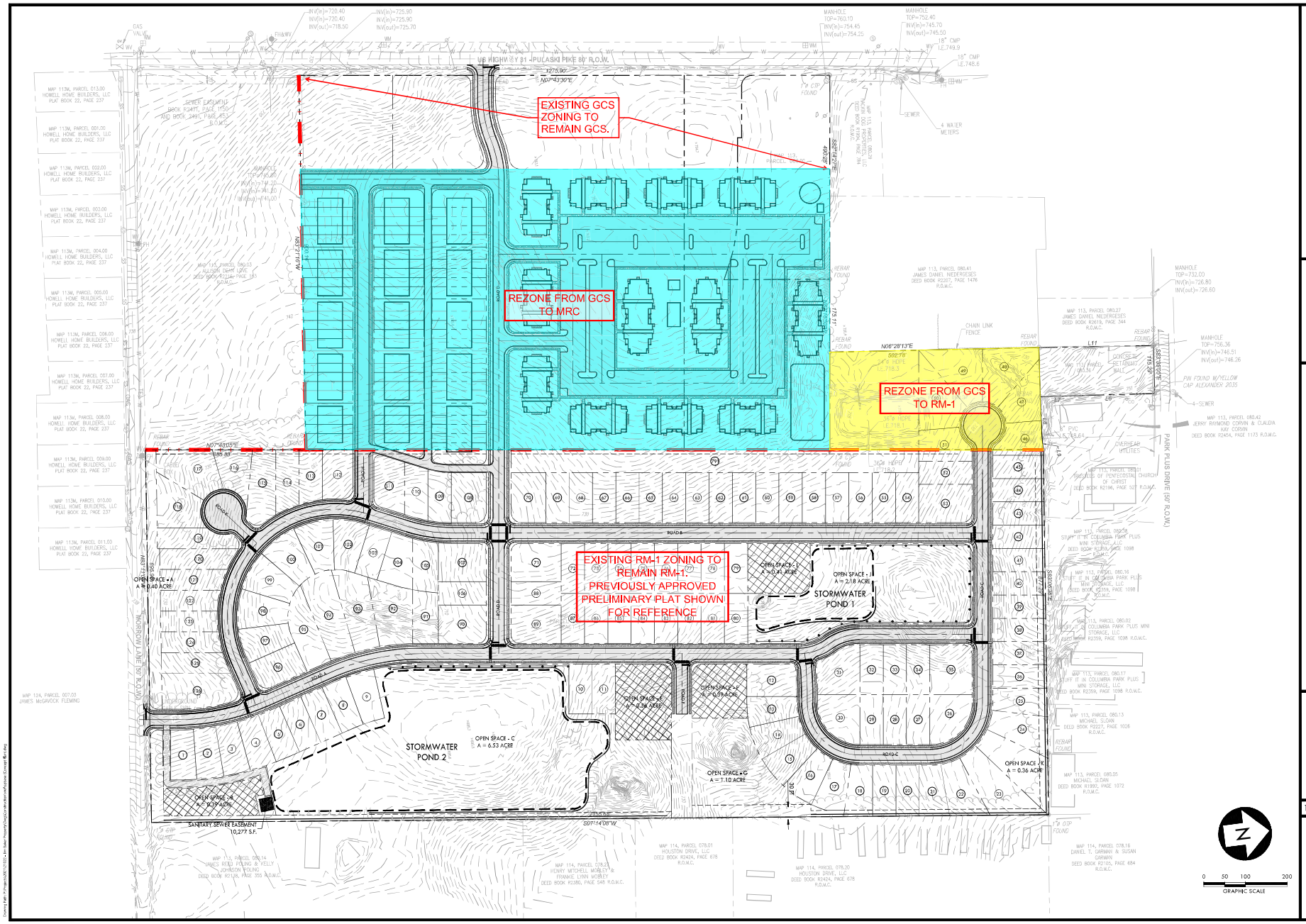
ATTACHMENTS: Concept Plan

Case #21-0265
Pulaski Hwy -
TM 113 Parcel 80.37, and portions of 80 & 80.47



Case #21-0265
Pulaski Hwy -
TM 113 Parcel 80.37, and portions of 80 & 80.47





CRUNK ENGINEERING LLC
7112 CROSSROADS BOULEVARD
SUITE 201
BRENTWOOD, TN 37027
(615) 872-1792
WWW.CRUNKENG.COM

JIM BAKER PROPERTY

COLUMBIA, TENNESSEE

REVISIONS	
No.	DATE

11/15/21 21022

REZONING EXHIBIT

Case Number:

21-0268

Request:

Request from K2 Development to rezone property at 210 Rutherford Lane being Tax Map 112 Parcel 3.00 from high density residential and commercial to low density residential.

CITY OF COLUMBIA TENNESSEE
PLANNING COMMISSION
STAFF REPORT

STAFF REPORT CONTACT INFORMATION
Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER
21-0268

APPLICANT/PROPERTY OWNER
K2 Development / Walton Investments LLC

PUBLIC HEARING DATE
N/A

PROPERTY ADDRESS/LOCATION
210 Rutherford Lane/ Tax Map 112, Parcel 3.00

SUMMARY OF REQUEST: **Zoning Amendment**

This request is for the **rezoning of a 65.65 +/- acre tract from MU- PUD (Mixed Use Planned Unit Development) to RS-10 (Low Density Single-Family Residential).** A conceptual site plan has been submitted in support for this RS-10 Zoning request with a concept plan indicating a lot layout with proposed connectivity.

MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
MU PUD (Mixed Use Planned Unit Development)	Vacant Land	R-10/ IG/ MU PUD & Single-Family Residential/ School	Concept Plan indicates 120 RS-10 Zoned Residential Lots	65.65 +/- acres

COMPATIBILITY with the COMPREHENSIVE PLAN:

Suburban Corridor & Suburban Neighborhood. The future land use characterized for the subject property does support single-family residential uses with an RS-10 Zoning designation.

PROPERTY HISTORY:

Ord 4381 (November 9th, 2021) Request to rezone 65.65 +/- acres from MU-PUD to RS-6. Request denied by City Council.

21-0167 (October 13th, 2021) Request to rezone 65.65 +/- acres from MU-PUD to RS-6 with a concept indicating 157 single-family residential zoned lots. Request approved by Planning Commission

Ord. 1483 (November 6th 1986). Request for Zoning Map Amendment to rezone property from R-2, B-3, and M-1 to MU PUD (*Mixed Use Planned Unit Development*), approved.

COMPATIBILITY with the ZONING ORDINANCE/STAFF COMMENTS:

Zoning Ordinance Referenced (*Proposed RS-10 Zoning District*)
Article 6.3.8 District Development Standards

- Lot size minimum of 10,000 SF with a lot width minimum of 75'.
- Permits single-family homes only (not single-family attached; i.e. duplexes).
- 30' minimum front setback/ 10' minimum side setback/ 20' minimum rear setback.

A concept plan has been submitted to support this requested RS-10 Zoning designation. The property under its current zoning designation as MU PUD (*Ord 1483. 11-6-86*) allows for a variety of uses including high density residential and commercial. All proposed lots within the proposed RS-10 zoning designation will be required to conform to the base zoning standards of RS-10 as referenced. Connectivity within the proposed development has been indicated in the concept plan with 2 right-of-way connections with Rutherford Lane, with an aligning connection at Westfield Dr for an extension of Hays Dr and an additional connection north of Woodard Elementary School with a proposed extension of Mcintire Drive. Off the overall development site 22.60 acres (34.42%) will be dedicated to open space.

ATTACHMENTS (CIRCLE)	SUBMITTED PLANS	CITY MAPS	LEGAL NOTICE	LEGAL DESCRIPTION
	PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS	

Section 3.19.6 of the *Columbia Zoning Ordinance*, (CZO) requires the following criteria to be reviewed and specific findings made on the following items for the amendment:

3.19.6 CRITERIA FOR PLANNING COMMISSION RECOMMENDATIONS

...

The recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

- Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;
- Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- Whether the proposed change would create substantial adverse impacts in the adjacent area or the City in general; and
- Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

Staff's review of Section 3.19.6 in relation to this request finds the following:

A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;

The Comprehensive Plan designation for this property is Suburban Corridor & Suburban Neighborhood which does support single-family residential uses thus meeting the intent, goals, objectives, policies, guiding principles and programs of any adopted plans.

A. The legal purposes for which zoning exists are not contravened;

All future development of the property will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be contravened.

B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;

The surrounding land use is vacant and similarly zoned residential land uses. The proposed rezoning would be consistent with the Suburban Corridor Future Land Use.

C. Whether the proposed change would create substantial adverse impacts in the adjacent area or the City in general;

The proposed uses on the property at the time of development will be required to conform to the Zoning Ordinance standards in effect at that time to mitigate any potential adverse impacts upon adjoining property owners.

D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change;

The subject property is of adequate shape and size to accommodate a single-family residential development.

3.18.7 ACTION BY THE PLANNING COMMISSION FOR REZONING'S

Staff's review of Section 3.18.7(B) in relation to this rezoning request finds the following:

1. The rezoning agrees with the general plan for the area;

   The Comprehensive Plan designates the subject property as "Suburban Corridor & Suburban Neighborhood". The request would agree with an RS-10 zoning designation.

2. The legal purposes for which zoning exists are not contravened;

All future development will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be contravened.

3. There will be no adverse effects upon adjoining property owners;

   The use would be surrounded by similarly zoned residential uses thus continuing the development pattern thus not effecting the area.

4. No one property owner or small group of property owners will benefit materially from the change to the detriment of the general public;

   The proposal is similar in development and supported by the comprehensive plan in which the general public representatives confirmed.

5. Conditions affecting the area have changed to a sufficient extent to warrant an amendment to City's Zoning Map.

   In the community, housing demands within the city limits have increased to a sufficient extent to warrant an annexation within the city's zoning map to fulfill that demand.

6. There are adequate schools, roads, parks, wastewater treatment facilities, water supply, and stormwater drainage facilities to support this zoning change.

   No reports from any facilities that the zoning request cannot be serviced.

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0268

DESCRIPTION: Request from K2 Development to rezone a 65 acres portion of TM 112 Parcel 3 off Rutherford Lane to RS-10 with sketch plat review approval.

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Maury County Schools

1. Neighborhood currently zoned for: Woodard Elementary School, Whitthorne Middle School, and Central High School. Rutherford Lane Traffic issues remain the only issue of concern from MCPS. Acknowledged.

Building

2. No comments.

Police

3. No comments provided.

Maury County E911

4. No comments. provided.

Duck River Electric Membership Corp

5. No comments provided.

Atmos Energy

6. No comments provided.

Columbia Power

7. Columbia Power System has an existing power line near your proposed residential development. We are willing to serve this residential development subject to all Columbia Power System policies and procedures in effect at actual time service is rendered provided an approved final

plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Engineering

8. Subject to TIS and construction plans. Acknowledged. TIS has been performed recently for single family residential zoning on the the property.
9. No comments on rezoning.

Public Works

10. No comments.

Fire

11. Dead-end streets greater than 150' shall be provided with fire apparatus turn-around rated for 83,000 lbs., and all-weather There are no dead end streets in this project. The streets connect to Criddle Drive.
12. Shall provide a fire flow letter from the water department or third party contractor. Shall show all fire hydrants for this development. Acknowledged.

Wastewater

13. Any extension to the existing sewer infrastructure would be initiated by the property owner, and must comply with existing regulations. If, after Department review, the proposed facilities are a logical extension of the City's Wastewater system, then the extension of services may be advanced in accordance with local, state and federal rules, regulations and policies. The funding and construction of those sanitary sewer improvements will remain the responsibility of the owner. New customers will be required to pay all fees and charges applicable at the time of connection to the sanitary sewer system. No detail design plan for an extension of the sewer has been proposed at this time. Wastewater approves this request.

Planning

14. side setbacks would be 10' not 8 as shown if preliminary plat is submitted. See resubmitted plan with revised setback shown.

Columbia Water

15. Water is available 12" Main, must provide loop feed for adequate fire protection.

ATTACHMENTS: Concept Plan

TECHNICAL MEETING
Tuesday, December 7, 2021
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plat and complete electrical load information is furnished as soon as possible prior to start of actual construction.

Engineering

8. Subject to TIS and construction plans.
9. No comments on rezoning.

Public Works

10. No comments.

Fire

11. Dead-end streets greater than 150' shall be provided with fire apparatus turn-around rated for 83,000 lbs., and all-weather.
12. Shall provide a fire flow letter from the water department or third party contractor. Shall show all fire hydrants for this development.

Wastewater

13. Any extension to the existing sewer infrastructure would be initiated by the property owner, and must comply with existing regulations. If, after Department review, the proposed facilities are a logical extension of the City's Wastewater system, then the extension of services may be advanced in accordance with local, state and federal rules, regulations and policies. The funding and construction of those sanitary sewer improvements will remain the responsibility of the owner. New customers will be required to pay all fees and charges applicable at the time of connection to the sanitary sewer system. No detail design plan for an extension of the sewer has been proposed at this time. Wastewater approves this request.

Planning

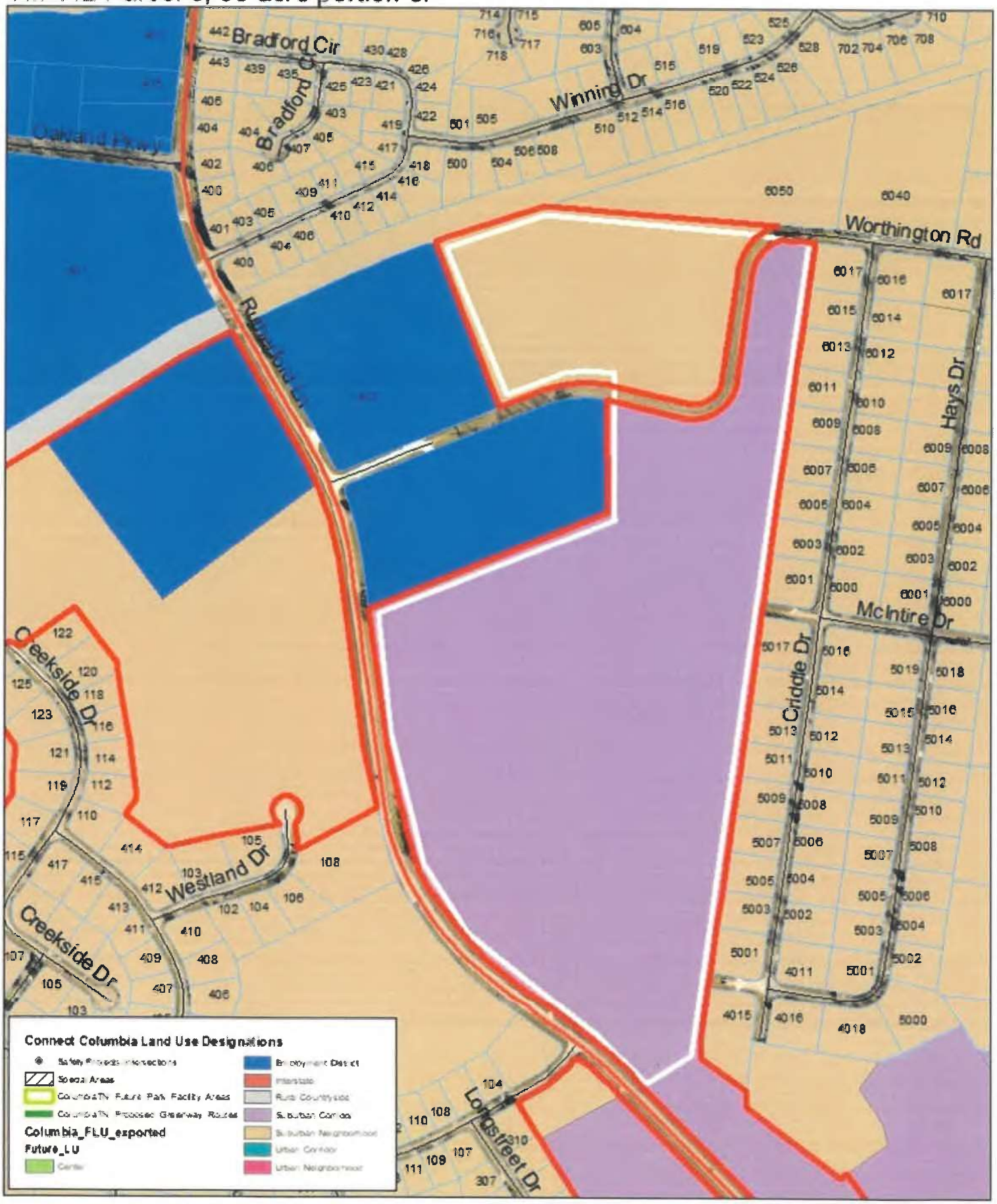
14. side setbacks would be 10' not 8 as shown if preliminary plat is submitted

Columbia Water

15. Water is available 12" Main, must provide loop feed for adequate fire protection.

ATTACHMENTS: Concept Plan

Case #21-0268
Rutherford Lane
TM 112 Parcel 3, 65 acre portion of

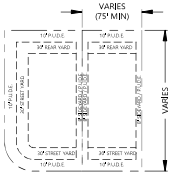


Case #21-0268
Rutherford Lane
TM 112 Parcel 3, 65 acre portion of

LOT #	AREA (SF)
001	13,338
002	13,746
003	11,230
004	14,009
005	14,773
006	13,067
007	13,063
008	13,055
009	13,055
010	13,052
011	13,687
012	13,389
013	13,030
014	13,050
015	13,050
016	13,050
017	13,050
018	13,050
019	13,050
020	13,050
021	13,050
022	13,050
023	13,050
024	13,050
025	13,050
026	13,050
027	14,859
028	14,806
029	11,152
030	13,878
031	11,442
032	15,512
033	15,841
034	15,254
035	19,435
036	12,891
037	11,928
038	13,019
039	13,148
040	13,388
041	13,591
042	12,336
043	15,351
044	13,477
045	12,951
046	18,529
047	14,037
048	14,037
049	14,037
050	14,037
051	14,037
052	14,037
053	14,037
054	14,037
055	14,037
056	14,037
057	14,037
058	14,037
059	14,030
060	12,147
061	12,562
062	11,208
063	14,017
064	14,037
065	14,037
066	14,037
067	14,037
068	14,043
069	14,265
070	14,629
071	14,933
072	15,046
073	15,052
074	15,054
075	15,053
076	14,691
077	13,468
078	13,727
079	13,188
080	13,125
081	13,125
082	13,125
083	13,125
084	13,232
085	13,798
086	13,364
087	13,126
088	13,125
089	13,540
090	14,390
091	14,248
092	13,946
093	15,051
094	15,026
095	11,250
096	11,430
097	11,467
098	13,074
099	13,074
100	13,389
101	13,765
102	13,412
103	13,028
104	13,030
105	13,953
106	13,026
107	11,570
108	13,140
109	13,012
110	13,030
111	13,275
112	13,673
113	13,201
114	13,508
115	13,558
116	13,601
117	13,789
118	11,148
119	13,030
120	13,000
121	13,000
122	13,000
123	13,000
124	13,000
125	13,000
126	13,303

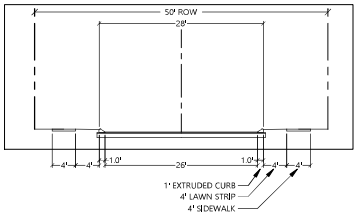
AVG. LOT SIZE: 13,971 S.F.

SITE USE SUMMARY SINGLE FAMILY		
USE	ACRES	% SITE
LOTS (126)	34.61 ACRES	52.75%
ROAD R.O.W.	8.42 ACRES	12.83 %
OPEN SPACE	22.60 ACRES	34.42 %
TOTAL	65.65 ACRES	100 %



LOT CONFIGURATION

P.U.D.E. = PUBLIC USE AND DRAINAGE EASEMENT



STREET SECTION - TYP. PUBLIC ROAD

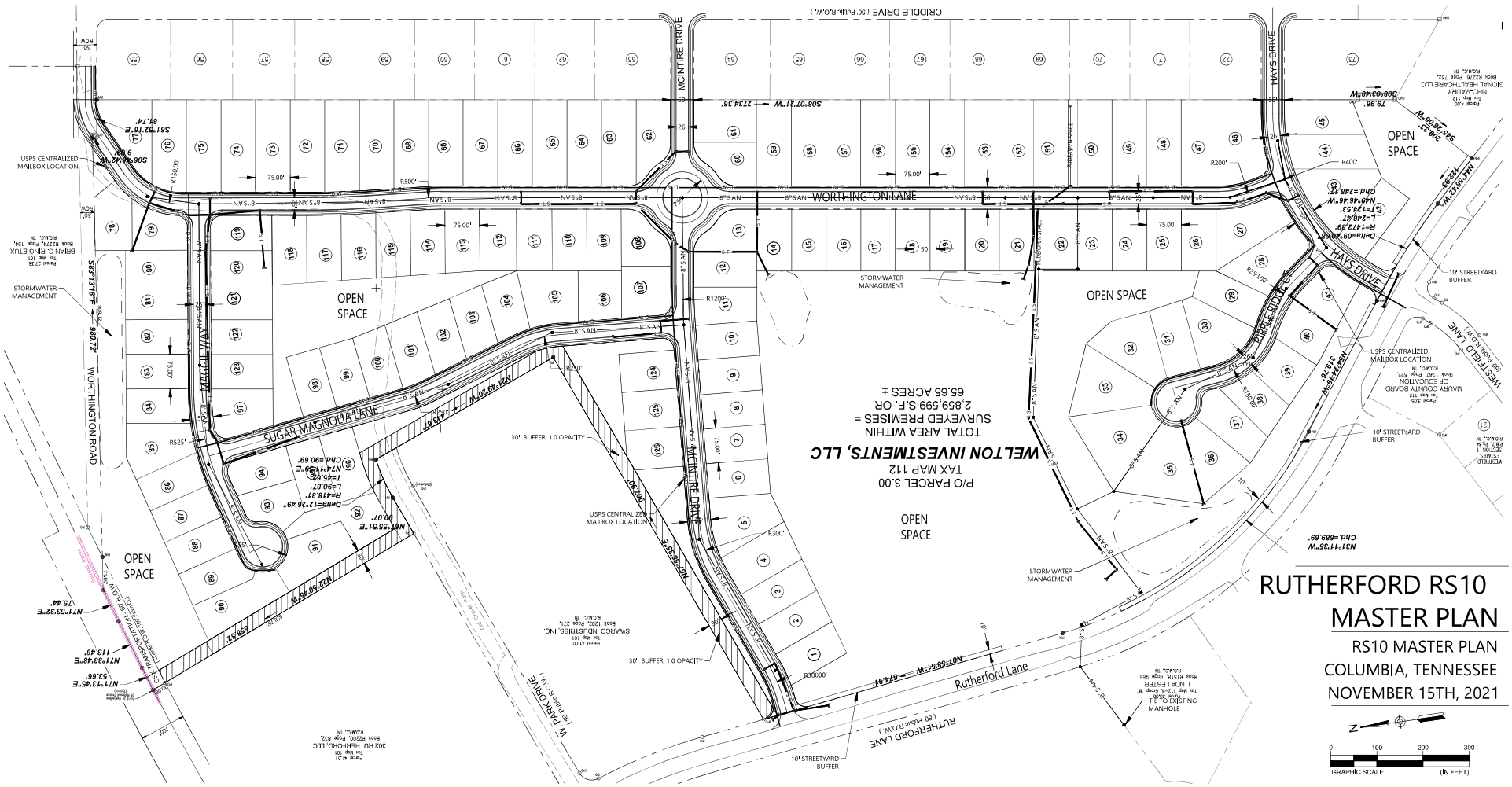
PURPOSE OF SUBMITTAL - TO REZONE TO RS10 FOR RS10 SINGLE FAMILY RESIDENTIAL LOTS ON PORTION OF THE PROPERTY, PARCEL 3.00 IN TAX MAP 112

PROJECT DESCRIPTION - DEVELOP RS10 SINGLE FAMILY SUBDIVISION ON APPROXIMATELY 65.65 ACRES OF LAND

PROPERTY OWNER - WELTON INVESTMENTS, LLC
PO BOX 280928
NASHVILLE, TN

THIS PROPERTY IS LOCATED WITHIN OTHER FLOOD AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN) AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO 47119C0180E, DATED APRIL 16, 2007.

VICINITY MAP
NOT TO SCALE



RUTHERFORD RS10 MASTER PLAN

RS10 MASTER PLAN
COLUMBIA, TENNESSEE
NOVEMBER 15TH, 2021

0 100 200 300
GRAPHIC SCALE (IN FEET)

Case Number:

21-0271

Request:

Request from Larry Owens for access management exception at 417 and 419 East 9th Street.

STAFF REPORT

CASE NUMBER:	**21-0271**
APPLICANT:	**Larry Owens**
SUBDIVISION:	**Smith Burns Springs**
ZONING:	**R-6**
PROPERTY LOCATION:	**417-419 East 9th Street**
MAP NUMBER:	**Tax Map: 99H; Group: A; Parcels: 1.00, 1.02, & 2.00**
REQUEST:	**Access Management Ordinance Exception**

Project Proposal

The request is for an exception to the Access Management Ordinance to allow full access to East 9th Street. The proposed drive is along a collector roadway, East 9th Street, and has a 220' separation requirement from existing adjacent and opposite drives. The property also has access to a lesser classified roadway, South Water Street, which would be the access location required by the access management ordinance.

Points of Discussion

Access Management Ordinance

Public Notice

Public notice appeared in the Daily Herald two times prior to this meeting fulfilling notice requirements.

Review

Items for Planning Commission consideration for an exception to the provisions of the access management Ordinance are:

1. The applicant provides a notarized affidavit that affirms the information provided in the exception request is true and correct.
2. The Conditions upon the request is based are unique to this property and are not applicable to other properties throughout Columbia.
3. The specific property has exceptional narrowness, shallowness, or shape.
4. The specific property was a lot of record prior to the adoption of this ordinance.
5. The specific property has exceptional topographic conditions or other extraordinary or exceptional conditions that pertain to the physical nature of the property.
6. The strict application of this Ordinance would result in practical difficulties to or undue hardship on the owner of the property.
7. The situation is not self –created
8. The exception may be granted without substantial detriment to the public good and without sustainably impairing the intent and purpose of this Ordinance.

Based on the technical review, staff finds the proposed access location to not meet the criteria for an exception to the access management ordinance.

TECHNICAL MEETING
Tuesday, December 7, 2021
ITEM NO.
21-0271

DESCRIPTION: Residential building lot

RECOMMENDATION: For final recommendation please see staff report.

TECHNICAL AND DIVISION COMMENTS:

Columbia Power

1. Columbia Power System has no objections at this time for the proposed driveway that will be located at 417 and 419 E. 9th Street. Any relocation of facilities would be the responsibility of the property owner.

Building

2. No comments.

Police

3. No comments provided.

Atmos Energy

4. No comments.

Maury County E911

5. No comments provided.

Maury County Schools

6. No comments.

Duck River Electric Membership Corp

7. No comments provided.

Engineering

8. The request does not meet the requirements for granting an exception. Access should be off Water Street.

Public Works

9. No comments.

Wastewater

10. Wastewater approves this request.

Fire

11. Shall provide a fire flow letter from CPWS. Shall show the nearest fire hydrant to this proposed structure.

Planning

12. No comments.

Columbia Water

13. Water available 8" main.

ATTACHMENTS: Site Plan

City of Columbia, Tennessee
Attn: Douglas Toney
700 North Garden Street

November 15, 2021

RE: 417 East 9th Street—Access Management Exception Request

Dear Mr. Toney,

I (Larry Owens) would like to request to have my property at 417 East 9th Street be accessed from East 9th Street. My current plan is to build a three story duplex on the property. The ground level of the building is the garage. Access management requires the property to be accessed from South Water Street.

The terrain and the design of the building will make it impossible to access South Water Street. It is a very narrow,12 feet wide road. I feel that it will be too dangerous to have it as an access. The property slopes upward from the front to the back of the property which will make it impossible to access the garage. The building design takes advantage of the terrain.

The strict enforcement of this ordinance would result in difficulties and undue hardship. I purchased the properties and combined them in order to improve the type and size of building. The property had two previous dwellings that were both accessed from East 9th Street. I was under the impression that the access would stay the same. When I submitted the Minor Plat, I was informed that the access would not be as I had thought. Most of the homes in this area already access to East 9th. The sidewalk already has the depressed curb in place for the driveway due to the previous driveways accessing East 9th. If the design cannot access off East 9th Street, then it will be impossible to build on the property.

The application was submitted with a drawing that shows my current plan with access off East 9th Street. My intent of the drawing is to show the building orientation and the driveway, so there will be no question as to what is planned.

I feel strongly that this property having access to East 9th Street, consistent with the existing driveways, will not have any negative impact on the life, safety, health, and general welfare of the City of Columbia, TN.

Thank you for your consideration of this request.

Sincerely,

Larry Owens

c
21-0971

GENERAL AFFIDAVIT

State of Tennessee
County of Williamson

I, Daniel L Reynolds, personally appeared before the Undersigned Notary Public, and under affirmation make the following statement(s):

Regarding my letter dated May 18, 2018 to the City of Columbia, 0 James N James Campbell Blvd (Parcel 037.00 – Access Management Exception Request;

This affidavit is to affirm that the information provided in the Access Management Exception Request is true and correct.

Dated this 18th day of May, 2018

Daniel L. Reynolds
Director of Construction
Habitat for Humanity Williamson-Maury

Subscribed and Sworn before me, this 18th day of May, 2018

Notary Public

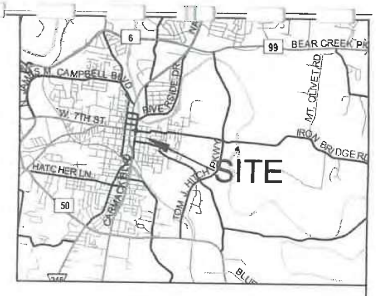
SAMANTHA JO RUDLOFF
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

My commission expires
Sunday, February 21, 2021

21-027c

Case #21-0271
417 & 419 East 9th St.

PLOT PLAN
417 EAST 9TH ST
COLUMBIA, TN



VICINITY MAP
(NOT TO SCALE)

METAL POST

15' ALLEY (PLAT BOOK 145, PAGE 524)

5' UTILITY & DRAINAGE EASEMENT

L3

20' ZONING SETBACK

0.30 ACRES
12925 SQFT

S WATER ST (20' ROW)
PUBLIC/LOCAL

N

TN-NAD83

CHARLES THOMAS KINZER SR
TAX MAP 99H, GROUP A, 3.01
DEED BOOK R2234, PAGE 635
PLAT BOOK 145, PAGE 524
R.O.M.C.

L2

5' UTILITY & DRAINAGE EASEMENT

7.5' ZONING SETBACK

PROPOSED BUILDING

PROPOSED DRIVEWAY

20' ZONING SETBACK

L4

10' UTILITY & DRAINAGE EASEMENT

P/T

METAL POST

10' UTILITY & DRAINAGE EASEMENT

L1

CONC. SIDEWALK

33.82'

8" DI CPWS

E. 9TH ST (50' ROW)
PUBLIC/CONNECTOR

P/T/CATV/FOC

P/T/CATV/FOC

LEGEND

- GUY WIRE
- SEWER MANHOLE
- POINT AS DESCRIBED
- IRON PIN FOUND
- IRON PIN SET
- WATER METER
- UTILITY POLE
- OHP — OVERHEAD POWER
- T — OVERHEAD TELEPHONE
- SS — SANITARY SEWER LINE
- W — WATER LINE
- FENCE

0 20 40 60

21-0271 ZONING SETBACK

TRACY SEIBER

102 AVALON DRIVE
COLUMBIA, TN 38401
EMAIL: SEIBERSURVEYING@GMAIL.COM (931)446-8677

DRAWING BY: T. SEIBER DATE: 9-28-2021
SCALE: 1"=20' JOB NO.: 51-2021
R0

CITY OF

COLUMBIA, TENNESSEE

ZONING ORDINANCE

T·P·U·D·C

COLUMBIA FOR YOU

CHARACTER · PROPORTION · PATTERN · PRINCIPLES

PUBLIC DRAFT

JULY 2

2021

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SECTION 1.1
TITLE.

1.1.1 Long Title.

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TENNESSEE CODE ANNOTATED ("TCA") SECTION 13 – 7 – 201, TO PROVIDE THE ESTABLISHMENT OF DISTRICTS WITHIN THE CITY OF COLUMBIA, TENNESSEE: TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, PUBLIC ACTIVITIES AND SIMILAR PURPOSES TO INCLUDE SPECIAL DISTRICTS FOR AREAS SUBJECT TO FLOODING AND AREAS DEVELOPED AS A PLANNED UNIT: TO PROVIDE REGULATIONS GOVERNING NONCONFORMING USES AND STRUCTURES; TO PROVIDE FOR A BOARD OF ZONING APPEALS AND FOR ITS POWERS AND DUTIES: TO PROVIDE FOR PERMITS: TO ESTABLISH AND PROVIDE FOR THE COLLECTION OF FEES; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE AND FOR THE OFFICIAL WHOSE DUTY IT SHALL BE TO ENFORCE THE PROVISIONS THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR CONFLICTS WITH OTHER ORDINANCES OR REGULATIONS; AND TO REPEAL AND REPLACE ORDINANCE NO. 3638, ADOPTED OCTOBER 5, 2006, AS AMENDED THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE.

1.1.2 Short Title.

This Ordinance, as the same may be amended from time to time, shall be known and may be cited as the "Columbia, Tennessee Zoning Ordinance." This Ordinance is referred to herein as "this Ordinance" or "these Regulations".

SECTION 1.2
LEGISLATIVE ENACTMENT & AUTHORITY.

1.2.1 Enactment.

WHEREAS, TCA Section 13 – 7 – 201 empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment;

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such an ordinance;

WHEREAS, the City Council, pursuant to the provisions of TCA Section 13 – 4 –201 has appointed a Planning Commission to recommend the boundaries of the various Districts and appropriate regulations to be enforced therein;

WHEREAS, the Planning Commission has divided the City into districts and has prepared regulations pertaining to such Districts in accordance with a Comprehensive Plan designed to lessen congestion in the streets; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

WHEREAS, the Planning Commission has given reasonable consideration among other things, to the character of the Districts and their peculiar suitability for particular Uses, with a view to conserving the value of Buildings and encouraging the most appropriate Uses for the land throughout City;

WHEREAS, a public hearing before the Planning Commission was held, notice of which was published in the Daily Herald of Columbia 15 days or more prior to said hearing; and

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WHEREAS, all the requirements of TCA Sections 13 – 7 – 202 through 13 – 7 – 211, with regard to the preparation of the report of the Planning Commission and subsequent action of the City Council have been met;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY of COLUMBIA, TENNESSEE:

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, TENNESSEE, this the ____ day of ____, 2021.

_____

_____, Mayor

ATTEST:

_____, City Recorder

LEGAL FORM APPROVED:

_____

C. Tim Tisher, City Attorney

Passed on 1st reading: [X]

Passed on 2nd reading: [X]

1.2.2 Authority.

This Ordinance has been adopted pursuant to TCA Section 13 – 7 – 201.

SECTION 1.3 EFFECTIVE DATE; REPEAL.

1.3.1 Effective Date.

The Effective Date of this Ordinance (the "Effective Date") shall be the date on which it is passed and adopted pursuant to Section 8.5.18, the public welfare requiring it.

1.3.2 Repeal.

A. Existing Zoning Ordinance.

The existing zoning regulations of the City (Ordinance No. 3638, adopted October 5, 2006, as amended) are hereby repealed.

B. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said existing regulation, as amended, if the violation is also a violation of this Ordinance.

C. Continuing Effect.

Notwithstanding their repeal, the current zoning ordinances and related amendments shall remain in effect to the extent necessary to implement the transitional provisions of Section 1.23. Binding rules, regulations, standards, and requirements governing Planned Unit Developments (PUDs) existing prior to the Effective Date and approved under prior zoning ordinances shall continue with each such existing PUD; however, expansions, changes of Use, and other modifications to a PUD not explicitly contained in the rules, regulations, standards, and requirements applicable to a PUD existing immediately prior to the Effective Date shall be subject to the standards, procedures, and requirements of this Ordinance.

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SECTION 1.4 COMPREHENSIVE PLAN.

1.4.1 Adoption.

By action of the City Council, the City of Columbia, Tennessee (the "City") has adopted the Connect Columbia Framework Plan (2018) (collectively, the Comprehensive Plan").

1.4.2 Implementation.

The Comprehensive Plan and other City plans adopted by the City Council indicate desired Development of various characters and intensities. This Ordinance is intended to implement the Comprehensive Plan and such other City plans. Accordingly, the Comprehensive Plan and such other City plans shall be used in the application of this Ordinance.

SECTION 1.5 PURPOSES, INTENT & OBJECTIVES.

1.5.1 General.

This Ordinance has been adopted for the following general purposes:

A. Protection & Promotion.

To protect and promote the public health, safety, morals, comfort, convenience, and general welfare of welfare of the people and community;

B. Districts.

To divide the City into zones and Districts restricting and regulating therein the location, construction, reconstruction, Alteration, and use of Buildings, Structures, and land for Residential, Business, Commercial, Industrial, manufacturing, and other specified uses;

C. Character & Stability.

To protect the character and maintain the stability of Residential, Business, Commercial, and manufacturing areas within the City's jurisdiction, and to promote the orderly and beneficial development of such areas;

D. Light, Air, Privacy & Access.

To provide adequate light, air, privacy, and convenience of access to property;

E. Open Space.

To regulate the intensity of Open Spaces surrounding Buildings that are necessary to provide adequate light and air and protect the health;

F. Building Lines & Locations.

To establish building lines and the location of Buildings designated for Residential, Business, Commercial, Industrial, manufacturing, or other uses within such lines;

G. Standards.

To fix reasonable standards to which Buildings or structures shall conform;

H. Prohibit Incompatible Character & Uses.

To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

I. Restrict Noncomplying Changes.

To restrict such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

J. Congestion, Parking & Loading.

To limit congestion in the streets and to protect the public health, safety, convenience, and general welfare by providing for the parking of vehicles and for the loading and unloading of vehicles;

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K. Protect Against Hazards.

To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

L. Prevent Overcrowding.

To prevent overcrowding of land and undue concentration of Structures so far as is possible and appropriate in each District by regulating the use and bulk of Buildings in relation to the land surrounding them and the form and character of Development;

M. Conserve Value.

To conserve the taxable value of land and buildings throughout the City;

N. Gradually Eliminate Nonconformities.

To provide for the gradual elimination of those uses of land, Buildings and other Structures which do not conform to the standards of the Districts in which they are respectively located and which are adversely affecting the Development and taxable value of property in each District;

O. Define Powers & Duties.

To define and limit the powers and duties of the administrative officers and bodies as provided herein; and

P. Beneficial Use of Property.

To protect and in general allow for the beneficial uses of property.

1.5.2 Other Purposes and Objectives.

In addition to the purposes and objectives set forth in Section 1.5.1 above, this Ordinance has been adopted for other purposes and objectives provided elsewhere in this Ordinance.

SECTION 1.6 APPLICABILITY.

1.6.1 General.

This Ordinance, the Zoning Map, and the standards and requirements of this Ordinance, are applicable to and shall govern all Development, re-Development, Improvements, land, Structures, Alterations, modifications, construction, re-construction, Buildings, Lots, Building Sites, Development Parcels, and land use within the jurisdiction of the City.

No Structure shall be erected or structurally Altered, and none of the foregoing activities shall take place, except in accordance with the provisions of this Ordinance.

1.6.2 Effect on Prior Ordinance.

Except as otherwise expressly provided in this Ordinance, this Ordinance supersedes and replaces in its entirety the City zoning ordinance that was in effect immediately prior to the Effective Date.

1.6.3 Exclusive & Mandatory.

This Ordinance shall be the exclusive and mandatory zoning regulation for the City.

SECTION 1.7 PLANS UNDER THIS ORDINANCE.

This Ordinance contemplates several types of plans, as follows:

1.7.1 Development Plans.

A. Purpose.

A Development Plan is a Plan that includes the information required by Section 8.5.6, as applicable to Sketch Development Plans and Site Development Plans, and demonstrates compliance with all requirements of this Ordinance.

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B. Condition to Building Permit.

A Development Plan certified by the Zoning Administrator pursuant to Section 8.5.6.M as being in compliance with all requirements of this Ordinance is a condition to issuance of a Building Permit.

1.7.2 Master PUD Development Plans.

A. Meaning.

A Master PUD Development Plan is a Plan that includes the information required by Section 8.5.21 and demonstrates compliance with all requirements of this Ordinance.

B. Purpose.

A Final Master PUD Development Plan approved pursuant to Section 8.5.21 is required for Development of a Planned Unit Development and issuance of a Building Permit.

1.7.3 Zoning Map.

A. Official Map.

When adopted, the Zoning Map, as may be amended from time to time, shall be the City's Official Zoning Map.

B. Map Elements.

The adopted Zoning Map, and any proposed Zoning Map amendment, shall include designations of Districts and any Special Requirements.

C. Additional Provisions.

Additional provisions regarding the Zoning Map and requirements therefor are set out in Article 2 (Zoning Map).

1.7.4 Sign Plans.

A. Purpose.

A Sign Plan is a plan that includes the information required by Section 7.1 and demonstrates compliance with Sign standards of Article 7 (Signs).

B. When Sign Plan Required.

A Sign Plan is required as part of each Sign Permit Application.

SECTION 1.8
RELATIONSHIP TO PRIVATE COVENANTS AND AGREEMENTS.

1.8.1 Effect of Chapter.

It is not intended by this Ordinance to interfere with or abrogate or annul any Easement, covenant or other agreement between parties; provided, however, that when this Ordinance imposes a greater restriction upon the Use of Structures, premises, Lots, Building Sites, Development Parcels, or other land, or upon height of Structures, or requires larger Lots, Yards, or other Open Spaces than imposed or required by such other provision of law, ordinance or regulation, or by any such Easement, covenant, or agreement, the provisions of this Ordinance shall control.

1.8.2 No Encroachment.

Except as otherwise expressly provided in this Ordinance, no provision contained herein shall be construed as justifying the Encroachment of any Structure within any right-of-way, Thoroughfare, or Internal Drive lines now or hereafter shown on any plat recorded in the Maury County Register of Deeds office or any Development Plan or Master PUD Development Plan.

SECTION 1.9
RELATIONSHIP TO OTHER LAWS, ETC.

1.9.1 Precedence of Ordinance.

The provisions of this Ordinance shall take precedence over those of other City, codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.

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1.9.2 Compliance with Other Chapters & Subdivision Regulations.

Reference is hereby made to the City Subdivision Regulations and the following Chapters of the Columbia Municipal Code (2004), as amended:

Fire Prevention Code (Title 7, Sections 7-201 – 7-207)

Alcoholic Beverages (Title 8, Chapters 1 and 2)

Peddlers (Title 9, Sections 9-121 – 9-212)

Temporary Vending Permits (Title 9, Sections 9-501 – 9-510)

Animal Control, In General, Dogs & Cats (Title 10, Chapters 1 and 2)

Offenses Against the Peace & Quiet (Title 11, Chapter 4)

Building, Utilities, etc. (Title 12, Chapters 1-10)

Property Maintenance Regulations (Title 13, Chapter 1)

Zoning and Land Use Controls-Mobile Homes (Title 14, Chapter 3)

Zoning and Land Use Controls-Stormwater Management (Title 14, Chapter 4)

Zoning and Land Use Controls-Aquatic Buffer Regulations (Title 14, Chapter 5)

Without limitation to any other means by which a violation of any of the City Subdivision Regulations or the above-listed Chapters or Appendices of the Municipal Code may be enforced, any such violation shall constitute a violation of this Ordinance and may be enforced as such under Article 8 (Administration, Procedures, and Enforcement).

SECTION 1.10 COMPLIANCE WITH CHAPTER.

Except for non-conformances allowed pursuant to Section 1.22 or as otherwise provided in this Ordinance, all Development, re-Development, land, Lots, Building Sites, Development Parcels, Improvements, Structures, and all Uses, construction, re-construction, modifications, Alterations, raising, moving, extension, and enlargements thereof, and all parts thereof, and all Plans, applications, requests, and submissions required or made under this Ordinance, must comply with this Ordinance and the applicable standards, requirements, and conditions of this Ordinance, including without limitation (a) the provisions for the District in which the same or any part thereof are located on the Zoning Map, (b) any license, permit, approval, certification, or authorization issued pursuant to this Ordinance, and (c) any applicable Plan approved or certified under this Ordinance.

SECTION 1.11 DEVELOPMENT RESTRICTED WITHIN CERTAIN AREAS.

Notwithstanding anything to the contrary contained or implied in this Ordinance, unless specifically approved by action of the City Council, no Development shall occur within the bounds of any existing or future Thoroughfare, Internal Drive, Civic Space, or any other public facility shown in the Comprehensive Plan, the City Official Map, or other planning documents.

SECTION 1.12 RESTORATIONS & REPAIRS.

When any Building is declared unsafe by a Code Enforcement Officer or Building Inspector, nothing in this Ordinance shall prevent compliance with lawful requirements or strengthening or restoring the same to a safe condition.

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SECTION 1.13
DEFINED TERMS; CONSTRUCTION OF TERMS.

Certain capitalized terms used throughout this Ordinance are defined in Article 9 (Definitions) and elsewhere in this Ordinance. Such definitions are integral to this Ordinance. Uncapitalized terms and terms not so defined shall be accorded their commonly accepted meanings unless otherwise provided in this Ordinance. In the event of conflicts between the definitions in this Ordinance and the definitions of the Existing Local Codes, those of this Ordinance shall take precedence as applied to this Ordinance.

SECTION 1.14
TABLES, MAPS, PHOTOGRAPHS, IMAGES, ILLUSTRATIONS, FIGURES, GRAPHICS, DIAGRAMS, & DEPICTIONS.

1.14.1 Table & Map Standards / Requirements.

The standards and requirements of Tables herein and the adopted Zoning Map are integral parts of this Ordinance.

1.14.2 Effect of Graphical Material.

A. Table Graphics.

The diagrams, photographs and illustrations in **Table 4.3.1–A–4.3.1–U (District Standards)**, **Table 4.3.7.A (Private Frontage Types)**, **Table 4.3.8.A (Principal Building Types Summary)**, **Table 4.3.8.B (Principal Building Types – Specific Standards)**, **Table 5.2.2.F (Thoroughfare Types – Summary)**, **Table 5.2.2.G–1 (Thoroughfare Assemblies & Standards)**, **Table 5.2.2.L (Alley Assembly and Standards)**, **Table 5.2.4.B (Bikeway Types)**, **Table 5.2.5 (Public Lighting Types)**, **Table 5.2.5 (Public Planting)**, **Table 5.3.3–A (Civic Space Types – Summary)**, **Table 4.3.17.B (Private Lighting Standards)** and **Table 5.3.3–B (Civic Space Types – Specific Standards)** are provided only to indicate the general character or placement of and/or reference to the various Districts and Civic Spaces, and elements thereof, shown thereon, and they shall have regulatory force and effect only to that extent.

B. Illustrations, Figures, & "Illustrative" Material.

All depictions entitled "Illustration" or "Figure", or denoted as "illustrative" are provided for illustrative, explanatory purposes only and are not regulatory.

1.14.3 Conflict Between Metrics.

Where in conflict, numerical metrics shall take precedence over graphic metrics.

SECTION 1.15
PREPARATION & ADOPTION OF ZONING MAP.

1.15.1 Conformance with Article 2.

Each Zoning Map, Zoning Map amendment, and any proposed Zoning Map or Zoning Map amendment must conform to the requirements of Article 2 (Zoning Map).

1.15.2 Preparation.

The Zoning Map for the City that shall be applicable upon the Effective Date of this Ordinance shall be prepared by or on behalf of the City and adopted simultaneously with this Ordinance.

SECTION 1.16
DETERMINATION OF STANDARDS.

The City Council has established the standards in this Ordinance and, upon approval of the Zoning Map or any amendment thereof, such standards are applicable to the City.

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SECTION 1.17 ADMINISTRATION.

Except as otherwise expressly provided herein, this Ordinance shall be administered by the Zoning Administrator, as more specifically provided in Section 8.2 hereof.

SECTION 1.18 APPLICATIONS.

1.18.1 Required Applications, Approvals, Certificates.

No Development, re-Development, Improvement, subdivision, re-subdivision, construction, re-construction, modification or Alteration of or on any Structure, Lot, Building Site, Development Parcel, or other land shall occur without prior submission of all completed applications and Plans, and obtaining all approvals and certifications, as applicable, pursuant to Article 8 (Administration, Procedures, and Enforcement).

1.18.2 Building Permits.

An application for issuance of a Building Permit shall be processed, reviewed, and acted upon in accordance with City Code Title 12, Chapter 1 (Building Code) and applicable state law; provided that no Building Permit shall be issued unless and until all certifications and approvals required pursuant to this Ordinance have been issued or granted, as applicable.

1.18.3 Development Plans & Master PUD Development Plans

An application for approval of a Development Plan, a Preliminary Master PUD Development Plan, or a Final Master PUD Development Plan, as applicable, shall be processed, reviewed, and acted upon pursuant to Article 8 (Administration, Procedures, and Enforcement).

1.18.4 Zoning Maps & Amendments.

Applications for approval of Zoning Map amendments that are determined by the Zoning Administrator to be complete shall be certified as such and forwarded for further processing, review, consideration and/or action, as applicable, by the City Council as a Zoning Map amendment under Article 8 (Administration, Procedures, and Enforcement.

1.18.5 Ordinary Maintenance / Repair Exempt

No Development Plan or Master PUD Development Plan is required for Ordinary Maintenance or Repair of an existing Structure.

SECTION 1.19 ADMINISTRATIVE ADJUSTMENTS, CONDITIONAL USES, AND VARIANCES.

1.19.1 Administrative Adjustments.

To the extent expressly provided in this Ordinance with respect to any standard or requirement hereof, an Administrative Adjustment of such standard or requirement may be granted pursuant to Section 8.5.8 by the Zoning Administrator upon written request of an Applicant if allowance of such Administrative Adjustment is determined by the Zoning Administrator to be consistent with the intent of this Ordinance and the Comprehensive Plan.

1.19.2 Conditional Use.

A Conditional Use may be permitted by the Planning Commission for those Conditional Uses indicated for a District as "CU" on **Table 4.3.9.A-1 (Building, Lot, & Building Site Principal Uses), Table 4.3.9.A-2 (Building, Lot, & Building Site Accessory Uses), or Table 4.3.9.A-3 (Building, Lot, & Building Site Temporary Uses)** in accordance with Section 8.5.16.

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1.19.3 Variances.

Variances may be granted by the Board of Zoning Appeals pursuant to Section 8.5.16 to deviate from a standard or requirement otherwise applicable under this Ordinance, or otherwise applicable to any land, Lot, Building Site, Development Parcel, Improvement, Building, or Structure regulated under this Ordinance.

SECTION 1.20 APPEALS.

Appeals from decisions or determinations under this Ordinance may be taken in accordance with Section 8.5.17 or 8.3.4.K.

SECTION 1.21 VIOLATIONS.

Penalties for and enforcement of any violation of this Ordinance shall be as provided in Section 8.6.

Any violation of a previous zoning ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the Use, Development, or activity complies, in its entirety, with the provisions of this Ordinance.

The prosecution of violations which occurred under previous zoning ordinances shall continue until resolved.

SECTION 1.22 NONCONFORMITIES.

1.22.1 General.

A. Continuation.

1. Except as otherwise provided in this Ordinance, a Use, Structure, Lot, or Sign that legally existed immediately prior to a Zoning Change, may be continued as a legal Nonconformity in accordance with the provisions of this Section 1.22.

2. Without limitation to the preceding paragraph, any Industrial, Commercial, or Business establishment legally in operation and permitted to operate immediately prior to a Zoning Change shall be allowed to continue in operation and be permitted; provided that

a. no change in Use is undertaken by such establishment; and

b. such operation is on land owned and in use by such affected establishment prior to the Zoning Change and not on additional land acquired by such Industrial, Commercial, or other Business establishment.

3. Uses, Structures, Lots, or Signs that were previously legal Nonconformities, but which become conforming because of the adoption of this Ordinance, shall no longer be considered Nonconformities provided that all applicable provisions of this Ordinance are complied with.

B. Burden of Proof.

Except as otherwise provided in Section 1.22.2.C.3.d, the burden of establishing the legal status of a Nonconformity shall be on the owner of property on which the purported Nonconformity exists.

1.22.2 Nonconforming Uses & Nonconforming Structures.

A. Applicability.

This Section applies to Nonconforming Uses and Nonconforming Structures.

B. Effect of Certain Changes.

1. Except as otherwise provided in this Section 1.22.2.B, if any Nonconforming Use or Nonconforming Structure is changed, Altered, enlarged, increased, or extended to occupy more land than that occupied thereby immediately prior to a Zoning Change, or is moved in whole or in part to any other portion of the Lot or parcel of land occupied thereby at such time or to any other Lot or parcel of land, the legal status of such

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Nonconforming Use or Nonconforming Structure shall cease and any future Use of such land or Structure must conform with the provisions of this Ordinance.

2. Notwithstanding anything to the contrary contained or implied in this Section 1.22, Industrial, Commercial, or other Business establishments legally in operation on property and permitted to operate immediately prior to a Zoning Change shall be allowed, without losing the legal status of a Nonconforming Use or Nonconforming Structure, to expand operations and construct additional facilities, which involve an actual continuance and expansion of the activities of establishment that were permitted and being conducted immediately prior to Zoning Change; provided, that:

a. such expansion and construction is on land owned and in use by such affected establishment prior to the Zoning Change and not on additional land acquired by such Industrial, Commercial, or other Business establishment; and

b. there is a reasonable amount of space for such expansion and construction on such property so as to avoid nuisances to Adjoining landowners.

No Building Permit or like permission for construction or landscaping shall be denied to an establishment seeking to expand and continue activities conducted by that establishment on property pursuant to Section 1.22.2.B.2.a, which were permitted prior to a Zoning Change.

3. A change in occupancy or ownership shall not, by itself, constitute a change of Use.

C. Cessation of Nonconforming Use.

1. Except as provided in Section 1.22.2.C.2, if a Nonconforming Use of land or a Structure, or any portion thereof, ceases for any reason for any continuous period of 12 months, is changed to a conforming Use, or if the Structure in or on which such Nonconforming Use is conducted or maintained is removed or moved for any distance whatever, for any reason, the legal status of such Nonconforming Use shall cease and thereafter any future Use of the property must conform with the provisions of this Ordinance.

2. Sections 1.22.1.A, 1.22.2.B.2, 1.22.2.C.1, 1.22.2.D.1, 1.22.2.D.3, 1.22.2.D.4, and 1.22..4 shall not apply to a Nonconforming Use if an Industrial, Commercial, or other Business establishment ceases to operate for a period of thirty (30) continuous months. Any time after the thirty-month cessation, any Use proposed to be established on the site, including any existing or proposed on-site Sign, must conform to the provisions of this Ordinance.

3. For the purposes of Section 1.22.2.C.2, the thirty-month period of continuous ceased operation shall be tolled by:

a. The period in which an Industrial, Commercial, or other Business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

b. Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary Building Permits were obtained within thirty months of cessation of continuous use;

c. The filing of an application for a Building Permit for the Alteration, renovation or reconstruction of a Nonconforming Structure or of a Structure in which or out of which an Industrial, Commercial or other Business Nonconforming Use operates or is located; or

d. The reactivation of the Nonconforming Use any time prior to the end of the thirty-month period;

provided, however, that the restrictions of subsection 1.22.2.C.2 and subsections 1.22.2.D.3.2

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and 1.22.2.D.4.2 shall only apply if the property owner intentionally and voluntarily abandons the Nonconforming Use of the property. In any contested matter on the use of such property, the City has the burden of proving an overt act of abandonment in such matter.

D. Damage or Destruction.

1. Except as otherwise provided in Section 1.22.2.D.3 and Section 1.22.2.D.4, if any Nonconforming Structure or any Structure used for a legal Nonconforming Use, which legally existed prior to a Zoning Change and which is damaged or destroyed by flood, explosion, wind, earthquake or other natural disaster, involuntary fire, war, riot, or insurrection:

a. To an extent of more than 50% of the Full Value of the Structure, the legal status of such Nonconformity shall terminate and no reconstruction or repairs may be made unless the Structure and Use of every portion of the Structure conform this Ordinance; or

b. To an extent of 50% or less of the Full Value of the Structure, the legal status of such Nonconformity will not be lost if the reconstruction or repair of the Structure is started within one (1) year, such reconstruction or repair is diligently pursued to completion, and the legal Nonconforming Use of such Structure, if any, is continued immediately upon completion; provided, however, that

(1) such reconstructed facilities (other than an off-site Sign) must not exceed the original height, bulk, density, setback, or square footage of the original facilities in existence immediately prior to the damage; and

(2) such reconstructed facilities (other than an off-site Sign) must comply with all architectural design standards of this Ordinance and be consistent with the architectural context of the immediate and Adjacent Block faces.

For purposes of this Section 1.22.2.D.1, the percentage of damage for Nonconforming Buildings shall be calculated by dividing the estimated cost of restoring the Building as nearly as possible to its condition prior to the occurrence, by the appraised fair market value of the Building (excluding the value of the land) immediately prior to the occurrence.

2. Except as otherwise provided in Section 1.22.2.D.4, a Nonconforming Structure shall not be intentionally damaged or demolished and rebuilt as a Nonconforming Structure.

3. Notwithstanding anything to the contrary contained or implied in this Section 1.22, in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster to facilities of Multifamily Residential establishments, whether used as owner-occupied property or rental property, which were permitted to operate immediately prior to a Zoning Change, new facilities necessary to the conduct of such establishment may be reconstructed without losing the legal status of the Nonconforming Use or Nonconforming Structure, subject to the following:

a. Such new facilities (other than an off-site Sign) may not exceed the original height, density, setback, or square footage of the original facilities in existence immediately prior to the damage;

b. Such new facilities (other than an off-site Sign) must also conform to this Ordinance as to setbacks, height, bulk, and requirements as to the physical location of a Structure upon the site;

c. Such new facilities (other than an off-site Sign) must comply with all architectural design standards required under this Ordinance and be consistent with the architectural context of the immediate and Adjacent Block faces; and

d. Such reconstruction is on land owned and in use by such affected establishment prior to the Zoning Change and not on additional land acquired by such Multifamily Residential establishment.

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As used in this Section 1.22.2.D.3, the amount of partial damage that is sustained and which would allow reconstruction of new facilities in accordance with Subsection 1.22.2.D.3.a shall be greater than 50% of the Full Value of such facilities. For purposes of this 1.22.2.D.3, the percentage of partial damage for Nonconforming Structures shall be calculated by dividing the estimated cost of restoring such damaged facilities as nearly as possible to their condition prior the occurrence, by the Full Value of such facilities (excluding the value of the land) immediately prior to the occurrence.

4. Notwithstanding anything to the contrary contained or implied in this Section 1.22, Industrial, Commercial, or other Business establishments legally in operation on property and permitted to operate immediately prior to a Zoning Change shall be allowed, without losing the legal status of a Nonconforming Use or Nonconforming Structure, to destroy present facilities and reconstruct new facilities necessary to the conduct of such establishment subsequent to the Zoning Change; provided, that

a. no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under the predecessor to this Ordinance or exceptions thereto in effect immediately prior to the Zoning Change;

b. such new facilities (other than an off-site Sign) must conform to this Ordinance as to setbacks, height, bulk, and requirements as to the physical location of a Structure upon the site;

c. such destruction and reconstruction is on land owned and in use by such affected establishment prior to the Zoning Change and not on additional land acquired by such Industrial, Commercial, or other Business establishment; and

d. there is a reasonable amount of space for such destruction and reconstruction on such property so as to avoid nuisances to Adjoining landowners.

No Building Permit or like permission for demolition, construction or landscaping shall be denied to such establishment seeking to destroy and reconstruct such facilities, where such conduct was permitted prior to a Zoning Change.

E. Repair & Maintenance.

Notwithstanding any other provision of this Ordinance, routine maintenance, repair, stabilization, or restoration to a safe condition of any part of a legally existing Nonconforming Structure shall be permitted without the loss of the legal status thereof, provided that the cost of such maintenance, repair, stabilization, or restoration shall not exceed 50% of the Full Value of such Structure at the time of such maintenance, repair, stabilization, or restoration. If the cost of such maintenance, repair, stabilization, or restoration exceeds such percentage of the Full Value of such Structure, it must be brought into conformance with the requirements of this Ordinance.

For purposes of this 1.22.2.E, the percentage of partial damage for Nonconforming Structures shall be calculated by dividing the estimated cost of restoring such damaged facilities as nearly as possible to their condition prior the occurrence, by the Full Value of such facilities (excluding the value of the land) immediately prior to the occurrence.

F. Specific as to Nonconforming Short-Term Rental Unit Use.

Notwithstanding anything to the contrary contained in this Ordinance, the Use of property as a Short-Term Rental Unit, which Use legally existed immediately prior to the enactment of this Ordinance, any amendment hereto, or any Zoning Change, may be continued as a legal Nonconformity until the property subsequently is sold, transferred, or ceases being used as a Short-Term Rental Unit for a period of thirty (30) continuous months, or is or has been in violation of a generally applicable local law three (3)

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or more separate times as provided by TSA Section 13-7-604. Prior to such sale, transfer, cessation of Use, or violations, the ordinance governing the Use of the property as a Short-Term Rental Unit shall apply to such Use.

G. Continuation of Conditional Use, Use Permitted Subject to Limited Use Standards, or Special Exception Use.

Whenever any legally existing Use has been permitted as a Conditional Use, Use Permitted Subject to Limited Use Standards, or a special exception prior to a Zoning Change, which Zoning Change has not resulted in such Use being rendered Nonconforming, such authorization shall be continued subject to any time period approved for said Conditional Use, Use Permitted Subject to Limited Use Standards, or special exception.

H. Buildings Nonconforming as to Lot Area.

If a Residential or Mixed-Use Nonconforming Building that legally existed immediately prior to a Zoning Change does not comply with applicable standards for Lot Area per Dwelling Unit (i.e., the Lot Area is smaller than required for the number of Dwelling Units on the Lot) or other Density measurement under this Ordinance, such Building may be Altered to have such fewer number of Dwelling Units as would comply with such Density measurement (and in Mixed-Use Buildings, the Residential Use may be extended, except when in a Floodplain Overlay District), provided that the deficiency in the required Lot Area or other Density measurement is not thereby increased.

1.22.3 Nonconforming Lots.

A. Created by Plat.

A Lot that legally existed immediately prior to a Zoning Change and was created by Final Plat recorded prior to the Zoning Change, which Lot does not meet the Lot standards or requirements of this Ordinance, may, without losing its legal status, be Developed in accordance with the Uses permitted in the applicable District under this Ordinance, provided that the dimensional standards and minimum Open Space requirements that were applicable at the time of subdivision are met.

B. Created by Deed, etc. Prior to Subdivision Regulation.

A Lot that existed immediately prior to a Zoning Change and was created by deed or other means prior to being in the City or prior to the initial adoption of applicable subdivision regulations, which Lot does not meet the dimensional standards of the applicable District under this Ordinance, may, without losing its legal status, be Developed in accordance with the Uses permitted in the applicable District under this Ordinance, provided that it meets as closely as possible the dimensional standards of the applicable District and meets all other applicable requirements of this Ordinance.

C. Creation of Nonconforming Lot by Merger of Legal Nonconforming Lots.

Two or more legally existing Lots may be merged to create a Lot or Building Site that more closely meets the requirements of this Ordinance, which resulting Lot shall be a legal Nonconforming Lot if it does not meet the requirements of this Ordinance.

D. Single Family Residential Lots of Record.

A single-family Structure may be built on a legally existing Nonconforming Lot without loss of the legal status of the Lot if the Lot is increased in width and/or size to meet the requirements of this Ordinance; provided that enlargement is not required and the Lot shall retain its legal status if the Lot is:

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1. in a District permitting single-family Residential Use;

2. located on a Street that has been accepted, and is maintained by, the City, County, or TDOT, and has either City water/sewer or approval for septic and/or well service; and

3. not part of Development in which a new subdivision plat, Development Plan, or Master PUD Development Plan that is being approved to allow Development of the subject Lot and Adjacent Lots.

E. Governmental Acquisition Not to Render Lot Nonconforming.

Governmental acquisition of a portion of a Lot, which results in a reduction in area, setbacks, or dimensions below that required by this Ordinance shall not render the Lot Nonconforming.

1.22.4 Nonconforming Signs.

A. General.

A Sign that legally existed immediately prior to a Zoning Change, which does not meet the standards or requirements of this Ordinance, shall continue as a legal Nonconforming Sign in accordance with this Ordinance, subject to Sections 1.22.4.B–.D below.

B. Changes Resulting in Loss of Legal Status.

The following shall result in the loss of the legal status of a Nonconforming Sign:

1. Structural Alteration;

2. Any change that increases the extent of the Nonconformity;

3. Except with respect to an Off-Premises Sign, a change of the Use of the Business or property;

4. The Sign is abandoned for a period of 90 days following the discontinuation of the Business; or

5. The Sign is destroyed or damaged to the extent that repairing it would cost fifty percent (50%) or more of the current cost to replace the Sign, including labor and materials.

C. Changes Not Resulting in Loss of Legal Status.

The following shall not result in the loss of the legal status of a Nonconforming Sign:

1. Minor repairs and maintenance;

2. With respect to an Off-Premises Sign, any operation, enlargement, increase, extension, expansion, rebuilding, enlargement, or addition to a legally existing Nonconforming Use or Nonconforming Structure, or the establishment or building of a new Nonconforming Use or Nonconforming Structure on the same property as the Sign or on any Adjacent property under the same ownership, which is allowed without loss of the legal status of such Nonconformity pursuant to this Section 1.22, provided that such operation, enlargement, increase, extension, expansion, rebuilding, enlargement, addition to, or the establishment or building of a new Nonconforming Use or Nonconforming Structure:

a. complies with this Ordinance other than those Nonconformities associated with such Off-Premises Sign, and

b. is on land owned and in use by the applicable owner prior to the Zoning Change and not on additional land acquired by such owner.

D. Applicability of Certain Nonconformity Provisions to Off-Premises Signs.

Subsections 1.22.1.A.2, 1.22.2.B.2, 1.22.2.C.2, 1.22.2.D.3, 1.22.2.D.4, and this Section 1.22.4 shall apply to an Off-Premises Sign; provided, however, that any expansion shall be limited as follows:

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1. Any Off-Premises Sign smaller than a standard 8-sheet poster which, for the purposes of this subsection 1.22.4.D.4 means an off-site Sign with overall dimensions of at least five feet four inches (5′ 4″) to six feet two inches (6′ 2″) in height and eleven feet four inches (11′ 4″) to twelve feet two inches (12′ 2″) in width, shall not be expanded to a size greater than a standard 8-sheet poster;

2. Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster which, for the purposes of this subsection 1.22.4.D means an Off-Premises sign with overall dimensions of twelve feet three inches (12″ 3″) in height and twenty-four feet six inches (24′ 6″) in width;

3. Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin which, for the purposes of this subsection 1.22.4.D.4, means any Off-Premises Sign with overall dimensions of ten feet (10′) to fourteen feet (14′) in height and thirty-six feet (36′) to forty-eight feet (48′) in width;

4. Any standard bulletin shall not be expanded to a size greater than any super bulletin which, for the purposes of this subsection 1.22.4.D means any Off-Premises Sign with overall dimensions of sixteen feet (16′) to twenty feet (20′) in height and sixty feet (60′) in width;

5. Any super bulletin shall not be expanded;

6. Any Off-Premises Sign with a height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than one hundred percent (100%) of its surface area; or

7. Any operation, rebuilding, or expansion of an Off-Premises Sign that has been in existence for ten (10) years or more shall not be denied solely on the basis that the original permit for the Sign does not exist to prove that it was a lawful use when constructed.

1.22.5 Special Provisions Governing Nonconforming Structures and Nonconforming Improvements Within Floodplain Overlay Districts

A. General Provisions

In all Districts or portions thereof which extend into a Floodplain Overlay District as established by Section 3.7.3.B, any Structure or Use that is not permitted by the Floodplain District provisions of Section 6.12, which do not conform to the requirements of this Ordinance, shall become Nonconforming upon the Effective Date of this Ordinance, the effective date of any amendment of this Ordinance, or any amendment to the Zoning Map, as applicable.

B. Enlargement of Buildings within the Floodplain

A Structure that is Nonconforming by reason of location within the Floodplain shall not be enlarged or expanded but may be Altered or repaired as set forth in Section 1.22.2.E or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood – proofing measures; provided that such Alteration will not increase the level of the 100 – Year Flood / Base Flood or extend the normal life of such Nonconforming Structure.

C. Special Provisions Governing Reconstruction of Structures Within Floodway Overlay Districts.

Within any designated Floodway Overlay District, any Structure in existence immediately prior to the Effective Date of this Ordinance or the effective date of any amendment of this Ordinance or any amendment to the Zoning Map, which is involuntarily

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destroyed or substantially damaged by any means, may be reconstructed and used as before only if the following requirements are met:

1. No reconstruction or Alteration permitted in this Section shall result in any increase in the level of the 100 – Year Flood / Base Flood;

2. The reconstruction does not exceed the volume and external dimensions of the original Structure or offer any greater obstruction to the flow of floodwaters than did the original Structure;

3. Non–Residential Structures may be reconstructed only if the lowest floor (including Basement) elevation is at least two feet above the level of the 100 – Year Flood / Base Flood or the Structure is flood – proofed (in accordance with the requirements of Section 6.12 to a height of at least two feet above the level of the 100 – Year Flood / Base Flood; and

4. Residential Structures may be reconstructed only if the lowest floor (including Basement) of the Structure is elevated to a point at least two feet above the level of the 100 – Year Flood / Base Flood.

SECTION 1.23 TRANSITION RULES

1.23.1 Applicability.

The following transitional regulations will resolve the status of properties with pending or approved applications at the time of adoption of this Ordinance.

1.23.2 Pending Applications.

A. Complete Application without Final Action.

Any application that has been determined by the Zoning Administrator to be complete as of the Effective Date of this Ordinance that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate Decision–Making Authority prior to the Effective Date of this Ordinance, shall be reviewed in accordance with the provisions of the City zoning ordinance in effect on the date the application was determined to be complete.

B. Failure to Comply with Procedural Requirements.

If the Applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Ordinance.

C. Re–application.

Any re–application after the Effective Date of this Ordinance must meet the standards and requirements of this Ordinance.

D. Applicant Waiver.

An Applicant with a pending application may waive review available under the prior zoning ordinance through a written letter to the Zoning Administrator and request review under the provisions of this Ordinance.

E. Timely Submission of Information.

Applicants who have submitted complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted Plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application must then conform to the provisions of this Ordinance.

1.23.3 Approved Proposals.

Approved Development Plans, Master PUD Development Plans, Site Plans, Variances, Conditional Use Permits,

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and Building Permits, which are valid immediately prior to the Effective Date of this Ordinance, shall remain valid until their expiration date, where applicable.

1.23.4 Effect of Ordinance on Approved PUDs.

Any Use, Plan, Structure, or Lot that was lawfully approved as a Planned Unit Development (PUD) or portion thereof, with binding regulations and standards under the provisions of a previous zoning ordinance shall continue as a Planned Unit Development subject to the conditions and standards established by the applicable approved Master PUD Development Plan.

1.23.5 Administrative Adjustment.

Administrative adjustments to Development Plans, Master PUD Development Plans, Preliminary Plats, or Site Plans submitted pursuant to approved Development Plans, Master PUD Development Plans, Preliminary Plats may be made in order bring such submissions into conformance with this Ordinance or to other ordinances adopted for environmental purposes. These adjustments are authorized without the necessity of City Council approval of a change in the approved zoning.

SECTION 1.24 VESTED PROPERTY RIGHTS

1.24.1 Establishment of Vested Property Right.

A. Approvals Establishing Right.

1. A vested property right shall be established with respect to any property upon the approval by the applicable Decision-Making Authority of

a. a Preliminary Master PUD Development Plan or a Development Plan; or

b. if there is no Preliminary Master PUD Development Plan or Development Plan, a Preliminary Plat.

B. Approvals Not Establishing Right.

In no event shall a vested property right be established by

1. approval of a Variance;

2. approval of a plan with the condition that a Variance be obtained unless and until the necessary Variance is obtained; or

3. approval of a sketch plan or any other document that fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property.

C. Standards Applicable During Vesting.

During the vesting period described in subsection 1.24.2, the Development standards and requirements that are in effect on the date of approval of such plan or plat the approval of which established the vested property right, shall remain the Development Standards applicable to such property during the vesting period.

1.24.2 Vesting Period.

A. General.

Upon establishment of a vested property right pursuant to Section 1.24.1, such right shall remain in effect as set forth in this Section 1.24.2.

B. Initial Period; Permitting & Site Preparation.

The vesting period applicable to a plan or plat the approval of which established the vested property right shall be three (3) years, beginning on the date of the Decision-Making Authority's approval of such plan or plat; provided, that the applicant obtains Decision-Making Authority approval of a final Development

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Plan, a Final Master PUD Development Plan, or a Final Plat, as applicable, secures any necessary permits, and commences Site Preparation within the vesting period. If the applicant obtains such approval, secures any necessary permits, and commences Site Preparation within the vesting period, the vesting period shall be extended an additional two (2) years to commence Construction from the date of the expiration of the three-year period. During the two-year period, the applicant must commence Construction and maintain any necessary permits to remain vested.

C. Construction Commencement; Maximum Vesting Period.

If Construction commences during the vesting period, the Development standards and requirements applicable during the vesting period shall remain in effect until the Decision-Making Authority has certified final completion of the Development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the plan or plat the approval of which established the vested property right unless the Decision-Making Authority grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

D. Rules for Section or Phased Development.

1. In the case of a Development which proceeds in two (2) or more sections or phases as described in the Preliminary Master PUD Development Plan or Development Plan, as applicable, there shall be a separate vesting period applicable to each section or phase; provided, that the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the plan the approval of which established the vested property right for the first section or phase unless the Decision-Making Authority grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

2. The Development standards and requirements that are in effect on the date of approval of the plan the approval of which established the vested property right for the first section or phase of the Development shall remain the Development standards and requirements applicable to all subsequent sections or phases of the Development.

E. Termination of Vested Property Right.

1. Notwithstanding the vesting period described in subsections 1.24.2.B-.D, a vested property right shall terminate upon a written determination by Decision-Making Authority under the following circumstances pursuant to subdivision 1.24.E.2:

a. When the applicant violates the terms and conditions specified in the approval of plan or plat the approval of which established the vested property right; provided, that the applicant is given ninety (90) days from the date of notification to cure the violation; and provided further, that the Decision-Making Authority may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

b. When the applicant violates any of the terms and conditions of this Ordinance or any applicable approval; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; and provided further, that the Decision-Making Authority may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

c. Upon a finding by the Decision-Making Authority that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the approval of the plan or plat the approval of which established

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the vested property right or intentionally and knowingly did not construct the Development in accordance with plan or plat or any approved amendment thereof; or

d. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the City and that precludes Development as contemplated in the plan or plat the approval of which established the vested property right, unless modifications to such plan or plat can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

2. A written determination by the Decision-Making Authority of the occurrence of any of the circumstances described in subsection 1.24.2.E.1 shall cause a vested property right to terminate; provided, however, that the Decision-Making Authority may allow a property right to remain vested despite such a determination if a written determination is made that such continuation is in the best interest of the community.

1.24.3 When Vested Development Standards Do Not Preclude Enforcement.

A vested Development Standard shall not preclude City enforcement of any other applicable Development standard or requirement when:

1. The Decision-Making Authority obtains the written consent of the applicant or owner;

2. The Decision-Making Authority determines, in writing, that a compelling, countervailing interest exists relating specifically to the plan or plat the approval of that established the vested property right, which seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the Decision-Making Authority, by the applicant using vested property rights;

3. Upon the written determination by the Decision-Making Authority of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, which hazard is not identified in the plan or plat the approval of which established the vested property right, and which, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the Decision-Making Authority, by the applicant using vested property rights;

4. A Development standard or requirement is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

5. The City is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

1.24.4 Eminent Domain Unaffected.

A vested property right does not preclude, change, amend, alter, or impair the authority of the City to exercise its eminent domain powers as provided by law.

1.24.5 Zoning Authority Unaffected.

This Section 1.24 shall not preclude, change, amend, alter, or impair the authority of City to exercise its zoning authority, except a vested property right, once established as provided for in this Section, precludes the effect of any zoning action by City which would

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change, alter, impair, prevent, diminish, or otherwise delay the Development of the property, while vested, as described in the approved plan or plat, as applicable, the approval of which established the vested property right.

1.24.6 Effect of Moratorium.

In the event the City enacts a moratorium on Development or Construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

1.24.7 Amendment of Approved Plan or Plat.

A. Amendment Subject to Approval

An amendment proposed by the applicant, amending the plan or plat the approval of which established the vested property right, shall be subject to approval by the Decision-Making Authority in order to retain the protections of the vested property right. An amendment proposal may be denied based upon a written finding by the Decision-Making Authority that the amendment:

1. Changes the proposed Use;

2. Increases the overall area of the Development;

3. Changes the size of any non-Residential Structures included in the Development Plan or Master PUD Development Plan;

4. Increases the Density of the Development so as to affect traffic, noise or other environmental impacts; or

5. Increases any City expenditure necessary to implement or sustain the proposed Use.

B. Effect of Amendment Disapproval.

If an amendment is denied by the Decision-Making Authority based upon a written finding pursuant to Section 1.24.7.A, then the applicant may either proceed under the prior approved plan or plat with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this Section 1.24.7, a vested property right shall not terminate if the Decision-Making Authority determines, in writing, that it is in the best interest of the community to allow the Development to proceed under the amended plan or plat without terminating the vested property right.

1.24.8 Waiver Not Allowed as Approval Condition.

The Decision-Making Authority shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a plan or plat.

1.24.9 Vested Property Right Runs with Land.

A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the Development and use such property under the terms and conditions of plan or plat the approval of which established the vested property right, including any amendments thereto.

1.24.10 Terms Used in Section.

As used in this Section 1.24:

A. "Applicant"

"Applicant" means a landowner or developer who is responsible for filing with the City an application for approval of a Preliminary Master PUD Development Plan, a Development Plan, or a Preliminary Plat, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

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B. "Construction"

"Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing Building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be Construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

C. "Development Plan"

"Development Plan" means both a Preliminary Master PUD Development Plan and a Development Plan;

D. "Development Standards"

"Development Standards" means all City-adopted or -enforced standards, regulations, requirements, or guidelines applicable to the Development of property, including, but not limited to, planning; local storm water requirements, layout, and design; City construction standards for Buildings, streets, alleys, curbs, sidewalks; zoning as provided for in Section 1.24.5; Lot or Building Site size; Lot or Building Site configuration; Yard or Setback dimensions; and off-site Improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this Section 1.24. The term does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under TCA § 68-120-101; and

E. "Site Preparation"

"Site Preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 1.25 PROFESSIONAL EXPENSES.

1.25.1 Purposes.

The City Council hereby finds that the City incurs significant expenses related to professional consultant review of Plans and land use and Development applications. For such reviews, the expertise of professional consultants may be necessary to assist the Zoning Administrator, City staff, and Decision-Making Authorities in making a determination in compliance with law. Therefore, it is the purpose of this Section to authorize the Zoning Administrator, the City Council, the Planning Commission, the Board of Zoning Appeals, the Zoning Administrator, and the City Engineer to require Applicants to reimburse the City for the reasonable expenses of professional consultants, such as engineers, planners, attorneys, surveyors, or other experts, that have been retained. This expense shall be in addition to any fee required by other law, regulation or resolution of the City.

1.25.2 Consultant Reviews.

A. Expense.

The expense of such professional consultants shall be in accord with fees usually charged for such services in the middle Tennessee region and pursuant to a contractual agreement of the City and such consultant. All such charges shall be paid by the City upon submission of a City voucher.

B. Reimbursement.

The Applicant shall reimburse the City for the cost of such services in accordance with the procedures described in Sections 1.25.2.C and 1.25.2.D.

C. Payment as Condition to Issuance / Action.

Full payment of such fees shall be a condition of issuing any permit or certification or taking any final action pursuant to this Ordinance.

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SECTION 1.26 PERFORMANCE GUARANTEES.

1.26.1 Security for Payment & Performance of Obligations,Maintenance of Landscaping, & Completion of Improvements.

To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the City may require that a cash deposit, certified check, irrevocable letter of credit, or other security acceptable to the City and securing the owner's or developer's payment and performance of all obligations to the City, maintenance of landscaping, and completion of all public Improvements, (each, a "Performance Guarantee"), covering the estimated costs of such obligations, landscaping maintenance, and completion, payment, performance, and/or compliance be deposited with the City Clerk and shall be subject to approval by the City Attorney. The Performance Guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

1.26.2 Performance Guarantee for Public Improvements.

Upon approval of a Plan or plat, the Applicant shall file with the City Clerk a Performance Guarantee to cover the full cost of required public Improvements in an amount set by the Planning Commission. If the value of the public Improvements is less than $5,000, the Planning Commission may waive this requirement.

1.26.3 Condition of Performance Guarantee.

Any Performance Guarantee provided pursuant to Section 1.26.1 or 1.26.2 shall be conditioned upon the property owner's or developer's payment or performance of all obligations to the City and completion of all required public Improvements enumerated in the approved Plan or plat approval in a manner satisfactory to the City, and said Improvements must be functioning properly for a period of one year from their completion. In default thereof, said Performance Guarantee shall be forfeited, and the City shall be entitled to the full amount thereof as necessary to satisfy the owner's or developer's obligations to the City, complete the required public Improvements, and/or to replace or repair any Improvements that are not functioning properly. If any amount of money remains after the City has satisfied such obligations, completed such work, and replaced or repaired any non-functioning Improvements, such excess security shall be returned to the surety or person putting up the required bonds.

SECTION 1.27 AMENDMENT.

This Ordinance may be amended from time to time in accordance with Section 8.5.18.

SECTION 1.28 SEPARABILITY.

In case any provision of this Ordinance shall be held invalid or unenforceable by a court of competent jurisdiction, it shall not affect any other Article, Section or provision hereof as long as the invalid or unenforceable portion can be separated from the remainder of the provisions.

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, Building, or other Structure, such judgment shall not affect the application of said provision to any other property, Building, or Structure not specifically included in said judgment.

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SECTION 2.1 ZONING MAP.

2.1.1 Establishment of Districts.

Districts are established in Section 3.7. Establishment of any other Districts shall be in accordance with Section 3.8.

2.1.2 Designations on Zoning Map.

Districts, Thoroughfares, Internal Drives, and any Special Requirements, as referred to in this Ordinance and approved by the City Council, shall be bounded and designated on the Zoning Map and any amendment thereto, as adopted by the City Council pursuant to this Ordinance.

2.1.3 Incorporation into Ordinance.

The Zoning Map, as may be subsequently amended from time to time, and all notations, references and explanatory and other matter thereon, is incorporated into and made a part of this Ordinance by reference.

2.1.4 Maintenance of Zoning Map.

The adopted Zoning Map shall be kept on file in the City offices and the Zoning Administrator shall maintain a copy of the Zoning Map (which may be in a digital format), reflecting all amendments approved by the City Council.

2.1.5 District Boundaries.

A. Establishment of Boundaries.

The boundaries of each of the Districts identified in Section 3.7 are hereby established as shown on the duly adopted Zoning Map.

B. Intent.

The District boundary lines, unless shown otherwise, are intended generally to follow Thoroughfare center lines, railroad right-of-way boundary lines or their center lines, other similar right-of-way lines, or Lot Lines or Building Site Lines, boundaries of subdivisions, or City boundary lines, all as shown on the Zoning Map. Where a District boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their center lines.

C. Discrepancy in Map and Physical Boundaries.

Where the Thoroughfare layout actually on the ground varies from the Thoroughfare layout shown on the Zoning Map, the designation shown on the mapped Thoroughfare shall be applied in such a way as to carry out the Zoning Administrator's determination as to the purpose and intent of the Zoning Map for the particular area in question.

D. Determination of Boundary Location.

When the location of a District boundary line cannot be otherwise determined, the determination thereof shall be made by the Zoning Administrator by scaling the distance on the Zoning Map from a line of known location to such District boundary line.

E. Interpretation of District Boundaries.

When uncertainty exists as to the boundaries of Districts shown on the Official Zoning Map, the following shall apply:

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1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in Sections 2.1.5.E.1 – 2.1.5.E.5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of map;

7. Where physical or cultural features existing on the ground are different than those shown on the official zoning map, or in other circumstances not covered by Sections 2.1.5.E.1 – 2.1.5.E.6, the Board of Appeals shall interpret the district boundaries;

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 500 feet beyond the district line into the remaining portion of the lot.

F. Appeal to Board of Zoning Appeals.

In the case of uncertainty as to the true location of a District boundary line in a particular instance, an appeal of the Zoning Administrator's determination may be taken to the Board of Zoning Appeals, as provided in Article 8 (Administration, Procedures & Enforcement).

G. Boundary Dividing Lot.

When a District boundary line divides a Lot in a single ownership at the Effective Date of this Ordinance, any amendment thereto, or any amendment of the Zoning Map, the Board of Zoning Appeals may permit extension into one District of a lawful conforming Use and the standards applicable existing in the other District, as provided in Article 8 (Administration, Procedures & Enforcement).

H. Lot or Parcel in More than One Jurisdiction.

If any Lot or parcel of land is situated partially within the City and partially within one or more other jurisdictions, the portion of such Lot or parcel land situated within the City must comply with the City standards and requirements for the applicable City District.

2.1.6 Adoption by City Council.

The Zoning Map shall be adopted by the City Council upon the Effective Date.

The Zoning Map may be amended from time to time in accordance with Section 8.5.19.

2.1.7 Identification & Location of Official Zoning Map.

A. Identification.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder, bear the Seal of the City under the following words:

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"This is to certify that this is the Official Zoning Map referred to in Article 2 of the Zoning Ordinance of the City of Columbia, Tennessee"

and bear the date of the adoption of this Ordinance.

B. Location.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map maintained by the Zoning Administrator pursuant to Section 2.1.4 shall be the final authority as to the current zoning status of land and water areas, Buildings, and other Structures within the City's zoning jurisdiction.

2.1.8 Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The City may use the resolution process to address minor drafting, omissions, or other errors but must use the rezoning process described in Section 8.5.18 to make substantive modifications to the Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder, and bear the seal of the City under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, by the City of Columbia, Tennessee"

and bear the date on which the new Official Zoning Ordinance replaced the prior Official Zoning Ordinance.

2.1.9 Preservation of Maps.

All prior Official Zoning Maps and any significant portions of Official Zoning Maps shall be preserved, together with all available records pertaining to their adoption or amendment.

SECTION 2.2 SPECIAL REQUIREMENTS.

2.2.1 Designation on Zoning Map.

The Zoning Map and any amendment thereto may designate any of the Special Requirements listed in Section 2.2.2 below. If there is any conflict between an applicable Special Requirement and another standard or requirement, the Special Requirement shall be controlling.

2.2.2 Effect of Designation.

If a Zoning Map or any amendment designates any one or more of such Special Requirements, such designation indicates that the following requirements shall be applied as follows:

A. Shopfront Frontage.

A Shopfront Frontage designation requires that each Private Frontage within the designated area be provided a Shopfront Frontage at Sidewalk level, except at any allowed Driveways or Streetscreen areas, as provided in **Table 4.3.7.A (Private Frontage Types)** and specified in Article 4 (Building, Lot & Building Site Standards).

B. Mandatory Retail Frontage.

A Mandatory Retail Frontage designation requires that each Private Frontage within the designated area be provided a Shopfront Frontage at Sidewalk level, except at any allowed Driveways or Streetscreen areas, as Provided in **Table 4.3.7.A (Private Frontage Types)** and specified in Article 4 (Building, Lot & Building Site Standards) and that the ground level be available for Retail Use.

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C. Terminated Vista.

A Terminated Vista designation requires that a Building be provided with a cupola, chimney, entry feature, or habitable tower that intersects the centerline axis of the view to which it responds.

D. Cross Block Passage.

A Cross Block Passage designation requires that a minimum 10-foot-wide pedestrian access be reserved between Buildings.

E. Special Height Range.

A designation of Special Height Range requires that Buildings within the designated area comply with the Height noted rather than the Height standard that otherwise would be applicable within the District.

F. Residential/Dwelling Use Restriction.

A designation of Residential/Dwelling Use Restriction prohibits Uses categorized as Residential/Dwelling Uses within the ground floor of Buildings within the designated area, irrespective of whether Residential/Dwelling Use would otherwise be permitted within the applicable District.

G. Residential/Dwelling Use Only.

A designation of Residential/Dwelling Use Only requires that the only Principal Uses that are allowed within the designated area are Uses categorized as Residential/Dwelling in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use),** irrespective of whether other Principal Uses would otherwise be permitted within the applicable District.

SECTION 2.3
CHANGES TO ZONING MAP.

Any change to the adopted Zoning Map shall be subject to compliance with the requirements and procedures of this Ordinance, which shall include without limitation in cases where the change was initiated by any Person other than the City, submission, review and approval of an application for approval of a proposed Zoning Map Amendment that complies with all standards, conditions, and requirements of this Ordinance, in accordance with Section 8.5.19 and related provisions of Article 8 (Administration, Procedures & Enforcement).

SECTION 2.4
ASSIGNMENT OF DISTRICTS FOR PARCELS ≥ 80 GROSS ACRES.

2.4.1 Character Districts.

A. Assignment.

Character Districts must be assigned within parcels of land of 80 or more gross acres, excluding any Special Districts, in accordance with Article 5 (Development Parcel Standards).

For any Development Parcel of 80 or more gross acres excluding any Special Districts, assignment of each Character District type (i.e., CD-2, CD-3L, CD-3, CD-4, CD-4C, CD-5, or CD-5C) for any Zoning Map Amendment must be consistent with the then effective CIty Comprehensive Plan.

Except for applications and approvals for a rezoning related to a PUD District, all applications for and approvals of a Zoning Map Amendment covering a parcel of land of 80 or more gross acres, excluding any Special Districts, must be in accordance with this Section 2.4.1.

B. Zoning Map Amendment.

Assignment of Character Districts shall be subject to approval as a Zoning Map Amendment pursuant to Section 8.5.19.

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2.4.2 Civic Districts.

A. Assignment.

Civic Districts must be assigned within parcels of land of 80 or more gross acres, excluding any Special Districts, in accordance with Article 5 (Development Parcel Standards).

B. Zoning Map Amendment.

Assignment of Civic Districts shall be subject to approval as a Zoning Map Amendment pursuant to Section 8.5.19.

2.4.3 Special Districts.

A. Assignment.

A Special District may be assigned to an area within a parcel of land over 10 gross acres, excluding any Special Districts, only if due to the necessary and intrinsic Uses, size, or form, a proposed Development cannot under any plan, design, or circumstances conform to one or more of the Character Districts and standards therefor.

Special Districts shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements of this Ordinance for Character Districts, and instead, shall be used sparingly and only in exceptional situations.

B. Zoning Map Amendment.

Assignment of Special Districts shall be subject to approval as a Zoning Map Amendment pursuant to Section 8.5.19.

2.4.4 PUD Districts.

A. Assignment.

A PUD District may be assigned to an area within a parcel of land over 10 gross acres, only if due to unique site conditions or the necessary and intrinsic Uses, size, or form, a proposed Development cannot under any plan, design, or circumstances conform to one or more of the Character Districts and standards therefor.

PUD Districts shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements of this Ordinance for Character Districts, and instead, shall be used sparingly and only in exceptional situations.

B. Zoning Map Amendment.

Assignment of PUD Districts shall be subject to approval as a Zoning Map Amendment pursuant to Section 8.5.19.

SECTION 2.5 NEWLY ANNEXED PROPERTIES

Newly annexed properties shall have an initial zoning of CD-3L. However, an application for rezoning to any other District may be considered concurrently with the action for annexation subject to Section 8.5.19.

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ARTICLE 3: ZONING DISTRICTS

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SECTION 3.1
GENERAL.

3.1.1 Applicability.

This Article 3 applies to Districts to the extent provided herein.

3.1.2 Compliance.

Except for non-conformances allowed pursuant to Section 1.22 or as otherwise provided in this Ordinance, with respect to each District, as applicable, all Development, re-Development, land, Lots, Improvements, Structures, and all Uses, construction, re-construction, modifications, Alterations, and enlargements thereof, and all parts thereof, and all Plans, applications, requests, and submissions for proposals required or made under this Ordinance must include the elements required by and must comply with this Article 3 and the applicable standards, requirements, and conditions of this Article and any license, permit, approval, certification, or authorization issued pursuant to this Ordinance, any applicable approved Development Plan, Master PUD Development Plan, or other approval granted under this Ordinance.

SECTION 3.2
CHARACTER DISTRICT DEFINED.

Character District is defined in Article 9 (Definitions).

SECTION 3.3
SPECIAL DISTRICTS & PUD DISTRICTS.

3.3.1 Defined.

Special District and PUD District are defined in Article 9 (Definitions).

3.3.2 Effect of Designation.

If a Special District or PUD District is designated for an area on the Zoning Map or any amendment thereof, such area is subject to the applicable Special District or PUD District Development, parcel, Lot, Building for such District.

3.3.3 Survival of PUD Districts Established Prior to Effective Date.

Parcels zoned to a any PUD District prior to the Effective Date will continue to be regulated by the provisions applicable to them under the zoning ordinance and Master PUD Development Plan pursuant to which they were established.

Notwithstanding anything to the contrary contained or implied in this Ordinance, zoning or re-zoning of land to any PUD District as described in any previous zoning ordinance shall not be available from or after the Effective Date.

SECTION 3.4
CIVIC DISTRICT DEFINED.

Civic District is defined in Article 9 (Definitions).

SECTION 3.5
CHARACTER DISTRICT, SPECIAL DISTRICT, AND PUD DISTRICT DESCRIPTIONS.

Character District, Special District, and PUD District descriptions are set forth in **Table 3.7.1 (District Descriptions – Summary) and Tables 4.3.1-A – 4.3.1-T (District Standards).**

SECTION 3.6
CIVIC DISTRICT DESCRIPTION.

Civic District is described in **Table 4.3.1-U (Civic District Standards).**

Civic Spaces are described in **Table 5.3.3.A (Civic Space Types Summary).**

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SECTION 3.7 ESTABLISHMENT OF DISTRICTS.

3.7.1 Base Districts.

For the purposes of this Ordinance, there are hereby established within the City, and the City is hereby divided into, the following zoning districts, which are described in Sections 3.5–3.6 and **Table 3.7.1 (Districts–Summary)** referenced therein, and the District standards for which are set forth for Buildings, Lots, and Building Sites in Section 4.3, and for Development Parcels in Sections 5.1 – 5.9 and **Tables 4.3.1–A – 4.3.1–U (District Standards):**

A. Character Districts

1. Character District CD–2 (Rural)

2. Character District CD–3L (Neighborhood – Large Lot)

3. Character District CD–3 (Neighborhood)

4. Character District CD–4 (General Urban)

5. Character District CD–4C (General Urban – Corridor)

6. Character District CD–5 (Urban Center)

7. Character District CD–5C (Urban Center – Corridor).

B. Special Districts

1. Special District – SD–MHP (Manufactured Home Park)

2. Special District – SD–INT (Interstate)

3. Special District – SD–LI (Light Industrial)

4. Special District – SD–HI (Heavy Industrial).

C. Planned Unit Development Districts

1. Planned Unit Development District – PUD–R (Residential)

2. Planned Unit Development District – PUD–MU (Mixed Use)

3. Planned Unit Development District – PUD–RES (Residential) (Applicable and available only to PUDs Established Prior to Effective Date)

4. Planned Unit Development District – PUD–C (Commercial) (Applicable and available only to PUDs Established Prior to Effective Date)

5. Planned Unit Development District – PUD–I (Industrial) (Applicable and available only to PUDs Established Prior to Effective Date)

6. Planned Unit Development District – PUD–OP (Office Park) (Applicable and available only to PUDs Established Prior to Effective Date)

7. Planned Unit Development District – PUD–VC (Village Center) (Applicable and available only to PUDs Established Prior to Effective Date)

8. Planned Unit Development District – PUD–B1 (Applicable and available only to PUDs Established Prior to Effective Date)

9. Planned Unit Development District – PUD–B3 (Applicable and available only to PUDs Established Prior to Effective Date)

10. Planned Unit Development District – PUD–CEG (Applicable and available only to PUDs Established Prior to Effective Date)

11. Planned Unit Development District – PUD–CRS (Applicable and available only to PUDs Established Prior to Effective Date)

12. Planned Unit Development District – PUD–GRS (Applicable and available only to PUDs Established Prior to Effective Date)

13. Planned Unit Development District – PUD–R1 (Applicable and available only to PUDs Established Prior to Effective Date)

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
	CD-2 (Rural) The CD-2 Rural Character District consists of sparsely settled, primarily agricultural or low density single-family detached Residential areas. Typical buildings include farmhouses and agricultural buildings. CD-2 is an appropriate District for the Rural Countryside Character Area described in the Comprehensive Plan.
	CD-3L (Neighborhood-Large Lot) The CD-3L Neighborhood Large Lot Character District consists of primarily a low density single-family detached Residential area in which Estate Houses and Houses are the predominant Building Types. It has large lots, medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and may include Sidewalks and/or street trees, and form medium to large blocks. CD-3L is an appropriate District for the Suburban Neighborhood Character Area described in the Comprehensive Plan.
	CD-3 (Neighborhood) The CD-3 Neighborhood District consists of primarily a low density single-family detached Residential area in which Cottages and Houses are the predominant Building Types. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and may include Sidewalks and/or street trees, and form medium to large blocks. CD-3 is an appropriate District for the Suburban Neighborhood Character Area, the Tom Hitch Special Area, and the Bear Creek Pike "Node" Special Area described in the Comprehensive Plan.
	CD-4 (General Urban) The CD-4 General Urban Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail / Personal Service / Artisan, Office, Lodging and Civic Uses; there are medium, narrow or no front Setbacks and narrow to medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium-sized blocks. CD-4 is an appropriate District for the Urban Neighborhood Character Area, the Employment Character Area, the Tom Hitch Special Area, the Industrial Road Special Area, the Bear Creek Pike "Node" Special Area, and the Interstate Gateway Special Area as described in the Comprehensive Plan.

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
	CD–4C (General Urban–Corridor) The CD–4C General Urban – Corridor Character District consists of a medium density area along a corridor. It provides for a balanced automobile– and pedestrian– oriented built environment and a mix of Building Types and primarily Residential, Retail / Personal Service / Artisan, Office, Lodging and Civic Uses; there are medium, narrow or no front Setbacks and narrow to medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium–sized blocks. CD–4C is an appropriate District for the Suburban Corridor Character Area, the Employment Character Area, the Urban Corridor Character Area, the Tom Hitch Special Area, the Bear Creek Pike "Node" Special Area the Neapolis Special Area described in the Comprehensive Plan.
	CD–5 (Urban Center) The CD–5 Urban Center Character District consists of higher density Mixed Use areas along a corridor. It has a tight network of Thoroughfares with side Sidewalks, street lights and regular tree spacing, defining medium–sized blocks. Buildings are set close to the Sidewalks. CD–5 is an appropriate District for the Urban Neighborhood Character Area, the Center Character Area, the Inner Core (Downtown) Special Area, and the Neapolis Special Area described in the Comprehensive Plan.
	CD–5C (Urban Center – Corridor) The CD–5C Urban Center–Corridor Character District consists of higher density Mixed Use areas. It provides for a balanced automobile– and pedestrian– oriented built environment, a mix of Building Types and primarily has a tight network of Thoroughfares with side Sidewalks, street lights and regular tree spacing, defining medium–sized blocks. Buildings are set close to the Sidewalks. CD–5C is an appropriate District for the Urban Corridor Character Area, the South Central (James Campbell) Special Area, and the Neapolis Special Area described in the Comprehensive Plan.

SD–MHP (Manufactured Home Park)
This District is designed to provide suitable areas for Manufactured Home Parks where sufficient urban facilities are available prior to Development. Manufactured Homes and Buildings necessary to support the Residential occupancy of Manufactured Homes are permitted. This District is intended also to permit community facilities and public utility installations that are necessary to service specifically the residents of this District, or which are benefited by and compatible with a Residential environment.

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts
SD–INT (Interstate) This District is designed to provide space along I–65 to serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this District. Appropriate locations for this District are along I–65 in an environment of general Commercial and Mixed Use activity. Due to the high traffic volumes and general incompatibility between some of the Uses permitted within this District and those in CD–3L and CD–3 areas, this District shall not be located in or Adjacent to a CD–3L or CD–3 District. The SD–INT Special District is an appropriate District for the Interstate Gateway Special Area described in the Comprehensive Plan.
SD–LI (Light Industrial) This District is intended to provide space for a wide range of wholesale trade, warehousing of a wide variety of products or materials, manufacturing processes, and industrial and related uses that conform to a high level of performance criteria and have few objectionable characteristics. All operations must be carried on within completely enclosed Buildings, thus providing a standard of Development that removes most adverse characteristics that affect neighboring properties. This District may provide a buffer between other Districts and other industrial activities that have more objectionable influences. This District may require types of Structures and have Uses and other characteristics that cannot be facilitated in other Districts. New Residential Development, Commercial establishments, Retail establishments, personal service Uses, and community facilities and utilities, are permitted, as well as additional Uses that provide needed complementary services or are necessary for the general community welfare. SD–LI is an appropriate District for portions of the Industrial Road Special Area described in the Comprehensive Plan.
SD–HI (Heavy Industrial) This District is intended to provide suitable areas for intense or potentially noxious Industrial operations, including open land operations. It is specifically intended that all newly created Districts be so located and Buffered as to prevent possible negative impact upon Adjacent land and Uses. SD–HI is an appropriate District for portions of the Industrial Road Special Area described in the Comprehensive Plan.
PUD–R (Residential) This District is to allow for utilization of the Planned Unit Development process under TSA Section 13–4–310, implementation of the Comprehensive Plan, and review and approval of a Master PUD Development Plan that complies with these standards and establishes them and other standards as entitlements for a property, including a customized combination of permitted Uses, Building Types, Private Frontage Types, Setbacks and Yards, and Thoroughfares and Internal Drives. Specifically, this District is intended for predominantly Residential areas on sites where there are sufficient existing infrastructure, services, and utilities available for a proposed Development. Development in this District (a) is walkable and provides a diverse mixture of housing choices and Building Types, (b) is necessary to implement and is consistent with the Comprehensive Plan, (c) cannot under any circumstances, plan, or design conform to one or more of the other Districts and standards therefor due to its necessary and intrinsic Uses or size or form, (d) provides an innovative plan and design, (e) is harmonious with and respects the land use, character, and natural or man–made features of both the subject property and Adjacent property, (f) promotes quality and environmentally sensitive planning and design by taking advantage of special site characteristics, locations and land uses, (g) provides Civic Space, (h) is the best use of the site consistent with the goals of protecting and enhancing the natural environment. There are specific Development standards provided for this District, which may be supplemented by additional standards approved as part of the applicable Final Master PUD Development Plan.

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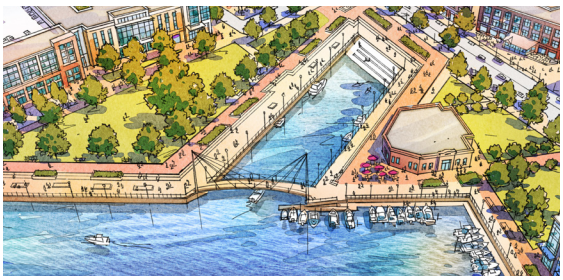
TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
PUD–MU (Mixed Use) This District is to allow for utilization of the Planned Unit Development process under TSA Section 13–4–310, implementation of the Comprehensive Plan, and review and approval of a Master PUD Development Plan that complies with these standards and establishes them and other standards as entitlements for a property, including a customized combination of permitted Uses, Building Types, Private Frontage Types, Setbacks and Yards, and Thoroughfares and Internal Drives. Specifically, this District is intended for Commercial, Office, Mixed Use, and Multifamily Uses on sites where there are sufficient existing infrastructure, services, and utilities available for a proposed Development. Development in this District (a) is walkable and provides a diverse mixture of housing choices and Building Types, (b) is necessary to implement and is consistent with the Comprehensive Plan, (c) cannot under any circumstances, plan, or design conform to one or more of the other Districts and standards therefor due to its necessary and intrinsic Uses or size or form, (d) provides an innovative plan and design, (e) is harmonious with and respects the land use, character, and natural or man–made features of both the subject property and Adjacent property, (f) promotes quality and environmentally sensitive planning and design by taking advantage of special site characteristics, locations and land uses, (g) provides Civic Space, (h) is the best use of the site consistent with the goals of protecting and enhancing the natural environment. There are specific Development standards provided for this District, which may be supplemented by additional standards approved as part of the applicable Final Master PUD Development Plan.	
PUD–RES **PUD–C** **PUD–OP** **PUD–VC** **PUD–I** **PUD–B1** **PUD–B3** **PUD–CEG** **PUD–CRS** **PUD–GRS** **PUD–R1** **PUD–R2** **PUD–R6** **PUD–RM1** **PUD–RM2** **PUD–RS6** **PUD–RS10**	Per applicable approved Master PUD Development Plan
	**CV (Civic District)** Civic District (CV) is assigned to areas designated for Civic purposes. These may be Open Space of one or more Civic Space Types allowed within or Adjacent to any specific Character District or Special District, as well as sites dedicated to significant Buildings to be used for Civic purposes, such as City Halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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14. Planned Unit Development District – PUD-R2 (Applicable and available only to PUDs Established Prior to Effective Date)

15. Planned Unit Development District – PUD-R6 (Applicable and available only to PUDs Established Prior to Effective Date)

16. Planned Unit Development District – PUD-RM1 (Applicable and available only to PUDs Established Prior to Effective Date)

17. Planned Unit Development District – PUD-RM2 (Applicable and available only to PUDs Established Prior to Effective Date)

18. Planned Unit Development District – PUD-RS6 (Applicable and available only to PUDs Established Prior to Effective Date)

19. Planned Unit Development District – PUD-RS10 (Applicable and available only to PUDs Established Prior to Effective Date).

D. Civic District

3.7.2 Base District Groupings

A. Residential

Where the phrase "Residential District" or Residentially-zoned" is used in this Ordinance, the phrase shall be construed to include the following Districts:

1. Character District CD-2 (Rural)

2. Character District CD-3L (Neighborhood – Large Lot)

3. Character District CD-3 (Neighborhood)

4. Any portion of Character District CD-4 (General Urban) used or available for Residential Use

5. Any portion of Character District CD-4C (General Urban – Corridor) used or available for Residential Use

6. Any portion of Character District CD-5 (Urban Center) used or available for Residential Use

7. Any portion of Character District CD-5C (Urban Center-Corridor) used or available for Residential Use

8. Special District SD-MHP

9. Any portion of Special District SD-INT (Interstate) used or available for Residential Use

10. Planned Unit Development District PUD-R

11. Any portion of Planned Unit Development District PUD-COMUMF used or available for Residential Use

12. Any portion of Planned Unit Development District PUD-VC used or available for Residential Use

13. Planned Unit Development District PUD-RES.

B. Commercial

Where the phrase "Commercial District" or "Commercially-zoned" is used in this Ordinance, the phrase shall be construed to include the following Districts:

1. Any portion of Character District CD-4 (General Urban) not used or available for Residential Use

2. Any portion of Character District CD-4C (General Urban – Corridor) not used or available for Residential Use

3. Any portion of Character District CD-5 (Urban Center) not used or available for Residential Use

4. Any portion of Character District CD-5C (Urban Center-Corridor) not used or available for Residential Use

5. Any portion of Planned Unit Development District PUD-COMUMF not used or available for Residential Use

6. Any portion of Planned Unit Development District PUD-VC not used or available for Residential Use

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7. Planned Unit Development District PUD-C

8. Planned Unit Development District PUD-OP

9. Any portion of Planned Unit Development District PUD-VC not used or available for Residential Use.

C. Industrial

Where the phrase "Industrial District" or "Industrially-zoned" is used in this Ordinance, the phrase shall be construed to include the following districts:

1. Special District – SD-LI (Light Industrial)

2. Special District - SD-HI (Heavy Industrial)

3. Planned Unit Development District PUD-I.

D. Non-Residential

Where the phrase "Non-residential District" is used in this Ordinance, the phrase shall be construed to include any of the Districts or portions thereof listed in Sections 3.7.2.B and 3.7.2.C.

3.7.3 Overlay Districts.

A. General

In addition to the base Districts established pursuant to Section 3.7.1 (excluding those established under previous zoning ordinances), property may be subject to regulation as one of the Overlay Districts established pursuant to Section 3.7.3.B, as designated on the Official Zoning Map.

Within an applicable Overlay District, the additional regulations, standards, and requirements of such Overlay District either supplement or replace those of the underlying base District, as provided for each Overlay District.

B. Establishment

The following Overlay Districts are hereby established, each of which shall be subject to the standards and regulations referenced below:

1. Floodplain Overlay District & Flood Fringe Overlay Districts

a. Floodway Overlay District

b. Flood Fringe Overlay District

Development within the Floodway Overlay District and Flood Fringe Overlay District, as designated on the Official Zoning Map, shall conform to the standards and regulations established in Section 6.12. A Floodplain Development Permit, as described in Section 8.5.7, may be required in addition to other applicable permits.

2. Historic Overlay District

Each Historic District designated as such pursuant to Section 8.5.12 shall be placed within the Historic Overlay District and shall be subject to all requirements thereof in addition to the requirements of Section 8.5.12-8.5.14.

Without limitation, projects and activities within the Historic Overlay District, as designated on the Official Zoning Map, may be subject to additional standards and require additional permits, including a Certificate of Appropriateness pursuant to Section 8.5.13.

All activities that require a Certificate of Appropriateness are subject to review and recommendation by the Historic Commission.

A copy of the standards applicable to each approved Historic District may be obtained from the Zoning Administrator.

3. Arts District Overlay

a. The Arts District Overlay is established in order to encourage the enhancement of Arts-Related Uses. The Arts District Overlay is also intended to enhance the community and region as a cultural center for a variety of Uses such as educational services, housing, small scale retail, and office uses to promote the growth of creative industries

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while supporting strong pedestrian character and scale throughout the Arts District Overlay.

b. This is intended for properties within the approved Arts District Overlay boundaries as presented and ratified by City Council. The regulations of the Arts District Overlay either supplement or replace the regulations of the underlying zoning district as described herein.

c. All appeal applications for Arts-Related Uses within the Arts District Overlay outside the underlying base District allotments for Arts-Related Uses shall be reviewed by the Columbia Arts Council (CAC). The CAC may approve, approve with conditions, or deny any application.

d. There shall be no underlying base District Variances within the Arts District Overlay except as granted separately by the Board of Zoning Appeals.

SECTION 3.8 ESTABLISHMENT OF ADDITIONAL DISTRICTS.

A. City Council Approval.

Districts in addition to those established and described in Section 3.7, Table 3.7.1 (District Descriptions – Summary), and Tables 4.3.1-A – 4.3.1-U (District Standards) shall be subject to City Council establishment and assignment of standards and requirements by Zoning Ordinance Amendment pursuant to Section 8.5.18.

B. Map Amendment.

Zoning or re-zoning of property to any District established pursuant to this Section shall be subject to approval of a Zoning Map Amendment pursuant to Section 8.5.19.

SECTION 3.9 ELEMENTS & STANDARDS.

Development, re-Development, land, Structures, Buildings, Improvements, Lots, Building Sites, and Development Parcels within each District must include the elements indicated for such District throughout this Ordinance and must comply with the applicable District general description and intent thereof and the standards applicable to such District set forth in **Table 3.7.1 (District Descriptions – Summary), Tables 4.3.1-A – 4.3.1-U (District Standards),** and elsewhere in this Ordinance.

SECTION 3.10 ADDITIONAL REQUIREMENTS.

In addition to all standards and requirements that are applicable to a specific District, all Development, re-Development, land, Structures, Buildings, Improvements, Lots, and Building Sites within Districts must comply with all other applicable standards and requirements of this Ordinance, including without limitation, the Supplemental Standards set forth in Article 6 and the Sign Standards set forth in Article 7.

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ARTICLE 4: BUILDING, LOT & BUILDING SITE STANDARDS

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SECTION 4.1
GENERAL

This Article applies to all Buildings, Lots, and Building Sites located or proposed within the City, except as otherwise provided in Section 1.22 with respect to Nonconformities.

SECTION 4.2
PLAN REQUIRED.

No Building shall be constructed, re-constructed, Altered, modified, raised, moved, extended, reduced, or enlarged, and no Lot or Building Site or other land shall be Developed, re-Developed, Improved, subdivided, or re-subdivided, and none of the same shall be used, except in compliance with this Article 4, the Official Zoning Map, and pursuant to a Development Plan or Master PUD Development Plan that conforms with and has been prepared, submitted, reviewed and approved in accordance with Article 8 (Administration, Procedures & Enforcement), this Article 4, and all other standards and requirements applicable thereto.

SECTION 4.3
BUILDING, LOT & BUILDING SITE STANDARDS

4.3.1 District Buildings, Lots & Building Sites

The standards for Buildings, Lots, and Building Sites within Districts are set forth in this Section 4.3 and elsewhere in this Ordinance.

4.3.2 Civic District Buildings & Lots

A. Definitions.

The terms Civic District, Civic Space and Civic Building are defined in Article 9 (Definitions).

B. Design; Compliance.

If a Building, Lot, or Building Site is located within an area designated on the Official Zoning Map as Civic District, Civic Space or Civic Building.

1. Civic Space shall be designed generally as described in **Table 5.3.3-A (Civic Space Types – Summary)** and **Table 5.3.3-B (Civic Space Types – Specific Standards)**, as related to the Adjacent District, or if Adjacent more than one, as related to the Adjacent District with the largest number of linear feet of common boundary with the Civic Space.

2. Development, re-Development, Lots, Buildings, Building Sites, Structures, and Improvements and Use thereof within Civic Districts must comply with the applicable standards and requirements of **Table 4.3.1-U (District Standards-Civic)**, subject, however, to Section 4.3.2.B.4.

3. Without limitation to Section 4.3.2.B.2, Civic Buildings within Civic Districts must comply with the standards and requirements of **Table 4.3.1-U (District Standards-Civic)** and any other requirements as may be determined by the City Council.

4. Buildings operated for Civic purposes but not located within a Civic District must comply with the applicable District standards of the District in which they are situated.

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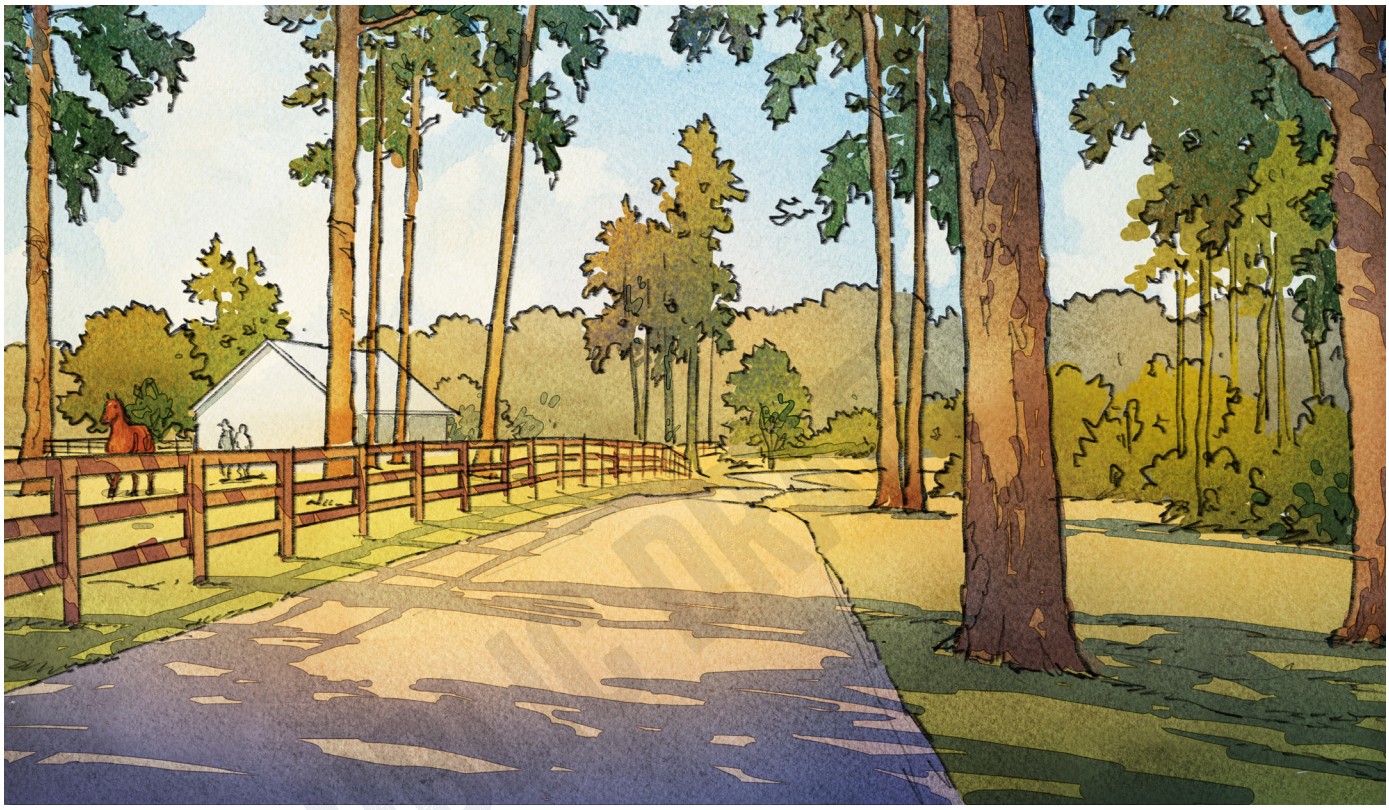
CD–2 TABLE 4.3.1–A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT



General Description

The CD–2 Rural Character District consists of sparsely settled, primarily agricultural or low density single–family detached Residential areas. Typical buildings include farmhouses and agricultural buildings. CD–2 is an appropriate District for the Rural Countryside Character Area described in the Comprehensive Plan.

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

1 Density Unit per 5 acres max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	NR

Private Frontage Types

Common Yard	P	Stepfront	NP
Porch	P	Shopfront	NP
Fence	P	Gallery	NP
Terrace/Lightwell	NP	Arcade	NP
Forecourt	NP	Officefront	NP
Stoop	NP		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	NP	Community Garden	P
Plaza	NP	Pocket Park	NP

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings

Principal Building	1 max
Accessory Buildings	2 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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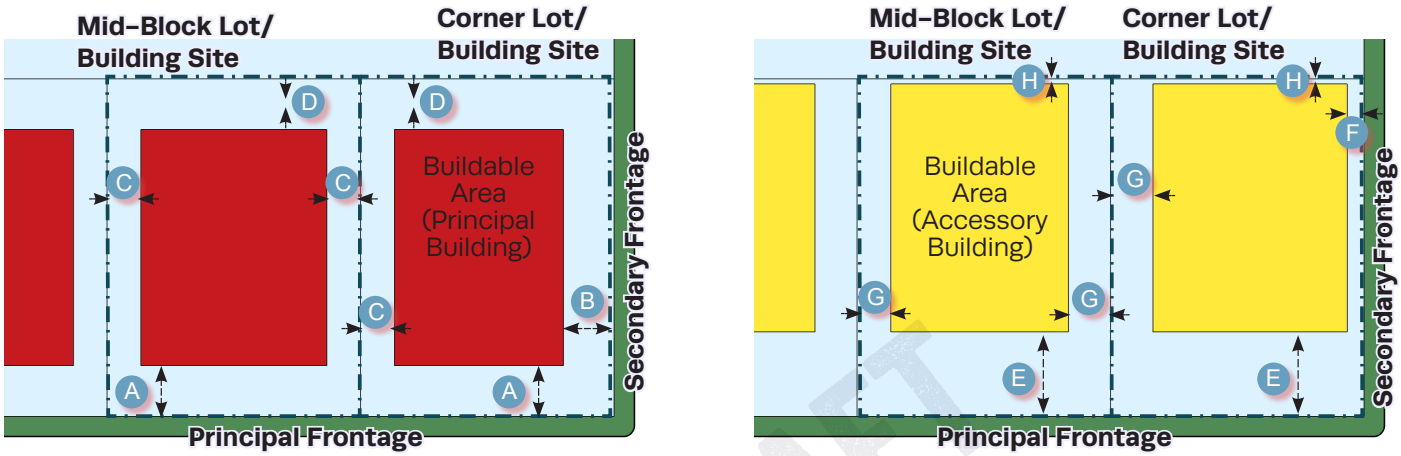
CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT



Lot Occupation

Lot/Building Site Width	125 ft. min
Frontage Buildout	NR
Lot/Building Site Area	12,500 sq. ft. min.
Impervious Surface Coverage	NR
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setbacks / Yards

Setbacks / Yards– Principal Building

Front Setback / Yard, Principal Frontage	30 ft. min	A
Front Setback / Yard, Secondary Frontage	30 ft. min	B
Side Setback / Yard, each side	20 ft. min	C
Rear Setback	30 ft. min; or 15 ft. min. from center line of Rear Alley	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. + Principal Building Front Setback / Yard	E
Front Setback / Yard, Secondary Frontage	30 ft. min.	F
Side Setback / Yard, each side	20 ft. min	G
Rear Setback	5 ft. min	H

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	3 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	NR
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Except House Building Types, must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	Except House Building Types, windows and/or doors spaced ≤ 20 ft. apart. Except House Building Types, in Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	Except House Building Types, 20% – 60% of total Facade area
Window Shape	Except House Building Types, square or vertical in proportion, except for transoms.
Window Alignment	Except House Building Types, upper floor windows and other features must be aligned with those of first floor.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Window Types	Except House Building Types, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types.
Window Glazing Material	Except House Building Types, clear glass (R) for all Elevations.
Window Trim in 1st Layer	Except House Building Types, min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	Except House Building Types, and if any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	(NR)
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	(NR)
Facade Variety	(NR)

Roof Type & Pitch

Flat	(NP)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards (continued)

Primary Building Material on Facades	Brick	P	Exposed concrete	NP
	Natural stone	P	Vinyl siding	P
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
	Authentic stucco over masonry	P		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	NR			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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Building Types

House	P	Commercial	NP
Duplex	NP	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Mid-Rise	NP
Large Multifamily	NP	Large Scale Commercial	NP
Live/Work	NP	Civic	P

See Table 4.3.8.A (Principal Building Types - Summary) and Table 4.3.8.B (Principal Building Types - Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 2nd or 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width.
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10'-20' in 1st Layer
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	NA
Drive-Through Locations	NA

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	NP	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	P	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	P	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-2 TABLE 4.3.1-A DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 3.5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 3.5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NA (Uses not permitted in District)
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antenna Screening	NR
HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

General Description

The CD-3L Neighborhood Large Lot Character District consists of primarily a low density single-family detached Residential area in which House is the predominant Building Type. It has large lots, medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and may include Sidewalks and/or street trees, and form medium to large blocks. CD-3L is an appropriate District for the Suburban Neighborhood Character Area described in the Comprehensive Plan.

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

2 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	3600 ft. max

Private Frontage Types

Common Yard	P	Stepfront	NP
Porch	P	Shopfront	NP
Fence	P	Gallery	NP
Terrace/Lightwell	NP	Arcade	NP
Forecourt	NP	Officefront	NP
Stoop	NP		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	NP	Community Garden	P
Plaza	NP	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	2 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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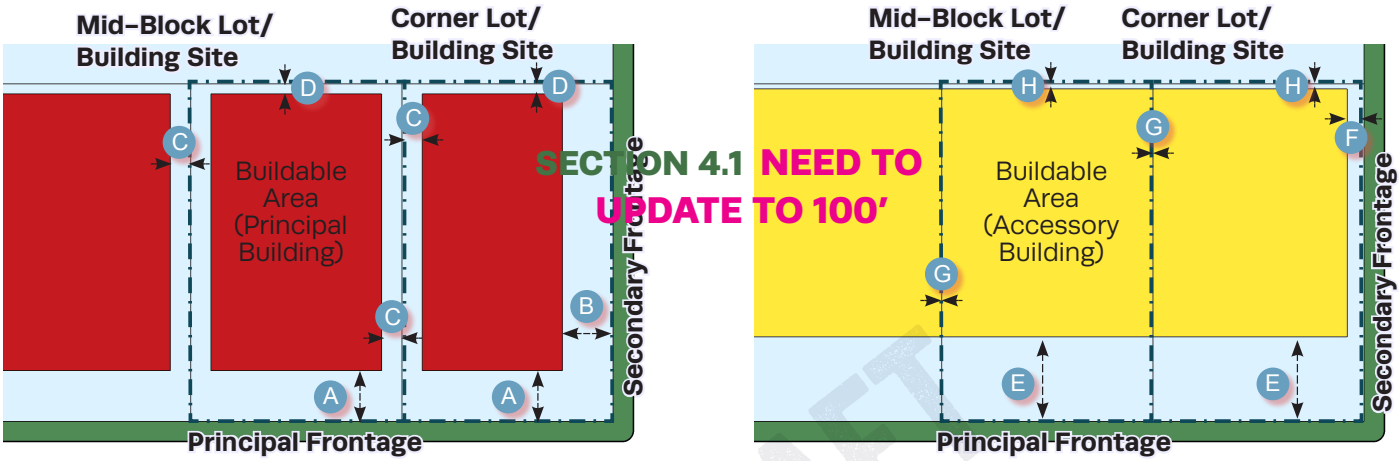
CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT



Lot Occupation

Lot/Building Site Width	100 ft. min
Frontage Buildout	NR
Lot/Building Site Area	NR
Impervious Surface Coverage	NR
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	30 ft. min	A
Front Setback / Yard, Secondary Frontage	30 ft. min	B
Side Setback / Yard, each side	12 ft. min	C
Rear Setback / Yard	30 ft. min; or 15 ft. min. from center line of Rear Alley	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	30 ft. min.	F
Side Setback / Yard, each side	10 ft. min	G
Rear Setback / Yard	5 ft. min; or 15 ft. min. from center line of Rear Alley	H

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	3 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	NR
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Except House Building Types, must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	Except House Building Types, windows and/or doors spaced ≤ 20 ft. apart. Except House Building Types, in Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	Except House Building Types, 20% – 60% of total Facade area
Window Shape	Except House Building Types, square or vertical in proportion, except for transoms.
Window Alignment	Except House Building Types, upper floor windows and other features must be aligned with those of first floor.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Building Standards (continued)

Window Types	Except House Building Types, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types.

Facade (continued)

Window Glazing Material	Except House Building Types, clear glass (R) for all Elevations.
Window Trim in 1st Layer	Except House Building Types, min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	Except House Building Types, and if any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	(NR)
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	(NR)
Facade Variety	(NR)

Roof Type & Pitch

Flat	(NP)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Building Standards (continued)

Primary Building Material on Facades	Brick	P	Exposed concrete	NP
	Natural stone	P	Vinyl siding	P
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
	Authentic stucco over masonry	P		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	NR			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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Building Types

House	P	Commercial	NP
Duplex	NP	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Mid-Rise	NP
Large Multifamily	NP	Large Scale Commercial	NP
Live/Work	NP	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 2nd or 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width.
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10-20 ft. in 1st Layer
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	NA
Drive-Through Locations	NA

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	NP	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	P	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	P	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L TABLE 4.3.1-B DISTRICT STANDARDS: NEIGHBORHOOD LARGE LOT CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 3.5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 3.5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NA (Uses not permitted in District)
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antenna Screening	NR
HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

General Description

The CD-3 Neighborhood District consists of primarily a medium density single-family detached Residential area in which House is the predominant Building Types. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and may include Sidewalks and/or street trees, and form medium to large blocks. CD-3 is an appropriate District for the Suburban Neighborhood Character Area, the Tom Hitch Special Area, and the Bear Creek Pike "Node" Special Area described in the Comprehensive Plan.

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

6 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2800 ft. max

Private Frontage Types

Common Yard	P	Stepfront	NP
Porch	P	Shopfront	NP
Fence	P	Gallery	NP
Terrace/Lightwell	NP	Arcade	NP
Forecourt	NP	Officefront	NP
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	NP	Community Garden	P
Plaza	NP	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	2 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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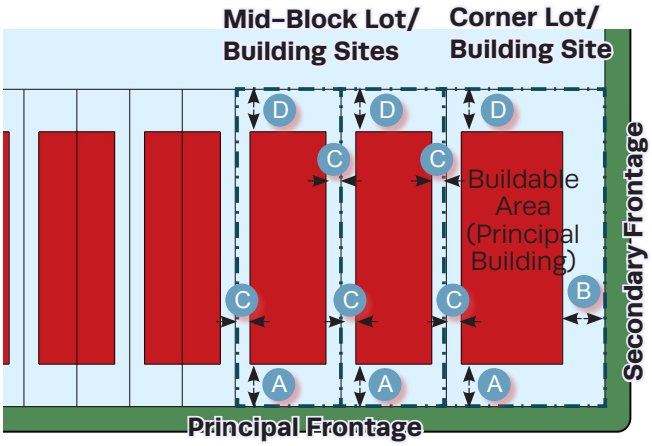
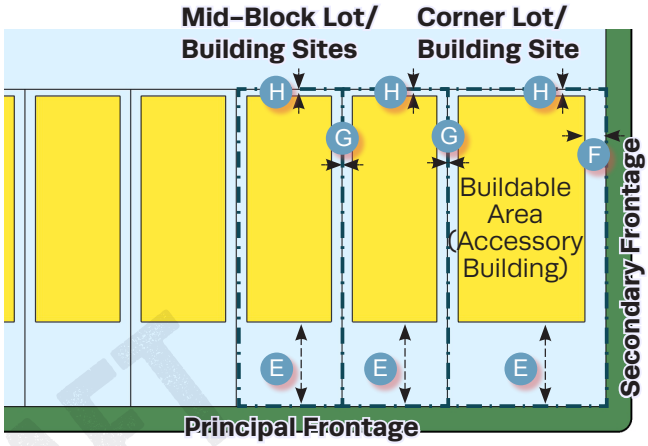
CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	House: 40 ft min if Alley loaded Garage at rear, otherwise 65 ft min. Duplex: 40 ft. min for each unit of Duplex Civic: 50 ft min.
Frontage Buildout	50% min
Lot/Building Site Area	NR
Impervious Surface Coverage	50% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	25 ft. min	A
Front Setback / Yard, Secondary Frontage	20 ft. min	B
Side Setback / Yard, each side	8 ft. min	C
Rear Setback / Yard	25 ft. min; or 15 ft. min. from center line of Rear Alley	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	10 ft. min.	F
Side Setback / Yard, each side	5 ft. min	G
Rear Setback / Yard	5 ft. min; or 15 ft. min. from center line of Rear Alley	H

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	3 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	NR
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Except House Building Types, must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	Except House Building Types, windows and/or doors spaced ≤ 20 ft. apart. Except House Building Types, in Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	Except House Building Types, 20% – 60% of total Facade area
Window Shape	Except House Building Types, square or vertical in proportion, except for transoms.
Window Alignment	Except House Building Types, upper floor windows and other features must be aligned with those of first floor.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards (continued)

Window Types	Except House Building Types, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types.

Facade (continued)

Window Glazing Material	Except House Building Types, clear glass (R) for all Elevations.
Window Trim in 1st Layer	Except House Building Types, min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	Except House Building Types, and if any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	(NR)
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	(NR)
Facade Variety	(NR)

Roof Type & Pitch

Flat	(NP)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards (continued)

Primary Building Material on Facades	Brick	P	Exposed concrete	NP
	Natural stone	P	Vinyl siding	P for Residential Use only
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
	Authentic stucco over masonry	P		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	NR			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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Building Types

House	P	Commercial	NP
Duplex	P	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Mid-Rise	NP
Large Multifamily	NP	Large Scale Commercial	NP
Live/Work	NP	Civic	P

See Table 4.3.8.A (Principal Building Types - Summary) and Table 4.3.8.B (Principal Building Types - Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of asphalt, concrete or other hard surface
Garage Location	P in 2nd or 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width.
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft. max. in 1st Layer
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	NA
Drive-Through Locations	NA

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	P	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	P	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 3.5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 3.5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NA (Uses not permitted in District)
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antenna Screening	NR
HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

General Description

The CD-4 General Urban Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail / Personal Service / Artisan, Office, Lodging and Civic Uses; there are medium, shallow or no front Setbacks and narrow to medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium-sized blocks. CD-4 is an appropriate District for the Urban Neighborhood Character Area, the Employment Character Area, the Tom Hitch Special Area, the Industrial Road Special Area, the Bear Creek Pike "Node" Special Area, and the Interstate Gateway Special Area as described in the Comprehensive Plan.

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

12 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2400 ft. max

Private Frontage Types

Common Yard	P	Stepfront	P
Porch	P	Shopfront	P
Fence	P	Gallery	P
Terrace/Lightwell	P	Arcade	NP
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	P	Community Garden	P
Plaza	NP	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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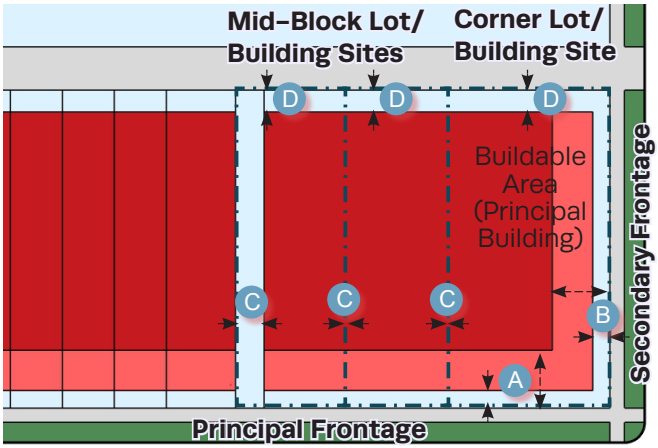
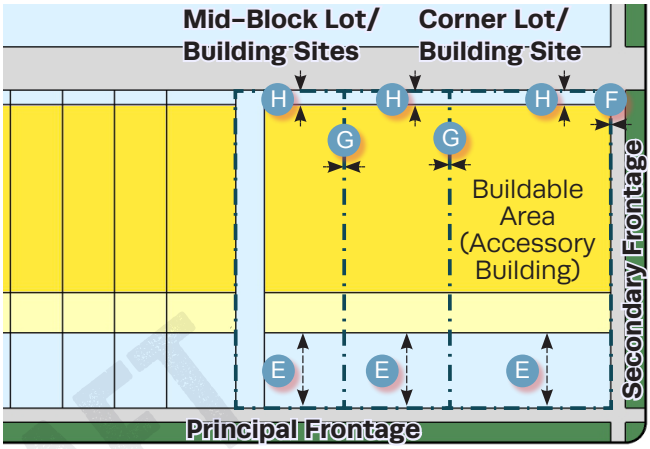
CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	House: 38 ft. min if Alley loaded Garage at rear, otherwise 50 ft min. Duplex: 30 ft. min for each unit of Duplex Townhouse: For Townhouses with each unit on its own Lot or Building Site: 18 – 36 ft. for single Townhouse unit attached to other Townhouse units X 8 max. attached Townhouse units For multiple Townhouses on a single Lot or Building Site: 18 –20 ft. per Townhouse unit X 8 max. attached Townhouse units All other Building Types: 18 ft. min. All Building Types: 120 ft. max.
Frontage Buildout	60% min
Lot/Building Site Area	NR
Impervious Surface Coverage	80% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Setback / Yards

Setback / Yards – Principal Building			Setback / Yards – Accessory Building		
Front Setback / Yard, Principal Frontage	6 ft. min., 20 ft. max	A	Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	6 ft. min., 20 ft. max	B	Front Setback / Yard, Secondary Frontage	0 ft. min.	F
Side Setback / Yard, each side	0 ft. min. between individual Townhouse Units & Duplex units; otherwise 6 ft. min.	C	Side Setback / Yard, each side	0 ft. min.	G
Rear Setback	3 ft. min; or 15 ft. min. from center line of Rear Alley	D	Rear Setback	3 ft. min. or 5 ft. min. if Garage door faces Rear Alley	H

Building Standards

Building Height*

Principal Building	3 Stories max.
Accessory Building	2 Stories max.

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	If Residential: 18 in. min., 48 in. max. above avg. grade at Facade

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages. If Shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line

LEGEND The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Building Standards (continued)

Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	A Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A-3**)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types.
Window Glazing Material	Clear glass R for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential, 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.-24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	P

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS:
GENERAL URBAN CHARACTER DISTRICT

Building Standards (continued)

Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	If pitched, 6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Exposed concrete	NP
	Natural stone	P	Vinyl siding	P for House Building Type only, otherwise NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
	Authentic stucco over masonry	P		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Building Types

House	P	Commercial	P
Duplex	P	Mixed Use	P
Townhouse	P	Flex	P
Small Multifamily	P	Mid-Rise	NP
Large Multifamily	P	Large Scale Commercial	NP
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types - Summary) and Table 4.3.8.B (Principal Building Types - Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors.
Driveway/Vehicular Entrance Location	P in any Layer

LEGEND The following notations are utilized in this table.

P Permitted | NP Not Permitted | NA Not Applicable | R Required | NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS:
GENERAL URBAN CHARACTER DISTRICT

Parking & Circulation (continued)

Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer if Residential; 24 ft max. in 1st Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (**Not including water meters)*	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

LEGEND
The following notations are utilized in this table.

P Permitted | NP Not Permitted | NA Not Applicable | R Required | NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

Private Landscaping and Fencing

Landscaping

R continuous shrubs around foundation at Facade if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P Only picket type allowed at Frontage; other types allowed on sides and at rear	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4 TABLE 4.3.1-D DISTRICT STANDARDS: GENERAL URBAN CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C TABLE 4.3.1–DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

General Description

The CD-4C General Urban – Corridor Character District consists of a medium density area along a corridor. It provides for a balanced automobile– and pedestrian– oriented built environment and a mix of Building Types and primarily Residential, Retail / Personal Service / Artisan, Office, Lodging and Civic Uses; there are medium, narrow or no front Setbacks and narrow to medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium–sized blocks. CD-4C is an appropriate District for the Suburban Corridor Character Area, the Employment Character Area, the Urban Corridor Character Area, the Tom Hitch Special Area, the Bear Creek Pike "Node" Special Area the Neapolis Special Area described in the Comprehensive Plan.

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CD-4C TABLE 4.3.1-E DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

12 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2400 ft. max

Private Frontage Types

Common Yard	P	Stepfront	NP
Porch	P	Shopfront	P
Fence	P	Gallery	P
Terrace/Lightwell	P	Arcade	NP
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	NP	Playground	P
Green	NP	Sport Field	NP
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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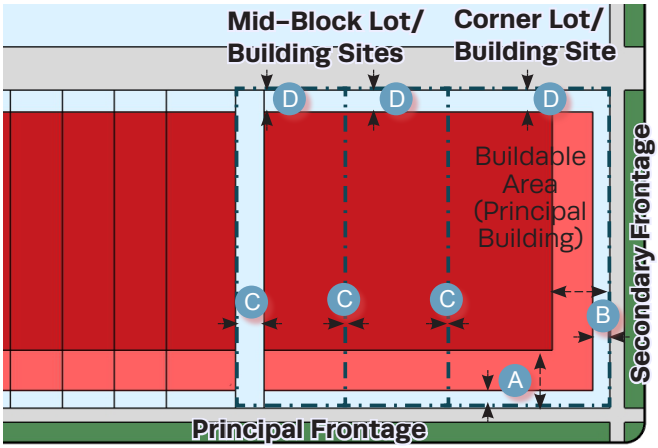
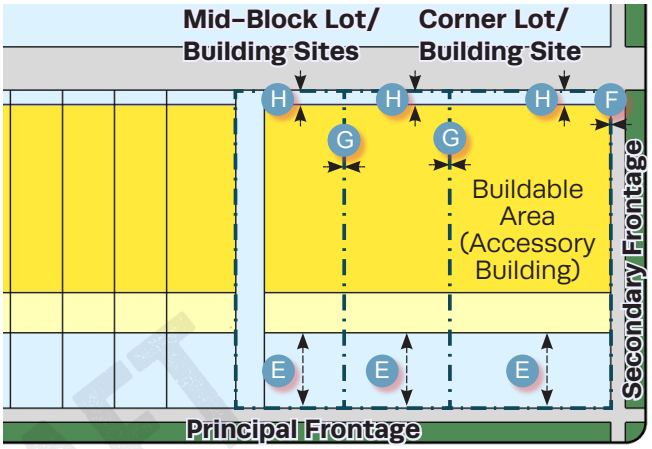
CD-4C TABLE 4.3.1–DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	House: 38' min if Alley loaded Garage at rear, otherwise 50 ft min. Duplex: 30 ft. min for each unit of Duplex Townhouse: For Townhouses with each unit on its own Lot or Building Site: 18 – 36 ft. for single Townhouse unit attached to other Townhouse units X 8 max. attached Townhouse units For multiple Townhouses on a single Lot or Building Site: 18 –20 ft. per Townhouse unit X 6 max. attached Townhouse units All other Building Types: 18 ft. min. All Building Types: 120 ft. max.
Frontage Buildout	60% min.
Lot/Building Site Area	NR
Impervious Surface Coverage	80% max.
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	6 ft. min., 20 ft. max	A
Front Setback / Yard, Secondary Frontage	6 ft. min., 20 ft. max	B
Side Setback / Yard, each side	0 ft. min. per side	C
Rear Setback	3 ft. min; or 15 ft. min. from center line of Rear Alley	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	0 ft. min.	F
Side Setback / Yard, each side	0 ft. min	G
Rear Setback	3 ft. min. or 5 ft. min. if Garage door faces Rear Alley	H

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CD-4C TABLE 4.3.1-E DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	4 Stories max.
Accessory Building	2 Stories max.

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages. If Shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	Except for House Building Types, a Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A-3**)

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C TABLE 4.3.1–DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area, min. for Shopfront.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.–24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(P)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-4C TABLE 4.3.1-E DISTRICT STANDARDS:
GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Building Standards (continued)

Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

Building Types

House	P	Commercial	P
Duplex	P	Mixed Use	P
Townhouse	P	Flex	P
Small Multifamily	P	Mid-Rise	NP
Large Multifamily	P	Large Scale Commercial	P
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C TABLE 4.3.1–DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On–Street Parking	Off–Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on–Street, except for delivery and Temporary Use of trailers	P in 3rd Layer only, and in Driveway
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off–Street Parking Surface	Prepared surface of asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer if Residential; 24 ft max. in 1st Layer if non–Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C TABLE 4.3.1-E DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CD-4C TABLE 4.3.1–DISTRICT STANDARDS:
GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

R continuous shrubs around foundation at Facade if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P Only picket type allowed at Frontage; other types allowed on sides and at rear	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C TABLE 4.3.1-E DISTRICT STANDARDS: GENERAL URBAN CORRIDOR CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

General Description

The CD-5 Urban Center Character District consists of higher density Mixed Use areas. It has a tight network of Thoroughfares with Sidewalks, street lights and regular tree spacing, defining medium-sized blocks. Buildings are set close to the Sidewalks. CD-5 is an appropriate District for the Urban Neighborhood Character Area, the Center Character Area, the Inner Core (Downtown) Special Area, and the Neapolis Special Area described in the Comprehensive Plan.

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

12 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2,000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block

Private Frontage Types

Common Yard	NP	Stepfront	P
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	NP	Playground	P
Green	NP	Sport Field	NP
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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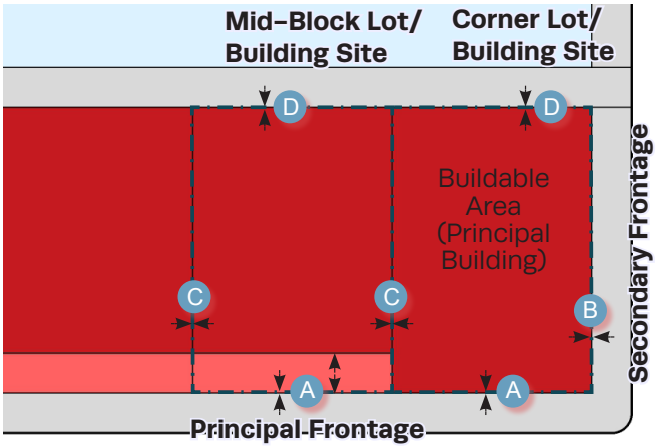
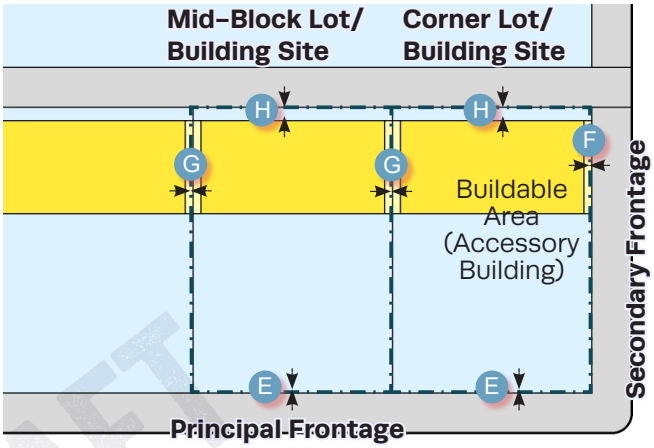
CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	Townhouse: For Townhouses with each unit on its own Lot or Building Site: 18 – 36 ft. for single Townhouse unit attached to other Townhouse units X 8 max. attached Townhouse units For multiple Townhouses on a single Lot or Building Site: 18 –20 ft. per Townhouse unit X 6 max. attached Townhouse units All other Building Types: 18 ft. min. All Building Types: 120 ft. max.
Frontage Buildout	80% min
Lot/Building Site Area	NR
Impervious Surface Coverage	100% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 ft. at corners; 0 ft. min; 15 ft. max. elsewhere	A
Front Setback / Yard, Secondary Frontage	0 ft. at corners; 0 ft. min; 15 ft. max. elsewhere	B
Side Setback / Yard, each side	0 ft. min; 24 ft. max. per side	C
Rear Setback	NR	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	40 ft. max. from rear property line	E
Side Setback / Yard	3 ft. max	F
Rear Setback / Yard	3 ft. min. or 5 ft min. if Garage door faces Rear Alley	G

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	2 Story min; 4 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	If Residential: 18 in. min., 48 in. max. above avg. grade at Facade

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages. If Shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	A Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See illustration)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area, min. for Shopfront.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.-24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(P)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Building Standards (continued)

Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

Building Types

House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Townhouse	P	Flex	P
Small Multifamily	P	Mid-Rise	P
Large Multifamily	P	Large Scale Commercial	NP
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	P in 3rd Layer only, and in Driveway
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of asphalt, concrete or other hard solid surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	24 ft max. in 1st Layer, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

NA if paved or ≤3 ft Front Setback / Yard; Otherwise, shrubs continuous around foundation at Facade. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P at sides and rear only	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P at sides and rear only	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at property line, must be set back 10 ft. from property line.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5 TABLE 4.3.1-F DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

General Description

The CD-5C Urban Center-Corridor Character District consists of higher density Mixed Use areas. It provides for a balanced automobile- and pedestrian- oriented built environment, a mix of Building Types and primarily has a tight network of Thoroughfares with Sidewalks, street lights and regular tree spacing, defining medium-sized blocks. Buildings are set close to the Sidewalks. CD-5C is an appropriate District for the Urban Corridor Character Area, the South Central (James Campbell) Special Area, and the Neapolis Special Area described in the Comprehensive Plan.

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

12 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2,000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block

Private Frontage Types

Common Yard	NP	Stepfront	NP
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	NP	Playground	P
Green	NP	Sport Field	NP
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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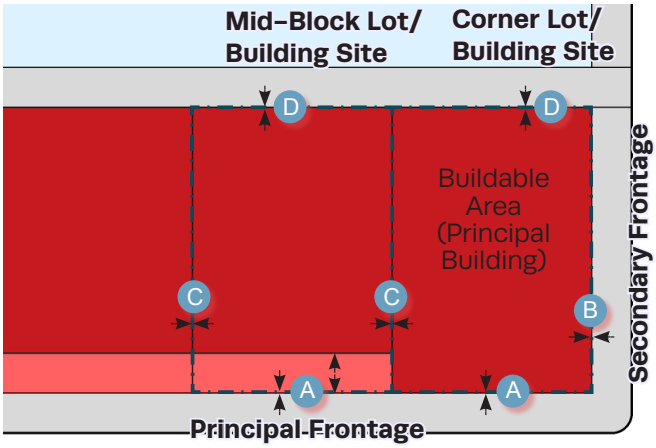
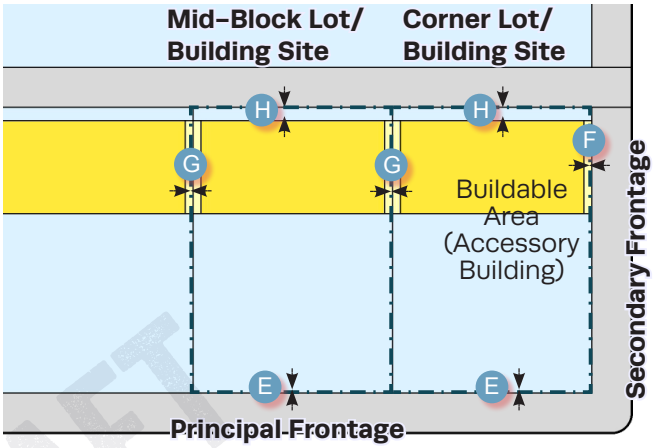
CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	Townhouse: For Townhouses with each unit on its own Lot or Building Site: 18 – 36 ft. for single Townhouse unit attached to other Townhouse units X 8 max. attached Townhouse units For multiple Townhouses on a single Lot or Building Site: 18 –20 ft. per Townhouse unit X 8 max. attached Townhouse units All other Building Types: 18 ft. min. All Building Types: 120 ft. max.
Frontage Buildout	80% min
Lot/Building Site Area	NR
Impervious Surface Coverage	100% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Lots or Building Sites within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 ft. at corners; 0 ft. min; 15 ft. max. elsewhere	A
Front Setback / Yard, Secondary Frontage	0 ft. at corners; 0 ft. min; 15 ft. max. elsewhere	B
Side Setback / Yard, each side	0 ft. min; 24 ft. max. per side	C
Rear Setback	NR	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	40 ft. max. from rear property line	E
Side Setback / Yard	3 ft. max	F
Rear Setback / Yard	3 ft. min. or 5 ft min. if Garage door faces Rear Alley	G

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CD-5C TABLE 4.3.1–G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	2 Story min; 4 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	If Residential: 18 in. min., 48 in. max. above avg. grade at Facade

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages. If Shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	Except for House Building Types, a Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A–3**)

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area, min. for Shopfront.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.–24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(P)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS:
URBAN CENTER CORRIDOR CHARACTER DISTRICT

Building Standards (continued)

Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

Building Types

House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Townhouse	P	Flex	P
Small Multifamily	P	Mid-Rise	P
Large Multifamily	P	Large Scale Commercial	P
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	P in 3rd Layer only, and in Driveway
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	24 ft max. in 1st Layer, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

NA if paved or ≤ 3 ft Front Setback / Yard; Otherwise, shrubs continuous around foundation at Facade. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P at sides and rear only	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P at sides and rear only	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-5C TABLE 4.3.1-G DISTRICT STANDARDS: URBAN CENTER CORRIDOR CHARACTER DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS: MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

General Description

This District is designed to provide suitable areas for Manufactured Home Parks where sufficient urban facilities are available prior to Development. Manufactured Homes and Buildings necessary to support the Residential occupancy of Manufactured Homes are permitted. This District is intended also to permit community facilities and public utility installations that are necessary to service specifically the residents of this District, or which are benefited by and compatible with a Residential environment.

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS:
MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

6 Density Units per acre max

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2,400 ft. max

Private Frontage Types

Common Yard	NP	Stepfront	P
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

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Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	NP	Community Garden	P
Plaza	NP	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

ARTICLE 4

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS: MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Number of Buildings Per Lot or Building Site

Principal Building	1 max. per Manufactured Home Site or Building Site
Accessory Buildings	1 max. per Manufactured Home Site or Building Site

Manufactured Home Site / Building Site / Manufactured Home Park Occupation

Manufactured Home / Building Site Width	Residential: (1) Non-Residential Use: 60 ft. min.
Manufactured Home Park Minimum Street/Highway Frontage	50 ft min.
Frontage Buildout	If non-mobile: 40% min; otherwise NR
Manufactured Home Site/ Building Site Depth	NR
Manufactured Home Site/ Building Site Area	Residential Use: 6,000 sf. min. Non-Residential Use: 10,000 sf. min.
Manufactured Home Stand	max. 25% of Manufactured Home Site
Impervious Surface Coverage	35% max
Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Manufactured Home Sites of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody if such Manufactured Home Sites have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement. All Manufactured Home Sites must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards

Setback / Yards – Street Yard

Street Yard-Arterial	Residential: (1) Non-Residential: 50 ft. min	A
Street Yard-Collector	Residential: (1) Non-Residential: 50 ft. min	A
Street Yard-Minor	Residential: (1) Non-Residential: 50 ft. min	A

Setback / Yards – Side and Rear Yard

Side Yard-Per side	Residential: (1) Non-Residential: 2 Stories or less 15 ft. min; 3 or more Stories 25 ft. min	B
Side Yard-Total	Residential: (1) Non-Residential: NR	B
Rear Yard	Residential: (1) Non-Residential: 20 ft. min	?

Notes:
(1) Within a Manufactured Home Park, dimensional standards shall be as required for the park. All other Residential uses of a Manufactured Home (including a Manufactured Home not in a park) shall conform to the standards of the CD-3 Character District.

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS:
MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Building Standards

Building Height*

Principal Building	2 Stories max
Accessory Building	2 Stories max

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	NR
Finished Floor Level	NR
Support piers, plumbing, HVAC, hitch and wheels	R to be concealed by apron between floor level and ground on all sides, including beneath Porch or Stoop

Facade

Main Entrance	If non-mobile: R prominently located on Facade at Principal Frontage; otherwise NR
Facade Position	If non-mobile: Parallel to straight Frontage Line or to tangent of curved Frontage Line; otherwise NR
Blank Walls	NP at Frontage
Facade Glazing	20% – 60% of total Facade area

Roof Type & Pitch

NR

Building Materials

NR except R clear glass for windows at frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS: MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Building Types

Manufactured Homes & Associated Buildings	P

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	P in 3rd Layer only, and in Driveway
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of asphalt, concrete or other hard surface
Garage Location	P in Rear Yard only
Garage Design	NR
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. single lane; 20 ft max. width double lane
Parking Structures	NA
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS:
MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Parking & Circulation (continued)

Thoroughfares & Internal Drive Types* **Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (**Not including water meters*)	P in 3rd Layer only.
Trash Receptacle Locations – Manufactured Home Site	P in 3rd Layer only, except when moved to 1st or 2nd Layer for pickup
Community Trash Receptacle or Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate.
Drive-Through Locations	NA

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	NP	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NR		

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS:
MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

Private Landscaping and Fencing

Landscaping

Required Street Yard and any required Side Yard of a corner Manufactured Home Site must be landscaped in compliance with Section 4.3.16., including 1 tree per Manufactured Home Site and continuous shrub plantings around foundation facing Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P	Chain Link	NP
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	NP	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-MHP TABLE 4.3.1-H DISTRICT STANDARDS: MANUFACTURED HOME PARK RESIDENTIAL SPECIAL DISTRICT

Height		
	At Frontage or Adjacent to Civic Space	**Not at Frontage or Adjacent to Civic Space**
Wall Screen/Streetscreen Height	3 ft. to 3.5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 3.5 ft. at installation	5 ft. to 6 ft. at installation
Materials		
Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry	
Fence Screen or Streetscreen	Natural Wood, painted or unpainted	
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity	
Additional Standards		
Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NA (Uses not permitted in District)	
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R, except at Driveways: Parking Lots and Parking Areas must be Screened from Frontages and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages and Civic Space by Liner Buildings; Otherwise, Screening from Frontages and Civic Space must be by Building, Wall, hedge or fence, & Screening from Adjacent property must be by Building, Wall, hedge or fence.	
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element	
Self-Storage Warehouse Screening	NA (Use not permitted in District)	
Parcel Buffer	Section 4.3.11.H.	
Project Buffer	Section 5.8.	

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

General Description

This District is designed to provide space along I-65 to serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this District. Appropriate locations for this District are along I-65 in an environment of general Commercial and Mixed Use activity. Due to the high traffic volumes and general incompatibility between some of the Uses permitted within this District and those in CD-3L and CD-3 areas, this District shall not be located in or Adjacent to a CD-3L or CD-3 District. The SD-INT Special District is an appropriate District for the Interstate Gateway Special Area described in the Comprehensive Plan.

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SD-INT TABLE 4.3.1–H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

24 Density Units per acre max

Parcel Size

Parcel Size	Min. 1 gross acre

Block Size* *Applicable only to Development Parcels.

Block Perimeter	NR

Private Frontage Types

NR

Civic Space Types* *Applicable only to Development Parcels.

NR

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max. per Lot or Building Site
Accessory Buildings	1 max

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Lot Occupation	
Lot/Building Site Width	100 ft. min
Lot Frontage on Street / Highway	100 ft. min
Lot Depth	NR
Frontage Buildout	NR
Lot/Building Site Area	20,000 SF min
Impervious Surface Coverage	NR
Usable Open Space	Min. 7% of gross site area
Lot/Building Site Enfrontment	NR
Lot/Building Site Access	All Lots and Building Sites must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setback / Yards		
Setback / Yards – Principal Building		
Street Yard – Min	As applicable: 1. For sites Adjacent to a District in which a Residential use is allowed: a. An addition to an existing Building with a Facade of variable distance from the Street may be extended to the plane of the existing Facade closest to the Street. b. Except for an addition to an existing Building described in 1.a above, the lesser of I. the avg depth of Street Yards of existing Buildings within 100 ft. on each side of a Lot or Building Site or II. 60 ft. 2. Otherwise, 30 ft.	A
Side Yard–Per side	0 ft. min. along Lot Lines or Building Site Lines Adjacent to a Lot or Building Site on which no Mixed Use or Residential Use is located, or is being constructed; otherwise, 10 ft. min. (1)(2)(3)	B
Rear Yard	0 ft. min. along Lot or Building Site Lines Adjacent to other Commercial Districts on which another Commercial establishment is located, or is being constructed; otherwise, 20 ft. min. (1)(2)(3)	C

Notes: * See Article 9 (Definitions) for FAR measurement information.

(1) Additional Side Yard or Rear Yard depth may be necessary to accommodate Buffers and landscaping required in Sections 4.3.11, 4.3.16, and 5.8.
(2) The required Rear Yard depth shall be reduced as provided below if the Lot does not abut a different District and is owned separately and individually from all other tracts of land, both on the Effective Date of this Ordinance and on the date of application for a Zoning Permit. Such reduction shall be as follows:
a. For all Interior Lots between 80 ft. and 100 ft. deep, the required Rear Yard shall be reduced by an amount equal to the lesser of (i) 100 ft. minus the depth of the Lot or (ii) 10 ft..
b. For Interior Lots < 80 ft. deep within Non Residential Districts, the required Rear Yard depth shall be 0 ft., but if any Rear Yard is provided, it must be at least 10 ft. deep.
(3) Buffering requirements are not applicable to Side Yards or Rear Yards with zero depth.

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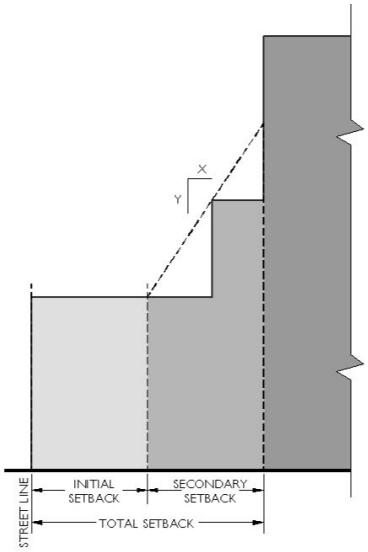
SD-INT TABLE 4.3.1–H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Building Standards

Building Height*

Principal Building	Initial Stepback = depth of required Front Setback / Street Yard, within which no Structure is allowed. Max. height within 1st 30 ft. beyond Initial Stepback ("Secondary Stepback"): 45 ft. + 1.5 ft. (Y) for every additional 1 ft. (X) Building is stepped back from Initial Stepback (Slope of Sky Exposure Plane (X:Y) = 1:1.5). From and beyond 40 ft. from back of sidewalk ("Total Stepback"), greater of 75 ft. max. or height permitted by Conditional Use Permit, if total Impervious Surface Coverage is 40% or less.
Accessory Building	45 ft. max



*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Building Standards (continued)

Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	A Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A-3**)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area, min. for Shopfront.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass R for windows at Frontage
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.-24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Building Standards (continued)

Roof Type & Pitch

NR

Roof Design

NR

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	NR			
Building Colors	NR			
Foundation Cladding	NR			
Porch Pier Cladding	NR			
Chimney Cladding	NR			

Building Types

House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Townhouse	NP	Flex	P
Small Multifamily	NP	Mid-Rise	P
Large Multifamily	P	Large Scale Commercial	P
Live/Work	NP	Civic	P

See Table 4.3.8.A (Principal Building Types - Summary) and Table 4.3.8.B (Principal Building Types - Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
All Vehicles	NR	P behind first 10 ft. from Front Lot Line if site not abutting Residential District; Otherwise, P only in Side Yard or Rear Yard.

Additional Parking Requirements

Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	NR
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer if Residential; 36 ft max. in 1st Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Private Landscaping and Fencing

Landscaping

R continuous shrubs around foundation facing Frontage if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P at sides and rear only	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P at sides and rear only	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	NR
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-INT TABLE 4.3.1-H DISTRICT STANDARDS: INTERSTATE SERVICE SPECIAL DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

General Description

This District is intended to provide space for a wide range of wholesale trade, warehousing of a wide variety of products or materials, manufacturing processes, and industrial and related uses that conform to a high level of performance criteria and have few objectionable characteristics. All operations must be carried on within completely enclosed Buildings, thus providing a standard of Development that removes most adverse characteristics that affect neighboring properties. This District may provide a buffer between other Districts and other industrial activities that have more objectionable influences. This District may require types of Structures and have Uses and other characteristics that cannot be facilitated in other Districts. New Residential Development, Commercial establishments, Retail establishments, personal service Uses, and community facilities and utilities, are permitted, as well as additional Uses that provide needed complementary services or are necessary for the general community welfare. SD–LI is an appropriate District for portions of the Industrial Road Special Area described in the Comprehensive Plan.

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels

NR

Parcel Size

Parcel Size	Min. 1 acre min

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2,000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block

Private Frontage Types

NR

Civic Space Types* *Applicable only to Development Parcels.

NR

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

NR

Number of Buildings Per Lot or Building Site

NR

Principal Building	
Accessory Buildings	

ARTICLE 4

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Lot Occupation

Lot/Building Site Width	50 ft. min
Lot Depth	NR
Frontage Buildout	NR
Lot/Building Site Area	40,000 SF min
Impervious Surface Coverage	70% max
Usable Open Space	Min. 7% of gross site area
Lot/Building Site Enfrontment	NR
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setbacks / Yards

Setbacks / Yards – Principal Building

Street Yard – Min	As applicable: 1. For sites Adjacent to and sharing frontage with a Residential District: a. An addition to an existing Building with a front wall of variable distance from the street may be extended to the plane of the existing front wall closest to the street. b. Except for an addition to an existing Building described in 1.a above, the lesser of I. the avg depth of Street Yards of existing Buildings within 100 ft. on each side of a Lot or II. 40 ft. 2. Otherwise, 20 ft. (1)	A
Side Yard–Per side	As applicable: 1. For sites abutting a Residential District, 50 ft. along the common boundary; 2. Otherwise, 10 ft. (1)(2)(3)(4)	B
Rear Yard	As applicable: 1. For sites abutting a Residential District, 50 ft. along the common boundary; 2. Otherwise, 20 ft. (1)(2)(3)(4)	C

NOTES:

(1) Additional Side Yard or Rear Yard depth may be necessary to accommodate Buffers and landscaping required in Sections 4.3.11, 4.3.16, and 5.8.
(2) The required Rear Yard depth shall be reduced as provided below if the Lot does not abut a different District and is owned separately and individually from all other tracts of land, both on the Effective Date of this Ordinance and on the date of application for a Zoning Permit. Such reduction shall be as follows:
a. For all Interior Lots between 80 ft. and 100 ft. deep, the required Rear Yard shall be reduced by an amount equal to the lesser of (i) 100 ft. minus the depth of the Lot or (ii) 10 ft.
b. For Interior Lots < 80 ft. deep within Non Residential Districts and Corner Lots < 80 ft. deep within Industrial Districts, the required Rear Yard depth shall be 0 ft., but if any Rear Yard is provided, it must be at least 10 ft. deep.
(3) In Industrial Districts, the required Side Yard and Rear Yard depth for Lots along Lot Lines abutting other Industrial Districts or along a railroad Right-of-Way is 0 ft.
(4) In Industrial Districts, Buffering requirements are not applicable to Side Yards or Rear Yards with zero depth.

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Building Standards

Building Height*

Principal Building	45 ft. max
Accessory Building	45 ft. max

Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	NR Flex Building with Industrial Category Use Other – Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR Flex Building with Industrial Category Use Others – Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See Illustration 4.3.5.A–3)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Building Standards (continued)

Facade Openings	NR Flex Building with Industrial Category Use Others– Windows and/or doors spaced ≤ 20 ft. apart.; in Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	NR Flex Building with Industrial Category Use Others– 20% – 60% of total Facade area
Window Shape	NR Flex Building with Industrial Category Use Others – Square or vertical in proportion, except for transoms.
Window Alignment	NR Flex Building with Industrial Category Use Others – Upper floor windows and other features must be aligned with those of first floor.
Window Types	NR Flex Building with Industrial Category Use Others – Except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single–hung, double–hung, casement or awning types
Window Glazing Material	Flex Building with Industrial Category Use – Clear glass R for windows at Frontage Others – Clear glass R for all Elevations

Facade (continued)

Window Trim in 1st Layer	NR Flex Building with Industrial Category Use Others – Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	NR Flex Building with Industrial Category Use Others – If shutters provided, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential – 5 ft. min. above avg. grade at Facade Others – NR
Porch Frontages	NR Flex Building with Industrial Category Use Others – If provided, min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	NR Flex Building with Industrial Category Use For Shopfront Private Frontage – 12 in.–24 in. knee wall required at Frontage

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Building Standards (continued)

Facade Variety	NR Flex Building with Industrial Category Use Others –No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	NR Flex Building with Industrial Category Use Others P
Shed	NR Flex Building with Industrial Category Use P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	NR Flex Building with Industrial Category Use Others P
Gable	NR Flex Building with Industrial Category Use Others P
Pitch	If pitched, 6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick P	Authentic stucco over masonry P
	Natural stone P	Exposed concrete P Flex Buildings with Industrial Category Use NP Others

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI

TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Building Standards (continued)

	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	P Flex Buildings with Industrial Category Use
				NP Others
Changes in Building Materials	NR			
Building Colors	NR			
Foundation Cladding	NR			
Porch Pier Cladding	NR			
Chimney Cladding	NR			

Building Types

House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Townhouse	NP	Flex	P
Small Multifamily	P	Mid–Rise	P
Large Multifamily	P	Large Scale Commercial	P
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Vehicular Parking Requirements

Parking Location

	On–Street Parking	Off–Street Parking
Domestic Vehicles	NP	P in any Required Yard, unless specifically prohibited*
Recreational Vehicles	NP	P in any Required Yard, unless specifically prohibited*
Heavy Equipment	NP	P in any Required Yard, unless specifically prohibited*
Tractor trailers (including trailers for storage)	NP on–Street, except for delivery and Temporary Use of trailers	P in any Required Yard, unless specifically prohibited*
All Other Vehicles	NP	P in any Required Yard, unless specifically prohibited*

* Driveways are not permitted within required Project Buffers & may penetrate required Lot/Building Site/Parcel Buffers to minimum amount necessary to comply with this Ordinance.

Additional Parking Requirements

Off–Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer and 2nd Layer if Residential; 24 ft max. in 1st Layer if non–Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Parking & Circulation (continued)

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

Loading & Access

Off-Street Loading and Storage	P only in any Required Side Yard or Rear Yard, unless specifically prohibited
Utility Box & Service Meter* Locations (*Not including water meters)	P only in any Required Side Yard or Rear Yard, unless specifically prohibited
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B–1 (Sign Types – Summary) and Table 7.1.2.B–2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

Private Landscaping and Fencing

Landscaping

R continuous shrubs around foundation at Facade if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree per 50 ft. of Frontage width, planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well–maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P Only picket type allowed at Frontage; other types allowed on sides and at rear	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	P at sides and rear only & only if not Adjacent to Residential use
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split–faced block	NP

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ARTICLE 4

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1–I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Private Landscaping and Fencing (continued)

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-LI TABLE 4.3.1-I DISTRICT STANDARDS: LIGHT INDUSTRIAL SPECIAL DISTRICT

Additional Standards	
Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	R; except at Driveways: Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI

TABLE 4.3.1-J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

General Description

This District is intended to provide suitable areas for intense or potentially noxious Industrial operations, including open land operations. It is specifically intended that all newly created Districts be so located and Buffered as to prevent possible negative impact upon Adjacent land and Uses. SD-HI is an appropriate District for portions of the Industrial Road Special Area described in the Comprehensive Plan.

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS:
HEAVY INDUSTRIAL SPECIAL DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels

NR

Parcel Size

Parcel Size	NR

Block Size* *Applicable only to Development Parcels.

Block Perimeter	Not Regulated

Private Frontage Types

NR

Civic Space Types* *Applicable only to Development Parcels.

NR

Permitted Uses

See Table 4.3.9.A–1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses).

Number of Buildings Per Lot or Building Site

Principal Building
Accessory Buildings

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Lot Occupation

Lot/Building Site Width	100 ft. min
Lot / Building Site / Parcel Frontage on Street / Highway	24 ft min.
Lot Depth	NR
Frontage Buildout	NR
Lot/Building Site Area	as required to meet all other applicable requirements of this Ordinance
Impervious Surface Coverage	70% max
Usable Open Space	Min. 7% of gross site area
Lot/Building Site Enfrontment	NR
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setbacks / Yards

Setbacks / Yards– Principal Building

Street Yard – Min	As applicable: 1. For sites Adjacent to and sharing frontage with a Residential District: a. An addition to an existing Building with a front wall of variable distance from the street may be extended to the plane of the existing front wall closest to the street. b. Except for an addition to an existing Building described in 1.a above, the lesser of I. the avg depth of Street Yards of existing Buildings within 100 ft. on each side of a Lot or II. 40 ft. 2. Otherwise, 20 ft.	A
Side Yard–Per side	As applicable: 1. For sites abutting a Residential District, 50 ft. along the common boundary; 2. Otherwise, 10 ft. (1)(2)(3)(4)	B
Rear Yard	As applicable: 1. For sites Adjacent to and sharing frontage with a Residential District, a min. of 50 ft. along the common boundary abutting such Residential District; 2. Otherwise, 20 ft. (1)(2)(3)(4)	C

NOTES:

(1) Additional Side Yard or Rear Yard depth may be necessary to accommodate Buffers and landscaping required in Sections 4.3.11, 4.3.16, and 5.8.
(2) The required Rear Yard depth shall be reduced as provided below if the Lot does not abut a different District and is owned separately and individually from all other tracts of land, both on the Effective Date of this Ordinance and on the date of application for a Zoning Permit. Such reduction shall be as follows:
a. For all Interior Lots between 80 ft. and 100 ft. deep, the required Rear Yard shall be reduced by an amount equal to the lesser of (i) 100 ft. minus the depth of the Lot or (ii) 10 ft.
b. For Interior Lots < 80 ft. deep within Non Residential Districts and Corner Lots < 80 ft. deep within Industrial Districts, the required Rear Yard depth shall be 0 ft. but if any Rear Yard is provided, it must be at least 10 ft. deep.
(3) In Industrial Districts, the required Side Yard and Rear Yard depth for Lots along Lot Lines abutting other Industrial Districts or along a railroad Right-of-Way is 0 ft.
(4) In Industrial Districts, Buffering requirements are not applicable to Side Yards or Rear Yards with zero depth.

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS:
HEAVY INDUSTRIAL SPECIAL DISTRICT

Building Standards

Building Height*

Principal Building	45 ft. max
Accessory Building	45 ft. max

Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

NR

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	NR
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	NR
Facade Glazing	NR
Window Shape	NR
Window Alignment	NR
Window Types	NR
Window Glazing Material	Clear glass R for windows at Frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Building Standards (continued)

Facade (continued)

Window Trim in 1st Layer	NR
Shutters	NR
Facade Window Sill Height	NR
Porch Frontages	NR
Shopfront Frontages	NR
Facade Variety	NR

Roof Type & Pitch

NR

Roof Design

NR

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	P

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI

TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Building Standards (continued)

Changes in Building Materials	NR
Building Colors	NR
Foundation Cladding	NR
Porch Pier Cladding	NR
Chimney Cladding	NR

Building Types

NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
All Vehicles	P	P in any Required Yard, unless specifically prohibited*

Additional Parking Requirements

Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	NR
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer and 2nd Layer if Residential; 36 ft max. in 1st Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI **TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT**

Loading & Access

Off–Street Loading and Storage	P only in any Required Side Yard or Rear Yard, unless specifically prohibited
Utility Box & Service Meter* Locations (*Not including water meters)	P only in any Required Side Yard or Rear Yard, unless specifically prohibited
Off–Street Trash Receptacle Locations	P in 3rd Layer only.
Off–Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self–closing gate.
Drive–Through Locations	P in 3rd Layer only.

Non–Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind–generating machines	NP	NP	P

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LEGEND The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B–1 (Sign Types – Summary) and Table 7.1.2.B–2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

Private Landscaping and Fencing

Landscaping

R if 1st Layer ≥ 10 ft, minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with continuous shrubs around foundation at Facade if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree per 50 ft. of Frontage width, planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P Only picket type allowed at Frontage; other types allowed on sides and at rear	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P at sides and rear only	Barbed/razor/concertina wire	P at sides and rear only & only if not Adjacent to Residential use
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	NR
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required buffer, must be set back 10 ft. from such interior edge.

LEGEND The following notations are utilized in this table: P Permitted | NP Not permitted | NA Not applicable | R Required | NR Not required

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SD-HI TABLE 4.3.1–J DISTRICT STANDARDS: HEAVY INDUSTRIAL SPECIAL DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	R; except at Driveways: Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R

TABLE 4.3.1-K DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

General Description

This District is to allow for utilization of the Planned Unit Development process under TCA Section 13-4-310, implementation of the Comprehensive Plan, and review and approval of a Master PUD Development Plan that complies with these standards and establishes them and other standards as entitlements for a property, including a customized combination of permitted Uses, Building Types, Private Frontage Types, Setbacks and Yards, and Thoroughfares and Internal Drives.

Specifically, this District is intended for predominantly Residential areas on sites where there are sufficient existing infrastructure, services, and utilities available for a proposed Development. Development in this District (a) is walkable and provides a diverse mixture of housing choices and Building Types, (b) is necessary to implement and is consistent with the Comprehensive Plan, (c) cannot under any circumstances, plan, or design conform to one or more of the other Districts and standards therefor due to its necessary and intrinsic Uses or size or form, (d) provides an innovative plan and design, (e) is harmonious with and respects the land use, character, and natural or man-made features of both the subject property and Adjacent property, (f) promotes quality and environmentally sensitive planning and design by taking advantage of special site characteristics, locations and land uses, (g) provides Civic Space, (h) is the best use of the site consistent with the goals of protecting and enhancing the natural environment. There are specific Development standards provided for this District, which may be supplemented by additional standards approved in the applicable Final Master PUD Development Plan.

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Density / Intensity *Applicable only to Development Parcels

12 Density Units per acre max

Parcel Size

Parcel Size	Min. more than 10 gross acres

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block

Private Frontage Types

Common Yard	P	Stepfront	P
Porch	P	Shopfront	P
Fence	P	Gallery	NP
Terrace/Lightwell	P	Arcade	NP
Forecourt	P	Officefront	NP
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	NP
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R

TABLE 4.3.1-K DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Number of Buildings Per Lot or Building Site

Principal Building	6 max. per Lot / Building Site for attached Townhouse Buildings; otherwise, 1 max. per Lot / Building Site
Accessory Buildings	1 max. per Building Site

Lot Occupation

Lot/Building Site Width	18 ft. min; 180 ft. max; For Townhouses with each unit on its own Lot or Building Site: 18 – 36 ft. for single Townhouse unit attached to other Townhouse units X 8 max. attached Townhouse units For multiple Townhouses on a single Lot or Building Site: 18 –20 ft. per Townhouse unit X 8 max. attached Townhouse units 38 ft min. for House, 25 ft min. for each Duplex unit or 50 ft min. for both units of Duplex, and 100 ft. max. for Small Multifamily Building.
Frontage Buildout	60% min
Lot/Building Site Area	NR
Impervious Surface Coverage	70% max; except 90% max. for each group of attached Townhouse units.
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare, except ≤ 20% of the Lots / Building Sites within a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots / Building Sites have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway, Internal Drive or Easement.

Setbacks / Yards

Setbacks / Yards– Principal Building

Front Setback / Yard, Principal Frontage	15 ft. – 35 ft.	A
Front Setback / Yard, Secondary Frontage	15 ft. – 35 ft.	B
Side Setback / Yard	0 ft. min. on attached side(s) of attached Building Types, otherwise 10 ft. min; 24 ft. max. per side	C
Rear Setback	10 ft. min.	D

Setbacks /Yards– Accessory Building

Front Setback / Yard, Principal Frontage	40 ft. max. from Rear Lot / Building Site Line	E
Side Setback / Yard	0 ft. min.	F
Rear Setback / Yard	3 ft. max	G

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Building Standards

Building Height*

Principal Building	1–2 Stories for House and Duplex Building Types; 2–3 Stories for Townhouse, Live / Work and Small Multifamily Building Types; 2– 4 Stories for Large Multifamily Building Type
Accessory Building	2 Stories max; Allowed in 3rd Layer only.

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	Min. 18 in. above finished grade at Facade

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontage.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	Expect for House Building Types, a Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A–3**)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Building Standards (continued)

Facade (continued)

Facade Openings	Facade windows and/or doors must be spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area, min. for Shopfront.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.-24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(NP)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Building Standards (continued)

Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

Building Types

House	P	Commercial	NP
Duplex	P	Mixed Use	NP
Townhouse	P	Flex	NP
Small Multifamily	P	Mid-Rise	NP
Large Multifamily	P	Large Scale Commercial	NP
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
All Vehicles	P	P in any Required Yard, unless specifically prohibited

Additional Parking Requirements

Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	10 ft max. in 1st Layer if Residential; 24 ft max. in 1st Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R

TABLE 4.3.1-K DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

All Development in a PUD-R District must comply with all applicable standards of this Ordinance, including without limitation the following:

A. Design Criteria, General

1. In order to reduce curb cuts and provide a unified corridor image, a secondary frontage road may be required along selected portions of the highway as determined by the Planning Commission. Access points to the highway will be predetermined based on topography, highway alignment, vegetation, etc.

2. Points of access from individual sites onto the highway or frontage road shall be coordinated so as to pair entrances wherever possible.

3. Roads and Parking areas shall follow the natural topography whenever possible to minimize cutting and filling.

B. Design Criteria, Detailed

1. All curb cuts and driveways shall have a minimum separation of 300 feet.

2. Driveways and entrance roads shall be designed according to the following criteria:

a. The surface shall be a permanent, all-weather pavement, such as asphalt or concrete.

b. The design speed shall be 15 mph.

c. Maximum slope shall be 5% in the first 200 feet of the drive. The slope may be increased to 7% if the applicant can show that a lesser slope would result in undue hardship.

d. All drives and roads shall intersect the highway at 900 angles.

e. Where the projected Average Daily Trips (ADT) for a driveway or road is greater than 500, islands extending 20 feet into the property shall be provided for channelization of traffic.

f. Where feasible, curb cuts shall be aligned with existing median cuts.

g. Proposed median cuts must receive the approval of the Planning Commission before being submitted to the State Department of Transportation (DOT) for approval. State DOT approval shall be required for all curb cuts.

h. Where the projected ADT for a crossroad is greater than 1,000 acceleration and deceleration lanes are required. The length of those lanes shall be 450 feet and two 250 feet, respectively.

i. The need for signalization shall be explored with the Tennessee Department of Transportation under the following circumstances:

– The ADT for the highway is greater than 6,720, and the projected ADT exiting a crossroad is greater than 1,600 for one lane or 2,248 for two lanes;

–The ADT for the highway is greater than 10,080, and the projected ADT exiting a crossroad is greater than 850 for one lane or 1,120 for two lanes; and

– The Planning Commission determines that signalization may be warranted.

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PUD-R

TABLE 4.3.1-K DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Loading & Access	
Off-Street Loading and Storage	R for Large Multifamily Building per Table 4.3.14.B (Loading Space Requirements); P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	R for Large Multifamily Building per Table4.3.14.B (Loading Space Requirements); P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate.
Drive-Through Locations	P in 3rd Layer only.

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PUD-R

TABLE 4.3.1-K DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT -RESIDENTIAL DISTRICT

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types - Summary) and Table 7.1.2.B-2 (Sign Types - Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Private Landscaping and Fencing

Landscaping

R if 1st Layer ≥ 3 ft, 30% of 1st Layer must be landscaped, with continuous shrubs along foundation at Facade and additionally if 1st Layer ≥ 15 ft, sod, and 1 tree per 50 ft. of Frontage width, planted in 1st Layer. Landscaping must comply with Section 4.3.16.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P at side and rear only	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-R TABLE 4.3.1-K DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT –RESIDENTIAL DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

General Description

This District is to allow for utilization of the Planned Unit Development process under TCA Section 13-4-310, implementation of the Comprehensive Plan, and review and approval of a Master PUD Development Plan that complies with these standards and establishes them and other standards as entitlements for a property, including a customized combination of permitted Uses, Building Types, Private Frontage Types, Setbacks and Yards, and Thoroughfares and Internal Drives.

Specifically, this District is intended for Commercial, Office, Mixed Use, and Multifamily Uses on sites where there are sufficient existing infrastructure, services, and utilities available for a proposed Development. Development in this District (a) is walkable and provides a diverse mixture of housing choices and Building Types, (b) is necessary to implement and is consistent with the Comprehensive Plan, (c) cannot under any circumstances, plan, or design conform to one or more of the other Districts and standards therefor due to its necessary and intrinsic Uses or size or form, (d) provides an innovative plan and design, (e) is harmonious with and respects the land use, character, and natural or man-made features of both the subject property and Adjacent property, (f) promotes quality and environmentally sensitive planning and design by taking advantage of special site characteristics, locations and land uses, (g) provides Civic Space, (h) is the best use of the site consistent with the goals of protecting and enhancing the natural environment. There are specific Development standards provided for this District, which may be supplemented by additional standards approved in the applicable Final Master PUD Development Plan.

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

12 Density Units per acre max

Parcel Size

Parcel Size	Min. more than 10 gross acres

Block Size* *Applicable only to Development Parcels.

Block Perimeter	2000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block

Private Frontage Types

Common Yard	NP	Stepfront	P
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Stoop	P		

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	NP	Playground	P
Green	NP	Sport Field	NP
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

Lot Occupation

Lot/Building Site Width	18 ft. min; 180 ft. max; except for Townhouses, 18 – 24 ft. for single Townhouse unit attached to other Townhouse units or 18 –24 ft. per Townhouse unit X number of attached Townhouse units on single Lot or Building Site, with max. of 6 attached units; 100 ft. max. for Small Multifamily Building
Frontage Buildout	90% min
Lot/Building Site Area	NR
Impervious Surface Coverage	100% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare or Internal Drive, except ≤ 20% of the Lot / Building Sites within a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lot / Building Sites have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setbacks / Yards

Setbacks / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 – 20 ft.	A
Front Setback / Yard, Secondary Frontage	0 – 20 ft.	B
Side Setback / Yard	0 ft. min. for attached Buildings; Otherwise, 10 – 24 ft.	C
Rear Setback / Yard	NR	D

Setbacks / Yards– Accessory Building

Front Setback / Yard, Principal Frontage	40 ft. max. from rear property line	E
Side Setback / Yard	0 ft. min	F
Rear Setback / Yard	3 ft. max	G

If the District abuts property zoned for Residential use that is not included within the District, all Buildings shall be set back as follows:

a. Where the property is zoned, but not currently utilized, for Residential purposes, a distance equal to the setback established for the Residential District.

b. Where the property is currently utilized for Residential purposes, a distance equal to the lesser of (i) the present average setback of properties located 200 feet from the nearest point on the subject property and (ii) twice the minimum setback established for the CD-4C District.

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Building Standards

Building Height*

Principal Building	2 Stories min. – 4 stories max
Accessory Building	2 Stories max

Along any District boundary where a PUD-MU District adjoins a Residential District that is not included within a PUD-MU District no Building within the commercial planned unit Development shall project through imaginary planes starting at the maximum height permitted in the adjoining District and leaning inward from District boundaries at an angle representing an increase of 1/2 foot in height for each foot of horizontal distance perpendicular to the boundary.

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Commercial, Office, Retail/Personal Service, or Accommodation / Lodging Use, which must be a minimum of 11 ft. with a maximum of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	Residential: 18 in. -48 in. above finished grade at Facade Non-Residential & Mixed Use: 48 in. max. above finished grade at Facade

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages. If Shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT – MIXED USE

Building Standards (continued)

Facade Articulation	A Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A-3**)

Facade (continued)

Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Facade Glazing	20% – 60% of total Facade area for non-Shopfront; 70% of total Facade area min. for Shopfront Frontage.
Window Shape	Square or vertical in proportion., except for transoms
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade. Shopfront Frontages: at knee wall.
Porch Frontages	Min. 6 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	12 in.-24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(P)

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LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Building Standards (continued)

Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural stone	P	Exposed concrete	NP
	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT – MIXED USE

Building Types

House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Townhouse	P	Flex	P
Small Multifamily	P	Mid-Rise	P
Large Multifamily	P	Large Scale Commercial	NP
Live/Work	P	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

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Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
All Vehicles	P	P in 3rd Layer only

Additional Parking Requirements

Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	24 ft max. width, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Parking & Circulation (continued)

Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

Loading & Access

Off-Street Loading and Storage	R per Table 4.3.14.B (Loading Space Requirements); P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	R per Table 4.3.14.B (Loading Space Requirements); P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate.
Drive-Through Locations	P in 3rd Layer only.

Non-Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	P
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind-generating machines	NP	NP	P

LEGEND The following notations are utilized in this table.

P Permitted | NP Not Permitted | NA Not Applicable | R Required | NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

Private Landscaping and Fencing

Landscaping

R if 1st Layer ≥ 10 ft, minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with continuous shrubs around foundation at Facade if 1st Layer is ≥ 3 ft. deep, plus if 1st Layer is ≥ 15 ft. deep, 1 tree per 50 ft. of Frontage width, planted in 1st Layer. Landscaping must comply with Section 4.3.16.

NA in front if ≤3 ft front setback.

Additionally, any Yard Adjacent to a Street must be landscaped and maintained for a distance of 10 ft. from the Lot Line or Building Site Line Adjacent to the Street, except for portions that adjoin Lots or Building Sites in Residential Use, which shall be so landscaped and maintained for the full width or depth of the required Yards within 25 feet of adjoining Lot Lines or Building Site Lines.

Side Yards Adjacent to Lots or Building Sites in Residential Use shall be similarly landscaped and maintained for their full required minimum width. No such required landscaped area shall be used for Parking or loading.

Walls & Fencing (not including Screens)

Height	3.5–4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P at sides and rear only	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP

LEGEND The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS:
PLANNED UNIT DEVELOPMENT – MIXED USE

Private Landscaping and Fencing (continued)

Vinyl	NP	Smooth or split-faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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PUD-MU TABLE 4.3.1-L DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT – MIXED USE

Additional Standards	
Non-Residential & Multi-Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NR
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self-Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

Market Analysis

The Planning Commission may require a market analysis for any proposed PUD-MU Development. The market analysis will be utilized, among other things, to determine the impact of the proposed Development on the long – range Development of the commercial land use in the Columbia area, to determine the timing of any proposed Development, to limit the extent of the PUD-MU; to ascertain the effects of a proposed Development upon other lands used or zoned for similar purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed Development. The market analysis, if required, shall be provided by the landholder and the landholder shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or City Council.

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TABLE 4.3.1–M – TABLE 4.3.1–T

OTHER PUD DISTRICTS FROM PREVIOUS ORDINANCES TO BE REGULATED BY THEIR PUD APPROVALS.

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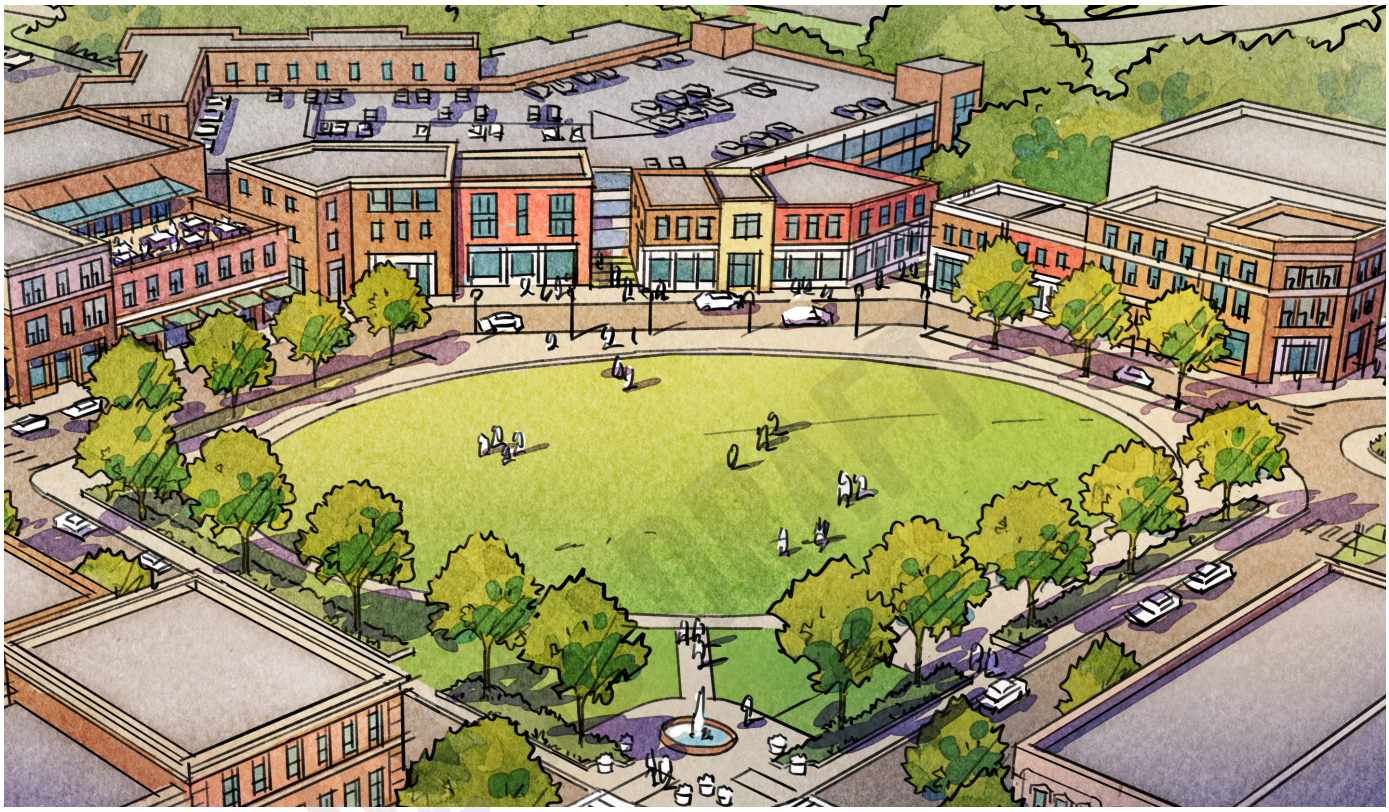
CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT



General Description

Civic District (CV) is assigned to areas designated for Civic purposes. These may be one or more Civic Space Types allowed within or Adjacent to any specific Character District or Special District, as well as sites dedicated to significant Buildings to be used for Civic purposes, such as City Halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Density / Floor Area Ratio (FAR) *Applicable only to Development Parcels*

NR

Block Size* *Applicable only to Development Parcels.

Block Perimeter	NR

Private Frontage Types

NR

Civic Space Types* *Applicable only to Development Parcels.

Natural Area	P	Playground	P
Green	P	Sport Field	P
Square	P	Community Garden	P
Plaza	P	Pocket Park	P

See Table 5.3.3.A (Civic Space Types – Summary) and Table 5.3.3.B (Civic Space – Specific Standards)

Permitted Uses

See Table 4.3.9.A-1 (Building, Lot & Building Site Principal Use), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses). For Development Parcels, see also Table 5.1.11 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max
Accessory Buildings	1 max

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Lot Occupation

Lot/Building Site Width	NR
Frontage Buildout	NR
Lot/Building Site Area	NR
Impervious Surface Coverage	80% max
Lot/Building Site Enfrontment	Must enfront a vehicular Thoroughfare, Internal Drive, Pedestrian Path, Passage, pedestrian walkway or waterbody
Lot/Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Setbacks / Yards

Setbacks / Yards– Principal Building

Front Setback / Yard, Principal Frontage	0 ft. min., 50 ft. of Lot Depth max	A
Front Setback / Yard, Secondary Frontage	0 ft. min	B
Side Setback / Yard	0 ft. min	
Rear Setback / Yard	0 ft. min	

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Building Standards

Building Height*

Principal Building	20 ft. higher than maximum Height of any Adjacent Character District, max.
Accessory Building	Not to exceed Principal Building Height

*Stories and height do not include Attics and Basements, chimneys, flagpoles, towers, steeples, spires, belfries, parapet walls, aerials, or antennas. Any Building exceeding 35 feet in height must obtain approval from the Fire Department prior to the issuance of a Building Permit.

The Fire Department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such Structure. In such instance the stipulations made by the Fire Department in accordance with the above cited codes shall be required.

Ceiling Height

14 ft. min. 1st floor; 10 ft. min. other floors

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	In Stories above first, Facade openings must be ≤ 50%
Facade Glazing	20% min. – 60% max.
Window Shape	Square or vertical in proportion, except for transoms.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Types	Except in Shopfront or Gallery Frontage, and except for transoms and sidelights, Windows in Facade and 1st & 2nd Layers must be single-hung, double-hung, casement or awning types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

CV TABLE 4.3.1–U DISTRICT STANDARDS:
CIVIC DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	Clear glass (R) for all Elevations.
Window Trim in 1st Layer	Min. 4 in. trim with sill and top plate if siding surrounding window; soldier course above lintel and rollock course below sill if brick or stone surrounds window
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	(NR)
Porch Frontages	(NR)
Shopfront Frontages	(NR)
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	(P)
Shed	(P) at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	(P)
Gable	(P)
Pitch	6:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and except roof pitch may match the primary roof pitch of an existing Building that is less than 6:12

Roof Design

Eaves shall extend no less than nine inches beyond the supporting walls.
Gable end rakes shall overhang at least six inches.
Eaves and rakes on Accessory Buildings and dormers shall overhang at least six inches.
Soffits shall be placed perpendicular to the Building wall, not sloping in plane with the roof (except for gable end rakes).

Building Materials

Primary Building Material on Facades	Brick	(P)	Authentic stucco over masonry	(P)
	Natural stone	(P)	Exposed concrete	(NP)

LEGEND The following notations are utilized in this table.	(P) Permitted	(NP) Not Permitted	(NA) Not Applicable	(R) Required	(NR) Not Regulated

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CV **TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT**

Building Standards (continued)

	Wood	P	Aluminum or vinyl siding	NP
	Cementitious siding	P	Corrugated and/or sheet metal	NP
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural color of any allowed materials, but excluding trim colors			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

Building Types

House	NP	Commercial	NP
Duplex	NP	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Mid–Rise	NP
Large Multifamily	NP	Large Scale Commercial	NP
Live/Work	NP	Civic	P

See Table 4.3.8.A (Principal Building Types – Summary) and Table 4.3.8.B (Principal Building Types – Specific Standards). For Development Parcels, see also Table 5.1.10 (Building Type Mix).

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Vehicular Parking Requirements

Parking Location

	On–Street Parking	Off–Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on–Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off–Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space. If Garage faces Street: max. Garage width 30% of total of Garage + Facade width. Garage must be detailed, finished, & designed like rest of Building with carriage house doors; max. Garage door width 9 ft.; each Garage door must have ornamental lighting fixture above it; min. 2 ft. separation between Garage doors
Driveway/Vehicular Entrance Location	P in any Layer
Driveway/Vehicular Entrance Maximum Width	24 ft. max. in 1st Layer and 2nd Layer
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Only applicable to Development Parcels.*

See Article 5 (Development Parcel Standards) for additional requirements.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Loading & Access

Off–Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter* Locations (*Not including water meters)	P in 3rd Layer only.
Off–Street Trash Receptacle Locations	P in 3rd Layer only.
Off–Street Dumpster Locations	P in 3rd Layer only, must be Screened from Frontage and fully enclosed on 3 sides and enclosed on the 4th side with self–closing gate.
Drive–Through Locations	P in 3rd Layer only.

Non–Building Components

	1st Layer	2nd Layer	3rd Layer
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP	P if Screened from Frontage	P
Solar Panels	P if coplanar to and integrated into roof design		P
Antennas & Satellite Equipment	P in 1st or 2nd Layer if such Layer is only possible location possible for satisfactory reception.		P
Recreation or Play Equipment	NP	NP	P
Animal Enclosures, Runs or Shelters	NP	NP	NP
Swimming Pools, Hot Tubs and Spas	NP	NP	P
Transmitting and/or receiving towers or antennas and wind–generating machines	NP	NP	P

Signs

See Sign Standards in Article 7 (Sign Standards) and Table 7.12.B–1 (Sign Types – Summary) and Table 7.1.2.B–2 (Sign Types – Specific Standards)

Lighting

See Private Lighting requirements in Section 4.3.17 and Table 4.3.17.B (Private Lighting Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	3.5–4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody
Maintenance	Must be well–maintained, in upright condition and free of missing or broken parts and graffiti.

Materials

Natural Wood	P Only picket type allowed at Frontage; other types allowed on sides and at rear	Chain Link	P at sides and rear only
Brick, Natural Stone, or Stucco over Masonry	P	Barbed/razor/concertina wire	NP
Wrought Iron or Aluminum	P	Exposed or painted aggregate concrete	NP
Vinyl	P in 3rd Layer only	Smooth or split–faced block	NP

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 8 ft. or higher than grade at interior edge of a required Buffer, must be set back 10 ft. from such interior edge.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CV TABLE 4.3.1–U DISTRICT STANDARDS: CIVIC DISTRICT

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen/Streetscreen Height	3.5 ft. to 5 ft.	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Fence Screen/Streetscreen Height	NP	5 ft. to 6 ft.; Min. 6 ft. for Dumpsters and Trash Receptacles
Hedge Screen/Streetscreen Height	3.5 ft. to 5 ft. at installation	5 ft. to 6 ft. at installation

Materials

Wall Screen or Streetscreen	Brick, Natural Stone or Stucco over Masonry
Fence Screen or Streetscreen	Natural Wood, painted or unpainted
Hedge Screen or Streetscreen	Evergreen plants with min. 80% opacity

Additional Standards

Non–Residential & Multi–Family Residential Screen /Streetscreen Adjacent to or across Thoroughfare from Non–Multi–Family Residential	NA
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive–Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas must be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures must be Screened from Frontages by Liner Buildings. Otherwise, Screening must be by Building, wall, hedge or fence at Frontage or Building, Wall, hedge or fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; must be Screened from Frontage and Civic Space by Building parapet or other Building Element
Self–Storage Warehouse Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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4.3.3 Lots & Building Sites

A. Layers

1. Lots and Building Sites are comprised of three Layers, the First Layer, the Second Layer, and the Third Layer, as related to the Frontage, as shown in Illustration 4.3.3.A (Layers) and as defined in Article 9 (Definitions).

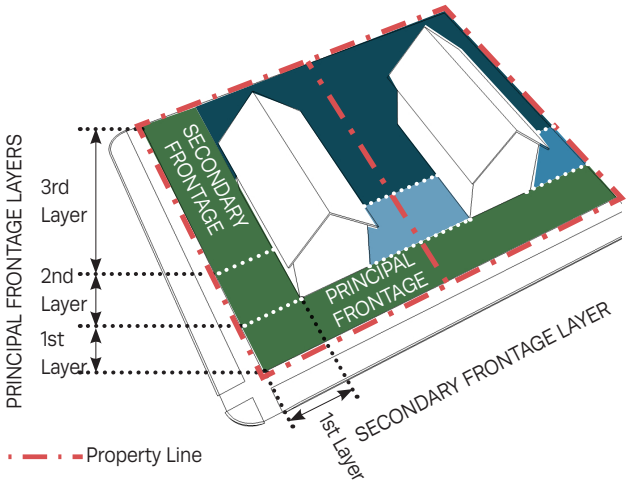
2. Layers are used to regulate in what parts of a Lot or Building Site certain Development, Building elements, and Uses are allowed or required, as set forth in **Tables 4.3.1–A – 4.3.1–U (District Standards).**

3. For Corner Lots and Building Sites, which have both a Principal Frontage and a Secondary Frontage:

a. Standards and prescriptions for the First Layer apply to the First Layer as related to both Frontages; and

b. Standards and prescriptions for the Second Layer and Third Layer pertain only to such Layers as related to the Principal Frontage.

ILLUSTRATION 4.3.3.A (LAYERS)



B. Dimensions

1. Lots and Building Sites within each District must be dimensioned according to **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

C. Enfrontment

Within all Districts and Civic Districts, each Lot or Building Site must have Frontage along a Thoroughfare or Internal Drive, as provided in **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

D. Through Lots

Through Lots and Building Sites are prohibited. In any case in which a Nonconforming Lot is a Through Lot or Building Site, the Frontage and Front Setback regulations shall apply to both Frontages.

E. Required Spaces or Areas.

1. The Setback and Yard requirements in **Tables 4.3.1–A – 4.3.1–U (District Standards)** shall be applicable to each Lot, Building Site, or parcel of land.

2. All required Setbacks and Required Yards shall be maintained and have no obstructions or Encroachments except as allowed in **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

3. Existing interior Lots or Building Sites may be permitted a reduction in required Rear Yard depth by Administrative Adjustment, subject to meeting the following:

a. The Lot must be located in a single District and not abut another District.

b. The Lot must be owned separately and individually from all other tracts of land, both on the Effective Date of this Ordinance and on the date of application for a Zoning Permit, if applicable.

c. For a Lot between 80 – 100 feet deep, the required Rear Yard may be reduced by the lesser of (i) 100 feet minus the depth of the Lot, or (ii) ten feet (10 ft.).

Example: if Lot is 95 ft. deep, the required Rear Yard may be reduced by five feet (5 ft.) [100 ft.

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– 95 ft. = 5 ft.], but if a Lot is 80 ft. deep, the required Rear Yard may only be reduced by ten feet (10 ft.).

d. Within all Non–Residential Districts and for all Non–Residential Uses, interior Lots or Building Sites that are less than 80 ft. deep may be permitted a reduction in required Rear Yard depth to reduce the required Rear Yard depth to zero; however, if any Rear Yard is provided, the minimum required depth shall be 10 ft..

4. No Lot shall be divided or reduced so as to result in its area or dimensions not complying with the standards required by this Section 4.3.3, nor shall any Setback required for a Principal Building be included as part of a Setback required under this Ordinance for any other Building.

5. A minimum required Lot or Yard size for one Structure shall not be used in whole or in part as any part of a required Lot or Yard for a second Structure.

6. The required Lot or Yard for an existing Structure shall not be diminished below the minimum requirements of this Ordinance.

7. Where a Structure has zero clearance from an Adjacent Lot or Building Site, as defined in the International Building Code, at all points of attachment along the shared Lot Line or Building Site Line, Buildings shall be separated from each other by fire–rated walls, as defined by the latest adopted version of the International Building Code and fire prevention codes, extending from footings to the underside of the roof deck without openings which would permit the spread of fire.

8. In addition to the requirements listed in paragraph 7 above, the following shall apply to common or Party Walls:

a. A firewall shall bisect the line dividing each portion of the Building, Lot, or Building Site so that 1/2 of the firewall is held by each of the abutting properties.

b. If a firewall is destroyed or damaged by fire or other casualty, any owner may restore said wall and if other owners thereafter make use of the wall, they shall contribute to the cost of the restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under applicable aw requiring liability for negligent or willful acts and omissions.

c. Each abutter who may share in the ownership of any firewall shall have an Easement on the property of other owner(s) for the purpose of reconstruction and protection of remaining property from the elements.

F. Lots in Two Districts.

Where a District boundary divides a Lot, Building Site, or parcel in a single ownership of record at the time when such line is adopted, regulations for the less restricted portion of such Lot, Building Site, or parcel may extend not more than 30 feet into the more restricted portion, provided that the Lot, Building Site, or parcel has Frontage on a Thoroughfare in a less restricted District.

G. Visibility.

1. On a Corner Lot or Building Site, no Fence, Wall, hedge, Structure, or planting more than 3 feet in height, measured above the Curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting lines of the curbs of the enfronting Thoroughfares or Internal Drives and a line drawn between points along such Thoroughfare or Internal Drive Lines that are 25 feet distant from their point of intersection.

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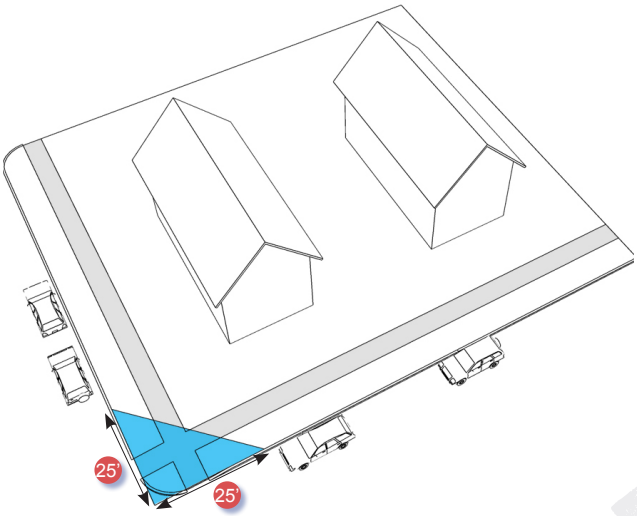
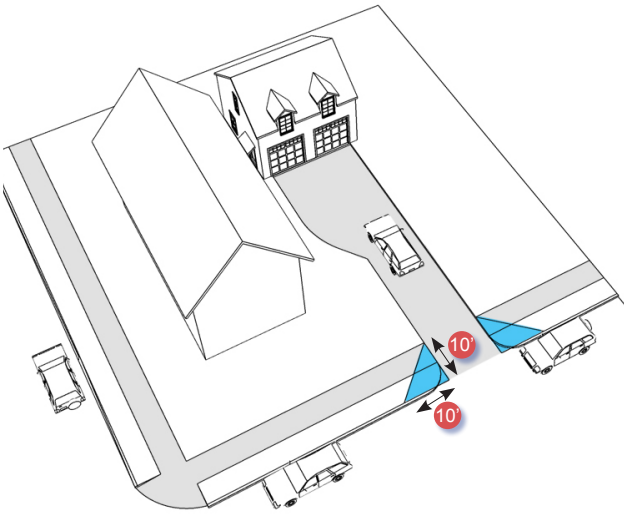
ILLUSTRATION 4.3.3.G.1 (SIGHT TRIANGLE – CORNER)



2. For any Driveway, no Fence, Wall, hedge, Structure, or planting more than 3 feet in height, measured above the Curb level, shall be erected, placed, or maintained within the triangular area formed on each side of the Driveway by a line drawn between a point that is 10 feet from the back of the curb and extends 10 feet to its point of intersection with the Thoroughfare.

ILLUSTRATION 4.3.3.G.1 (SIGHT TRIANGLE – DRIVEWAY)



H. Access Requirements.

1. No Building shall be erected on a Lot or Building Site that does not Abut an open public Thoroughfare, an approved private Thoroughfare or Internal Drive, or an approved private vehicular access Easement.

2. Where access is provided by an approved private street or Easement, an Easement for the same is required for each Lot, Building Site, or tract of land across which it traverses.

3. Additional access requirements may be found in Sections 4.3.12, 4.3.14, and 6.7, and elsewhere in this Ordinance, including City adopted Access Management Plan.

4.3.4 Building Placement & Number

A. Building Placement.

1. Every Building shall be located on a Lot or Building Site. Buildings shall be located in relation to the boundaries of their Lots or Building Sites and shall comply with the Setback or Yard standards within each District according to **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

2. To accommodate slopes over ten percent (10%), relief from front Setback or Yard requirements may be granted by Administrative Adjustment by the Zoning Administrator.

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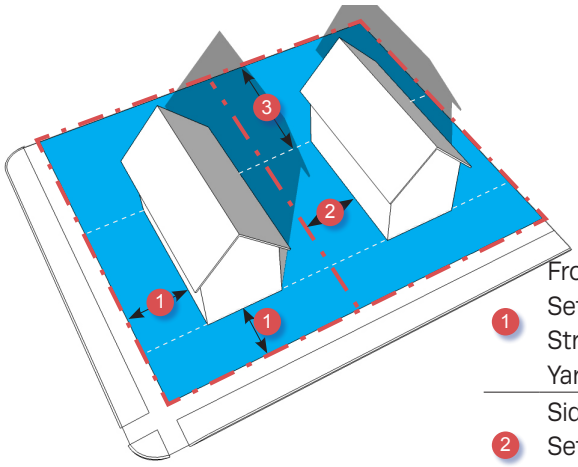
ILLUSTRATION 4.3.4.A SETBACK /YARD DESIGNATIONS



1 Front Setback/ Street Yard

2 Side Setback / Yard

3 Rear Setback / Yard

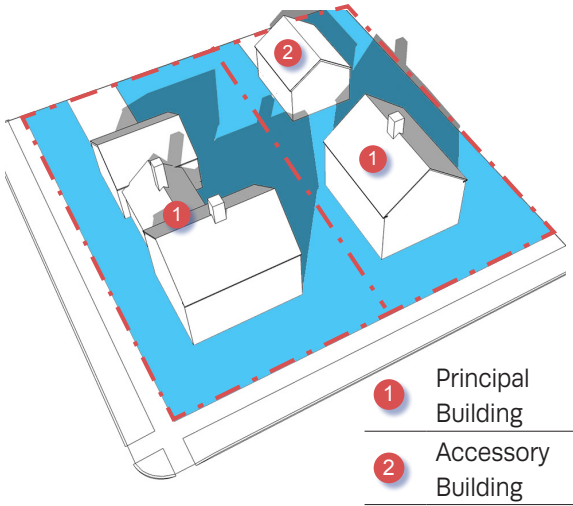
B. Principal Buildings

Within each District:

1. The number of Principal Buildings on each Lot or Building Site shall not exceed that indicated in **Tables 4.3.1–A – 4.3.1–U (District Standards)** and

2. Principal Buildings shall be oriented and situated as specified in **Tables 4.3.1–A – 4.3.1–U (District Standards)** and **illustrated in Illustration 4.3.4.B (Principal Building / Accessory Building)**.

ILLUSTRATION 4.3.4.B PRINCIPAL BUILDING / ACCESSORY BUILDING



1 Principal Building

2 Accessory Building

Property Line

C. Accessory Buildings & Accessory Structures

1. Within each District:

a. The number of Accessory Buildings on each Lot or Building Site must not exceed that indicated in **Tables 4.3.1–A – 4.3.1–U (District Standards)**; and

b. Any such Accessory Buildings must be located as specified in **Tables 4.3.1–A – 4.3.1–U (District Standards)** as applicable and illustrated generally in **Illustration 4.3.4.B (Principal Building / Accessory Building)**.

2. Except within Civic Districts, Accessory Buildings or other Structures may not be erected on a Lot or Building Site on which there is no Principal Building.

3. Where Accessory Buildings and Structures are permitted:

a. Except within Civic Districts and CD–2, the footprint of a detached Accessory Building shall not exceed 60% of the building footprint of the Principal Building on the Lot;

b. Any Accessory Building shall be located in the Layer indicated in **Tables 4.3.1–A – 4.3.1–U (District Standards);**

c. Except for Communications Towers, transmitting and/or receiving towers or antennas and wind turbines shall not be located in the First Layer or Second Layer; and

d. Guy wires or any other structural supports shall not Encroach upon any right–of–way, Adjoining property, Easements, Setback, or Yard areas.

4. An Accessory Building or Accessory Structure may be detached from or constructed as a structural part of a Principal Building, including those attached by means of a breezeway or a roofed passageway with open or latticed sides. If constructed as a structural part of a Principal Building, its walls shall

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be regarded as walls of the Principal Building in applying the standards and requirements of this Ordinance.

5. Where more than one Building exists or is proposed to be constructed on a single Lot or Building Site, all zoning requirements applicable to Principal Buildings or Accessory Buildings, respectively shall be applicable to each of such Buildings.

4.3.5 Building Standards

A. Facade.

1. Principal Building Facades shall conform to **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

2. The Façade of the Principal Building shall be built along the minimum percentage of the Front Lot Line or Building Site Line width at the Setback or back Street Yard line, specified as Frontage Buildout on **Tables 4.3.1–A – 4.3.1–U (District Standards)**. A Streetscreen may be substituted for a Façade for up to twenty percent (20%) of the applicable Frontage Buildout requirement.

3. Principal Building Facades shall be articulated as shown in (See **Illustration 4.3.5.A–3**).

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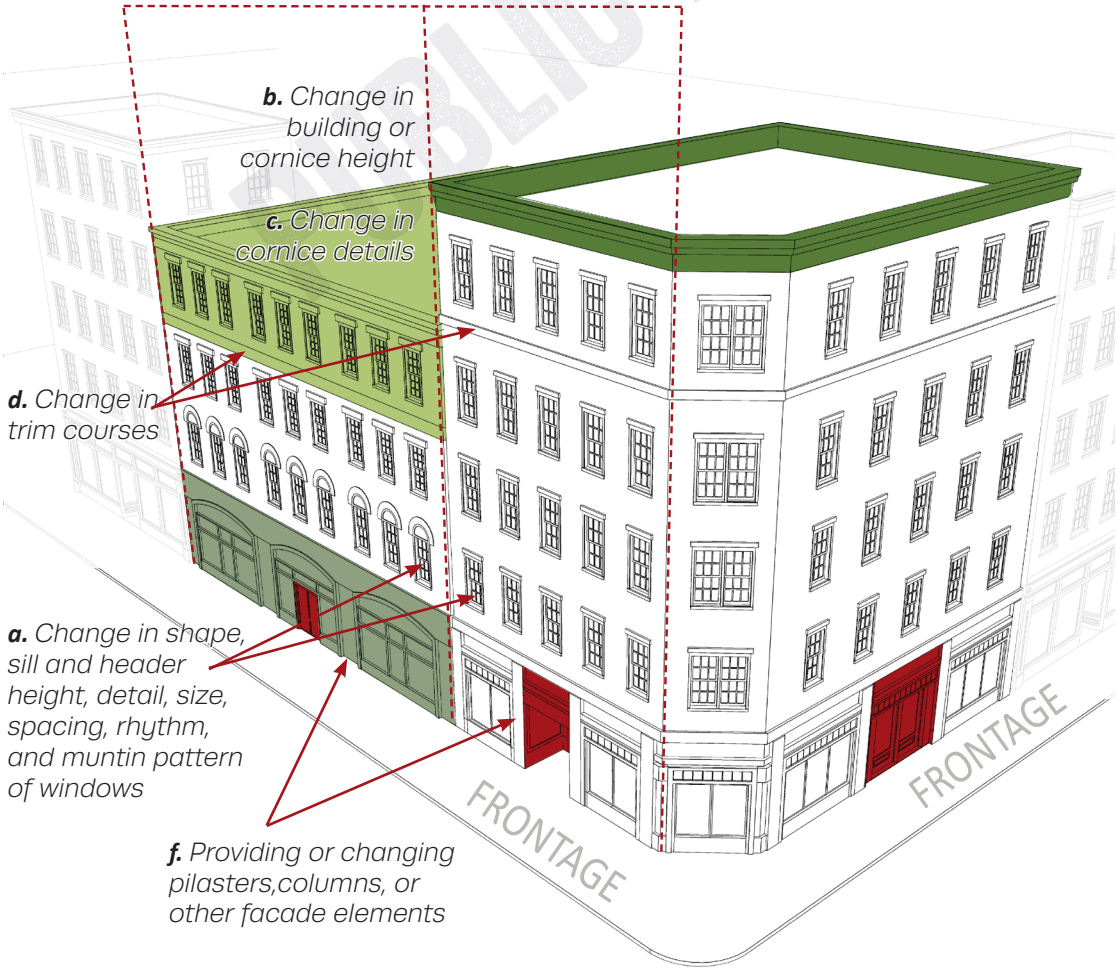
ILLUSTRATION 4.3.5.A–3 (FACADE ARTICULATION)



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B. Building Design & Materials.

The design and exterior materials of Buildings shall conform to **Tables 4.3.1-A – 4.3.1-U (District Standards)**,

C. Building Height, Ceiling Height & Ground Floor Finish Elevation.

Building Height, ceiling height, and ground floor finish elevation must conform to **Tables 4.3.1-A – 4.3.1-U (District Standards)** .

D. Roof Type & Pitch

Building roof type and pitch must conform to **Tables 4.3.1-A – 4.3.1-U (District Standards)**. See **Illustration 4.3.5.D-1 (Roof Types)** and **Illustration 4.3.5.D-2 (Roof Pitch)**.

ILLUSTRATION 4.3.5.D-1 (ROOF TYPES)

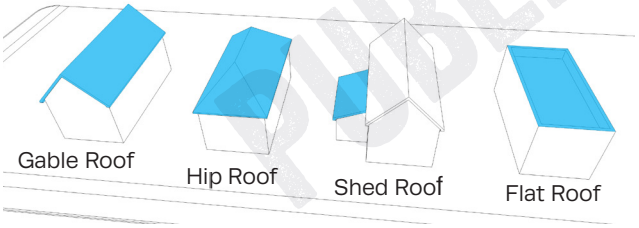
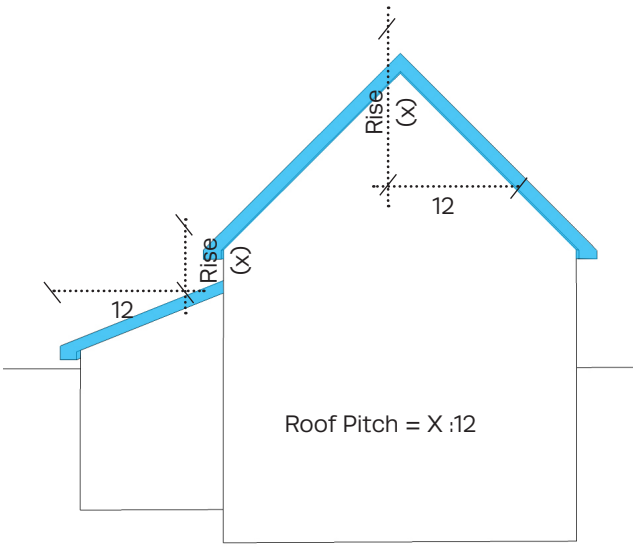


ILLUSTRATION 4.3.5.D-2 (ROOF PITCH)



4.3.6 Fences & Walls

Within each District, Fences and non-Building Walls must comply with the applicable standards in **Tables 4.3.1-A – 4.3.1-U (District Standards)**.

4.3.7 Private Frontage, Building Form & Building Type; Floor Elevation

A. Private Frontage – General.

The Private Frontage of each Lot or Building Site must conform to and be allocated in accordance with **Table 4.3.7.A (Private Frontage Types)** and **Tables 4.3.1-A – 4.3.1-U (District Standards)**.

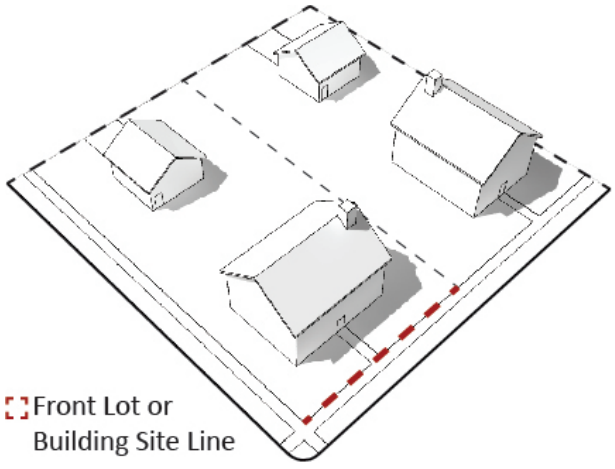
B. Private Frontage – Corner Lots / Building Sites.

Principal Buildings on Corner Lots or Building sites shall have two Private Frontages:

1. a Principal Frontage and

2. a Secondary Frontage, as illustrated generally in **Illustration 4.3.7.B-2 (Frontage & Lot / Building Site Lines)**.

ILLUSTRATION 4.3.7.B-2 (FRONTAGE & LOT / BUILDING SITE LINES)



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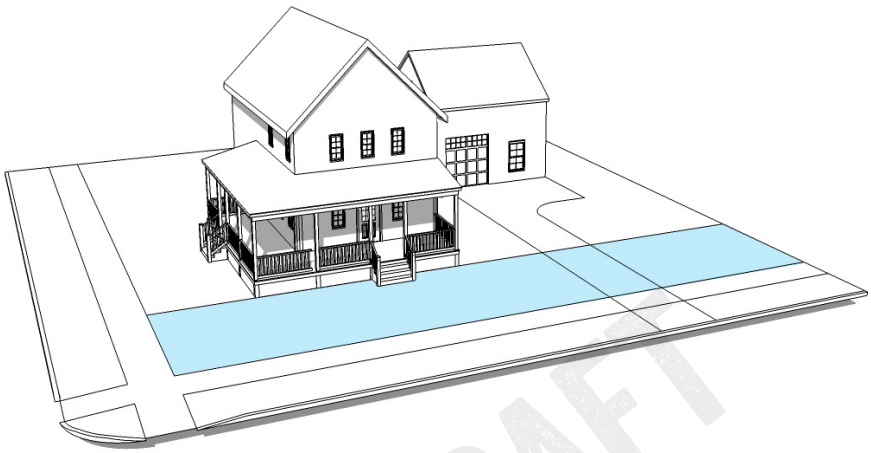
COMMON YARD

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | SD-MHP | PUD-R

A planted Frontage wherein the Facade is set back substantially from the Frontage Line, and the Front Yard so created remains unfenced and is visually continuous with Adjacent yards, supporting a common landscape. This may be used with or without a Porch.

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PORCH

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

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Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | SD-MHP | PUD-R

A planted Frontage wherein the Facade is set back from the Frontage Line with an attached exterior covered area large enough to accommodate outdoor furniture and/or gathering, which is permitted to Encroach into the Front Setback. This may be used with or without a Fence to maintain Thoroughfare spatial definition.

FENCE

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

PUBLIC DRAFT

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | SD-MHP | PUD-R

A Frontage wherein the Facade is set back from the Frontage Line, and the Front Yard so created is separated from the Public Frontage by a Fence. This may be used with or without a Porch.

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TERRACE/LIGHTWELL

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

PUBLIC DRAFT

Permitted Districts

CD-4 CD-4C CD-5 CD-5C

PUD-R PUD-MU

A Frontage wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks with the first Story elevated from the Sidewalk for privacy, and may allow for activation of space below grade. , An exterior stair and landing provides access to the entrance. This type is recommended for ground-floor Residential Use.

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FORECOURT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

PUBLIC DRAFT

Permitted Districts

CD-4 CD-4C CD-5 CD-5C

PUD-R PUD-MU

A Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back creating an gathering space for residents or additional shopping or restaurant seating area within Retail / Personal Service / Repair / Art / Artisan Use areas. This type should be used sparingly and may be used in conjunction with other Frontage types.

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STOOP

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

PUBLIC DRAFT

Permitted Districts

CD-3 CD-4 CD-4C CD-5 CD-5C

SD-MHP PUD-R PUD-MU

A Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy. An exterior stair and landing provides access to the entrance. This type is recommended for ground-floor Residential Use.

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STEPFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

Permitted Districts

CD-4 CD-5

PUD-R PUD-MU

A Frontage wherein the Facade is aligned very close to the Frontage Line. The entrance is usually an exterior single step without a landing. This type is recommended for ground floor Residential / Retail / Personal Service / Art / Artisan Use.

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SHOPFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

PUBLIC DRAFT

Permitted Districts

CD-4 CD-4C CD-5 CD-5C

SD-LI PUD-R PUD-MU

A Frontage conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at Sidewalk grade. This Frontage has substantial glazing at the Sidewalk level and may include an awning overlapping the Sidewalk.

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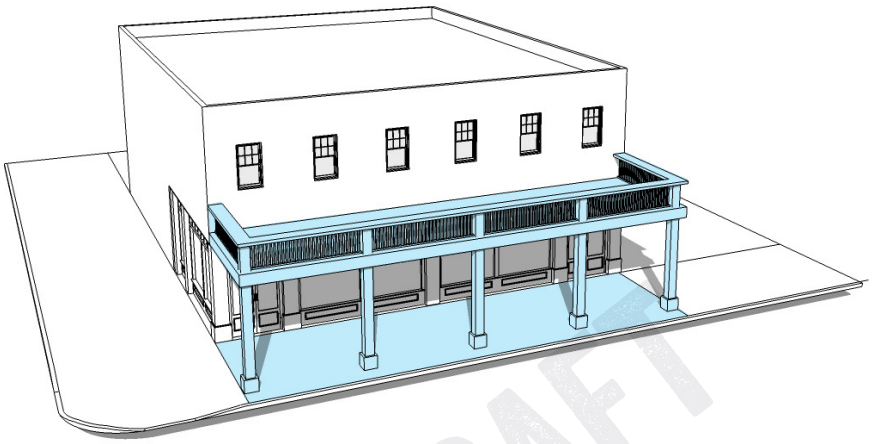
GALLERY

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



PUBLIC DRAFT

Permitted Districts

CD-4 CD-4C CD-5 CD-5C
SD-INT PUD-R PUD-MU

A Private Frontage conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.

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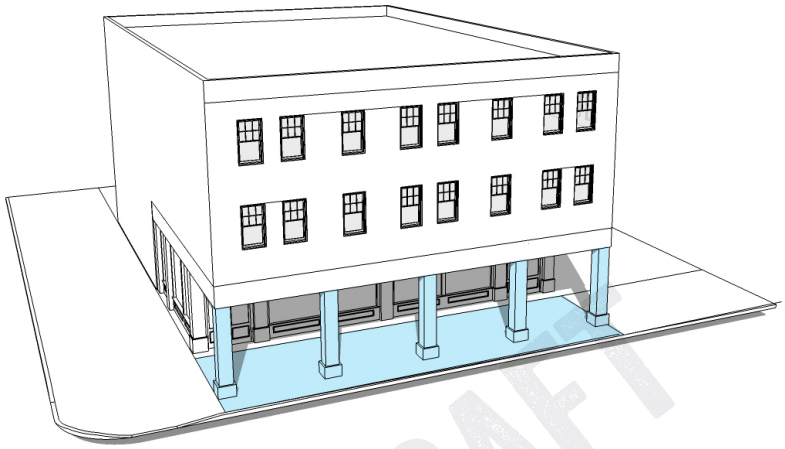
ARCADE

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



Permitted Districts

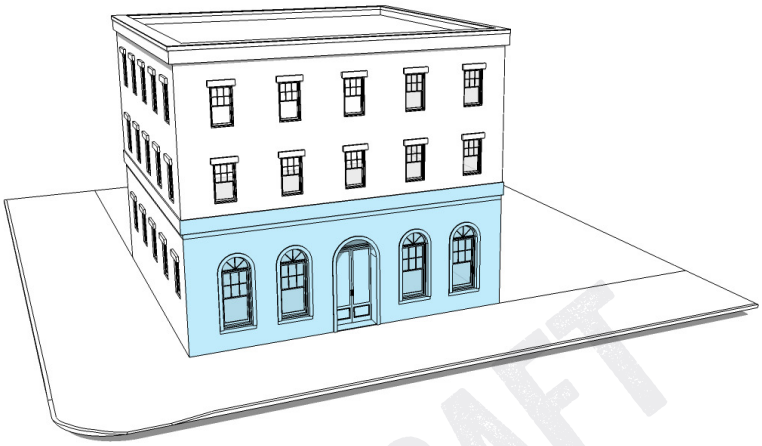
CD-5 CD-5C PUD-MU

A Private Frontage conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein a colonnade supporting habitable space in one or more upper levels overlaps the Sidewalk, while the Façade at the first level remains at the Frontage Line.

PUBLIC DRAFT

OFFICEFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

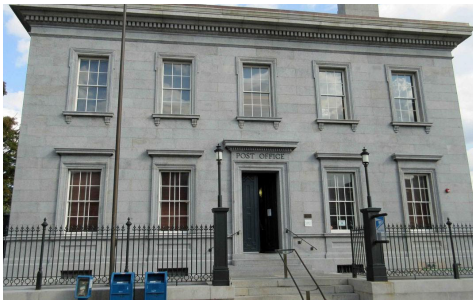


PUBLIC DRAFT

Permitted Districts

CD-4 CD-4C CD-5 CD-5C PUD-MU

A Frontage wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at or above Sidewalk grade. This type is conventional for Office Use. It may have a substantial glazing on the Facade.



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4.3.8 Building Types

A. General.

Principal Buildings must be of one or more of the Principal Building Types specified for such District in **Table 4.3.8.A (Principal Building Types – Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**. For Development Parcels, the mix of Building Types in each District is further regulated under Section 5.1.10.

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TABLE 4.3.8.A PRINCIPAL BUILDING TYPES – SUMMARY

Principal Building Type		Permitted Districts
	Manufactured Home A detached one family dwelling constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels, as further defined in Article 9 (Definitions).	SD-MHP
	House A medium-sized Building designed as a Single-Family Detached Dwelling, situated on a medium or large Lot or Building Site with an Edgeyard, often shared with an Accessory Building in the rear.	CD-2 CD-3L & -3 CD-4 & -4C PUD-R
	Duplex A small- to medium- sized Principal Building, other than a manufactured housing unit, situated on a small-to-medium sized Lot or Building Site with an Edgeyard or Sideyard, which Building contains two Dwelling Units with separate entrances at least one of which faces the Thoroughfare. Both Dwelling Units, whether side-by-side, front-to-back, or over-and-under, are contained within a single Building Massing.	CD-3, CD-4C, CD-4, & PUD-R
	Townhouse A Principal Building in a collection of very narrow- to medium-sized attached Buildings on contiguous Lots or Building Sites with a Rearyard (or Sideyard if an end unit), which collection consists of side-by-side Dwelling Units with individual entries facing the Thoroughfare. Each Building occupies the full Frontage Line of its Lot or Building Site and shares at least one Party Wall with another Building of the same type.	CD-4 & -4C CD-5 & -5C SD-LI PUD-R PUD-MU
	Small Multi-Family Building A Principal Building that incorporates between three (3) and six (6) side-by-side and/or horizontally stacked Dwelling Units, typically with one or more shared entries.	CD-4 & -4C CD-5 & -5C SD-LI PUD-R PUD-MU
	Large Multi-Family Building A Principal Building that incorporates between seven (7) and twenty four (24) side-by-side and/or horizontally stacked Dwelling Units, which may have one or more shared entries.	CD-4 & -4C CD-5 & -5C SD-INT SD-LI PUD-R PUD-MU
	Live/Work Building A small- to medium-sized attached or detached Principal Building, which includes a flexible space for Commercial Use and an internally connected Residential Dwelling Unit above and/or behind the flexible space.	CD-4 & -4C CD-5 & -5C PUD-R PUD-MU
	Commercial Building A small- to medium-sized attached or detached non-Residential Building, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan Uses and Office Uses.	CD-4 & -4C CD-5 & -5C SD-INT PUD-MU

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TABLE 4.3.8.A PRINCIPAL BUILDING TYPES – SUMMARY

Principal Building Type		Permitted Districts
	Mixed-Use Building A typically attached Principal Building, which provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan, Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.	CD-4 & -4C CD-5 & -5C PUD-MU
	Flex Building A large footprint Principal Building designed to accommodate either a single Use or a vertical or horizontal mix of Uses.	CD-4 & -4C CD-5 & -5C SD-INT SD-LI SD-HI PUD-MU
	Mid-Rise Building An attached or detached Building that may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail/Personal Service, Lodging, Business/Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.	CD-5 & -5C SD-LI PUD-MU
	Large-Scale Commercial Building A building of 50,000 square feet or more that is most commonly associated with a large-format retailer. It has in-line Retail or Liner Buildings along the front of the Building.	CD-4C CD -5C SD-INT SD-LI PUD-MU
	Civic Building A medium- to large-sized attached or detached Principal Building, which is operated by a not-for-profit organization or governmental entity dedicated to Civic activities, and is designed to stand apart from its surroundings due to the specialized nature of its Civic purpose. Examples include Libraries, Places of Worship, Places of Assembly, Courthouses, schools, centers of government, Performing Arts Venues, and Museums. Civic Buildings are often the most prominently sited and architecturally significant Buildings in a community.	CD-2 CD-3L & -3 CD-4 & 4C CD-5 & -5C PUD-R PUD-MU CV

Illustrations are provided for illustrative purposes only.

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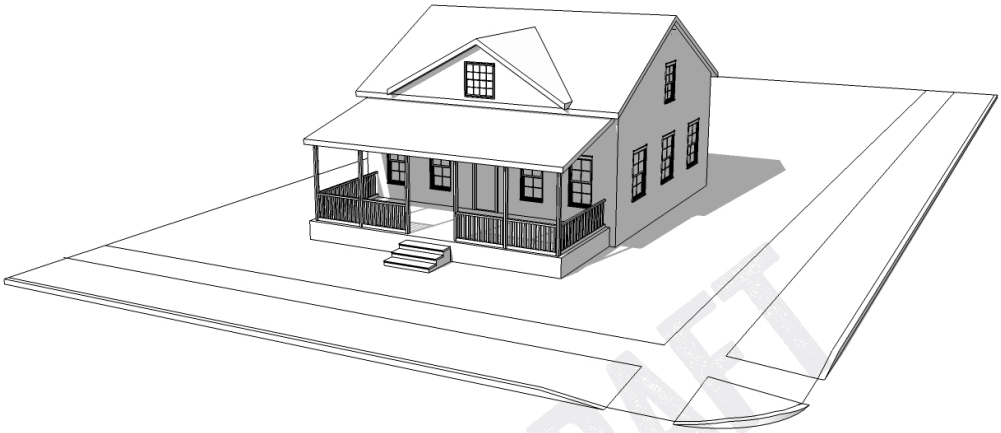
HOUSE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



PUBLIC DRAFT

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | PUD-R

General Description

A medium-sized Building designed as a Single-Family Detached Dwelling having an Edgeyard yard type that may be shared with an Accessory Building in the backyard. This Building type typically incorporates a single Residential unit.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	1 max.

Allowed Private Frontages

Common Yard	P
Fence	P
Porch	P
Stoop	P

Building Size and Massing

Height

2 Stories max

Width

Not Regulated

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

LEGEND
The following notations are utilized in this table.

P Permitted

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DUPLEX

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-3 | CD-4 | CD-4C | PUD-R

General Description

A small- to medium- sized Building, other than a Manufactured Home, situated on a single or two Abutting small- to medium- sized Lot(s) or Building Site(s) with an Edgeyard or Sideyard, which either is (a) attached to another Building of the same type, each of which consists of a separate Dwelling Unit with a separate entrance or (b) contains two Dwelling Units, each of which has a separate entrance. In each case, the entrance of at least one of the Dwelling Units must face a Thoroughfare, Internal Drive, or Civic Space. Dwelling Units may be side-by-side, front-to-back, or over-and-under.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units / Building	1 / each of 2 attached Buildings

Allowed Private Frontages

Common Yard	P
Fence	P
Porch	P
Stoop	P

Building Size and Massing

Height

2 Stories max

Width

Per District standards

Pedestrian Access

Main Entrance Location	Principal Frontage

At least one unit must have an individual entry at the Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

LEGEND
The following notations are utilized in this table.

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TOWNHOUSE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | PUD-R

General Description

A Principal Building in a collection of very narrow- to medium-sized attached Buildings on contiguous Lots or Building Sites with a Rearyard (or Sideyard if an end unit), which collection consists of side-by-side Dwelling Units with individual entries facing the Thoroughfare. Each Building occupies the full Frontage Line of its Lot or Building Site and shares at least one Party Wall with another Building of the same type.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Townhouse	1 max.
Number of Townhouses connected to other Townhouses	3 min. - 8 max.

Allowed Private Frontages

Porch	P
Stoop	P
Terrace/Lightwell	P

Building Size and Massing

Height

Per Character District Height Standards

Width

12 ft. min. - 18 ft. max. per Townhouse

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

LEGEND
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SMALL MULTI-FAMILY

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-LI | PUD-R | PUD-MU

General Description

A Principal Building that incorporates three (3) to six (6) side-by-side and/or horizontally stacked Dwelling Units, typically with one or more shared entries.

Lot

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	3 min.

Allowed Private Frontages

Porch	P
Stoop	P
Forecourt	P
Terrace/Lightwell	P

Building Size and Massing

Height

Per District Height Standards

Width

Per District Lot/Building Site Width and Side Setback / Yard Standards

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage.

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LARGE MULTI-FAMILY

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | PUD-R | PUD-MU

General Description

A Principal Building that incorporates seven (7) or more side-by-side and/or horizontally stacked Dwelling Units, typically with one or more shared entries.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	3 min.

Allowed Private Frontages

Porch	P
Stoop	P
Forecourt	P
Terrace/Lightwell	P

Building Size and Massing

Height

Per District Height Standards

Width

Per District Lot/Building Site Width and Side Setback / Yard Standards

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage.

LEGEND
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LIVE/WORK

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-LI | PUD-R | PUD-MU

General Description

A small- to medium-sized attached or detached Principal Building, which includes a flexible space for Commercial Use and an internally connected Residential Dwelling Unit above and/or behind the flexible space.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	1 Residential unit per 1 flexible space

Allowed Private Frontages

Stoop	P
Terrace/Lightwell	P
Shopfront	P
Officefront	P

Building Size and Massing

Height

Per District Height Standards

Width

18 ft min. - 36 ft max.

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage.

LEGEND
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ARTICLE 4

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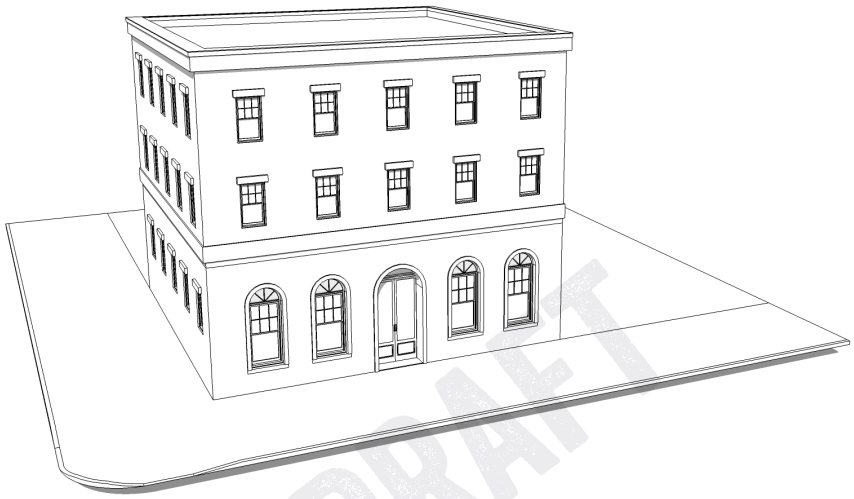
COMMERCIAL

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-LI | SD-LI | PUD-MU

General Description

A small- to medium-sized attached or detached non-Residential Building, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan Uses and Office Uses.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	Unrestricted, except as may be due to Building Code

Allowed Private Frontages

Stoop	P
Terrace/Lightwell	P
Shopfront	P
Officefront	P

Building Size and Massing

Height

Per District Height Standards

Width

Per District Lot/Building Site Width and Side Setback / Yard Standards

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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MIXED USE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-LI | PUD-MU

General Description

A typically attached Principal Building, which provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan, Accommodations / Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	2 min., which must accommodate different Principal Uses

Allowed Private Frontages

Stoop	P	Terrace	P
Forecourt	P	**Officefront**	P
Terrace/Lightwell	P	**Gallery**[1]	P
Shopfront	P	**Arcade**[1]	P

Allowed Private Frontages (continued)

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Building Size and Massing

Height

2 Stories min; 3 Stories max. in CD-4; 6 Stories max. in CD-5

Width

Per District Lot/Building Site Width and Yard / Side Setback Standards

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units must be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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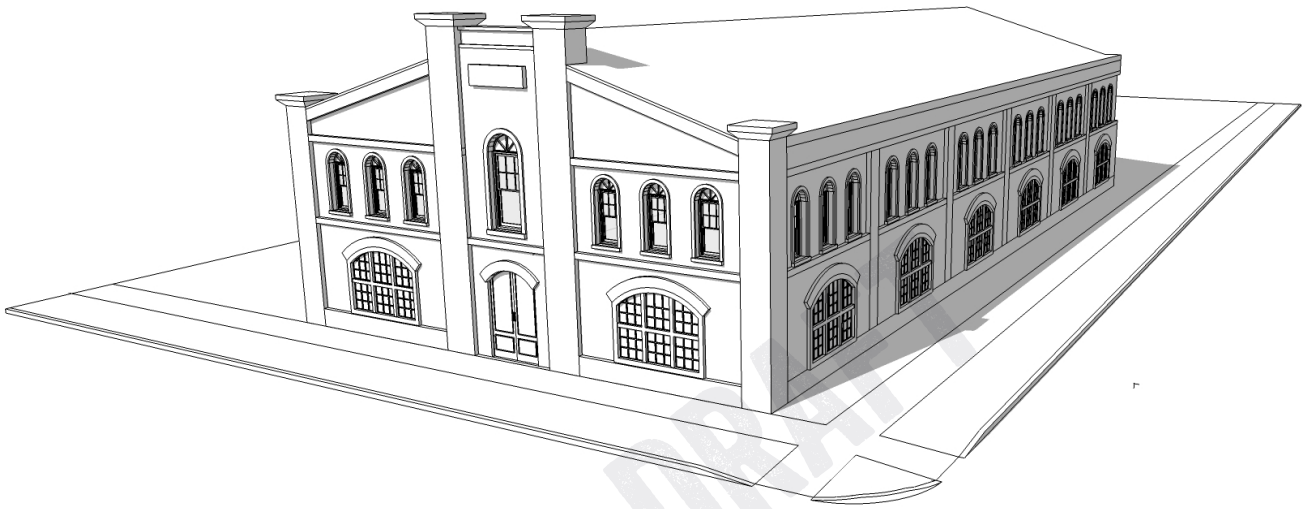
FLEX

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



PUBLIC DRAFT

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-LI | SD-LI | SD-HI | PUD-MU

General Description

A large footprint Principal Building designed to accommodate either a single Use or a vertical or horizontal mix of Uses.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Not Regulated.

Allowed Private Frontages

Stoop	P	Terrace	P
Forecourt	P	**Officefront**	P
Terrace/Lightwell	P	**Gallery**[1]	P
Shopfront	P	**Arcade**[1]	P

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Building Size and Massing

Height

Minimum as prescribed for applicable Character District; 3 stories max.

Width

50 ft min.; max. per District Lot/Building Site Width and Side Setback / Yard Standards

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units must be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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MID-RISE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

PUBLIC DRAFT

Permitted Districts

CD-5 **CD-5C** **PUD-MU**

General Description

An attached or detached Building that may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan, Accommodations / Lodging, Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.

Lot / Building Site

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	2 min., which may be Residential or non-Residential

Allowed Private Frontages

Stoop	P	Terrace	P
Forecourt	P	**Officefront**	P
Terrace/Lightwell	P	**Gallery**[1]	P
Shopfront	P	**Arcade**[1]	P

Allowed Private Frontages (continued)

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Building Size and Massing

Height

4 Stories min.; 8 Stories max

Width

Per District Lot/Building Site Width and Side Yard / Setback Standards

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units must be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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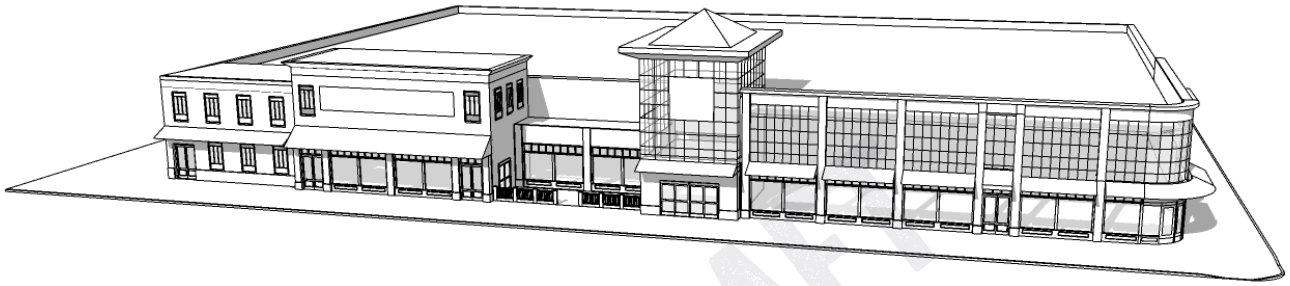
LARGE SCALE COMMERCIAL

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



PUBLIC DRAFT

Permitted Districts

CD-4C | CD-5C | SD-INT | SD-LI | PUD-MU

General Description

A building of 50,000 square feet or more that is most commonly associated with a large-format retailer. It has in-line Retail or Liner Buildings along the front of the Building.

Lot

Width	Per District Lot/Building Site Width

Number of Units

Units per Building	Not Regulated.

Allowed Private Frontages

Stoop	P	Terrace	P
Forecourt	P	**Officefront**	P
Terrace/Lightwell	P	**Gallery**[1]	P
Shopfront	P	**Arcade**[1]	P

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Building Size and Massing

Height

Per District Building Height Standards

Width

Per District Lot/Building Site Width and Side Yard / Setback Standards

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units must be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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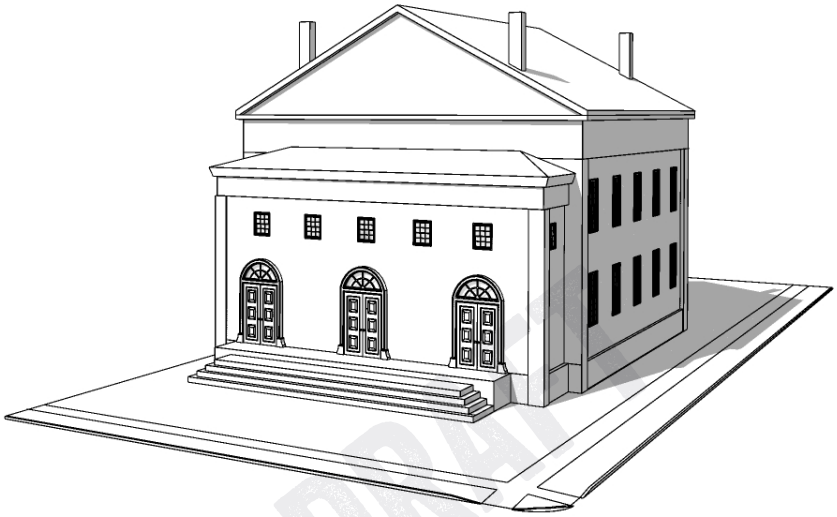
CIVIC

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-LI PUD-R PUD-MU CV

General Description

A medium- to large-sized attached or detached Principal Building, which is operated by a not-for-profit organization or governmental entity dedicated to Civic activities, and is designed to stand apart from its surroundings due to the specialized nature of its Civic purpose. Examples include Libraries, Places of Worship, Places of Assembly, Courthouses, City Halls, schools, centers of government, Performing Arts Venues, and Museums. Civic Buildings are often the most prominently sited and architecturally significant Buildings in a community.

Lot / Building Site

Width	N/A

Number of Units

N/A

Building Size and Massing

Height

The height of Civic Buildings shall be limited to 20 additional feet above the maximum allowed height in any Adjacent District.

Width

Not Regulated

Pedestrian Access

Except as specifically provided in this Chapter, Civic Buildings are not subject to the Building, Lot / Building Site or Private Frontage requirements of this Chapter.

Vehicle Access and Parking

Parking may be accessed from an Alley or from a Thoroughfare or Internal Drive at a Frontage

LEGEND
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P Permitted

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B. Manufactured Homes.

1. No Manufactured Home shall be placed on any Lot within a Residential District, unless it is used actively for Residential purposes.

2. Non-Residential use of a Manufactured Home may be permitted as a Temporary Use as a construction office during construction, subject to issuance of an annual permit by the Zoning Administrator.

3. Pursuant to T.C.A. Section 13-24-201, the provisions of Section 4.3.8.A shall not apply to Double-Wide Manufactured Homes used as single-family residences, which shall instead be considered a single-family homes; provided that, pursuant to T.C.A. § 13-24-202, such Double-Wide Manufactured Homes must have the same general appearance as required for site-built homes and shall comply with all standards and requirements of this Ordinance.

4.3.9 Uses

A. General.

1. Buildings, Lots, and Building Sites must comply with the Use standards and requirements of this Section 4.3.9. For Development Parcels, the mix of Principal Uses in each District is further regulated under Section 5.1.11.

2. Principal Uses, Accessory Uses, and Temporary Uses are Permitted by Right ("P"), Permitted Subject to Limited Use Standards ("PL"), as Conditional Uses ("CU"), or Not Permitted ("NP") within each District, in each case as indicated in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, and **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**.

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
AGRICULTURAL & EXTRACTIVE USES CATEGORY															
Agricultural*															
Farming	PL	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Greenhouse	PL	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Other Agricultural Uses Not Listed Under any Use Category	PL	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Extractive															
Sand, Stone, and Gravel Quarrying	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Other Extractive Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
RESIDENTIAL USES CATEGORY															
Household Living															
House for Single–Family Dwelling	P	P	P	P	P	NP	NP	NP	NP	NP	NP	P	NP	PUD	NP
Duplex for 2–Family Dwelling	NP	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Townhouses	NP	NP	NP	PL	PL	PL	PL	NP	PL	NP	NP	PL	PL	PUD	NP
Small Multifamily Building	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	PL	PL	PUD	NP
Large Multifamily Building	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	PL	PL	PUD	NP
Residence Portion of a Live/Work, Mixed–Use, or Flex Building, if Building Type permitted in District	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	NP	PL	PL	PUD	NP
Assisted Living Apartment	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP
Independent Living Apartment	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP
Retirement Community or other Congregate Living Facility with individual Dwelling Units	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	PL	PL	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Manufactured Home–Class A	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Manufactured Home Park	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	NP	NP	NP	PUD	NP
Other Household Living Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Living															
Adult Care Home	P	P	P	P	P	NP	NP	NP	NP	NP	NP	P	NP	PUD	NP
Boarding or Rooming House, not including Group Home for Persons with Disabilities	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	NP	PUD	NP
Dormitory not associated with Educational Institution	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	NP	NP	NP	PUD	NP
Fraternity or Sorority House	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	NP	NP	NP	PUD	NP
Group Home for Persons with Disabilities or other Group Living Home	P	P	P	P	P	NP	NP	NP	NP	NP	NP	P	NP	PUD	NP
Monastery or Convent	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	NP	NP	NP	PUD	NP
Orphanage	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	NP	NP	NP	PUD	NP
Other Group Living Uses not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
CIVIC USES CATEGORY															
Community Service															
Civic Building	NP	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	PUD	P
Philanthropic Institution	NP	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	P	PUD	P
Recreation Facility (Civic)	NP	P	P	P	P	P	P	P	NP	P	NP	P	P	PUD	P

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Other Community Service Use Not Listed Under any Use Category	NP	NP	NP	P	P	P	P	P	NP	P	NP	P	P	PUD	P
Day Care / Personal Care Facilities (Civic)															
Adult Day Care Facility (Civic)	P	P	P	P	P	P	P	P	P	P	NP	P	P	PUD	P
Children Day Care Facility (Civic)	P	P	P	P	P	P	P	P	P	P	NP	P	P	PUD	P
Group Day Care or Family Day Care or Facility (Civic)	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	NP	PL	PL	PUD	PL
Other Day Care Facility Use (Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Government Facilities															
Correctional Facilities	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU	NP	NP	PUD	CU
Other Government Facility Use (Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	P
Civic Space															
Civic Space – Community Garden	P	P	P	P	P	P	NP	P	P	P	NP	P	P	PUD	P
Civic Space – Green	NP	P	P	P	P	P	NP	P	P	P	NP	P	P	PUD	P
Civic Space – Square or Plaza	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP	NP	P	PUD	P
Civic Space – Park or Playground	P	P	P	P	P	P	NP	P	P	P	NP	P	P	PUD	P
Civic Space - Sports Field	NP	P	P	P	NP	NP	NP	P	NP	P	NP	P	NP	PUD	P
Other Civic Space Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Open Space															
Botanical Garden	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	P

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Recreational Trail	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Game Preserve	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Wildlife Management Area	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Refuge	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Wild Animal Sanctuary	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Water Conservation Area	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Reservoir	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Drainage Well	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Water Supply	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Water Well	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Zoo	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Other Open Space Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Religious Facilities															
Place of Worship or other Religious Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
CIVIL SUPPORT USES CATEGORY															
Cemetery / Mausoleum / Columbarium / Memorial Garden	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	P
Funeral Services	NP	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	P	PUD	P
Fire / EMS Station	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
EDUCATIONAL USES CATEGORY															
Adult Education / Personal Improvement / Business, Trade, & Vocational Schools															
Adult Continuing Education	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Personal Improvement Education	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Business, trade, or vocational school, other than Truck Driving School	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Truck Driving School	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Pre–School / Primary / Intermediate /Secondary Schools															
Pre–School or Nursery School	P	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	P
Kindergarten	P	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	P
Elementary School	P	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	P
Middle School	P	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	P
High School	P	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	P
Post–Secondary Education															
College or University	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Community College	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Graduate / Professional School	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Nursing or Medical Schools not accessory to a Hospital	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Seminary	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Other Educational Use Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
INSTITUTIONAL USES CATEGORY															
Health Care Institutions															
Hospital	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	PL
Rehabilitation Facility or Center for Observation	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	P
Other Health Care Institution Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Long Term Care															
Long Term Care Facility	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP
Continuum of Care Facility	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP
COMMERCIAL USES CATEGORY															
Accommodations / Lodging															
Bed & Breakfast	P	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	P	PUD	NP
Extended Stay Hotel	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP
Inn	P	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	P	PUD	NP
Hotel, not including Extended Stay Hotel	NP	NP	NP	P	P	P	P	NP	P	NP	NP	NP	P	PUD	NP
Motel	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP
Short–Term Rental Unit	NP	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	NP	PUD	NP
Other Accommodation / Lodging Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Day Care / Personal Care (non–Civic)															
Adult Day Care Facility (non–Civic)	P	P	P	P	P	P	P	P	P	P	NP	P	P	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Child Care Facility (non–Civic), excluding Child Care in Home	P	P	P	P	P	P	P	P	P	P	NP	P	P	PUD	NP
Children's Day Camp (non–Civic)	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Day Care Facility, Family Day Care Facility or other Group Care Facility (non–Civic)	NP	NP	NP	CU	CU	CU	CU	NP	CU	CU	NP	CU	CU	PUD	NP
Hospice (non–Civic)	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Retirement Center or Life Care Community without individual Dwelling Units (non–Civic)	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Personal & Group Care Facilities Use Not Listed Under any Use Category (non–Civic)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Indoor Recreation – Commercial															
Bowling Alley	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Game Arcade	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Gymnastics Facility	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Commercial Indoor Athletic Training Facility	NP	PL	PL	PL	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Indoor firing range	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PUD	NP
Indoor Sports Academy	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Membership Club or Lodge	P	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Movie or other Theater	NP	NP	NP	P	P	P	P	NP	P	NP	NP	NP	P	PUD	NP
Pool Hall	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Recreation Facility (non–Civic)	NP	P	P	P	P	P	P	NP	P	P	NP	P	P	PUD	NP
Skating rink	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Social Club, Lodge, or Organization (non–Civic)	NP	CU	CU	P	P	P	NP	NP	P	P	NP	NP	P	PUD	NP
Other Commercial Indoor Recreation Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Assembly (non–Civic)															
Group Assembly (non–Civic)	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Commercial Group Assembly Use (non–Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Outdoor Recreation – Commercial															
Amphitheater	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
Sports Field	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
BMX Bicycle Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Campground	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Drive–in Theater	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Firing Range such as Rifle Range, Archery Range, Handgun, or Skeet Shooting	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Golf Course, Swim Club, Tennis Club, Country Club	PL	PL	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Marina / Boating Facility	PL	PL	PL	PL	PL	PL	PL	PL	NP	NP	NP	PL	PL	PUD	NP
Recreational Vehicle (RV) Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Paintball Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Outdoor Entertainment Activity such as Batting Cage, Golf Driving Range, Amusement Park, Miniature Golf Facility	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP

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PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Skateboard Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Stadium / Arena	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	NP	PUD	NP
Summer Camp (overnight)	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Swimming Pool	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	NP	PL	PL	PUD	NP
Tennis Court	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	NP	PL	PL	PUD	NP
Water Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PUD	NP
Other Commercial Outdoor Recreation Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Parking (Commercial)															
Parking Lot	NP	NP	NP	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
Parking Structure	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	P
Restaurant															
Restaurant or other Food Service Business without Drive-Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Small-scale Catering Establishment without Drive-Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Drive-in Restaurant and Any Restaurant with Drive-Through	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
Bars, Taverns, & Nightclubs															
Bar, Tavern, or Nightclub	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
Retail / Personal Service /Repair / Arts / Artisan															
Alcoholic Beverage Retail Sales	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Artisan Establishment, with or without Retail Sales, & without Drive-Through	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP

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PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Arts–Related Uses	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	PUD	NP
Convenience Store with Gasoline Sales Facility without Drive–Through	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	P	PUD	NP
Retail, Personal Service, Repair, Arts, or Artisan Establishment with Drive–Through	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
On–Street Vending / Mobile Vendor	NP	NP	NP	PL	PL	PL	PL	NP	NP	PL	PL	NP	PL	PUD	NP
Personal Services, other than Motor Vehicle Body Shop, and Motor Vehicle Maintenance, Repair, Fuel Sales, Service, or Cleaning, without Drive–Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Repair Services, other than Motor Vehicle Body Shop, and Motor Vehicle Maintenance, Repair, Fuel Sales, Service, or Cleaning, without Drive–Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Retail Membership Club	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Retail Food Sales, with or without on–premises preparation or processing, without Drive–Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Retail Sales, Rental, or Leasing, other than Motor Vehicle – Related Uses, Retail Food Sales, Retail Membership Club, Restaurant, and Warehouse Retail	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Retail Sales, Rental, or Leasing Not Listed Above without Drive–Through	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44–18–104(c)(4).				
P Permitted by Right	CU Conditional Use (See Section 4.3.9.D)	NP Not Permitted	PL Permitted Subject to Limited Use Standards (See Section 4.3.9.D)	PUD Per PUD Approval

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Veterinary Clinic, Animal Hospital, or Non–Agricultural Kennel	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Personal Service or Repair Uses Not Listed Under any Use Category	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Art or Artisan Uses Not Listed Under any Use Category without Drive–Through	NP	P	P	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Self–Service Storage															
Self–Service Storage	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	PL	NP	NP	PUD	NP
Motor Vehicle –Related Uses															
Motor Vehicle Body Shop	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	PUD	NP
Motor Vehicle Maintenance, Repair, Fuel Sales, Service, or Cleaning, other than Car Wash	NP	NP	NP	P	P	P	P	NP	P	P	P	NP	NP	PUD	NP
Car Wash	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	PL	NP	PL	PUD	NP
Motor Vehicle Sales, Rental, or Leasing	NP	NP	NP	NP	P	NP	P	NP	P	P	NP	NP	NP	PUD	NP
Motor Vehicle Storage	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	PUD	NP
Tire Sales	NP	NP	NP	NP	P	NP	P	NP	P	P	P	NP	NP	PUD	NP
Towing Service	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP
Other Motor Vehicle –Related Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Manufactured Home Sales															
Manufactured Home Sales	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Wholesale Sales															
Sale of building and construction materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, store fixtures, food, paper goods, auto parts and building hardware	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP
Other Wholesale Sales Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PUD	NP
OFFICE USE CATEGORY															
Business or Professional / Government / Not–for–Profit (excluding Civic Uses)															
Business Office, Business Incubator or Professional Office	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Conference Center or Office with Conference Center (non–Civic)	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Co–Working Space	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Financial Institution or Financial Services	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Office with Drive–Through Facilities	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Non–Banking Financial Institution	NP	NP	NP	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PUD	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
Other Business / Government / Non–Profit Office Uses Not Listed Under any Use Category	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP

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P Permitted by Right	CU Conditional Use (See Section 4.3.9.D)	NP Not Permitted	PL Permitted Subject to Limited Use Standards (See Section 4.3.9.D)	PUD Per PUD Approval

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Medical / Dental															
Dental Office / Dental Clinic, Medical Office / Medical Clinic / Outpatient Clinic, or Medical or Dental Lab	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	P	PUD	NP
INDUSTRIAL USES CATEGORY															
Heavy Industrial															
Asphalt Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Concrete Batch or Manufacturing Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Hazardous & Low-Level Nuclear Disposal & Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Wrecking, Junk, & Salvage Yards, & Scrap Operations	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Tile or Brick Manufacturing;	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Automobile, Truck, or Tire Manufacturing or Assembly	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Ammonia or Chlorine Manufacturing;	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Metal Casting or Foundries	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Gas Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Metal or Metal Ore Production, Refining, Smelting, or Alloying	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Petroleum or Petroleum Product Storage or Refining	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Boat, Pool, or Spa Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Keeping, Selling, or Slaughtering of Animals	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP

PUBLIC DRAFT

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P Permitted by Right	CU Conditional Use (See Section 4.3.9.D)	NP Not Permitted	PL Permitted Subject to Limited Use Standards (See Section 4.3.9.D)	PUD Per PUD Approval

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Glass Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Paper Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Manufacturing of Materials into Compost	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Rail Equipment Storage / Repair	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Railroad Freight Yard	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Sawmill	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Wood or Lumber Processing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Animal processing, Rendering, Packing, Treating, and Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Livestock Slaughtering	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Processing of Food and Related Products	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Sale of Farm Equipment and Machinery and Earth Moving and Heavy Construction Equipment	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Production of Chemical, Rubber, Leather, Clay, Bone, Plastic, Stone, or Glass Materials or Products	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Other Heavy Industrial Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PUD	NP
Light Industrial															
Brewery, excluding Brewpubs	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Bottling Plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Building Systems / Construction Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Carpet cleaning plants or manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Catering Service or Catering Events Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Clothing or Textile Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Commercial bakery	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Contractor Materials Sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Dairy Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Distillery	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Distribution / Distribution Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Dry Cleaning Plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Equipment Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Fabrication, work, or storage on–site by building, heating, plumbing, electrical, or general contractors, and others who perform services off–site	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Food Processing plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Horticulture and Landscaping Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Ice plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Institutional bakeries	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Laundry Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Light Manufacturing Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP

LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44–18–104(c)(4).

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Machine Shop / Woodworking Shop, other than Artisan Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Maintenance yard or facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, or toys	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Non–Hazardous Waste Treatment or Disposal	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	PUD	NP
Printing, Publishing, and lithography	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Production of artwork	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Rail Equipment Storage / Repair	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Recycling Processing Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Repair of scientific or professional instruments, electric motors;	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Regional recycling center;	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Research Laboratory / Research & Development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Scrap or Salvage Yard / Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Sheet metal shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Soft drink bottling	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Warehouse / Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Welding, machine, tool repair shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Winery	CU	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Woodworking, including cabinet makers and furniture manufacturing, but excluding Artisan Establishments	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Other Light Industrial Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Warehouse & Freight Movement															
Bulk storage, including nonflammable liquids, feed and grain storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Bus barn	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Cold storage plants, frozen food lockers,	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Household moving and general freight storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Separate warehouse used by Retail store such as a furniture or appliance store	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Stockpiling of sand, gravel, or other aggregate materials	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PUD	NP
Transfer and storage Business with no individual storage areas or where employees are the primary movers of the goods	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Other Warehouse & Freight Movement Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–2	CD–3 L	CD–3	CD–4	CD–4C	CD–5	CD – 5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD – R	PUD–MU	OTHER PUD	CV
Waste–Handling Service															
Animal waste processing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Septic Equipment Installation, Service, or Cleaning	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Landfill	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Incinerator	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Manufacture and production of goods from composting organic material	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Recyclable material storage, including construction material	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Recycling center	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	PUD	NP
Transfer station	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	PUD	NP
Recycling Station	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Other Waste–Related Service Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
UTILITIES USES CATEGORY															
Utility Facilities	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
Utility Transmission Line	PL	PL	NP	NP	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	PUD	CU
Other Utilities Use Not Listed Under any other Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
OTHER USES CATEGORY															
Adult – Oriented Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	NP	NP	NP

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P Permitted by Right	CU Conditional Use (See Section 4.3.9.D)	NP Not Permitted	PL Permitted Subject to Limited Use Standards (See Section 4.3.9.D)	PUD Per PUD Approval

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3. Principal Uses, Accessory Uses, or Temporary Uses, as applicable, of Buildings, Lots, and Building Sites, which are indicated in **Table 4.3.9.A–1 (Building & Lot Principal Uses)**, **Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses)**, or **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Permitted ("P"), Permitted Subject to Limited Conditions ("PL"), or as Conditional Use ("CU"), are permitted within each District, subject to compliance with all applicable standards, conditions and requirements thereof and obtaining all applicable approvals and permits therefor, including without limitation in the case of Uses Permitted Subject to Limited Use Standards ("PL") and Conditional Uses ("(CU"), compliance with the applicable Use standards of Section 4.3.11.D, and in the case of Conditional Uses ("CU"), Board of Zoning Appeals approval pursuant to Article 8 (Administrative, Procedural, and Enforcement).

4. Accessory Uses of Buildings, Lots, and Building Sites in each District must conform to the Accessory Uses specified on **Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses)** for such District and are subject to compliance with all other applicable standards and requirements of this Ordinance.

5. Temporary Uses of Buildings, Lots, and Building Sites in each District must conform to the Temporary Uses specified on **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** for such District and are subject to compliance with all other applicable standards and requirements of this Ordinance.

6. Without limitation, Accessory Uses must be subordinate and customarily incidental to a permitted Principal Use on the Lot.

7. If multiple Principal Uses are allowed within a District, they may exist within a single Building, Lot, or Building Site, subject to compliance with all other applicable standards and requirements.

B. Uses Permitted by Right.

Principal Uses, Accessory Uses, or Temporary Uses, as applicable, of Buildings, Lots, and Building Sites, which are indicated for each District in **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Uses), Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses)**, or **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Permitted ("P") are allowed by right, subject to compliance with all other applicable provisions of this Ordinance.

C. Prohibited Uses.

Except as otherwise determined by the Zoning Administrator pursuant to Section 8.5.8 with respect to a Use that is not specifically listed as Permitted ("P"), Permitted Subject to Limited Conditions ("PL"), or as a Conditional Use ("CU") in **Table 4.3.9.A–1 (Building & Lot Principal Uses)**, **Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses)**, or **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)**, as applicable, any Use that is not specifically listed as Permitted ("P"), Permitted Subject to Limited Conditions ("PL"), or as a Conditional Use ("CU"), and any Use that is specifically listed Not Permitted ("NP") in such applicable Table or is otherwise prohibited pursuant to Section 4.3.9.7 or any other provision of the City Code, is prohibited.

D. Uses Permitted Subject to Limited Use Standards & Conditional Uses.

1. Any Principal Use, Accessory Use, or Temporary Use shown for the applicable District as Permitted Subject to Limited Use Standards ("PL") on **Table 4.3.9.A–1 (Building & Lot Principal Uses)**, **Table 4.3.9.A–2 (Building & Lot Accessory Uses)**, or **Table 4.3.9.A–3 (Building & Lot Temporary Uses)**, is allowed subject to compliance with all applicable conditions and requirements imposed by this Section 4.3.9.D and Section 4.3.9.4.h.

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2. Any Principal Use, Accessory Use, or Temporary Use shown for the applicable District as Conditional Use (CU") on **Table 4.3.9.A–1 (Building, Lot, & Building Site Principal Uses)**, **Table 4.3.9.A–2 (Building, Lot, & Building Site Accessory Uses)**, or **Table 4.3.9.A–3 (Building, Lot, & Building Site Temporary Uses)**, is allowed subject to compliance with all applicable conditions and requirements imposed by this Section 4.3.9.D in addition to Conditional Use approval and issuance of a Conditional Use permit pursuant to Article 8 (Administration, Procedures & Enforcement).

3. The conditions, standards, and requirements of each Use Permitted Subject to Limited Use Standards or Conditional Use shall be applicable, irrespective of the Use being a Principal Use, an Accessory Use, or a Temporary Use.

4. The conditions and requirements applicable to any Use Permitted Subject to Limited Use Standards or Conditional Use shall be enforceable, and failure to comply with any condition or requirement of a Use Permitted Subject to Limited Use Standards or as a Conditional Use shall subject such Use Permitted Subject to Limited Use Standards or Conditional Use to revocation pursuant to Section 8.6.1.J.

5. No Use Permitted Subject to Limited Use Standards or Conditional Use shall commence or exist, or be conducted or engaged in, on any Lot or Building Site, or within any Building except in accordance with all applicable conditions and requirements for such Use, including without limitation in the case of a Conditional Use, review, approval, and issuance of a Conditional Use Permit by the Board of Zoning Appeals.

6. The following standards shall apply only to those Districts and Uses where the "PL" and / or "CU" is designated on the applicable **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Uses)**, **Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses)**, or **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)**, as applicable:

a. **Outdoor Display** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Outdoor Display shall be permitted only through the Administrative Adjustment process in Section 8.5.8.

(2) A binding site plan illustrating the extent of the permitted area for outdoor display shall be required.

(3) Vehicles for sale, lease or rent as part of a properly permitted Use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this Section.

(4) Plant material at a Plant Nursery or Plant Nursery with Landscape Supply shall not be considered merchandise, material or equipment subject to the restrictions of this Section.

(5) Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.

(6) Temporary uses permitted by these zoning regulations are not subject to the requirements of this Section.

(7) The requirements of this Section do not supersede any previously issued Conditional Use or special exception for outdoor display or storage.

(8) The outdoor location of soft drink or similar vending machines shall be considered outdoor display where the location is visible from Adjacent Residential Development.

(9) Outdoor acceptance of payment or other remittance (including cash registers or similar devices) shall not be permitted, except for activities permitted through a Temporary Use permit.

b. **Outdoor Storage,** where permitted by this Ordinance, all shall be located only in the 3rd

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Layer and at least 15 feet from the public right-of-way and any Abutting Residential Use or Residential District.

c. **Agricultural Activities**, except as certain enterprises that produce the majority of their income from agricultural activities may be exempted from certain zoning restrictions pursuant to T.C.A. Section 44-18-104(c)(4) shall be subject to the following:

(1) Barns, feedlots, pens, and stockyards may be permitted in accordance with the applicable Use Table, subject to the following:

(a) Barns, feedlots, pens and stockyards shall require a minimum separation of 200 feet from all property lines.

(b) The location of such an activity shall be in an area sparsely developed during the length of time the Use as a stockyard or feedlot is anticipated;

(c) The site area shall be a minimum of twice the minimum required for the applicable District. Sites containing outdoor animal pens shall require a minimum site area of four acres.

(d) All proposals shall include a Site Plan which contains, at minimum, the following information:

- Existing and proposed contours of the site and up to 100 feet beyond the site boundary. Contour intervals shall be at two foot intervals;
- Location of the area in which the proposed keeping of animals is to be conducted;
- Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site;
- Proposed method of drainage of the animal pens and any proposed waste lagoons;
- Proposed fencing of the site; and
- Location of all existing or platted residences on adjacent properties.

d. **Extractive Uses** may be permitted in accordance with the applicable Use Table, subject to the following:

(1) The application for the Use shall include a plan for restoration procedures once the operation ceases.

(2) The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated;

(3) Any permit or approval issued or granted hereunder shall be based on a Development Plan or other documents submitted with an application which shall provide, together with all other requirements for such Development Plan, the following:

(a) Existing contours of the site and up to 100 feet beyond the site boundary. Contour intervals shall be at two foot intervals.

(b) Location of the area in which the proposed quarrying activity is to be conducted.

(c) Location of all proposed buildings, crusher and screening equipment, roadways, and other facilities proposed on the site.

(d) Proposed method of drainage of the quarry area.

(e) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.

(f) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

(g) Methods proposed to control noise, vibration and other particulate matter in

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order to meet the performance standards as set out in this Ordinance.

(h) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and / or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back – filled shall be left so that adequate drainage is provided.

(4) Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/ or rock crushing activities on the same or Abutting Lots or Building Sites, which may have directly opposing Frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all of the Conditional Use requirements for mining and quarrying activities; however, in conditions of multiple Lots or Building Sites, the outer perimeter of the site shall be considered the Lot Line or Building Site Line;

(5) Before issuing a Conditional Use permit, the Board of Zoning Appeals shall require the owner of the quarry facility to execute a bond not less than $1,000 per acre or more than $2,000 per acre of active quarry throughout a five year period to restore the lands in the manner prescribed herein, including the removal of all Structures and machinery;

(6) Any permit issued hereunder shall not be for a period exceeding five years. After the expiration date of such permit, the Board of Zoning Appeals may review and grant an extension of time in the manner and procedure as prescribed for an original application.

e. **Attached Dwellings** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No more than three (3) Duplex Buildings (each Duplex Building containing two Dwellings) may be located on any Block Face.

(2) Party walls, subject to the provisions of the Standard Building Code and National Fire Protection Association Fire Code, shall be provided along all points of attachment.

f. **Manufactured Homes** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No person shall place a Manufactured Home on any Lot or Building Site within a Residential District, unless it is used actively for Residential purposes. Non-Residential Use of a Manufactured Home may be permitted as a Temporary Use subject to Section 4.3.8.B, Temporary Construction Offices.

g. **Manufactured Home Parks** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Applications for a Multi-family Dwelling shall be subject to the Site Development Plan Review requirements of Section 8.5.6 and shall require Planning Commission approval.

(2) Manufactured Home Parks must be designed and constructed to the same standards as a site-built subdivision to assure a safe, healthy Residential environment.

(3) Where permitted, Manufactured Homes within a Manufactured Home Park shall be located to minimize hazards due to possible subsidence, flood or erosion, and insect or rodent infestation.

(4) Landscaping and Buffering shall be provided in conformance with Section 4.3.11. A planting plan shall be submitted with the final Development Plan.

(5) Publication "NCSBCS Standard for Manufactured Home Installations" (ANSI A 225.1

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– 1982), including NFPA Standard for Firesafety Criteria for Manufactured Home Installations, Sites and Communities (NFPA 501A – 1982), shall be applicable to Manufactured Home Parks, and is hereby adopted by reference.

(6) Each Manufactured Home Park shall be served by a public water supply of adequate quantity, quality and pressure.

(7) Adequate fire protection, as determined by the Municipal Fire Department, shall be provided for each Manufactured Home located within a Manufactured Home Park.

(8) Each Manufactured Home within a Manufactured Home Park shall be served by a Central Sewage Collection and Treatment System.

(9) Solid waste collection stands shall be provided for waste facilities. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Stands shall be screened in accordance with Section 4.3.11.

(10) Service Buildings housing sanitation and laundry facilities shall be permanent Structures complying with all applicable Ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

(11) All Manufactured Home Stands shall be located within reasonable proximity to a fire hydrant or similar fire protection facilities.

(12) A safe, convenient, all-season pedestrian circulation system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have an adequate gradient and a minimum width of three feet.

(13) Direct vehicular access to the Manufactured Home Park shall be provided by means of an abutting improved public street or way and access to each Manufactured Home site shall be by a permanently maintained private street or way which is protected by a permanent Easement. Sole vehicular access shall not be by an Alley.

(14) All Vehicular Use Areas used for common access for two or more residents shall be suitably paved and maintained as a condition of approval of the Manufactured Home Park.

(15) The limits of each Manufactured Home Site shall be marked on the ground by suitable means. Location of Manufactured Home Site limits on the ground shall be the same as shown on accepted plans.

(16) Manufactured Homes shall have a minimum side-to-side clearance of 25 feet and a minimum end-to-end clearance of 15 feet.

(17) There shall be a minimum distance of ten feet between the nearest edge of any Manufactured Home Stand and an Abutting Street or Internal Drive.

(18) Each Manufactured Home Site shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area of such outdoor living and service area shall be at least 300 square feet, with a minimum dimension of 15 feet. This area shall not be counted towards required Civic Space.

h. **Townhouses or Rowhouses** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Party walls, subject to the provisions of the Standard Building Code and National Fire Protection Association Fire Code, shall be provided along all points of attachment.

(2) Pedestrian access shall be provided at the rear of each attached Dwelling.

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i. **Correctional Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) In order to accommodate outdoor recreational facilities and to allow for potential building expansion, the site size for facilities located outside the CD-5 Character District shall be a minimum of one acre in size or the minimum of the District, whichever is larger; provided that County and City jail facilities have no minimum site size.

(2) The facility shall be at least 650 feet from the nearest property which is Residentially zoned or used.

(3) The facility shall not be established within 1,320 feet of a public or private school, day care, or Place of Worship.

(4) Site Development shall be in conformance with the landscaping and dimensional requirements of the applicable District.

(5) The Use requires a Conditional Use Permit, which may be denied when the Use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.

j. **Family Day Care Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) A maximum of 12 clients may be served at any one time.

(2) Overnight accommodation shall not be permitted.

(3) No outdoor public address systems shall be allowed.

(4) The facility shall contain twice the minimum Lot area for the underlying District.

(5) When the facility is located within a Non-Residential area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.

(6) A client drop off area shall be provided. All required Parking shall be in the Rear Yard or Side Yards; however, required Parking may be located in the Street Yard if the Zoning Administrator finds that such Parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.

(7) All other standards of the applicable District shall be met.

k. **Long Term Care Facilities, Continuum of Care Facilities and Group Care Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).

(2) Group Care Facilities accommodating from seven to 12 individuals shall have 24-hour staff and professional services in the behavioral sciences available.

(3) Group Care Facilities accommodating more than 12 individuals shall have resident 24-hour staff, and shall provide professional services in the behavioral sciences.

(4) The Planning Commission must make a written finding to the Board of Zoning Appeals regarding the foregoing requirements based on advice from such agencies as the Tennessee Department of Human Services.

(5) The Use is subject to issuance of a Conditional Use Permit.

(6) An appropriate license must be secured for any activity regulated by any public agency,

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including the Tennessee Department of Human Services. Any activity lawfully regulated by any public agency may be permitted for only that time period for which a valid license is obtained. Where grades or classes of approvals are granted, only the most restrictive may be permitted.

(7) No more than one of either a Long Term Care Facility, Continuum of Care Facility, or Group Care Facility may be permitted on a single block.

(8) A Family Care Facility may not accommodate more than one individual (excluding staff) per living room.

(9) The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to Adjacent properties as a result of traffic, noise, refuse, Parking or other activities.

(10) The home shall maintain a Residential appearance compatible with the neighborhood.

(11) The home shall meet all state requirements, and all applicable housing and building code requirements.

(12) A Group Care Facility must contain 1,500 square feet of net floor space for the first six residents, including resident staff, and 150 square feet of net floor space per person above six residents.

(13) Necessary utilities including a Central Sewage Collection and Treatment System shall be available to the site.

(14) Group Care Facilities accommodating from seven to 12 persons, and Family Care Facilities accommodating from one to six persons shall meet all bulk regulations for a Residence in the applicable District.

(15) Group Care Facilities accommodating from 13 to 50 persons shall have a minimum Lot/Building Site Area of five acres. When more than 50 persons are accommodated, there shall be one additional acre is required for each ten persons accommodated.

(16) The minimum Side Yards and Rear Yards for Group Care Facilities accommodating 13 or more persons shall be 50 feet for a one – or two – story building, increased by five feet for each story above two.

(17) The Development Plan shall be subject to approval by the Planning Commission, taking into account but not limited to the following considerations:

(a) Compatibility with the surrounding area;

(b) Any adverse impact of the proposed activity on the character of the area;

(c) Needed fencing and screening;

(d) Adequate open space and recreation space if appropriate; and

(e) All other requirements of this Section.

(18) Notwithstanding the factors listed above, the Board of Zoning Appeals shall be permitted to vary the Required Yards or Setbacks and the Screening for Parking when the application involves a change in activities in existing Structures. The Development Plan shall provide for compensating features to offset any potentially adverse conditions that might be brought about by said modification to the requirements.

l. **Hospitals., Rehabilitation Facilities, and Centers for Observation** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The minimum Side Yards and Rear Yards for Hospitals and Centers for Observation or Rehabilitation Facility shall be 50 feet for one or two Story Buildings, increased by five feet for each Story above two Stories.

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(2) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(3) All public utilities including a Central Sewage Collection and Treatment System shall be available to the site.

m. **Wireless Communication Facilities other than Communications Towers** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The requirements set forth in this Section 4.3.9.D.6.n. shall govern the location of Towers that exceed, and antennas that are installed at a height in excess of 70 feet. The height limitations applicable to Buildings and Structures shall not apply to Towers and Antennas.

(2) Antennas or Towers located on property owned, leased, or otherwise controlled by the CITY shall be exempt from the requirements of this subsection, provided a license or lease authorizing such Antenna or Tower has been approved by City Council.

(3) This Section shall not govern any Tower, or the installation of any Antenna, that is under 70 feet in height and is owned and operated by a federally – licensed amateur radio station operator or is used exclusively for receive – only Antennas.

(4) The Use is subject to issuance of a Conditional Use Permit.

(5) The following requirements are in addition to any that may be required for a Conditional Use Permit

(a) Site and landscape plans drawn to scale and landscape plans drawn to scale;

(b) A report including a description of the Tower with technical reasons for its design;

(c) Documentation establishing the structural integrity for the Tower's proposed uses, certified by a professional engineer licensed in the State of Tennessee competent in such design, the general capacity of the Tower and information necessary to assure that ANSI (American National Standard Institute) standards are met;

(d) A statement of intent whether excess space on the Tower will be leased;

(e) Proof of ownership of the site or a copy of the owner's authorization to use the site;

(f) Copies of any Easements necessary to gain access or limited Development areas;

(g) An analysis of the site containing existing topographical contours;

(h) A written opinion from an appropriate authority that the soils and underlying materials will support the intended Structure;

(i) Evidence that the Tower facility meets technical emissions standards set by the FCC (Federal Communication Commission);

(j) Evidence of "Determination of No Hazard" from the FAA (Federal Aviation Administration), as well as all required FCC permit information;

(k) Alternatives to the Tower location and why this site was selected; and

(l) Evidence that the site complies with requirements of the NEPA (National Environmental Policy Act) in regard to impact on wildlife, endangered species, historical sites, Native American religious sites, floodplains, wetlands, high intensity white lights in Residential neighborhoods ,and frequency emissions in excess of FCC guidelines.

(6) Communication Towers may be built on the same Lot or Building Site with another

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Principal Use. A separation a minimum of the Tower height between the Tower and any other Principal Use is required in order to provide for the health, safety and welfare of individuals and Structures occupying the same site. Joint use is prohibited on a Lot or Building Site where a proposed or existing Principal Use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous wastes such as LP gas, propane, gasoline, natural gas and corrosive or dangerous chemicals.

(7) Towers 80 feet or more in height shall be located on the Lot so that the distance from the base of the Tower to any adjoining property line or supporting Structure of another Tower is a minimum of 100% of the proposed Tower height. No Variance shall be granted from this minimum setback requirement.

(8) Except as specifically required by the FAA (Federal Aviation Administration) or the FCC (Federal Communication Commission), transmission Structures shall:

(a) use colors such as gray, blue or green which reduce their visual impacts; provided, wooden poles do not have to be painted; and

(b) not be illuminated, except equipment shelters may use lighting for security reasons which is compatible with the surrounding neighborhood;

(c) not use strobe lights unless specifically required by FAA.

(9) Any proposed Tower shall be structurally designed so as to accommodate the minimum number of foreseeable shared users.

(10) No advertising or display is permitted on any Communication Tower.

(11) Any Accessory Buildings or Structures shall be located a minimum of 50 feet from any adjoining property line. Except for emergency purposes, the accessory facilities may not include offices, long-term vehicular storage, other outdoor storage, or broadcast studios, unless the Use is permitted in the District.

(12) The Tower base and equipment area shall be enclosed with a fence no less than six feet in height. Access shall be locked at all times when the site is not occupied.

(13) Where the Tower site abuts or is contiguous to any Residential District, there shall be provided a continuous, solid Screening and it shall be of such plant material as will provide an evergreen Screen. Screening as required herein shall be not less than four feet in height at the time of planting and shall be permanently maintained.

(14) Location on any other Structure other than a Tower (i.e. water tank, utility poles, roof tops, etc.) is permitted subject to the provisions listed above relating to a Tower location.

(15) Co – location on Communication Towers is encouraged. The Zoning Administrator has authority to approve a co – location on an existing Tower subject to:

(a) receipt of a letter from a licensed engineer stating that the Tower is structurally adequate to handle the additional load; and

(b) the FCC technical emissions standards not being exceeded.

(16) Any Antenna or Tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower, as well as any shared user(s) of the Tower or Antenna, shall remove same within 90 days of receipt of notice from the City notifying the owner and shared user(s) of such abandonment. If such Antenna or Tower is not removed within said 90 days, the City may remove or have the Structure removed at the owner's expense.

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n. **Utility Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Utility Facilities in Residential areas or adjoining Residential Uses shall maintain Residential area Setbacks or Required Yards, be fenced (unless totally enclosed with a Structure), and either be screened from view or designed to have a Residential appearance.

(2) Expansion of Utility Facilities originally approved through the issuance of a Conditional Use Permit pursuant to Section 8.5.16 of up to 20% or 1,000 square feet, whichever is greater, may be approved administratively by the Zoning Administrator.

o. **Adult – Oriented Establishments** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No Adult – Oriented Establishment shall be operated or maintained in the City within 1,000 feet, measured from property line to property line, of a school, religious facility, public recreation facility, or licensed day care facility.

(2) No Adult – Oriented Establishment shall be operated or maintained in the City within 1,000 feet, from property line to property line, of a boundary of a Residential District or a Residential Use.

(3) No Building or Structure associated with the Adult – Oriented Establishment shall be closer than 50 feet to a property line of an adjacent Non-Residential District or Use.

(4) No Adult – Oriented Establishment shall be operated or maintained in the City within 1,000 feet, measured from property line to property line, of another Adult – Oriented Establishment.

p. **Car Wash Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No storage, repair, or sales of vehicles shall be allowed on the site.

(2) Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. This water shall be discharged into a sanitary sewer system or another approved on-site system and shall not be discharged into the stormwater system.

(3) No wash bay shall face or be located in the 1st or 2nd Layer or the Frontage.

q. **Parking Lots** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No storage, repair, or sales of vehicles shall be allowed on the site.

(2) A wall or fence no more than 30 inches in height shall be placed around the perimeter of the Parking area to prevent Encroachment of vehicles into the surrounding area.

r. **Gasoline Sales Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Fuel pumps shall be located at least 15 feet from any property line.

(2) No outdoor storage shall be allowed.

(3) Storage of vehicles for more than 24 hours is prohibited.

(4) A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:

(a) Clean up procedures for fuel (or other hazardous material) spills occurring inside and outside the Building;

(b) Counter measures for use in preventing fuel (or other hazardous material) spills from entering the stormwater collection system;

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(c) Routine cleanup procedures for work area and Parking Areas; and

(d) Washdown water shall not be permitted to enter the stormwater collection system.

(5) Pumps shall be located in the 3rd Layer.

(6) Within Districts CD-4, CD-4C, CD-5C, and PUD-MU, the maximum number of fuel dispensing pumps shall be eight per Lot or Building Site. Within District CD-5, the maximum number of fuel-dispensing pumps shall be eight for the entire District.

s. **Drive-Through Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Where no street separates the Use and a Residentially zoned or Residentially used property, at least 40 feet of separation shall be maintained between such Residential property Line and the Drive-Through facility.

(2) Drive-through Facilities must be located in the 3rd Layer and the location of drive-through facilities and associated facilities (for example: communications systems and access aisles) shall be identified on all submitted Plans.

(3) Any speaker systems associated with a drive-through facility shall be designed and located so as not to be audible beyond the Lot or Building Site on which the drive-through facility is located.

(4) Vehicular access to a Drive-Through facility that is between a Thoroughfare or Internal Drive and a Building shall require a Parcel Buffer pursuant to Section 4.3.11 if such access is within 50 feet of, and visible from, the Thoroughfare or Internal Drive. Such Buffer shall be installed and maintained along the entire length of such vehicular access and the Adjacent Thoroughfare or Internal Drive

(5) Vehicle stacking areas shall be provided in accordance with Section 4.3.12.H.

t. **Golf Course, Country Club, Swim Club, and Tennis Club Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) No maintenance Building or clubhouse shall be closer than 100 feet from any Residentially zoned or Residentially used land.

u. **Group Assembly Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The locations, size and design of such facilities shall be situated so that the proposed Development shall be compatible with the Development within the surrounding area thus reducing the impact upon the surrounding area;

(2) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets; and

(3) When an application for a Group Assembly permit includes an amusement park, sports arena, fairground, racetrack, or similar recreational pursuits, the following requirements shall be observed:

(a) The minimum site area shall 25 acres;

(b) The minimum setback of all Structures from all public roads shall be 100 feet;

(c) Such facility shall be situated so that no Residentially zoned or Residentially used property is located closer than 500 feet from the Building entrance of such facility;

(4) Access to such facility shall be by a paved public major arterial or major collector Thoroughfare. Traffic shall not be directed through Residentially zoned or Residentially used property, through areas that are Adjacent to Residentially zoned or Residentially used property, or on minor Residential streets traversing Residentially zoned or Residentially used property areas or areas that are Adjacent thereto;

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(5) Any lighting provided at such facilities shall be designed so that no direct light falls on Adjacent Residential property; and

(6) Accessory Uses may be permitted in conjunction with the Principal Use of the property provided that such uses are physically designed as a part of or within the principal Structure. Such Uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

v. **Hotels, Motels, and Extended Stay Hotels** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The parcel shall be accessed from a Thoroughfare or Internal Drive.

(2) Where the property line of a Motel is Adjacent to Residentially zoned or Residentially used property, the minimum depth for the required Yard along such Adjacent property shall be 50 feet and no Structures or Parking shall be permitted in the required Yard.

(3) Any Accessory Uses such as restaurants and outdoor recreational activities shall not be located on the side of Adjacent to Residentially zoned or Residentially used property.

w. **Manufactured Home Sales** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The boundary of the property shall be a minimum of 500 feet from any Residentially zoned or Residentially used property.

(2) The display area shall be set back a minimum of 25 feet from the street right-of-way and shall be Screened from the Frontage in accordance with Section 4.3.11.

(3) In addition to the landscaping requirements in Sections 4.3.11 and 4.3.16, the following landscaping shall be provided within any Front (Street) Yard:

(a) An evergreen hedge which is at least 24 inches in height; or

(b) Plantings which meet the requirements for plantings under Section 4.3.9.D.6.y(5).

(c) Storage and repair activities shall be screened from off-site views.

(4) A minimum separation of at least 10 feet shall be maintained between display homes. Display homes which are visible off-site shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the Manufactured Home.

x. **Motor Vehicle Sales, Leasing, and Rentals** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) All Junk Vehicles or inoperable vehicles or equipment shall be within a completely enclosed Building.

(2) Vehicle or equipment repairs made on-site shall be subject to the restrictions under "Vehicle Services", below.

(3) Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any Right-of-Way.

(4) No vehicles shall be displayed in required landscaping or in Rights-of-Way.

(5) Vehicle sales, leasing, and rental facilities shall meet the following Parking Area landscaping standards rather than those of Section 4.3.12.C:

(a) Trees shall be planted at the rate of one tree per 50 linear feet, and shrubs at the rate of one shrub per five linear feet of display area.

(b) Plants may be grouped together, provided that at least 250 square feet of

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contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree.

(6) The provisions of Section 4.3.9.D.6.a shall not apply.

y. **Motor Vehicle Service** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Fuel and oil pumps, if present, shall be at least 15 feet from property lines.

(2) Pump island canopies shall be so located that a vertical downward projection of the edge nearest the Front Lot Line or Building Line shall not be closer than 1/2 the required yard depth for the District in which the Use is located.

(3) Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed Structure.

(4) No outdoor storage shall be allowed.

(5) Storage of vehicles for 15 days or more shall be prohibited.

(6) A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:

(a) Cleanup procedures for spills occurring inside and outside the Building;

(b) Counter measures for use in preventing spills from entering the stormwater collection system;

(c) Routine cleanup procedures for work areas and Parking areas; and

(d) Wash-down water shall not be permitted to enter the stormwater collection system.

z. **Nightclubs, Taverns, and Bars** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) With the exception of nightclubs, taverns, or bars located within District CD-5, the applicant shall demonstrate that no pre-existing Place of Worship is located within 500 feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed night club or similar establishment and from the property line of any separate Parking Lots to be used by the nightclub or similar establishment.

(2) Except in District CD-5, no nightclub, tavern, or bar shall be located within 500 feet of a Residentially zoned or Residentially used property.

(3) No outside storage or activities shall be located on the site.

(4) Outdoor activities occupying no more than 400 square feet may be permitted by Administrative Adjustment.

aa. **Outdoor Recreation** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The use shall have direct access from a major or minor Thoroughfare.

(2) Food sales shall be provided for patrons of the recreational activity only.

(3) Passive recreational activities may use alternative Parking surfaces as approved by the City Engineer.

ab. On-Street Vending shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) Issuance of a Temporary Use Permit pursuant to Section 8.5.9.

ac. **Self-Service Storage Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

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(1) Except when located within District SD-LI or SD-HI, there shall be a Parcel Buffer provided pursuant to Section 4.3.11.H, which shall include a perimeter fence no less than four feet and no more than eight feet in height. Such fence shall be Screened in accordance with Section 4.3.1.

(2) Barbed-wire, razor wire, or similar accoutrements may not be used on portions of the fence visible from a roadway. Acceptable materials include wrought iron, aluminum, stone, brick or other materials with similar appearance.

(3) One Loading Space shall be provided for each 10,000 square feet of enclosed storage area.

(4) When located within a PUD District, the Use shall maintain a minimum 300 foot Setback from any property line along arterial roadways.

ad. **Non-Banking Financial Institution** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Non-Banking Financial Institution shall be located no less than 1,320 linear feet from the property line of another property upon which another non-banking financial institution is located.

ae. **Asphalt plants and other facilities for the manufacture and storage of chemicals, petroleum products, explosives, and allied products** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Heavy Manufacturing Permit shall be required (See Section 8.5.22).

(2) The boundary of the property shall be at least 1,500 feet from any Residential Use or District.

(3) The Use shall be totally enclosed by a security fence or wall at least 8 feet high or enclosed within a fire proof Building.

(4) All plans shall be reviewed by Fire and Emergency staff prior to approval in order to determine that existing services provide adequate protection for citizens.

af. **Concrete Plants** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The facility shall be at least 1,500 feet from any Residential Use or Residential District.

(2) The property may not be adjacent to an existing Hospital, Day Care Facility, Educational facility, Religious Facility, Long Term Care Facility, Continuum of Care Facility, or Assisted Living Facility.

(3) The site shall be at least four acres in size and shall have access on a major or minor thoroughfare.

(4) Property boundaries facing public streets shall be fenced with a six foot high fence.

(5) The Use shall be subject to the issuance of a Conditional Use Permit in addition to a Heavy Use Permit.

ag. **Hazardous and Low Level Nuclear Material Disposal and Storage Areas** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Heavy Manufacturing Permit shall be required (See Section 8.5.22).

(2) The facility shall comply with all applicable State and federal regulations.

(3) The facility shall be located at least 1,500 feet from any Residential property.

(4) Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within ¼-mile of the property line.

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(5) The site shall be enclosed by a fence or wall at least 6 feet high. Entrance and exit shall be through a gate which shall be locked during non-business hours.

ah. Heavy Industrial Facilities, Not Otherwise Classified may be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Heavy Manufacturing Permit shall be required (See Section 8.5.22).

(2) The facility shall comply with all applicable State and federal regulations.

(3) Any additional conditions imposed during the Heavy Manufacturing Permit or Conditional Use Permit process.

ai. **Transfer Stations and Recycling Facilities** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) The transfer station shall handle only waste that can be legally handled or disposed of in a solid waste landfill facility. This limitation shall not preclude use of the transfer station site for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.

(2) Recycling facilities shall handle only recyclable materials for which a permit has been obtained through the appropriate regulatory agency.

(3) The entrance Driveway shall be located on a major thoroughfare located within 2,000 feet of an interstate highway interchange.

(4) There shall be at least 500 feet of separation between the facility [building and vehicular use areas adjacent to the building] and the nearest Residential Structure.

(5) The facility shall conform to all applicable State and federal regulations.

aj. **Waste Handling Facility, Not Otherwise Classified** may be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Heavy Manufacturing Permit shall be required (See Section 8.5.22).

(2) The facility shall comply with all applicable State and federal regulations.

(3) Any additional conditions imposed during the Heavy Manufacturing Permit or Conditional Use Permit process.

ak. **Wrecking, junk, and salvage yards** shall be permitted in accordance with the applicable Use Table, subject to the following:

(1) A Heavy Manufacturing Permit shall be required (See Section 8.5.22).

(2) The facility shall not be within 1,000 feet of Residentially zoned or Residentially used property; however, intervening highways, streets, railroads, and similar Rights-of-Ways shall be included in the 1,000-foot measurement.

(3) The facilities shall be enclosed by a fence and shall be Screened from view. The fence shall be six-feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.

(4) A spill prevention and countermeasures plan shall be provided prior to construction plan approval that includes, at a minimum:

(a) Cleanup procedures for spills occurring inside and outside the Building;

(b) Countermeasures to prevent spills from entering the stormwater collection system; and

(c) Routine cleanup procedures for work areas and Parking Areas. Washdown water shall not be permitted to enter the stormwater collection system.

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E. General Performance Standards for All Uses.

1. Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all applicable federal and State regulations.

2. All activities shall comply with the City Fire Codes.

3. All activities shall comply at a minimum with all applicable State and federal regulations as well as the appropriate County Health Department regulations and City and County fire department regulations for hazardous materials and wastes.

4. All activities shall control electromagnetic frequencies so that there is no interference in the operation of equipment off-site and no adverse effects to persons off-site.

5. Any activity which discharges material or liquids into sanitary sewers shall conform to all federal, state and local discharge and release regulations. City sanitation ordinances may also apply. The drainage of waste or stored materials onto adjacent properties or directly into creeks and watercourses or into the stormwater conveyance system is prohibited. Only uncontaminated stormwater runoff may be discharged into the stormwater conveyance system.

6. All activities shall comply with all federal and State regulations which apply to the handling, storage, and disposal of nuclear material.

7. All activities shall comply with all City regulations which pertain to the emanation of sound waves.

F. Accessory Uses.

1. Accessory Uses are Permitted by Right, Permitted Subject to Limited Use Standards, as Conditional Uses, or Not Permitted, as indicated in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**.

2. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "P" (Permitted Accessory Use) are permitted in the applicable District, as indicated, if subordinate and customarily incidental to a permitted Principal Use existing on the Lot or Building Site.

3. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "CU" (Conditional Use) are permitted in the applicable District, as indicated, if compliant with all applicable standards, requirements and conditions of Section 4.3.9.D, and subject to issuance of a Conditional Use Permit pursuant to Section 8.5.16.

4. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "PL" (Permitted Subject to Limited Use Standards) are permitted in the applicable District, as indicated, if compliant with all applicable standards, requirements and conditions of Section 4.3.9.D.

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LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44-18-104(c)(4).				
P Permitted by Right	CU Conditional Use	NP Not Permitted	PL Permitted Subject to Limited Use Standards	PUD Per PUD Approval

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TABLE 4.3.9.A–2 BUILDING, LOT & BUILDING SITE ACCESSORY USES

ACCESSORY USE	CD–2	CD–3L	CD–3	CD–4	CD–4C	CD–5	CD–5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD –R	PUD–MU	PUD OTHER	CV
RESIDENTIAL / DWELLING															
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Accessory Dwelling Unit	P	P	P	P	P	P	P	NP	NP	NP	NP	P	NP	PUD	NP
Accessory Garden Center	NP	NP	NP	NP	P	NP	P	NP	P	P	NP	NP	NP	PUD	NP
Parish House, Rectory, Parsonage, Monastery, or Convent on Site with Place of Worship	P	P	P	P	P	P	P	P	P	P	NP	P	NP	PUD	P
Dormitory on Site with Educational Institution	NP	NP	NP	P	P	P	P	P	P	P	NP	NP	NP	PUD	P
Hazardous Materials Storage	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU	NP	NP	PUD	NP
Home Occupations	P	P	P	P	P	P	P	P	P	P	NP	P	P	PUD	NP
Child Care for 4 or fewer In Home	P	P	P	P	P	P	P	P	NP	P	NP	P	P	PUD	NP
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	PUD	NP
Parking Area	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	PUD	P
Retail Sales Accessory to Light Manufacturing or Warehouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PUD	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Layer & vehicle is owned and registered occupant of Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	NP
Outdoor Display	NP	NP	NP	PL	PL	PL	PL	PL	PL	PL	NP	NP	PL	PUD	PL

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TABLE 4.3.9.A–2 BUILDING, LOT & BUILDING SITE ACCESSORY USES

ACCESSORY USE	CD–2	CD–3L	CD–3	CD–4	CD–4C	CD–5	CD–5C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD –R	PUD–MU	PUD OTHER	CV
School on site with Place of Worship	P	P	P	P	P	P	P	P	P	P	NP	P	NP	PUD	P
Seminary on site with Place of Worship	P	P	P	P	P	P	P	P	P	P	NP	P	NP	PUD	P
Solar Panels	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Sports Court, Swimming Pool, Hot Tub in 3rd Layer	P	P	P	P	P	P	P	P	P	P	NP	P	NP	PUD	NP
Tasting Room on site with Brewery, Distillery, Winery	NP	NP	NP	P	P	P	P	P	P	P	P	NP	NP	PUD	NP
Telecommunications Receiving Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
Wireless Telecommunications Facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	PUD	CU

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G. Temporary Uses

1. Temporary Uses indicated in **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Permitted ("P") are allowed by right, subject to the issuance of a Temporary Use Permit by the Zoning Administrator.

2. Temporary Uses indicated in **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Permitted Subject to Limited Use Standards ("PL") are allowed by right provided that the applicable standards and requirements are met, subject to the issuance of a Temporary Use Permit by the Zoning Administrator.

3. Temporary Uses indicated in **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Conditional Use ("CU") are allowed by Conditional Use Permit, subject to compliance with the Conditional Use requirements of this Article and the issuance of a Temporary Use Permit by the Zoning Administrator.

4. Temporary Uses indicated in **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)** as Not Permitted ("NP"), not allowed as Permitted ("P") or allowed as a Conditional Use ("CU"), or otherwise prohibited by this Ordinance are prohibited as Temporary Uses.

LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44–18–104(c)(4).				
P Permitted by Right	CU Conditional Use	NP Not Permitted	PL Permitted Subject to Limited Use Standards	PUD Per PUD Approval

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TABLE 4.3.9.A–3 BUILDING, LOT & BUILDING SITE TEMPORARY USES

TEMPORARY USE	CD–2	CD–3L	CD–3	CD–4C	CD–4	CD–5	CD–5 C	SD–MHP	SD–INT	SD–LI	SD–HI	PUD–R	PUD– MU	PUD–OTHER	CZ
Trailers in Third Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos with possible extension to 12 mos	NP	NP	NP	CU	CU	CU	CU	CU	CU	CU	CU	NP	CU	PUD	NP
Seasonal Uses or Uses for Unusual Non–Recurrent Events, for no more than 30 days	P	P	P	P	P	P	P	P	P	P	P	P	P	PUD	P
New Subdivision Sales & Management Office, until development completion	P	P	P	P	P	P	P	P	NP	P	P	P	P	PUD	NP
Construction Office Trailer	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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4.3.10 Encroachments.

Encroachments of Building Elements are allowed within each District and Civic District only as set forth in **Table 4.3.10 Encroachments**.

LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44–18–104(c)(4).				
P Permitted by Right	CU Conditional Use	NP Not Permitted	PL Permitted Subject to Limited Use Standards	PUD Per PUD Approval

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TABLE 4.3.10 ENCROACHMENTS

Encroachments – Required Setbacks & Yards*			
Encroachments shall not violate Sec. 6.1.3, Clear Site Triangle.			
Encroachment Type	**Front/Street**	**Side**	**Rear**
Steps to Building Entrance	P	P	P
Open Porches, including steps	P up to 25% Setback / Yard	P	P
Patios, in permitted applicable Layer	NP	P	P
Decks, in permitted applicable Layer	NP	P	P
Openwork Fire Escapes & Fire Balconies	NP	P by no more than 6 ft.	P by no more than 6 ft.
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	NP	NP	P
Mechanical equipment, including HVAC	NP	P	P
Underground utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Layer	NP	P	P
Bicycle Parking	P	P	P
Stoops	P	P	P
Balconies and Bay Windows	P	P	P

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LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44-18-104(c)(4).				
P Permitted by Right	CU Conditional Use	NP Not Permitted	PL Permitted Subject to Limited Use Standards	PUD Per PUD Approval

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Encroachments – Required Setbacks & Yards (continued)

Encroachment Type	Front/Street	Side	Rear
Driveways & Sidewalks	P	P	P
Retaining walls	P < 3 ft. in height	P < 4 ft. in height	< 6 ft. in height
Awnings or canopies w/out support other than integral or wall support	P up to 6 ft.	P	P
Signs permitted by Article 7 (Signs)	P	P	P
Eaves, gutters, or downspouts	P ≤ greater of 24" or 20% of Setback / Yard	P ≤ greater of 24 in. or 20% of Setback / Yard	P ≤ greater of 24 in. or 20% of Setback / Yard
Flagpoles w/ ≤ 1 structural ground member	P	P	P
Clothes poles or lines	NP	NP	P
Mailboxes	P	P	P
Sculptures or similar artistic objects	P	P	P
Street furniture, such as benches, drinking fountains, trash receptacles, ash trays, & lighting standards	P	P	P

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LEGEND The following notations are utilized in this table. * Except as exempted under TCA Sec. 44-18-104(c)(4).				
P Permitted by Right	CU Conditional Use	NP Not Permitted	PL Permitted Subject to Limited Use Standards	PUD Per PUD Approval

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4.3.11 Screens, Streetscreens, & Lot/Building Site/Parcel Buffers

A. Compliance with Standards.

Any Screen, Streetscreen, or Buffer required under this Ordinance shall comply with the applicable standards and requirements in **Tables 4.3.1–A – 4.3.1–U (District Standards)**, and this Section 4.3.11.

B. When Screening Required.

Screening of the items and conditions indicated shall be provided as required for each applicable District in **Tables 4.3.1–A – 4.3.1–U (District Standards)**, and this Section 4.3.11, except in each case, at any Driveway.

C. Location of Streetscreen.

Any Streetscreen must be located as set forth in **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

D. Wall Screen / Streetscreen Material.

A Wall Screen or Streetscreen shall be constructed of the materials specified in **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

E. Fence Screen / Streetscreen Material.

A Fence Screen or Streetscreen shall be constructed of the materials specified in **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

F. Hedge Screen / Streetscreen Standards.

A hedge Screen or Streetscreen shall consist of plants meeting the standards of **Tables 4.3.1–A – 4.3.1–U (District Standards)**.

G. Openings in Streetscreens.

Streetscreens shall have openings no larger than necessary to allow vehicular and pedestrian access.

H. Lot/Building Site/Parcel Buffer Requirements.

1. For Project Buffers applicable to Development Parcels, see Section 5.8.

2. If a Project Buffer exists or is required pursuant to Section 5.7, a Lot/Building Site/ Parcel Buffer is not required under this Section 4.3.11.H.

3. Except as provided in paragraph 4.3.11.H.2 or as otherwise specifically provided in this Ordinance, a Lot/Building Site/ Parcel Buffer must be provided for any new Development or Structure within Districts CD–4C, CD–5C, PUD–R, PUD–MU, or any Special District, along the common Lot, Building Site, or parcel boundary of such Development or Structure and that of any Lot, Building Site, or parcel on which a single–family Dwelling or Two–Family Detached Residential Dwelling is located. Except as otherwise specifically provided in this Ordinance, all Lot/ Building Site/ Parcel Buffers required under this Article 4 must meet the following requirements:

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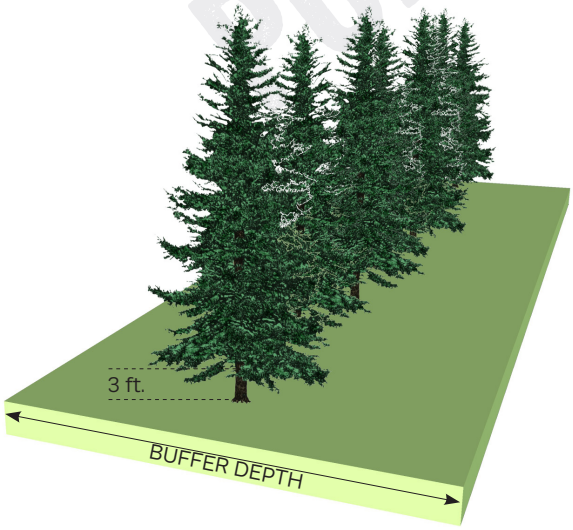
TABLE 4.3.11.H.–1 LOT/BUILDING SITE/PARCEL BUFFER

District of New Dev/ Structure	Buffer Depth	Buffer Design
CD–4C	25 ft.	Min. 90% opacity 3 ft. from ground and up; Evergreen plants > 2.5 in. caliper measured 3 ft from ground & 8 ft. tall @ installation & 20 ft. tall @ maturity, planted < 10 ft. o.c.
CD–5C	25 ft.	Same
PUD–R or PUD–MU	75 ft.	Same
SD–MHP	50 ft.	Same
SD–INT, SD–LI, or SD–HI	100 ft.	Same

ILLUSTRATION 4.3.11.H–2 BUFFER



4.3.12 Parking

A. General.

1. Within each District, all Parking Areas, Parking Structures, Parking Lots, Garages, and other Parking accommodations shall be provided, located, designed, accessed, constructed, maintained, operated, and otherwise meet the standards and requirements specified for the applicable District in **Tables 4.3.1–A– 4.3.1–U (District Standards)**, **Table 4.3.12.B (Vehicular Parking Requirements)** and **Table 4.3.12.C (Off–Street Vehicular Parking Space Dimensions)** or **Table 4.3.12.A–3 (Off–Street Compact Vehicular Parking Space Dimensions)**, except as they may be modified by the handicapped Parking regulations found in Section 4.3.12.B.9 and 4.3.12.B.10.

B. Parking Required.

1. Vehicular Parking shall be provided in accordance with this Section 4.3.12.B and **Table 4.3.12.B (Vehicular Parking Requirements),** shall comply with and be located and in accordance with **Tables 4.3.1–A–4.3.1–U (District Standards)** and shall be designed in accordance with Section 4.3.12.C and **Table 4.3.12.C (Off–Street Vehicular Parking Space Dimensions)**.

2. Vehicular Parking required for each Lot or Building Site shall be determined based on the quantity of Principal Use(s) of the Lot or Building Site and the number of spaces available to the Lot or Building Site, as determined by Section 4.3.12.B, Section 4.3.12.4, and **Table 4.3.12.B–1 (Vehicular Parking Requirements)**.

3. The number of spaces of Parking available to a Lot or Building Site is the sum of

a. All spaces within the Lot or Building Site,

b. All spaces Adjacent to the Frontage Line on the same side of the Thoroughfare or Internal Drive as the Lot or Building Site, and

c. If elected by the Applicant, all spaces within the same or an Adjacent Block within a public Parking Lot or Parking Structure or by Parking agreement or Easement.

d. Any fractional spaces shall be rounded down to the nearest whole number.

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
AGRICULTURAL & EXTRACTIVE USES CATEGORY	
Agricultural	
Any Agricultural Use	Not Regulated
Extractive	
Any Extractive Use	Not Regulated
RESIDENTIAL USES CATEGORY	
Household Living	
Attached Dwellings, except Two Family Dwelling	2 per Dwelling Unit in PUD–R & PUD–MU; 1.5 per Dwelling Unit in other Districts
Residence Portion of a Live/Work, Mixed–Use, or Flex Building	1.5 per Dwelling Unit
Single–Family Detached Dwellings	2 per Dwelling Unit, plus 1 per any rented room
Two Family Dwellings	2 per Dwelling Unit
Group Living	
Group Living Home	2 per Group Living Home + 1 per each counselor
Other Residential Use Not Listed Under Any Use Category	1.5 per Dwelling Unit
CIVIC USES CATEGORY	
Community Service	
Auditorium (Civic)	1 per 200 square feet of total Usable Floor Area
Civic Building	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Civic Space – Community Garden, Green, Square, Plaza, Park, Playground, Sports Field	1 per 5,000 square feet of gross land area
Club or Lodge (Civic)	1 per 1,000 square feet of total Usable Floor Area
Conference / Convention / Exhibition Center /	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Courthouse	1 per employee plus 1 per every 3 seats of seating available to the public in the courtrooms
Food Distribution Center (Civic)	1 per 1,000 square feet of total Usable Floor Area
Gallery / Museum	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Library	1 per each 100 square feet of seating area
Parking Lot / Parking Structure (Civic)	Not Regulated
Performing Arts Venue	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Place of Assembly	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Post Office	1 per 500 square feet of Usable Floor Area
Recreation Facility (Civic)	1 per 200 square feet of activity Usable Floor Area +1 per 200 square feet of gross swimming water surface area + 2 spaces per tennis court + 5 spaces per basketball court + 15 spaces per athletic field
Sports Venue	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Transit Shelter	Not Regulated
Transit Station or Terminal	Transit vehicle storage space + 1 per 150 square feet of waiting area + 1 per 2 employees
Day Care Facilities (Civic)	
All Day Care Facilities (Civic)	1 per employee + 1 per 10 clients accommodated
Government Facilities	
Correctional Facilities	1 per employee and 1 per 20 inmates
Other Government Facility Use not listed under any Use Category	1 per employee + 1 per 500 square feet of public Usable Floor Area
Open Space	
Any Open Space, excluding Civic Space	Not Regulated
Religious Facilities	
Any Place of Worship or other Religious Facility	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Other Civic Uses	
Other Civic Use Not Listed Under Any Other Use Category	Not Regulated
CIVIL SUPPORT USE CATEGORY	
Cemetery / Funeral Services	1 per full time employee + 1 per 40 square feet of public Usable Floor Area
Fire / EMS Station or Police Station	Not Regulated
EDUCATIONAL USES CATEGORY	
Adult Education / Personal Improvement / Business, Trade & Vocational Schools	
Adult Continuing Education	1 per teacher or other staff + .50 per student seat
Business, trade, or vocational school other than truck driving	1 per teacher or other staff + .50 per student seat
Personal Improvement Education	.50 per student seat + 1 per teacher or other staff
Truck Driving School	1 per teacher or other staff + 1 per student

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Pre–School / Primary / Intermediate / Secondary Schools	
Pre–School	1 per teacher or other staff + 1 per 20 students
Kindergarten	1 per teacher or other staff + 1 per 20 students
Elementary School	1 per teacher or other staff+ 1 per 20 students
Middle School	1 per teacher or other staff+ 1 per 20 students
High School	1 per teacher or other staff + .50 per student seat
Post–Secondary School	
College or University	1 per teacher or other staff + 1 per student seat
Community College	1 per teacher or other staff + 1 per student seat
Graduate or Professional School	1 per teacher or other staff + 1 per student seat
Nursing or Medical Schools not accessory to a Hospital	1 per teacher or other staff + 1 per student seat
Seminary	1 per teacher or other staff + 1 per student seat
Other Educational Use	
Other Educational Use Not Listed In Any Other Category	1 per teacher, instructor, care giver or other staff + 1 per 20 students or children
INSTITUTIONAL USE CATEGORY	
Health Care	
Clinic	2 per patient room
Hospice, other than at–home care	.50 per bed
Hospital	.50 per bed
Rehabilitation Facility or Facility for Observation	.50 per bed
Long Term Care	
Long Term Care Facility or Continuum of Care Facility	1 per 3 beds
Other Institutional Use	
Other Institutional Uses Not Listed in any Use Category	1 per patient or client room
COMMERCIAL USES CATEGORY	
Accommodations / Lodging	
Bed & Breakfast or Inn	1 per Dwelling Unit + 1 per guest bedroom + 1 per each 2 employees on the premises at one time
Boarding or Rooming House	1 per guest bedroom + 1 per each 2 employees on the premises at one time
Hotel, Extended Stay Hotel, or Motel	1 per guest bedroom + 1 per each 2 employees on the premises at one time
Short–Term Rental Unit	1 per bedroom + 1 per each additional bed, cot, sofa, or other sleeping accommodation
Other Accommodation / Lodging Use Not Listed Under Any Use Category	Not Regulated

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TABLE 4.3.12.B-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Day Care / Personal & Group Care (non-Civic)	
Adult Day Care (non-Civic)	1 per staff member + 1 per 3 seats or 1 per 200 square feet of activity Usable Floor Area, whichever is greater
Child Care Facility (non-Civic), excluding Child Care in Home	1 per staff member + .50 per child
Children's Day Camp	1 per staff member + .50 per child
Group Day Care or Facility or Family Day Care	1 per staff member + .50 per client
Other Day Care / Personal & Group Care (non-Civic)	
Other Day Care / Personal & Group Care (non-Civic)	Not Regulated
Indoor Recreation - Commercial	
Bowling Alley	1 per 500 square feet of total Usable Floor Area
Commercial Indoor Athletic Training Facility	1 per 1,000 square feet of total Usable Floor Area
Game Arcade	1 per 100 square feet of total Usable Floor Area
Gymnastics Facility	1 per 1,000 square feet of total Usable Floor Area
Indoor firing range	1 per 500 square feet of total Usable Floor Area
Indoor Sports Academy	1 per 1,000 square feet of total Usable Floor Area
Movie or other Theater (non-Civic)	1 per theater, bar, or dining seat or 1 per 100 square feet of total Usable Floor Area, whichever is greater
Pool Hall	1 per 300 square feet of total Usable Floor Area
Recreation Facility	1 per 200 square feet of activity Usable Floor Area +1 per 200 square feet of gross swimming water surface area + 2 spaces per tennis court + 5 spaces per basketball court + 15 spaces per athletic field
Skating Rink	1 per 300 square feet of total Usable Floor Area
Social (or Civic) Club, Lodge, or Organization	1 per 200 square feet of gathering or activity Usable Floor Area
Other Indoor Recreation - Commercial Use Not Listed Under any Use Category	1 per 500 square feet of total Usable Floor Area
Group Assembly (non-Civic)	
Any Group Assembly (non-Civic)	1 per 4 seats
Outdoor Recreation - Commercial	
Amphitheater	1 per 2 seats + 1 per 20 square feet of standing area
BMX Bicycle Park	1 per biker accommodated or 1 per 5,000 square feet, whichever is greater
Campground	1 per campsite
Drive-In Theater	1 per vehicle accommodated
Firing Range, such as Rifle Range, Archery Range, Handgun Range, or Skeet Shooting	1 per customer firing stand

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TABLE 4.3.12.B-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Golf Course, Swim Club, Tennis Club, Country Club	Per Planning Commission Approval
Marina / Boating Facility	1 per Boat Slip
Recreational Vehicle (RV) Park	1 per motorized RV space + 1 per non-motorized RV space
Paintball Park	Per Planning Commission Approval
Outdoor Entertainment Activity, such as Batting Cage, Golf Driving Range, Amusement Park, Miniature Golf Facility	Per Planning Commission Approval
Skateboard Park	Per Planning Commission Approval
Sports Field	Per Planning Commission Approval
Stadium / Arena	Per Planning Commission Approval
Summer Camp (overnight)	Per Planning Commission Approval
Swimming Pool	Per Planning Commission Approval
Tennis Club	Per Planning Commission Approval
Water Park	Per Planning Commission Approval
Other Outdoor Recreation Use - Commercial Not Listed under any other Use Category	Per Planning Commission Approval
Parking - Commercial	
Parking Lot	Not Regulated
Parking Structure	Not Regulated
Restaurant	
Restaurant without Drive-Through Facility or Drive-In Facility	1 per 100 square feet of total Usable Floor Area
Restaurant with Drive-Through Facility or Drive-In Facility	1 per 100 square feet of total Usable Floor Area
Small-scale Catering without Drive-Through Facility	1 per 300 square feet of total Usable Floor Area
Bars, Taverns & Nightclubs	
Bar, Tavern, or Nightclub	1 per 100 square feet of total Usable Floor Area
Retail / Personal Service / Repair / Art / Artisan	
Alcoholic Beverage Retail Sales	1 per 300 square feet of total Usable Floor Area
Artisan Establishment, with or without Retail Sales	1 per 500 square feet of total Usable Floor Area
Arts-Related Uses	1 per 500 square feet of total Usable Floor Area
Mail-Order or On-Line Retail Sales	1 per 1,000 square feet of total Usable Floor Area
Motor Vehicle Sales, Rental, or Leasing or Motor Vehicle Maintenance / Cleaning / Repair / Service	1 per 500 square feet of total Usable Floor Area
On-Street Vending / Mobile Vending	None Required

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TABLE 4.3.12.B-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Personal Services, other than Motor Vehicle Maintenance / Cleaning / Repair / Service	2 per work station if applicable, or 1 per 500 square feet of total Usable Floor Area
Repair Services, other than Motor Vehicle Maintenance / Cleaning / Repair / Service	1 per 500 square feet of total Usable Floor Area
Retail Membership Club	1 per 500 square feet of total Usable Floor Area
Retail Food Sales, with or without on-premises preparation or processing	1 per 200 square feet of total Usable Floor Area
Recreation Facility (non-Civic)	1 per 1,000 square feet of total Usable Floor Area
Veterinary Clinic, Animal Hospital, or Non-Agricultural Kennel	1 per treatment, procedure, or surgical room + 100 square feet of total other Usable Floor Area
Warehouse Retail	1 per 1,000 square feet of total Usable Floor Area
Other Retail Sales, Rental, or Leasing Uses Not Listed Above	1 per 500 square feet of gross floor area
Self-Service Storage	
Self-Service Storage	1 per 2,000 square feet of storage space
Boat-Related Uses	
All Boat-Related Uses other than Marina / Boating Facility	1 per 200 square feet of administrative space + 1 per 10 Boat storage spaces + 2 per Boat Ramp + 1 per Boat available for rental + 1 per employee work station + 2 per work bay
Motor Vehicle-Related Uses	
All Motor Vehicle - Related Uses, other than Gasoline Sales, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Maintenance / Cleaning / Repair / Service Parts Sales and Tire Sales	1 per 500 square feet of Usable Floor Area + .25 per vehicle available for rental + 1 per employee work station + vehicle storage space + 1 per work bay
Tire Sales	2 per work station or service bay + 1 per 200 square feet of customer waiting area
Towing Service	1 per 500 square feet of Usable Floor Area + spaces for towed vehicles
Manufactured Home Sales	
Manufactured Home Sales	1 per 500 square feet of Usable Floor Area + 1 per employee work station + inventory storage space + 1 per work bay
Wholesale Sales	
All Wholesale Sales Not Listed Under Any Other Category	1 per 10,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
OFFICE USES CATEGORY	
All Office Uses Not Listed Under Any Other Category	1 per 200 square feet of total Usable Floor Area

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
INDUSTRIAL USES CATEGORY	
Heavy Industrial	
All Heavy Industrial Uses	Not Regulated
Light Industrial	
Brewery, excluding Brewpubs	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Bottling Plants	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Building Systems / Construction Business	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Carpet cleaning plants or manufacturing	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Catering Service or Catering Events Establishment	1 per 400 square feet of food preparation area + 1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Clothing or Textile Manufacturing	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Commercial or Institutional Bakery	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Contractor Materials Sales	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Crematorium	1 per employee on premises at one time, but no fewer than 2 spaces
Dairy Plant	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Distillery	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Distribution Facility	1 per 10,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Dry Cleaning Plant	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Equipment Rental	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Fabrication, work, or storage on–site by building, heating, plumbing, electrical, or general contractors and others who perform services off–site	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Food Processing for Wholesale Sales	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Horticulture & Landscaping Services	.50 space per employee on premises at one time, but no fewer than 2 spaces
Ice Plant	1 per 5,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Information Services	.50 space per employee on premises at one time, but no fewer than 2 spaces
Janitorial & Building Maintenance Service	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Laundry Plant	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Light Manufacturing Plant with or without Retail Sales	1 space per 2,000 square feet of total Usable Floor Area, with a minimum of 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Machine Shop / Woodworking Shop, other than Artisan Establishment	1 space per 1,000 square feet of total Usable Floor Area, with a minimum of 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Maintenance Yard or Facility	
Manufacture or assembly of equipment, instruments, appliances, precision items or electrical items, or toys	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Non–Hazardous Waste Treatment or Disposal	1 per 5,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Outdoor Storage	Not Regulated
Photo–Finishing or Photography Lab	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Printing, Publishing, and Lithography	1 space per 1,000 square feet of total Usable Floor Area, with a minimum of 1 space per 2 employees on premises at one time, but no fewer than 2 spaces

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Production of artwork	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Rail Equipment Storage or Repair	1 per employee plus 2 per acre
Recycling Collection	1 per collection container
Recycling Processing Facility	1 per 5,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Repair of scientific or professional instruments or electric motors	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Research Lab / Research and Development	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Scrap or Salvage Yard / Services	1 per employee + 2 per acre
Sheet Metal Shop	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Solid Waste Facility	Not Regulated
Towing Facility	Not Regulated
Welding, machine, tool repair shop	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Wholesale Sales	1 per 2,000 square feet of total Usable Floor Area, with a minimum of 1 per 2 employees on premises at one time, but no fewer than 2 spaces
Winery	1 per 2,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Woodworking, including cabinet makers and furniture manufacturing, but excluding Artisan Establishments	1 space per 2,000 square feet of total Usable Floor Area, with a minimum of 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Other Light Industrial Uses Not Listed in any Use Category	1 space per 2,000 square feet of total Usable Floor Area, with a minimum of 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Warehouse & Freight Movement	
All Warehouse / Warehousing & Freight Movement	1 per 10,000 square feet of Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Waste-Handling	
All Waste-Handling Services	Not Regulated

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TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

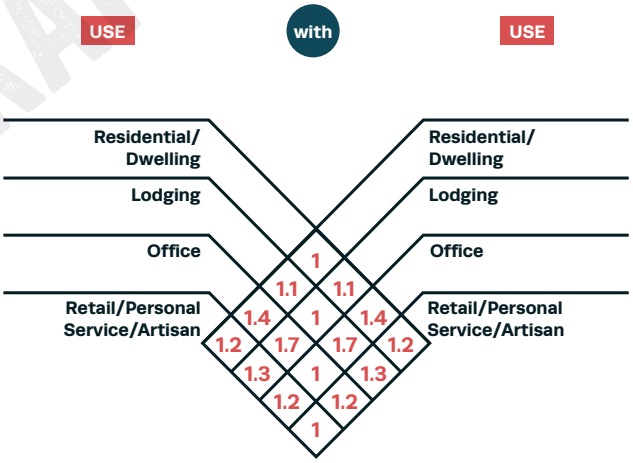
PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
UTILITIES USES CATEGORY	
All Utilities Uses	Not Regulated
OTHER USES CATEGORY	
Adult Entertainment	1 per 200 square feet of Usable Floor Area but no fewer than 2 spaces

4. The number of spaces of Parking available to a Lot or Building Site must not be less than, nor more than 30% greater than, the number of spaces of Parking determined by Table 4.3.12.B–1 (Vehicular Parking Requirements) based on the quantity of Principal Use(s) on the Lot or Building Site, provided that the minimum number of spaces may be reduced pursuant to Section 4.3.12.B.5 and Section 4.3.12.B.6.

5. For purposes of this Section 4.3.12.B, the number of Parking spaces available to a Lot or Building Site may be reduced, at the election of the Applicant, by dividing the number of spaces of Parking required to be available to the Lot or Building Site by the applicable Shared Parking Factor.

6. The applicable Shared Parking Factor is determined under **Table 4.3.12–B (Shared Parking Factor)** for any two Principal Uses within the Lot or Building Site or within the Lot or Building Site and any other Lot or Building Site within the same or any Adjacent Block.

TABLE 4.3.12.B–2 (SHARED PARKING FACTOR)



7. In determining compliance with this Section 4.3.12.B, the following shall not be counted:

a. Accessory Dwelling Units; and

b. Liner Buildings fewer than 30 feet deep and no more than two Stories.

8. Up to 10% of the total number of Parking spaces in Parking Areas, Parking Lots, and Parking Structures that provide Parking for fifty (50) or more cars may be provided as Parking for compact cars, designed in compliance with Section 4.3.12.C.

9. Parking spaces to accommodate the needs of handicapped individuals shall be provided in accordance with the following **Table 4.3.12.B–3 (Off–Street Handicapped–Accessible Parking)**, designed in compliance with Section 4.3.12.C.

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TABLE 4.3.12.B–3 REQUIRED HANDICAPPED–ACCESSIBLE PARKING SPACES

# Off–Street Spaces Provided	Min. # Accessible Spaces
1–200	1 per 25 required spaces
201–500	1 per 50 required spaces
501 or more	10 + 1 per 100 required spaces above 500 spaces

10. One out of every eight required handicapped accessible spaces shall be van–accessible. A minimum of one van–accessible space shall be provided.

11. Any Plan submitted under this Ordinance must show the proposed types, numbers, and arrangement of Parking accommodations, including access to such areas from the Thoroughfares and Internal Drives, with spaces complying with all requirements of this Section 4.3.12.B.

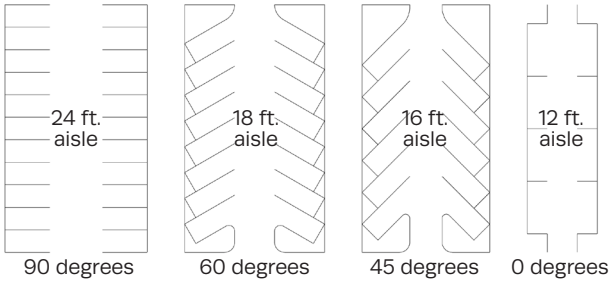
C. Design.

1. In all Districts, Parking Lots shall be designed in accordance with this Section 4.3.12.C and other applicable provisions of this Article 4.

2. Except as otherwise provided for compact vehicle Parking accommodations under Section 4.3.12.C.3, the dimensional standards set forth in **Table 4.3.12.C–1 (Off–Street Vehicular Parking Space Dimensions)** are applicable to off–street Parking accommodations:

TABLE 4.3.12.C–1 (OFF–STREET VEHICULAR PARKING SPACE DIMENSIONS)

Parking Angle (degrees)	Stall Width	Minimum Stall Length	Aisle Width
0	8 ft.	21 ft.	12 ft.
30–53	8 ft. – 9 ft.	18 ft. except 19 ft. if adjacent to curb	13 ft.
54–74	8 ft. – 9 ft.	18 ft. except 19 ft. if adjacent to curb	16 ft.
75–90	8 ft. – 9 ft.	18 ft. except 19 ft. if adjacent to curb	21 ft.



3. Any compact car spaces must be separately signed and marked in distinct, separate areas. The dimensional requirements for compact car spaces are as set forth in **Table 4.3.12.C–2 (Off–Street Compact Vehicle Parking Space Dimensions)**:

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TABLE 4.3.12.C–2 (OFF–STREET COMPACT VEHICLE PARKING SPACE DIMENSIONS)

Angle of Parking (degrees)	Width of Space (feet)	Length of Space (feet)	Aisle Width (feet)
0	7.5 ft.	---	---
45	7.5 ft.	17 ft.	12 ft.
60	7.5 ft.	18 ft.	15 ft.
90	7.5 ft.	16 ft.	21 ft.

4. Any ramps leading from a Thoroughfare or Internal Drive to a Parking Lot, Parking Area, Garage, or Parking Structure shall be at least twenty feet (20 ft.) wide for two–way traffic and 10 feet (10 ft.) wide for one–way traffic.

5. Curbs must be made of granite or concrete at heights between six inches (6 in.) and eight inches (8 in.) above the elevation of the Thoroughfare and must be at least six inches (6 in.) wide.

6. Curb cuts must be at least 20 feet (20 ft.) wide for two–way access and 10 feet (10 ft.) wide for one–way access. Except as otherwise expressly provided in this Ordinance with respect to numbers of Driveways, Lots and Building Sites shall be limited to one curb cut per Lot or Building Site.

7. Unless alternative Parking surfaces are otherwise permitted by this Ordinance, all off – street Parking Areas and Parking Lots shall be surfaced with asphalt or concrete. Asphalt Parking Areas and Parking Lots shall be compacted after sub–grade with a minimum six inch stone base, a minimum two inches of modified asphalt binder, and a minimum 1–½ inches of asphalt mix topping and must follow the construction detail provided below. Concrete Parking Areas and Parking Lots shall be constructed according to recognized construction standards. Construction plans for all Parking Areas and Parking Lots construction plans shall be subject to review and approval by the City Engineering Department.

8. Except in District CD–2, all Parking accommodations counted toward the applicable Parking requirements shall be paved and completed prior to issuance of the Final Certificate of Occupancy for the related Building(s).

9. Any Parking Area or Parking Lot in the First or Second Layer shall be Screened from view in accordance with Section 4.3.11 and Tables 4.3.1–A – 4.3.1–U (District Standards).

10. Any Parking Area or Parking Lot having five (5) or more spaces shall include Curbs, paving, Sidewalks, drainage facilities and lighting in accordance with this Ordinance and all other applicable laws, regulations and specifications.

11. The maximum grade permitted for any required Parking shall not exceed 8%.

12. Except in Districts CD–2, CD–3L, and CD–3, all off–street Parking spaces a shall be striped with paint or some other form of permanent marking.

13. All access to any City street from a Driveway shall have a concrete Driveway apron as approved by the City Engineering Department.

14. Any Parking Area or Parking Lot having ten (10) or more parking spaces shall conform to the following:

a. Parking Areas and Parking Lots shall contain at least one landscape island for every ten (10) parking spaces. Parking Lots with more than one landscape island shall have such islands distributed throughout the Parking Lot.

b. Interior parking rows shall be terminated at both ends with landscape islands.

c. Each parking island shall be of a minimum size equal to a standard parking space; provided that each parking island abutting two rows of head to head parking spaces shall be of a minimum size and length equal to two (2) parking spaces.

d. Parking islands shall contain a minimum of one (1) shade tree for every single island. If a parking island is double length or width, then two (2) shade trees shall be required.

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e. Rows of parking fronting on drive aisles including alleys shall be provided with a minimum five feet (5 ft.) (excluding curbs) landscaped buffer.

f. Root zones for existing trees to remain shall be a minimum of 48 square feet.

g. For every 2,000 square feet of Parking Area or Parking Lot, at least one tree shall be installed or preserved within the Parking Area or Parking Lot except to the extent that trees outside of the Lot containing the Parking Area or Parking Lot are allowed to satisfy this requirement as set forth below.

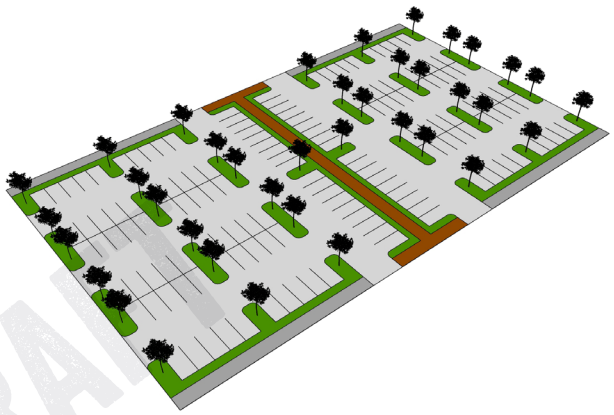
h. No parking space shall be more than seventy-two feet (72 ft.) from a tree within the Lot, as measured from the center of the Tree to the nearest line demarcating the space.

i. Except for trees allowed to be counted outside the Parking Area or Parking Lot, new trees shall be installed and/or existing trees preserved in Tree islands provided pursuant to this Section and/or at the perimeter of the Parking Area or Parking Lot, provided that the perimeter of the Parking Area or Parking Lot where trees are installed or preserved to meet this requirement lies within the Lot on which the Parking Area or Parking Lot is located.

j. Trees outside of the Parking Area or Parking Lot located within twenty feet (20 ft.) of the closest portion of such Parking Area or Parking Lot, including but not limited to Trees within Thoroughfare Rights-of-Way and Civic Spaces, may be counted toward satisfying the requirements.

k. In addition to any walkway or Sidewalk around a Parking Area or Parking Lot, each such Parking Area or Parking Lot exceeding one hundred and twenty (120) spaces shall have least one pedestrian walkway bisecting the Parking Area or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight feet (8 ft.) that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

ILLUSTRATION 4.3.12.C-3 PARKING AREA / LOT LANDSCAPING



l. Any Parking Area or Parking Lot in the First or Second Layer shall be Screened from view in accordance with Section 4.3.11.

15. Parking Areas and Parking Lots shall include Curbs, paving, Sidewalks, drainage facilities and lighting in accordance with this Article as well as any other applicable laws, regulations and specifications.

16. Parking Area paving shall be confined to the minimum area necessary to comply with the parking requirements of this Article.

17. Any Plan submitted under this Article shall show the proposed arrangement of Parking accommodations, including access to such areas from the Thoroughfares or Internal Drives, with Parking spaces to comply with the requirements of this Section 4.3.12.

18. Parking Structures must be Screened from view of any Frontage by one or more Liner Buildings as set forth in **Table 4.3.1-A– Table 4.3.1-U (District Standards)**. Such Liner Buildings must be the same or greater height as the associated Parking Structure that they Screen.

19. Lighting illuminating off-street Parking accommodations in all Districts other than Districts CD-2, CD-3L, and CD-3 must be installed within

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and directed only within the applicable Parking Area, Parking Lot, Garage, or Parking Structure.

20. Handicapped-accessible Parking shall comply wit the following:

a. Handicapped-accessible Parking shall be located as near as possible to the main public entrances of a single Building or centrally located in Parking Areas that serve more than one Building.

b. All off-street handicapped-accessible Parking spaces shall be located in the closest Parking Area to a public entrance to the Building but no more than 250 feet from such entrance.

c. No stairs or curbs are permitted between a handicapped-accessible Parking space and the entrance which it is intended to serve, and the slope along the accessible route shall not exceed 1:12.

d. All off-street handicapped accessible Parking spaces shall be designated by a Sign or other means accepted by State requirements. Van-accessible spaces shall be designated by a sign indicating "Van Accessible" in addition to any other means used.

e. A minimum width of 96 inches shall be required for all van-accessible spaces. Van- accessible spaces shall further require a minimum vertical clearance of 98 inches.

f. An access aisle of 60 inches shall be provided for all handicapped accessible spaces and an aisle of 96 inches shall be provided for all van-accessible spaces (one 96 inch aisle may serve both types of spaces. No ramps may project into this access aisle.

21. No required Parking accommodation shall be Encroached upon by any Building, Structure, or Use.

D. Operation & Maintenance.

1. No Parking space required for Dwelling Units shall be rented to Persons not living on the premises. All required Parking spaces or Dwelling Units must be made available to occupants of the Dwelling Units as an integral part of their occupancy.

2. Required Parking Accommodations must be available and maintained for such period as the Use or Structure exists that the facilities are designed to serve.

E. Access.

1. All Parking Areas, Parking Structures, and Garages shall be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

2. Vehicular access to Parking Areas, Garages, and Parking Lots shall not conflict with general vehicular movement serving the site. Ingress and egress points must be at Curb cuts approved by City Engineer.

3. In all Districts, vehicular entrances and exits shall be designed to be easily identifiable by drivers and pedestrians. Any signage must be simple, clear, and concise. Any gates, arms, or booths must be set back at least 20 feet from the Frontage.

4. Off-street Parking accommodations other than those in Districts CD-2, CD-3L, and CD-3, and Single family Residential Lots and Building Sites in Districts SD-MHP and PUD-R shall provide access so that backing directly onto a Thoroughfare is unnecessary.

5. A Driveway, drive aisle, or Internal Drive must be provided for off-street Parking accommodations in all Districts.

6. Driveways and entrances and exits for off-street Parking accommodations in all Districts other than Districts CD-2, CD-3L, and CD-3 and Single family Residential Lots and Building Sites in Districts SD-MHP and PUD-R, shall be at least 25 feet from a Thoroughfare or Internal Drive at an intersection.

7. Except in Districts CD-2, CD-3L, and CD-3, cross-access Easements must be provided between all contiguous Parking Areas and Parking Lots except

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where such areas and Lots are accessed from a Rear Alley.

8. In all Districts, Driveways at Frontages must be no wider in the First Layer than the width specified for the applicable District in **Table 4.3.1–A– 4.3.1–U (District Standards)**.

9. For Residential Uses other than Multifamily, Driveways shall not be located within five feet of a Side Building Site Line or Rear Building Site Line unless a shared Driveway is used.

10. In Districts CD–2, CD–3L, and CD–3, Driveways shall not be located within 12.5 feet of a Side Lot Line or Building Site Line or Rear Lot Line or Building Site Line unless a shared Driveway is used. In all other Districts, no Driveway shall be constructed within 25 feet of an Adjacent Driveway. This dimension shall be increased to the greater of 40 feet or the width of the Adjacent Driveway on State highways.

11. No Driveway curb return shall extend beyond an Adjacent Side Building Site Line or Rear Building Site Line or more than one-half (1/2) the distance to a Driveway located on the same property. This provision may require increased separation from Adjacent properties over the minimum indicated in Sections 4.3.12.E.10 or 4.3.12.E.11 above.

12. In all Districts, pedestrian exits from all Parking Lots, Parking Areas, Garages, and Parking Structures must conform to **Table 4.3.1–A– 4.3.1–U (District Standards)**, except for underground Parking accommodations.

F. Parking Restrictions.

1. Domestic and recreational vehicles such as boats, camper trailers, and utility trailers shall be stored off – street, subject to the location requirements of **Table 4.3.1–A– 4.3.1–U (District Standards)**.

2. Parking of buses on the site of and directly associated with a permitted Non–Residential Use shall be permitted.

3. Parking of heavy equipment or tractor trailers (including trailers as storage) shall not be permitted. This requirement shall not prohibit commercial vehicles from making deliveries. Trailers may be permitted for temporary storage in association with a construction with a Temporary Use Permit (Sec. 3.8).

4. Single and double axle trucks that exceed 90 inches in width and are greater than 12 feet in height are prohibited from Parking on a street for more than four (4) consecutive hours, unless it is related to performing a service for a property owner, ie. construction, remodeling, etc.

5. Required Parking spaces and loading facilities shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair. Non–required spaces proposed for these uses shall be designated on a site plan.

6. The private sale or storage of one vehicle per Dwelling Unit may be permitted as an Accessory Use in association with a Residential Use.

7. Any area designated for required off–street Parking or loading shall not be changed to another use until adequate Parking and/or loading facilities in conformance with this Article have been established.

8. Required Parking spaces may be temporarily used for uses other than Parking and loading with the issuance of a Temporary Use Permit pursuant to Section 8.5.9; provided such use does not negatively impact adjacent roadways, neighborhoods, or other uses and is clearly temporary in nature.

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G. Drive–Through Locations & Standards.

1. Any drive–through facilities must be located and designed and comply with all standards as specified for the applicable District as set forth in **Tables 4.3.1–A– 4.3.1–U (District Standards)**. See **Illustration 4.3.12.G (Drive–Throughs)**.

ILLUSTRATION 4.3.12.G DRIVE–THROUGH

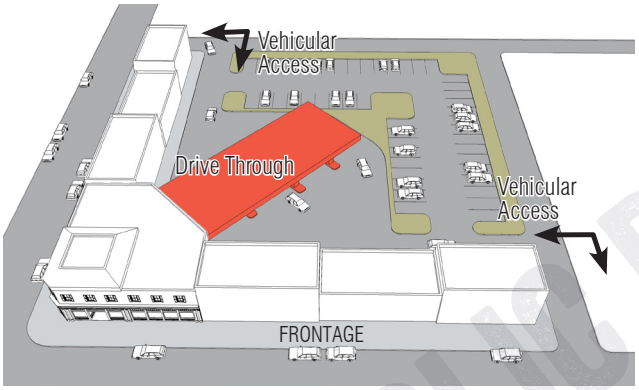

Illustration is provided for illustrative purposes only.

2. Any drive–through locations must be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

3. Off–street vehicular stacking spaces shall be provided for all drive–through facilities in accordance with Section 4.3.12.H.

H. Stacking Spaces.

1. Off–street vehicular stacking spaces shall be provided in accordance with **Table 4.3.12.H (Stacking Spaces)** for the activity type indicated as follows:

TABLE 4.3.12.H (STACKING SPACES)

Activity Type	Min. # Stacking Spaces*	Measured From
Automated teller machine	4	Machine
Drive–through	3	Teller
Bank teller drive through	4	Teller or Window
Car wash bay, full–service	6	Bay
Car wash bay, self–service	2	Bay
Dry cleaning/ laundry drive–through	2	Cleaner/Laundry Window
Gasoline Pump Island	1	Pump Island
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy Pickup	3	Pharmacy Windows
Restaurant Drive–through	8	Pick up window
Valet Parking	3	Valet Stand

* Other as determined by Zoning Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering.

2. Required stacking spaces shall be subject to the following design and layout standards:

a. Stacking spaces shall be a minimum of eight feet in width by 25 feet in length.

b. Stacking spaces by shall not impede on– or off–site traffic movement or movement into or out of off–street Parking spaces.

c. Stacking spaces for each type of activity or accommodation shall be subject to any location standards applicable to the activity or accommodation itself.

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d. Stacking spaces shall be separated from other drive aisles, Driveways, or Internal Drives by raised medians. if deemed necessary by the City Engineer for traffic movement and safety.

4.3.13 Bicycle Parking

Bicycle Parking shall be provided within a Lot or Building Site as set forth in **Table 4.3.13 (Bicycle Parking)**.

TABLE 4.3.13 BICYCLE PARKING

Use Type	Parking Requirement
RESIDENTIAL/DWELLING USES	
Single family dwellings	None required
Two family dwellings	None required
Multi family dwellings	1 space per unit
Mobile Home	1 space per lot
LODGING USES	
All uses	1 space per 10 guest rooms
EDUCATIONAL/INSTITUTIONAL/CIVIC USES	
All uses	1 space per 5,000 sq. ft. gross floor area
MEDICAL USES	
All uses	1 space per 10 examination or patient rooms
COMMERCIAL, RETAIL, PROFESSIONAL & SERVICE USES	
All uses	1 space per 2,000 sq. ft. gross floor area
OFFICE USES	
All uses	1 space per 4,000 sq. ft. gross floor area
COMMUNICATION USES	
All uses	None required
INDUSTRIAL USES	
All uses	1 space per 20,000 sq. ft. gross floor area or 1 per 10 vehicle parking spaces provided, whichever is greater
AGRICULTURAL USES	
All uses	None required
UTILITY USES	
All uses	None required
PUBLIC OR PRIVATE PARKING	
All uses	1 space per 10 vehicle parking spaces

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4.3.14 Loading Space

A. General.

1. Loading spaces shall be provided, designed, accessed, and located in accordance with this Section and **Table 4.3.14.B (Loading Space Requirement)** and **Tables 4.3.1–A– 4.3.1–U (District Standards)**.

2. Loading areas must be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

B. Loading Space Required.

1. Each Lot or Building Site shall have the minimum number of loading spaces per quantity of the indicated Use as set forth in **Table 4.3.14.B (Loading Space Requirements)**.

TABLE 4.3.14.B LOADING SPACE REQUIREMENTS

Principal Use Category in District	Quantity of Use	# of Loading Space(s)	Size of Loading Space(s)
Residential – Multifamily Building	≥100 Dwelling Units	1	10 ft. W x 50 ft. L x 15 ft. H
Commercial, Office, Retail/ Personal Service/ Artisan, Industrial	>5,000–25,000SF	1	10 ft. W x 50 ft. L x 15 ft. H
	25,001–60,000SF	2	
	60,001–120,000SF	3	
	120,001–200,000SF	4	
	201,000–290,000SF	5	
	≥290001SF	5+1 for ea additional 90,000SF	
Other	NA	NA	NA

2. Without limitation to the other requirements of this Section, loading spaces shall be provided for each delivery bay, loading dock or delivery entrance.

3. Loading spaces must be available at all times without conflict with any Plan or Improvement element.

4. Space allocated to any loading area or access thereto shall not be used to satisfy the requirements for any Parking or garbage, recycling, or trash facilities.

5. Parking spaces may not be used or counted as meeting loading requirements.

6. No required loading space shall be Encroached upon by Buildings, Structures, Open Storage or any other Use.

7. Required loading facilities may be temporarily used for uses other than loading with the issuance of a Temporary Use Permit pursuant to Section 8.5.9, provided such use does not negatively impact adjacent roadways, neighborhoods, or other uses and is clearly temporary in nature.

C. Location, Design & Access.

1. Except as otherwise provided in subparagraph 4.3.14.C.2 below, all required loading spaces shall be provided within the applicable Lot or Building Site.

2. In Districts CD–4, CD–4C, CD–5, and CD–5C, required loading spaces may be provided either within the applicable Lot or Building Site or in the parking lane of the Enfronting Thoroughfare or Internal Drive.

3. Off–street loading spaces shall be located in accordance with **Tables 4.3.1–A– 4.3.1–U (District Standards)**.

4. Off–street loading areas must be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

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5. No loading facility shall be located within 30 feet of a Thoroughfare or Internal Drive intersection.

6. Off-street loading areas shall include Curbs, paving, drainage facilities, and lighting in accordance with City standards and this Ordinance, as well as any other applicable laws, regulations and specifications.

7. Each required loading space shall have the minimum dimensions set forth in **Table 4.3.14.B (Loading Space Requirements)**.

8. Loading facilities may not obstruct facilities required for emergency access, including fire lanes.

9. Each off-street loading space shall be directly accessible from a Thoroughfare, Driveway, drive aisle, Internal Drive, or Alley without crossing or entering any other required off-street loading facility. Such loading spaced shall be accessible from the interior of the Building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

The required dimensions of loading spaces shall not include any access or entrances to, or exits from, such spaces.

10. All off-street loading spaces shall be surfaced with asphalt, concrete, or other hard surfaced material, and constructed so as to support the heaviest anticipated load, including without limitation fire and sanitation equipment and delivery vehicles, and shall provide for adequate drainage, and prevent the release of dust.

11. Loading Spaces provided within a Thoroughfare or Internal Drive shall meet construction requirements of provided by the City Engineer.

12. Each loading space shall be permanently marked and identified as a loading space in which no Parking is allowed. Permanent wheel stops or curbing shall be provided for each off-street loading space to prevent any vehicle using the loading space from Encroaching on the required Yards or Adjacent property.

13. Off-street loading areas shall be Screened in conformance with Section 4.3.11.

4.3.15 Refuse, Service, Equipment & Other Items

A. Trash Receptacle / Dumpster Requirement

Trash receptacles and dumpsters must be provided for each Lot or Building Site and must be located in accordance with Section 4.3.15.B.

B. Trash Receptacle/Dumpster Locations & Standards.

1. Dumpsters and trash and recycling receptacles shall be located as specified for the applicable District in **Tables 4.3.1-A– 4.3.1-U (District Standards)** .

2. All dumpsters and trash and recycling receptacles shall be enclosed as required in this Section and **Tables 4.3.1-A– 4.3.1-U (District Standards)**. The enclosures shall be designed to prevent debris from leaving enclosure or being scattered by wind or animals. Except in Districts CD-2, CD-3L, and CD-3, dumpsters and garbage, trash, and recycling receptacles must be placed on concrete pads. The enclosure must be kept closed at all times other than for servicing. Except in Districts CD-2, CD-3L, and CD-3, bollards or posts must be placed on the interior of the enclosure to protect the walls from damage by the trash containers within.

3. Dumpsters and garbage, trash and recycling receptacle locations shall be accessed by Rear Alleys, when such are available on the Official Zoning Map or otherwise available.

4. Space allocated to any off-street garbage, trash, or recycling areas, receptacles, or dumpsters shall not be used to satisfy any Parking or loading requirements.

5. All Uses that generate food-related garbage shall provide water quality treatment to mitigate runoff.

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C. Equipment & Other Items Locations & Standards

1. All heating, ventilation and air-conditioning equipment, utility meters (not including water meters) and equipment, mechanical equipment, antennas and satellite equipment, communications transmitting and receiving equipment, solar panels, recreation, play, and swimming pool, hot tub and spa locations shall be located and meet the other standards and requirements specified for the applicable District, as required in **Tables 4.3.1-A– 4.3.1-U (District Standards)**.

D. Service Areas.

1. Service areas shall be located as required in **Tables 4.3.1-A– 4.3.1-U (District Standards)**.

2. Service areas shall be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

4.3.16 Private Landscape Standards

A. General. 1

1. Lots and Building Sites in Districts other than the Civic District shall be landscaped in accordance with **Table 4.3.1-A– 4.3.1-T (District Standards)** and this Section 4.3.16.

2. In Civic Districts, Lots and Building Sites shall be landscaped in accordance with **Table 4.3.1-A– 4.3.1-U (District Standards-Civic)** and this Section 4.3.16. Additionally, Civic Spaces shall be designed as set forth in **Table 5.3.3.B (Civic Space –Specific Standards)**.

3. Without limitation to any other provisions of this Section 4.3.16, all Screen, Streetscreen, Buffer, and Parking Area and Parking Lot landscape standards and requirements of this Ordinance must be met.

4. All bare or exposed ground on a Lots and Building Sites and/or in any other landscaped area shall be covered with live plant materials and/or mulch, with the following exceptions:

a. Naturally occurring river beds, rock outcroppings or similar landscape features typically lacking in vegetation.

b. Hiking trails and/or traces.

c. Clay or sand surfaces associated with recreation fields and facilities.

5. Buildings and Structures lawfully existing as of the Effective Date may be modified without providing or modifying landscaping in conformance with this Section 4.3.16, provided that the same does not constitute an Alteration and does not increase the degree by which the Building or Structure is Non-conforming. This shall not be construed as prohibiting the provision of landscaping in full conformance with this Ordinance.

6. The standards and requirements herein set out for landscaping shall not apply to temporary uses or to Development or site work on relatively undeveloped sites which do not involve significant ground disturbance.

B. Maintenance of Landscaping.

1. All landscaping must be properly maintained by the property owner and his or her successors, heirs, assignees or any consenting grantee.

2. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

3. Any required plantings that are dead or diseased plantings shall be removed and replaced with plants meeting all requirements of this Ordinance.

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4. Natural water courses within a Buffer shall be maintained in a natural condition consistent with any applicable regulations.

5. A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the Buffer, an irrigation system shall be required.

6. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.

7. Where other uses, including pedestrian, bike or other trails, are allowed within a Buffer, these uses shall be maintained to provide for their safe use.

8. If any Person responsible for landscape maintenance fails to maintain same according to the standards of this Ordinance, these regulations shall be enforceable by the City with the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the area to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the area.

9. Without limitation to Section 4.3.16.B, a maintenance bond lasting one (1) year must be provided for all plantings required under this Section 4.3.16.

C. Removal of Walls or Trees.

None of the following may be removed without the prior approval of the Decision-Making Authority:

1. Any existing walls or trees within 30 feet of any Thoroughfare or Internal Drive line or within 50 feet of a Special District or CD-2, CD-3L, CD-3, PUD-R, or PUD-MU District boundary, which trees have a diameter of eight inches (8 in.) or more as measured three feet (3 ft.) from the base of the trunk; or

2. Walls or trees required or shown on an approved Site Plan, Development Plan, or Master PUD Development Plan.

D. Plant Material Standards and Sizes.

1. Except as otherwise required by Sections 4.3.16.D.4, 4.3.16.D.5, 4.3.16.D.8, 4.3.16.D.9 and 4.3.16.D.10, all required plant materials must meet with the minimum sizes, class and other requirements outlined in American Standards for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.

2. Trees shall be chosen from the following list of plant species contained within this Section and/or plants identified in the guide, "Native Plants of the Tennessee Valley", published by the Tennessee Valley Authority (TVA) .

TABLE 4.3.16.D-1 (NATIVE PLANTS OF THE TENNESSEE VALLEY)

Common Name	Botanical Name
Canopy Trees	
American Beech	Fagus grandifolia
Nuttall Oak	Q. nuttalli
American Linden	Tilia americana
Overcup Oak	Q. lyrata
Baldcypress	Taxodium distichum
Pecan	Carya illinoensis
Black Cherry	Prunus serotina
Persimmon	Diospyros virginiana
Black Locust	Robinia pseudoacacia
Post Oak	Q. stellata
Black Oak	Q. velutina
Red Maple	Acer rubrum
Black Walnut	Juglans nigra
River Birch	Betula nigra
Blackgum	Nyssa sylvatica
Sassafras	Sassafras albidum

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TABLE 4.3.16.D–1 (NATIVE PLANTS OF THE TENNESSEE VALLEY)

Common Name	Botanical Name
Buckeye	Aesculus spp.
Scarlet Oak	Q. coccinea
Bur Oak	Q. macrocarpa
Shortleaf Pine	Pinus echinata
Cherrybark Oak	Q. pagoda
Shumard Oak	Q. shumardii
Chestnut Oak	Q. prinus
Silver Maple	Acer saccharinum
Chinkapin Oak	Q. muehlenbergii
Silverbell	Halesia carolina
Cucumbertree	Magnolia acuminata
Southern Red Oak	Q. falcata
Eastern Hemlock	Tsuga candensis
Sugar Maple	Acer saccharum
Eastern Red-Cedar	Juniperus virginiana
Swamp Chestnut Oak	Q. michauxii
Eastern White Pine	Pinus strobus
Sweetgum	Liquidambar styraciflua
Green Ash	Fraxinus pennsylvanica
Sycamore	Platanus occidentalis
Hickories	Carya spp.
Water Oak	Q. nigra
Kentucky Coffeetree	Gymnocladus dioicus
White Ash	Fraxinus americana
Loblolly Pine	Pinus taeda
White Oak	Quercus alba
Northern Catalpa	Catalpa speciosa
Willow Oak	Q. phellos
Northern Red Oak	Q. rubra
Yellow-Poplar	Liriodendron tulipifera

TABLE 4.3.16.D–1 (NATIVE PLANTS OF THE TENNESSEE VALLEY)

Common Name	Botanical Name
Accent Trees	
Alder	Alnus serrulata
Red Buckeye	Aesculus pavia
Allegheny Chinkapin	Castanea pumila
Redbud	Cercis canadensis
American Holly	Ilex opaca
Serviceberry	Amelanchier arborea
Buckthorn Bumelia	Bumelia lycioides
Shining Sumac	Rhus copallina
Carolina Buckthorn	Rhamnus caroliniana
Smoketree	Cotinus obovatus
Devil's Walking Stick	Aralia spinosa
Smooth Sumac	Rhus glabra
Dogwood	Cornus florida
Snowbell	Styraxspp.
False Indigo	Amorpha fruticosa
Sourwood	Oxydendron arboreum
Fringetree	Chionanthus virginicus
Staghorn Sumac	Rhus typhina
Hawthorn	Crateagus spp.
Striped Maple	Acer pensylvanicum
Hophornbeam	Ostrya virginiana
Sweetbay	Magnolia virginiana
Hornbeam	Carpinus caroliniana
Sweetleaf	Symplocus tinctoria
Mountain Maple	Acer spicatum
Witch Hazel	Hamamelis virginiana
Pawpaw	Asimina triloba
Yellowwood	Cladrastis lutea

3. When more than 20 trees are planted on used on a site to meet these regulations, a mix of trees (genera) shall be provided. The following table indicates the maximum percentage of same trees (same genus) that may be planted.

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TABLE 4.3.16.D-2 (TREES-# PER GENERA)

Planted on Site	Minimum Number of Genera Required	Maximum Percentage of Any Genera
20 trees or less	1	not applicable
21 to 50 trees	2	70 percent
51 to 100 trees	3	50 percent
101 to 200 trees	4	40 percent
200 to 500 trees	5	30 percent
over 500 trees	6	25 percent

4. Shrubs shall be of species that under average conditions will reach a minimum height of 24 inches within 12 months. When planted as a hedge, the maximum spacing for shrubs shall be 40 inches on center.

5. Canopy trees shall have a planting area no less than 10 feet wide in all dimensions. Accent and substitution trees shall have a planting area no less than eight feet wide in all dimensions. This requirement may be modified administratively by the Zoning Administrator.

6. Plants shall be mulched a minimum of three inches deep. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the City as part of the landscape plan. Mulch shall be kept away from tree trunks.

7. Where specified, Building foundation planting shall meet the following requirements:

a. Foundation plantings shall be placed within five feet of the building perimeter. If the Zoning Administrator determines that, due to site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or in the areas of the site in a manner that enhances the overall landscape plan for the development.

b. One shrub shall be required as foundation planting for every ten (10) linear feet of Facade for Non-Residential Uses.

8. Any plant materials required for Screening must be evergreen and have an opacity of at least 90% from the ground through the full height of the plant.

9. At the time of installation, trees must be a minimum two and a half inches (2.5 in.) caliper measured three feet (3 ft.) from the base of the trunk.

10. At the time of installation, Shrubs must be a three (3) gallon container minimum and a minimum height above ground level of 30 in.

11. Plantings must not conflict at installation or maturity with the location of any other required Building and Building Site elements or other plantings.

12. Ground vegetation or Shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two feet of the First Layer.

E. Placement of Trees and Shrubs.

1. Proposed trees and shrubs must be placed minimally 18 in. from any Sidewalk or pavement edge, measured from the center of the plant.

2. No trees shall be planted in wet retention ponds or drainage maintenance Easements.

3. Trees and shrubs shall be installed at least five feet away from the flow line of a drainage facility unless specifically designed as water quality measures adhering to best management practices.

4. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to

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the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

5. Accent trees and shrubs listed in **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley)** shall be allowed in access Easements, provided a minimum 20-foot wide travelway is maintained clear of vegetation, and all clear sight triangle requirements are met.

6. Trees may be planted in Easements for underground utilities with approval by the City and any applicable utility provider, provided the root structure of the proposed tree is not anticipated to extend more than three feet below the ground. Shrubs may be planted, provided they are only within the outer three feet of the Easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

F. Artificial Plants / Turf.

Artificial plants or artificial turf are prohibited, except on active recreation fields that are typically subject to intense use and soil compaction that prohibits the establishment of turfgrass.

G. Establishment.

All required landscape areas must be watered and fertilized as necessary to ensure establishment within the first year planted in accordance with best landscape practices.

H. Screens.

Screens must be provided in accordance with Section 4.3.11.

I. Soils.

Soil shall be uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill shall be removed. Under no circumstances shall soils have greater than 5% or less than 0.5% organic matter.

J. Condition of Plants.

Plants must have normal, well-developed branches and vigorous root systems.

K. Pavement of First Layer.

The First Layer shall not be paved, except for the following:

1. Driveways and

2. Pavement matching the adjoining Public Frontage in Character Districts CD-4, CD-4C, CD-5, and CD-5C, where the Building is set back no more than five feet (5 ft.) from the Front Lot / Building Site Line.

L. Tree Protection.

Trees shall be protected in accordance with Section 4.3.12.

4.3.17 Private Lighting Standards

The following standards and requirements are applicable within all Districts and Civic Districts:

A. Areas to be Lighted.

All Parking Areas, Parking Lots, Parking Structures, and accessways within the Lot or Building Site shall be lighted.

B. Lighting Standards.

1. A lighting standard shall be no event higher than 30 feet in Non-Residential Parking Areas and Parking Lots or 15 feet in other areas.

2. Additional standards may apply within a Historic District, Historic Landmark District, or with respect to a Historic Structure.

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C. Illumination.

1. Illumination at all Building Site Lines must meet the standards of **Table 4.3.17.B (Private Lighting Standards)**; provided that a minimum of one foot-candle (1.0 fc) of illumination must be provided throughout all Parking Areas, Parking Lots, and Parking Structures.

TABLE 4.3.17.B (PRIVATE LIGHTING STANDARDS)

District	Min./Max. Lighting Level at Frontage Line (in foot-candles)
CD-2, CD-3L & CD-3	0-1.0 fc
CD-4 & CD-4C	0-1.0 fc
CD-5 & CD-5C	1.0-2.0 fc
SD-MHP	0-1.0 fc
SD-LI & SD-HI	1.0-2.0 fc
PUD-R & PUD-MU	1.0-2.0 fc
Other PUD's	Per approved PUD standards

2. Lighting fixtures shall be mounted in a manner so that the cone of illumination is contained on-site and does not cross any property line of the site.

3. Lighting shall not be oriented so that it directs glare or excessive illumination onto Streets in a manner that may distract or interfere with the vision of drivers.

4. Any fixtures used to accent architectural features, landscaping, or art shall be located, aimed or shielded to minimize light spill into the night sky.

5. Use of illuminated tubing or light strings outlining or defining property lines, sales areas, roof lines, doors, windows or similar areas or features in a manner that is not primarily for safety purposes, as determined by the Zoning Administrator, is prohibited. This paragraph shall not limit the use of lights illuminating outdoor dining or gathering areas.

6. Lighting for Internal Drives is not subject to this Section 4.3.17, but must comply with the Public Lighting Standards set forth in Article 5.

D. Building Spotlights.

Spotlights on Buildings shall not be used to meet the lighting requirements of this Ordinance.

E. Limitation on Periods of Use.

Outdoor recreation areas Adjacent to Residential Uses or Districts shall not be illuminated after 10 PM Sunday through Thursday, and 11 PM Friday and Saturday.

4.3.18 Signage.

All signage must comply with the standards and requirements of Article 7 (Sign Standards).

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SECTION 5.1
DEVELOPMENT PARCEL STANDARDS.

5.1.1 Definition of Development Parcel.

Development Parcel is defined in Article 9 (Definitions).

5.1.2 Applicability.

This Article applies to all Development Parcels located or proposed within the City, except as otherwise provided in Section 1.22 with respect to Nonconformities.

5.1.3 Plans Applicable to Development Parcel.

Except as otherwise provided in Section 1.22 with respect to Nonconformities, none of the following shall occur with respect to any project or proposal involving a Development Parcel, except in compliance with this Article 5, the Official Zoning Map, and pursuant to a Development Plan or Master PUD Development Plan that conforms with and has been prepared, submitted, reviewed and approved in accordance with Section 8.5.6, this Article 5, and all other standards and requirements applicable thereto:

A. Construction Activities.

Construction, re-construction, Alteration, modification, raising, moving, extending, reducing, or enlarging any Structure;

B. Development Activities.

Development, re-Development, Improvement, subdivision, or re-subdivision of any Lot, Building Site, or other parcel of land;

C. Use.

Use of any Structure, Lot, Building Site, or other parcel of land;

D. Applications and Actions.

1. Filing, issuing, applying for, certifying, or approving any subdivision application or plat, Building Permit, Development Plan or Master PUD Development Plan, or other Zoning Permit, relating to, or subdividing, re-subdividing, commencing Construction on, or Developing, or Improving any part of a Development Parcel.

2. Approving any Zoning Map or Zoning Map amendment, other than any Zoning Map or Zoning Map Amendment prepared by or on behalf of the City.

5.1.4 Pedestrian Sheds.

A. Parcel to be Based on Pedestrian Shed.

Each Development Parcel of 80 acres or more shall be based upon one or several proposed or existing Standard or Linear Pedestrian Sheds, as applicable, located according to existing conditions, such as traffic intersections, Adjacent Development, and natural features.

B. Common Destination.

Each Pedestrian Shed shall have a Common Destination near its center. See **Illustration 5.1.4.B-1 (Standard Pedestrian Shed)** and **Illustration 5.1.4.B-2 (Linear Pedestrian Shed)**.

C. Parcel / Site Size Relative to Pedestrian Shed Size.

A Development Parcel and the overall plan site may be smaller or larger than the Pedestrian Shed within which it is situated.

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ILLUSTRATION 5.1.4.B–1 STANDARD PEDESTRIAN SHED

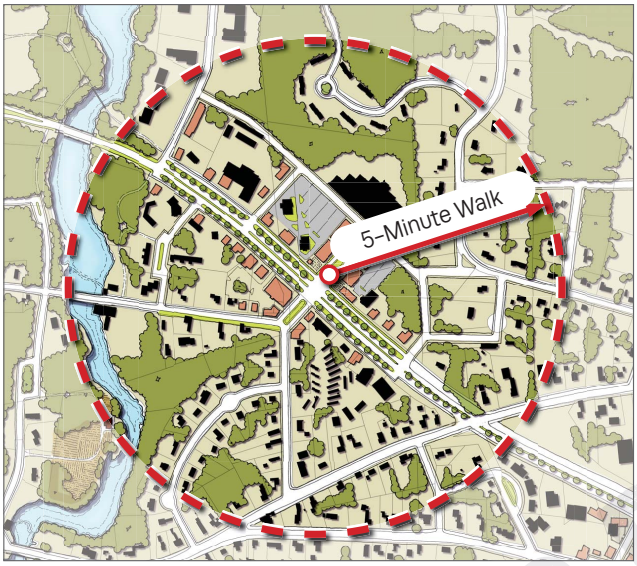
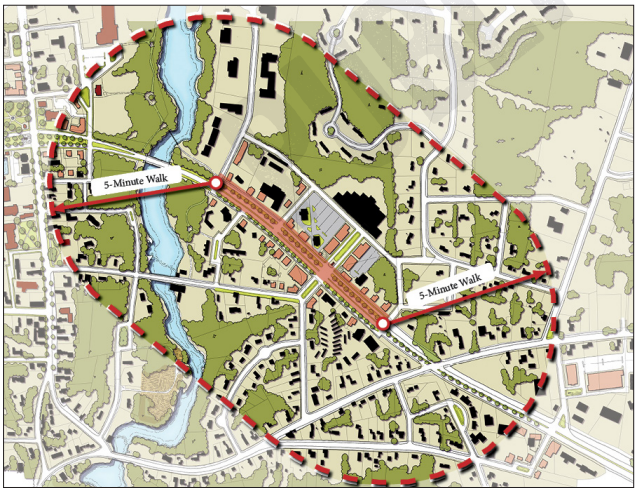


ILLUSTRATION 5.1.4.B–2 LINEAR PEDESTRIAN SHED



5.1.5 Civic Districts.

Civic Districts shall be assigned according to and as required by Sections 2.4.2 and 3.4.

5.1.6 Character Districts.

Character Districts shall be assigned as required by Section 2.4.1 and 3.2.

5.1.7 Special Districts.

Special Districts, if any, shall be assigned according to Section 2.4.3 and 3.3.

5.1.8 PUD Districts.

Each PUD District shall be assigned according to Sections 2.4.4, 3.3, and 8.5.21.

5.1.9 Thoroughfare / Internal Drive Network.

The Thoroughfare and Internal Drive network shall be laid out according to Section 5.2.

5.1.10 Building Types.

Within each District of a Development Parcel of 10 acres or more there shall be a mix of Building Types in compliance with **Table 5.1.10 (Building Type Mix)**.

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TABLE 5.1.10 BUILDING TYPE MIX

District	Building Types	Permitted Min/Max Building Type Mix Frontage Width of Total Building Frontage Width
CD-2	--------	NR
CD-3L	--------	NR
CD-3	--------	NR
CD-4	Total of House, Duplex, Townhouse, Small Multifamily & Large Multifamily	85% max, with Large Multifamily ≤ 20% of Total CD-4 Frontage width
	Total of Live/Work, Commercial, Mixed Use & Flex	15% min
CD-4C	Total of House, Duplex, Townhouse, Small Multifamily & Large Multifamily	85% max, with Large Multifamily ≤ 20% of Total CD-4 Frontage width
	Total of Live/Work, Commercial, Mixed Use & Flex	15% min
CD-5	Total of House, Townhouse, Small Multifamily & Large Multifamily	70% max, with Large Multifamily ≤ 40% of Total CD-4 Frontage width
	Total of Live/Work, Commercial, Mixed Use, Flex & Mid-Rise	30% min
CD-5C	Total of House, Townhouse, Small Multifamily & Large Multifamily	70% max, with Large Multifamily ≤ 40% of Total CD-4 Frontage width
	Total of Live/Work, Commercial, Mixed Use, Flex & Mid-Rise	30% min
PUD-R	Any single permitted Building Type	40% max
PUD-MU	Total of Live/Work, Commercial, Mixed Use, Flex & Mid-Rise	40% min
SD-MHP	--------	NR
SD INT	--------	NR
SD-LI	--------	NR
SD-HI	--------	NR
CV	--------	NR

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5.1.11 Uses.

Within each District of a Development Parcel of 10 acres or more there shall be a mix of Principal Uses in compliance with **Table 5.1.11 (Principal Use Mix)**.

TABLE 5.1.11 PRINCIPAL USE MIX

	Max Residential Use % of District Net Site Area
CD-2	Not Regulated
CD-3L	Not Regulated
CD-3	Not Regulated
CD-4	85% max
CD-4C	85% max
CD-5	70% max
CD-5C	70% max
SD-MHP	Not Regulated
SD-INT	40% max
SD-LI	40% max
SD-HI	None Permitted
PUD-R	Not Regulated
PUD-MU	450% max
Other PUDs	Per PUD Approval
CV	Not Regulated

SECTION 5.2 THOROUGHFARES, INTERNAL DRIVES & ALLEYS

5.2.1 General.

Thoroughfares, Internal Drives, and Alleys shall be provided within and Adjacent to each Development Parcel, as necessary to comply with this Article 5.

5.2.2 Thoroughfare & Internal Drive Standards.

Any Thoroughfares, Internal Drives, and Alleys within or Adjacent to a Development Parcel shall comply with the following standards:

A. Access.

Thoroughfares and Internal Drives shall provide for vehicular and non-vehicular traffic and provide Access to Lots or Building Sites and Civic Spaces. Alleys, where provided, shall provide for vehicular Access to the side or rear of Lots or Building Sites and Civic Spaces.

B. Components.

Each Thoroughfare and Internal Drive shall consist of Public Frontage, Vehicular Travel Lanes and any required Vehicular Parking Lanes, any allowed Loading Spaces, and any required Bicycle Accommodations. See **Illustration 5.2.2.B-1 (Thoroughfare / Internal Drive Components)**.

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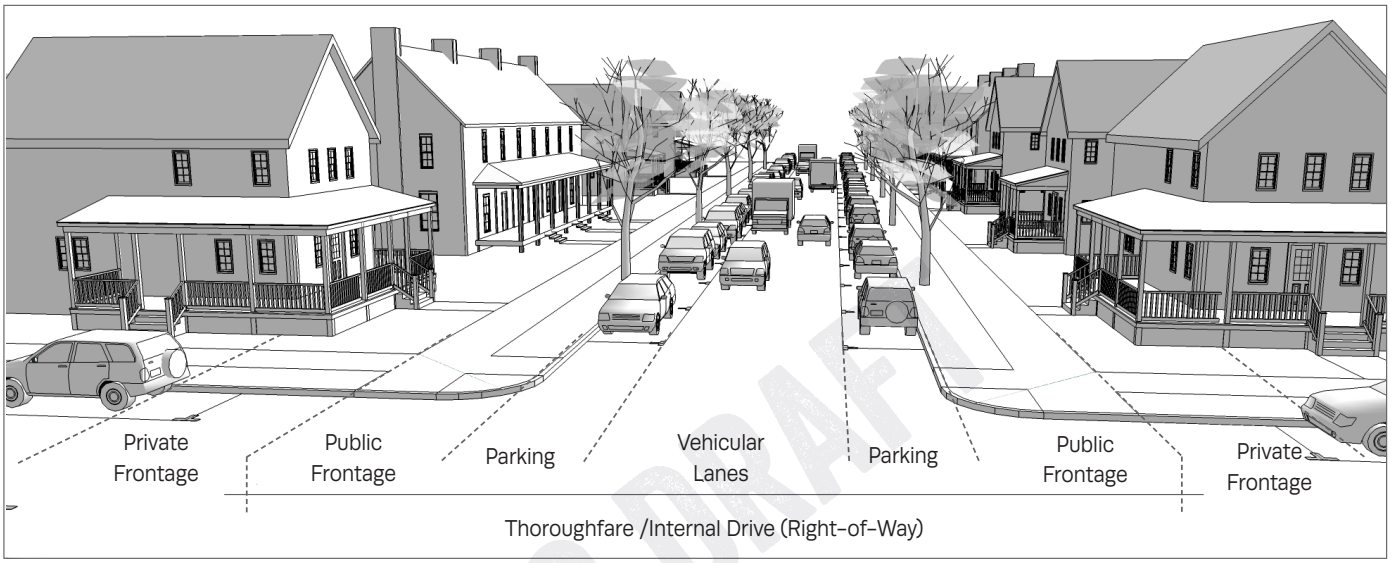
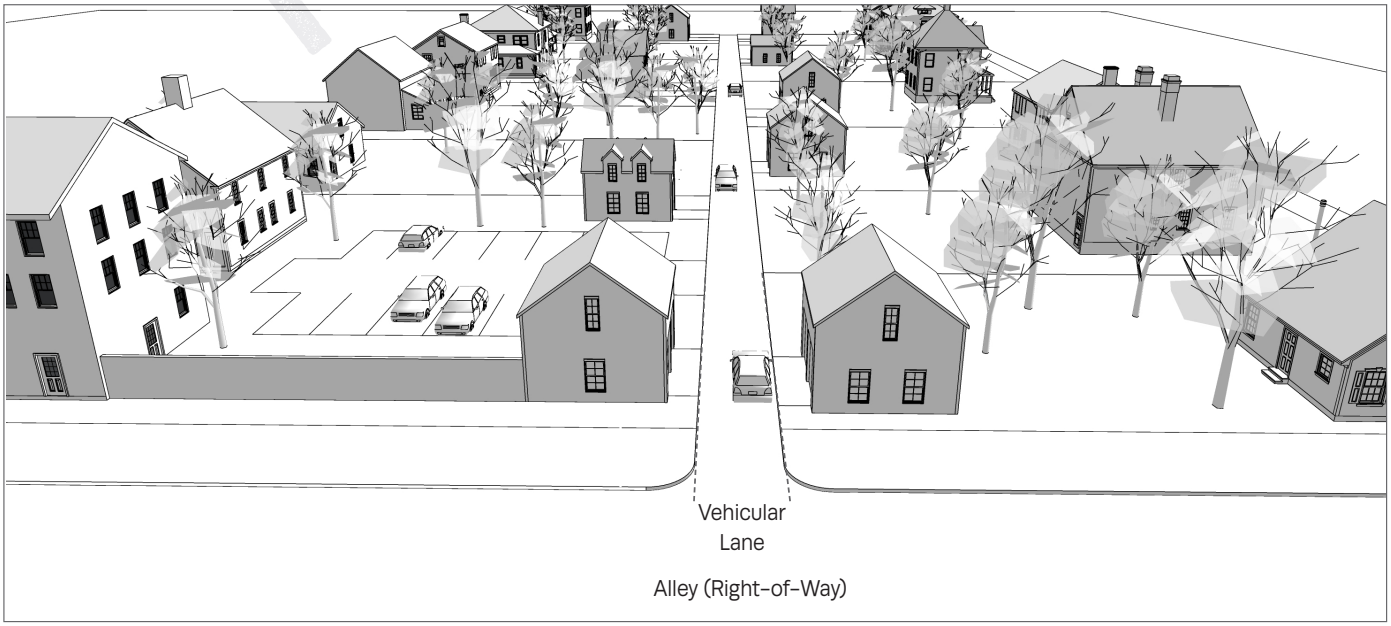
ILLUSTRATION 5.2.2.B–1 THOROUGHFARE / INTERNAL DRIVE COMPONENTS



Each Alley shall consist of the elements shown in **Illustration 5.2.2.B–2 (Alley Components)**.

ILLUSTRATION 5.2.2.B–2 ALLEY COMPONENTS



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C. Thoroughfares / Internal Drives in Multiple Districts.

The Public Frontages of Thoroughfares that pass from one District to another shall be adjusted accordingly or, alternatively, may follow the alignment of the Thoroughfare to the depth of one Lot or Building Site, retaining a single Public Frontage throughout its trajectory.

D. Block Perimeter.

Thoroughfares and Internal Drives shall be provided and designed to define Blocks not exceeding any applicable perimeter size prescribed in **Table 5.2.2.D (Block Perimeter Standards)**, measured as the sum of Lot or Building Site Frontage Lines, subject to adjustment by Waiver of the Zoning Administrator at the edge of a Development Parcel.

TABLE 5.2.2.D BLOCK PERIMETER STANDARDS

District	Max Perimeter
CD-2	Not Regulated
CD-3L	3600 ft max
CD-3	2800 ft max
CD-4, CD-4C, SD-MHP	2400 ft max
CD-5, CD-5C, PUD-R & PUD-MU	2,000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block
SD-INT, SD-LI, SD-HI & CV	Not Regulated
Other PUDs	Per approved Master PUD Development Plan

E. Network / Connections.

Thoroughfares and Internal Drives shall terminate at other Thoroughfares or Internal Drives, forming a network, connecting wherever possible to Thoroughfares or Internal Drives on Adjacent sites and cul-de-sacs not being allowed unless approved by Waiver of the Zoning Administrator to accommodate specific site conditions.

F. Thoroughfare / Internal Drive Types.

Each Thoroughfare or Internal Drive shall be one of the types described in **Table 5.2.2.F (Thoroughfare / Internal Drive Types – Summary)** for the applicable District or the District Adjacent to a Civic District.

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TABLE 5.2.2.F THOROUGHFARE / INTERNAL DRIVE TYPES – SUMMARY

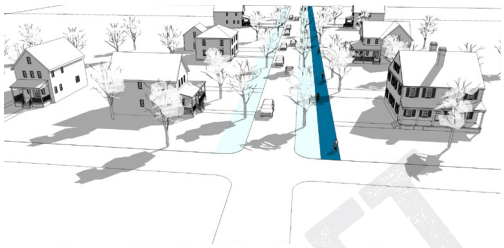
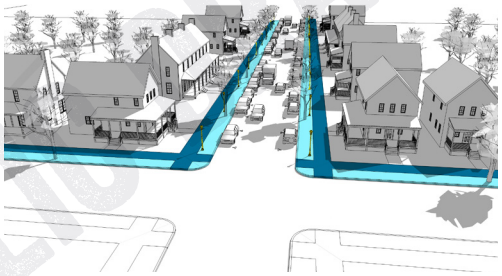
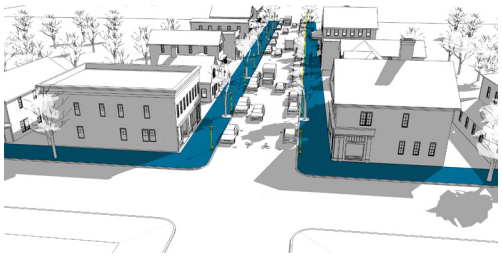
Thoroughfare / Internal Drive Type	Illustration	Permitted Districts
Road A local, rural and suburban Thoroughfare or Internal Drive of low-to-moderate vehicular speed and capacity, and having a Public Frontage that is drained by swales. There are continuous Planters and no on-street parking. The landscaping consists of clustered and irregularly spaced trees along the Thoroughfare.		CD-2 CD-3L
Neighborhood Street A local urban Thoroughfare of low speed and capacity and having a Public Frontage with raised Curbs drained by inlets, Sidewalks separated from the Vehicular Lanes by individual or continuous Planters, and parking on one or both sides. The landscaping consists of regularly spaced and aligned rows of trees along the thoroughfare.		CD-2 CD-3L CD-3 CD-4 CD-4C SD-MHP SD-INT SD-LI SD-HI PUD-R PUD-MU
Commercial Street A Thoroughfare type designed for moderate to high vehicular capacity and slow speed, traversing an urbanized area. The Public Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides, separated from the Vehicular Lanes by separate tree wells or planters with grates and parking on both sides. The landscaping consists of regularly spaced and aligned rows of trees along the thoroughfare, which clears the storefront entrances.		CD-4 CD-4C CD-5 CD-5C SD-INT

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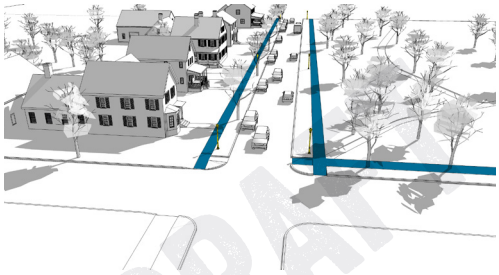
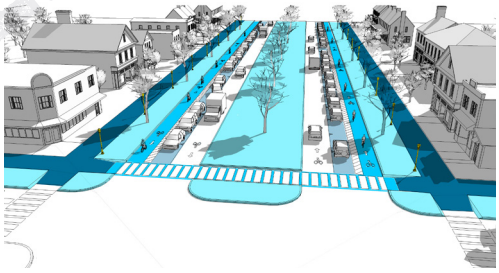
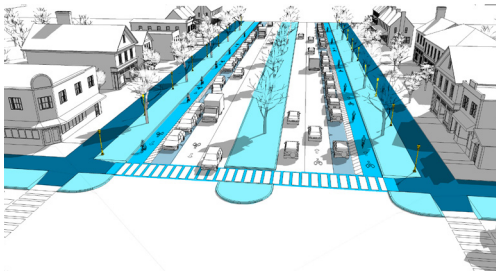
TABLE 5.2.2.F THOROUGHFARE / INTERNAL DRIVE TYPES – SUMMARY

Thoroughfare Type (continued)	Illustration	Permitted Districts
Drive A Thoroughfare type with Building Frontages on one side and no or very sporadic Building Frontages on the other side. Frequently, a Drive is used along a boundary between an urbanized area and a natural condition along a waterfront or Natural Area. The Public Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved Path along one side, related to a greenway or waterfront. It is separated from the Vehicular Lanes by individual or continuous planters. The landscaping consists of Thoroughfare Trees aligned in a regularly spaced row.		CD-3L CD-3 CD-4 CD-4C SD-MHP SD-INT PUD-R
2–Lane Avenue A Thoroughfare of moderate vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median. Its Public Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the Vehicular Lanes by a narrow continuous planter with parking on both sides. The landscaping consists of regularly spaced and aligned rows of trees along the thoroughfare.		CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-INT SD-LI SD-HI PUD-R PUD-MU
4–Lane Avenue A Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median. Its Public Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the Vehicular Lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of regularly spaced and aligned rows of trees along the thoroughfare.		CD-4 CD-4C CD-5 CD-5C SD-INT SD-LI SD-HI PUD-MU

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G. Assemblies & Standards.

Thoroughfares and Internal Drives within Districts and within Civic Districts Adjacent to Districts shall conform to the applicable standards for such Districts set forth in **Table 5.2.2.G–1 (Thoroughfare / Internal Drive Assemblies and Standards)**. Alleys shall conform to the standards of **Table 5.2.2.L (Alley Assembly and Standards)**.

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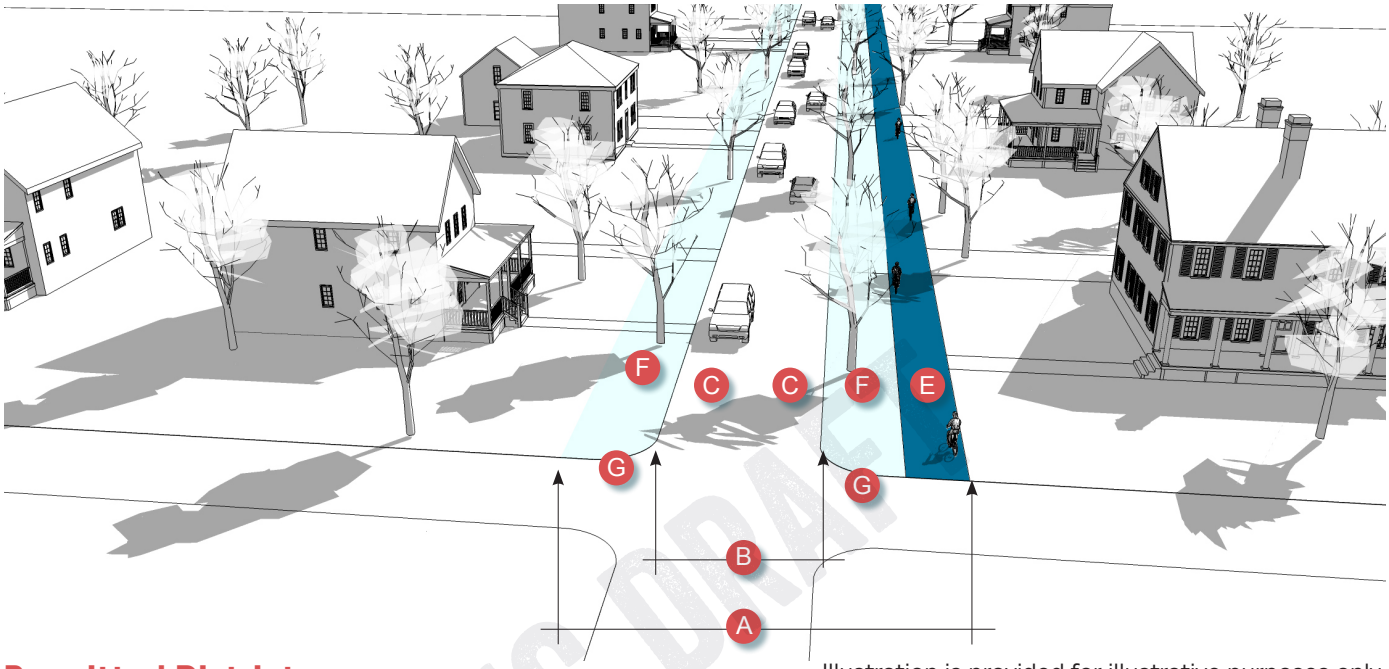
TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
ROAD



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Permitted Districts

CD-2

Thoroughfare Type	Road	
Right of Way Width	58–60 ft	A
Pavement Width	20–22 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10–11 ft	
Parking Lanes	None	
Parking Lane Width	N/A	
Bikeway Type	Shared Use Path. See Table 5.2.4.B*	E

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway	
Walkway Type	None
Walkway Width	N/A

Planter		
Planter Type	Continuous Swale	F
Planter Width	9 ft	
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.	
Curb		
Turning Radius	30 ft	
Curb Radius	30 ft	G
Curb Type	Rural Edge Treatment or Ribbon Curb	
Lighting		
Lighting Placement	Type and design approved by Engineering	

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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TABLE 5.2.2.G-1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
NEIGHBORHOOD STREET

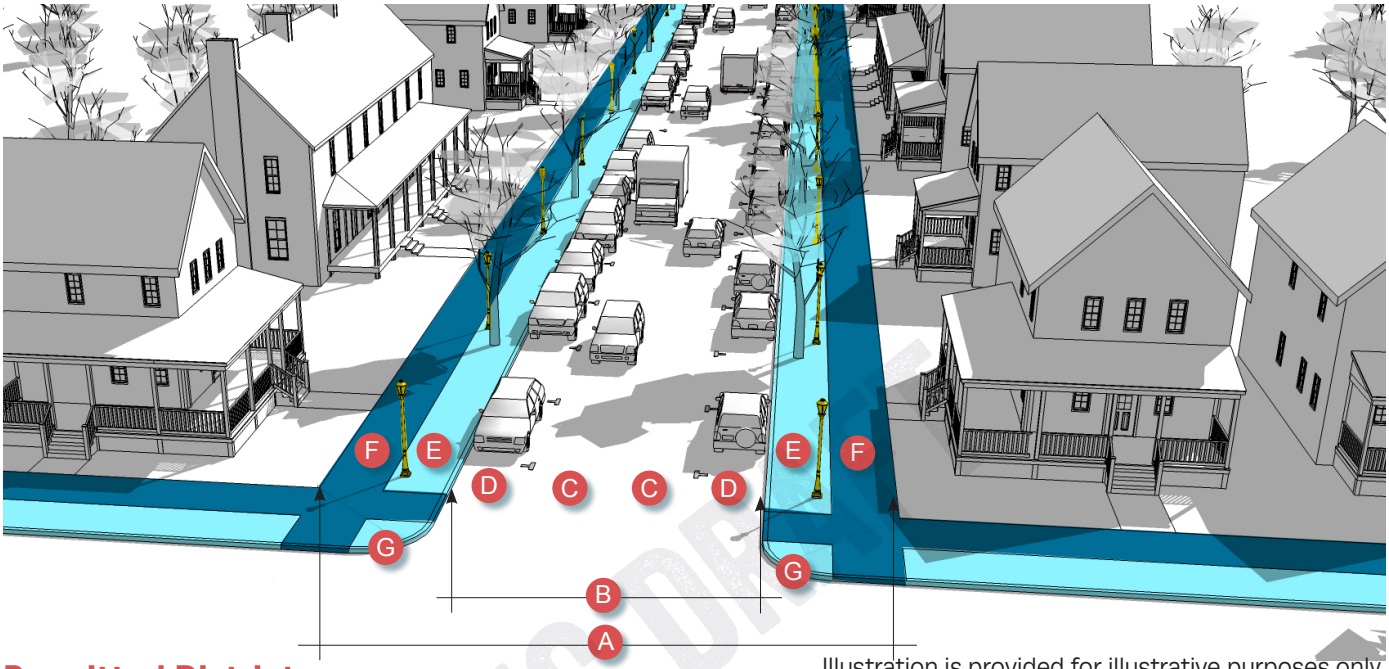

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | SD-MHP | PUD-R

Thoroughfare Type	Neighborhood Street	
Right of Way Width	54 – 76 ft	A
Pavement Width	28 ft – 36 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 1 or both sides	
Parking Lane Width	8 ft.	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See Table 5.2.4.B*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	5 – 8 ft	

Planter		
Planter Type	Continuous Planter	
Planter Width	8 – 12 ft	
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 –20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Type and design approved by Engineering
In CD-2, CD-3L & CD-3	Type and design approved by Engineering
In CD-4, CD-4C, and Other Districts	Type and design approved by Engineering
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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TABLE 5.2.2.G-1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
COMMERCIAL STREET

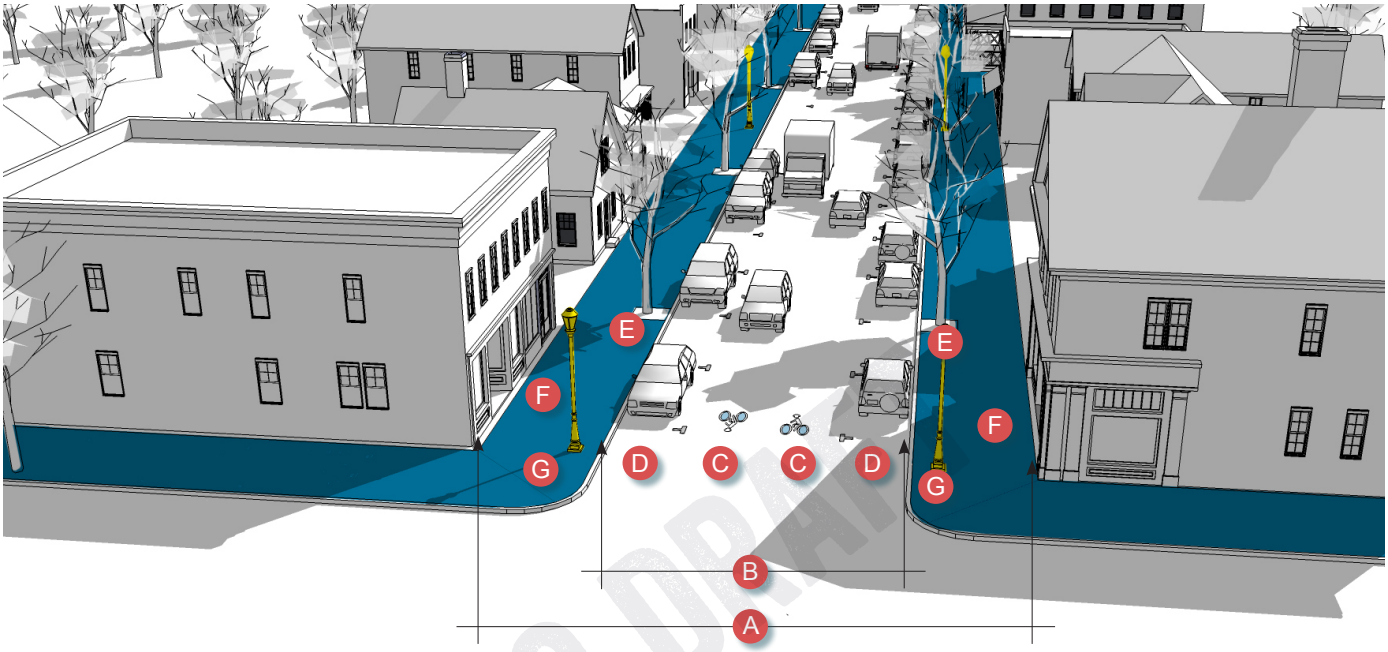

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU

Thoroughfare Type	Commercial Street	
Right of Way Width	60 – 76 ft	A
Pavement Width	36 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	C
Parking Lanes	Parallel, 2 sides	D
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 5.2.4.B*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	12 – 20 ft	

Planter		
Planter Type	Tree Well or Planter	E
Planter Width	4 – 6 ft	
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.	
Curb		
Turning Radius	25 ft min	
Curb Radius	5 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

*Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Type and design approved by Engineering
In CD-3L & CD-3	Type and design approved by Engineering
In CD-4 & CD-4C	Type and design approved by Engineering
In CD-5, CD-5C, and Other Districts	Type and design approved by Engineering
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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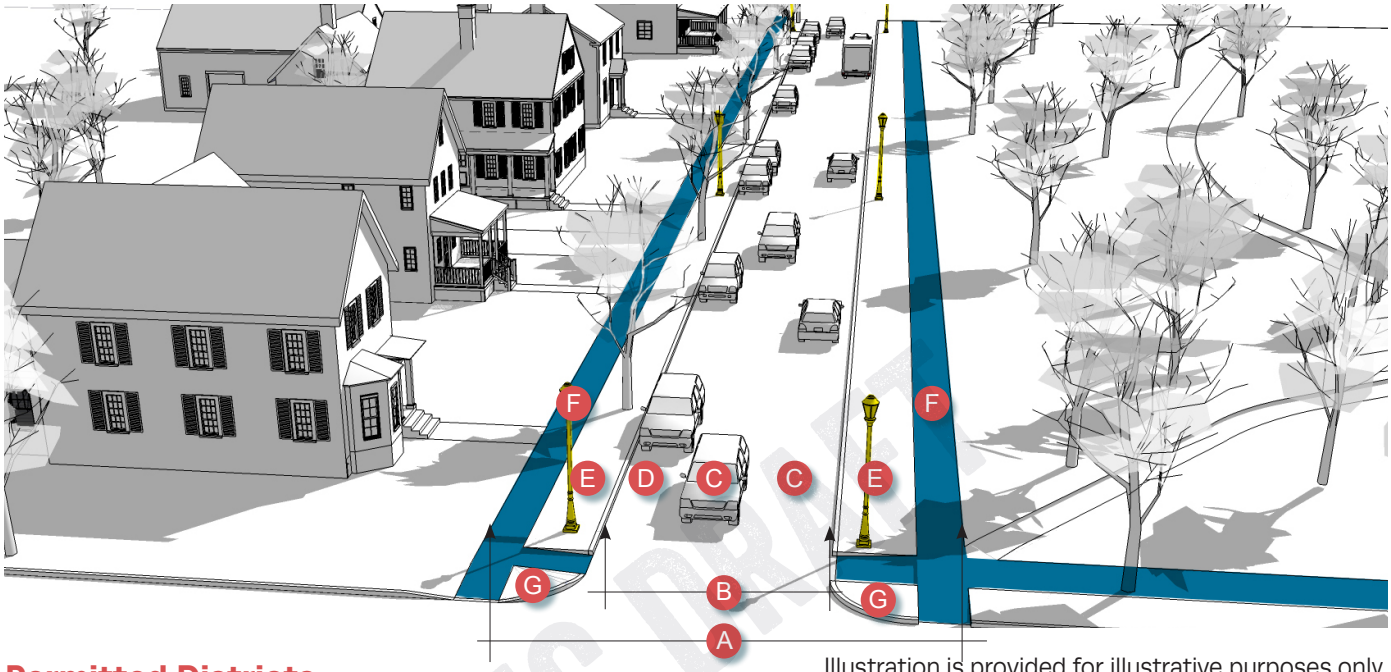
TABLE 5.2.2.G-1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
DRIVE



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Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | SD-MHP | PUD-R

Thoroughfare Type	Drive	
Right of Way Width	50 – 72 ft	A
Pavement Width	18 28 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	1 – 2 lanes	
Travel Lane Width	10 ft	C
Parking Lanes	Parallel, 1 side	D
Parking Lane Width	8 ft., unmarked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See Table 5.2.4.B*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	8 – 10 ft	

Planter		
Planter Type	Continuous Planter	E
Planter Width	8 – 12 ft	
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Type and design approved by Engineering
In CD-3L & CD-3	Type and design approved by Engineering
In CD-4, CD-4C & Other Districts	Type and design approved by Engineering
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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TABLE 5.2.2.G-1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
2 LANE AVENUE

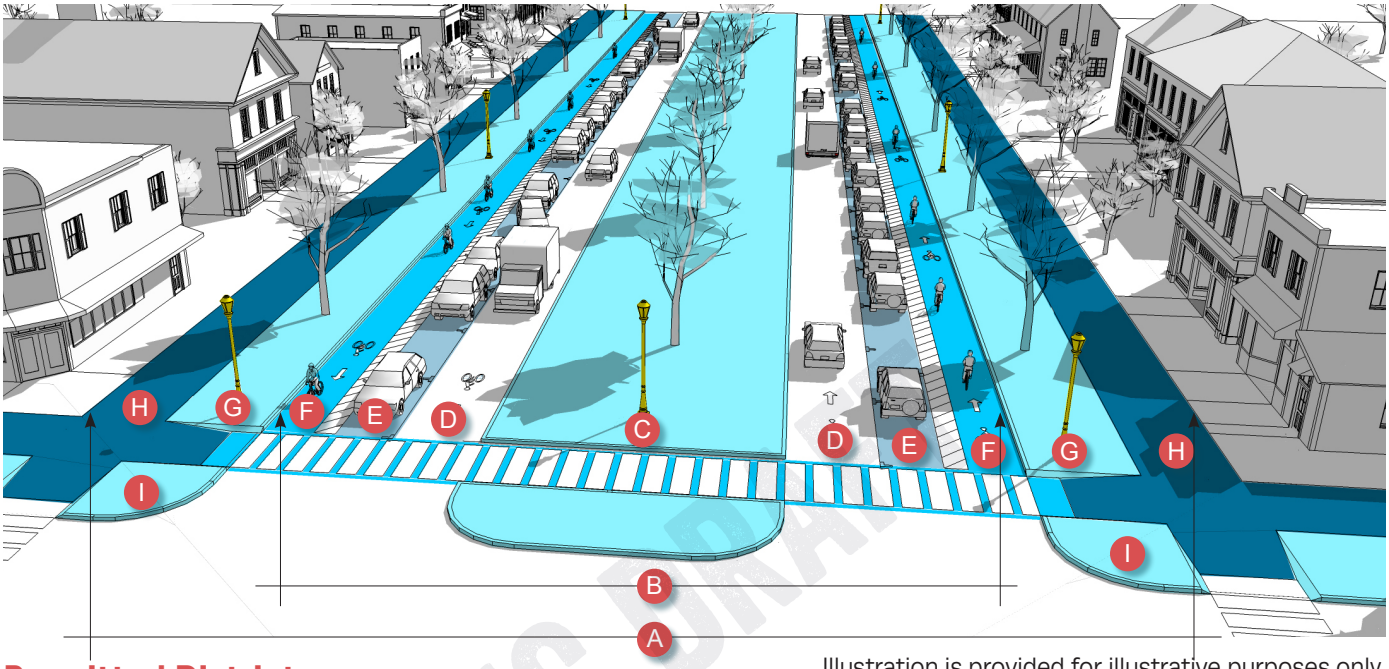

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Thoroughfare Type	2 Lane Avenue	
Right of Way Width	79 – 176 ft	A
Pavement Width	36 ft	B
Movement	Slow	
Assemblies		
Median Width	15 – 60 ft	C
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 2 sides	E
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 5.2.4.B*	F

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	H
Walkway Width	6 – 20 ft	

Planter		
Planter Type	Continuous Planter	
Planter Width	8 – 20 ft	
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Type and design approved by Engineering
In CD-3L & CD-3	Type and design approved by Engineering
In CD-4 & CD-4C	Type and design approved by Engineering
In CD-5, CD-5C, and Other Districts	Type and design approved by Engineering
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
4 LANE AVENUE

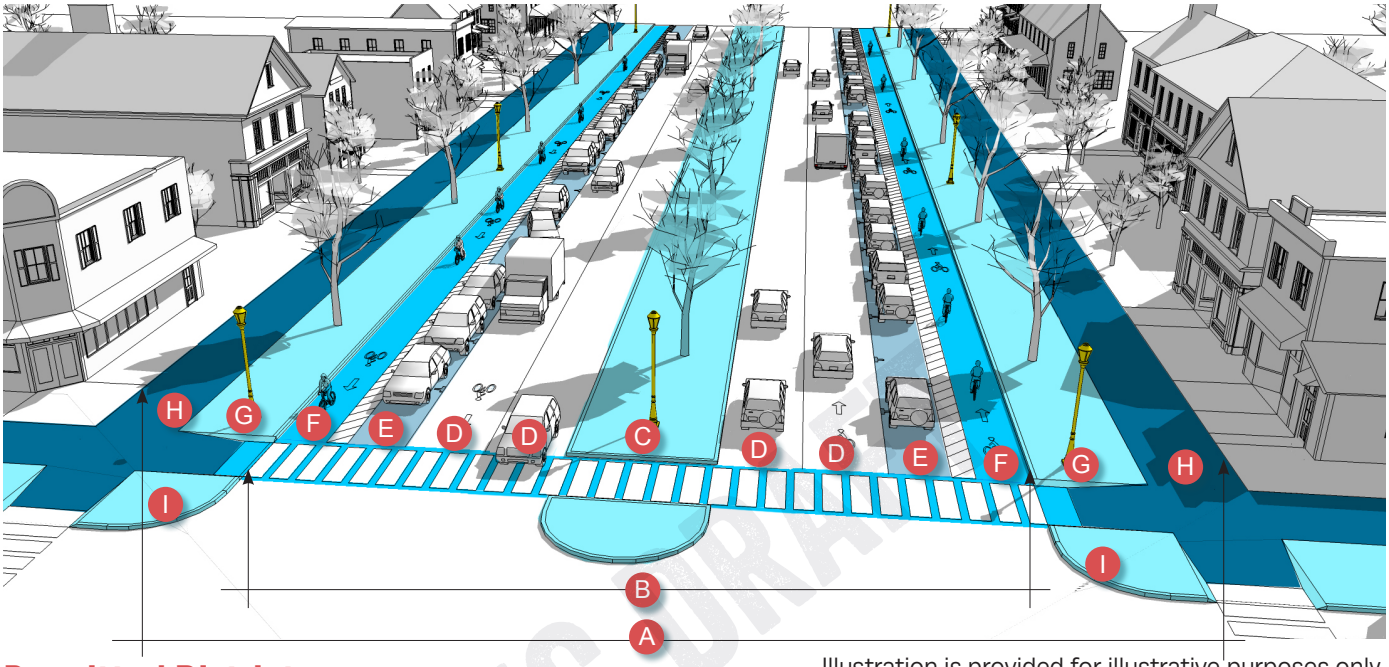

Illustration is provided for illustrative purposes only.

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Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU

Thoroughfare Type	4 Lane Avenue	
Right of Way Width	196 ft	A
Pavement Width	56 ft	B
Movement	Slow	
Assemblies		
Median Width	15 – 60 ft	C
Travel Lanes	4 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 2 sides	E
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 5.2.4.B*	F

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 5.2.4.B (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	H
Walkway Width	6 – 20 ft	

Planter	
Planter Type	Continuous Planter
Planter Width	8 – 20 ft
Landscape Type	Trees at 30 ft on center average; first tree shall be placed within 30 ft of Block corner.

Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Type and design approved by Engineering
In CD-3L & CD-3	Type and design approved by Engineering
In CD-4 & CD-4C	Type and design approved by Engineering
In CD-5, CD-5C, and Other Districts	Type and design approved by Engineering
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the City Engineer.

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H. Additional Pedestrian Walkways.

1. Pedestrian Access

a. In addition to the Public Frontage, Parking Lot and Parking Area sidewalk and walkway requirements and the sidewalk requirements contained in the Subdivision Regulations, pedestrian ways, linkages and paths shall be provided from the Building entry to surrounding Thoroughfares, Internal Drives, external sidewalks, transit stops and out-parcels.

b. Pedestrian ways shall be designed to provide access between Parking Lots and Parking Areas and Building public entrances.

c. At least one handicapped accessible route in accordance with applicable State requirements shall connect Buildings, facilities, elements and Parking spaces that are on the same Lot, Building Site, or Development Parcel.

2. Pedestrian Crosswalks

Crosswalks shall be designed and provided for pedestrian access to and from Buildings Parking Lots, Parking Areas and off-site Parking spaces, and shall be clearly designated with signage and variations in pavement materials or markings.

I. Sight Triangle.

At all Thoroughfare and Internal Drive intersections, the visibility standard of Section 4.3.3.F or Section 7.1.7.D shall be met.

J. Connecting Driveways.

Where a Driveway connects to a collector or major Thoroughfare, it shall be designed to provide for a turnaround to avoid backing into the Thoroughfare.

K. Internal Drives.

Any Internal Drives shall be placed in a public access Easement and recorded as part of a Final Plat.

L. Alleys.

Alleys shall comply with the assembly and standards of **Table 5.2.2.L (Alley Assembly & Standards)**.

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TABLE 5.2.2.L ALLEY ASSEMBLY AND STANDARDS

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Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Thoroughfare Type	Rear Alley	
Right of Way Width	24 ft max	A
Pavement Width	24 ft max	B
Movement	Slow Movement	
Assemblies		
Travel Lanes	N/A	
Travel Lane Width	N/A	
Parking Lanes	none	
Parking Lane Width	N/A	
Bikeway Type	N/A	
Walkway		
Walkway Type	none	
Walkway Width	N/A	

Planter		
Planter Type	none	
Planter Width	N/A	
Landscape Type	none	
Tree Species	N/A	
Curb		
Turning Radius	Not Regulated	
Curb Radius	None	C
Curb Type	None	
Lighting		
Not Regulated		

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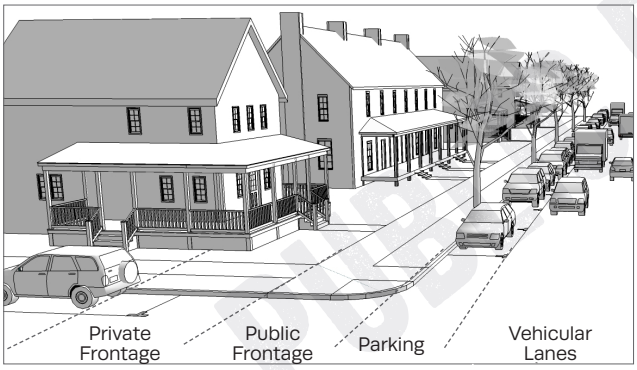
5.2.3 Public Frontages.

A. Elements.

The Public Frontage of any Thoroughfare or Internal Drive shall include the Sidewalk, Curb, planter, trees, bicycle accommodations, and lights, as required and designed in accordance with this Article 5, **Table 5.2.4.B (Bikeway Types), Table 5.2.2.F (Thoroughfare & Internal Drive Types Summary) and Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies and Standards)**. Trees are not required along any side of a Thoroughfare that is contiguous to a Civic Space.

ILLUSTRATION 5.2.3 PUBLIC FRONTAGE



B. Civic Districts

Within Civic Districts, the Public Frontage shall comply with the Public Frontage standards applicable to any Adjacent Character District, or if there is none, the nearest Character District.

C. Plantings Provided by Owner.

Within the Public Frontage, Public Planting, if any is required or is to be provided, shall be provided by the property Owner in accordance with **Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies and Standards)**, provided that the spacing may be adjusted by Administrative Adjustment of the Zoning Administrator to accommodate specific site conditions. Tree species shall be selected from **Table 4.3.16.D–1 (Native Plants of the Tennessee Valley)**; provided that coniferous trees are not allowed within the Public Frontage.

D. Tree Height at Maturity.

The Public Frontage shall include trees with shade canopies of a height which, at maturity, leaves clear at least one Story.

E. Plant Species.

Other than Public Frontage trees prescribed by this Section, the introduced landscape shall consist primarily of durable native species and hybrids that are tolerant of soil compaction and require minimal irrigation, fertilization and maintenance.

F. Sidewalk Construction Standards.

Sidewalks meeting the technical standards of the City Engineer and the standards and requirements set forth in **Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies and Standards)** are required to insure pedestrian movement and safety.

G. Placement of Trees.

Landscaping within the Public Frontage and landscaping within Civic Spaces shall comply with the following standards:

1. The same shall be centered horizontally and placed minimally:

a. Two (2) feet from walkways, curbs, and other impervious surfaces if planted in a tree well or continuous planter;

b. Three (3) feet from walkways, curbs, and other impervious surfaces if planted in a continuous Swale or uncontained area.

2. Five (5) feet from street lights, utility meters and service lines, fences, walls and other ground level obstructions;

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3. Six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings; and

4. Eight (8) feet from balconies, verandas, Building eaves and cornices, and similar overhead obstructions associated with the upper stories of Buildings.

H. Tree Size – Installation.

At installation, trees shall be a minimum of two and a half inches (2.5") in caliper, measured three feet (3') above the ground and a minimum of ten feet (10') tall.

I. Shrub Size.

At installation, Shrubs shall be a three (3) gallon container minimum and a height of 30 inches minimum. Shrubs shall be 18" minimum clear from any Sidewalk or pavement edge at the Lot Line or Building Site Line.

J. Bare / Exposed Ground.

All bare or exposed ground on the site and in landscaped areas shall be covered with live plant materials and/or mulch, with the following exceptions:

1. Naturally occurring creek beds, rock outcroppings or similar landscape features typically lacking in vegetation.

2. Hiking trails and/or traces.

3. Clay or sand surfaces associated with recreation fields and facilities.

K. Artificial Plants / Turf.

Artificial plants and artificial turf are prohibited.

L. Water Features.

Constructed water features such as fountains, streams and ponds that operate with water recirculation systems shall be designed to prevent seepage and leaks.

M. Minimum Requirements.

Except as otherwise required by Sections 5.2.3.H and 5.2.3.I, all plant materials shall comply with the minimum container size, class and other requirements outlined in American Standards for Nursery Stock (ANSI Z60.1–2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.

N. Prevention of Compaction.

The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.

O. Compacted Soils.

Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six (6) inches before planting.

5.2.4 Bicycle Accommodations

A. Bicycle Parking.

Bicycle Parking shall be provided in accordance with Section 4.3.13.

B. Bikeway Types.

A bicycle network comprised of the various allowed Bikeway Types indicated in **Table 5.2.4.B (Bikeway Types)** shall be provided throughout each Development Parcel of 80 acres or more.

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TABLE 5.2.4.B BIKEWAY TYPES

Bicycle Lane

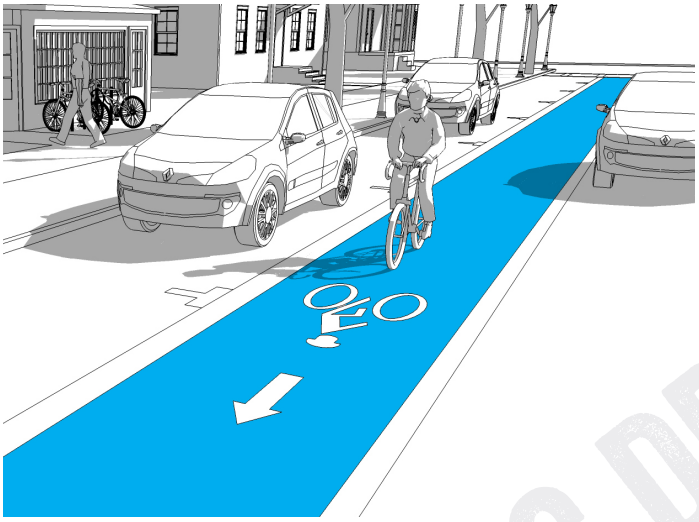

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Riding Surface Width	5 ft min
Buffer	None
Movement	With traffic
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

Protected Bicycle Lane

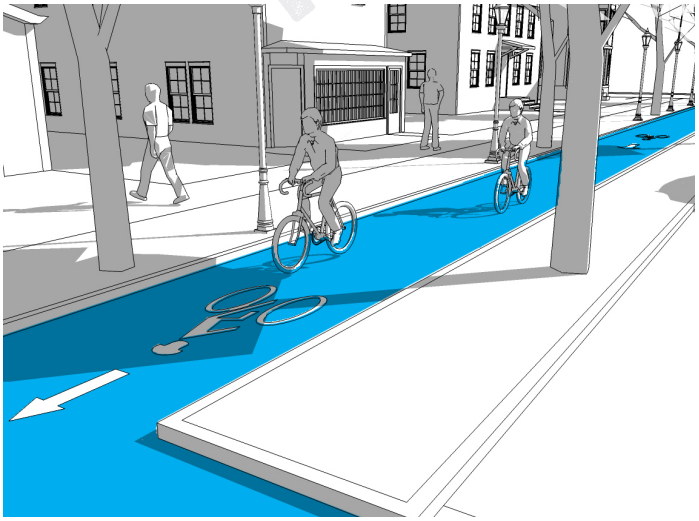

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Riding Surface Width	5 ft min
Buffer	3 ft min, painted buffer, curb, or planter strip
Movement	With traffic or dual direction
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

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TABLE 5.2.4.B BIKEWAY TYPES

Buffered Bicycle Lane

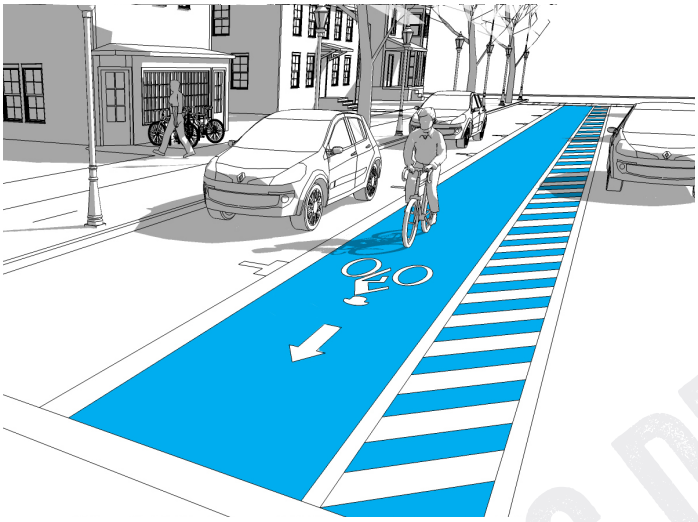

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-INT SD-LI SD-HI PUD-R PUD-MU

Riding Surface Width	5 ft min each way
Buffer	2 ft min, painted buffer
Movement	With traffic or Contra-flow (2 lanes on the same side of the street or 1 lane on each side)
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

Shared Use Lane

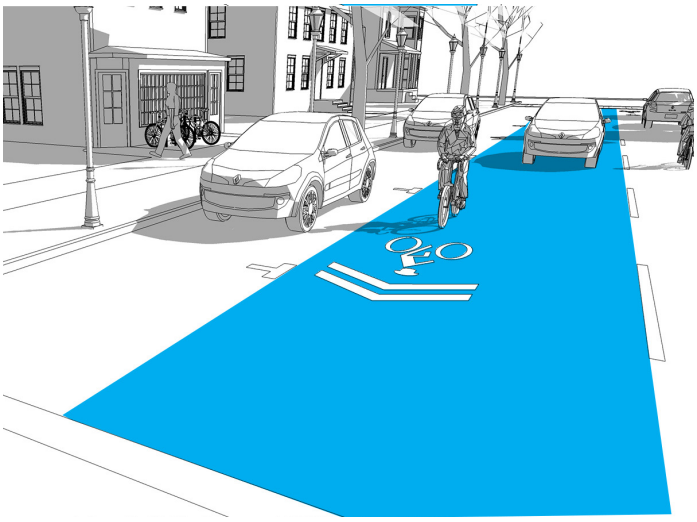

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-INT SD-LI SD-HI PUD-R PUD-MU

Riding Surface Width	Same as Vehicular Lane
Buffer	N/A
Movement	With Traffic
Intersection Detailing	Signed, signalized
Bicycle Parking	Opportunistic, rack, Bicycle Shelter

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TABLE 5.2.4.B BIKEWAY TYPES

Shared Use Path

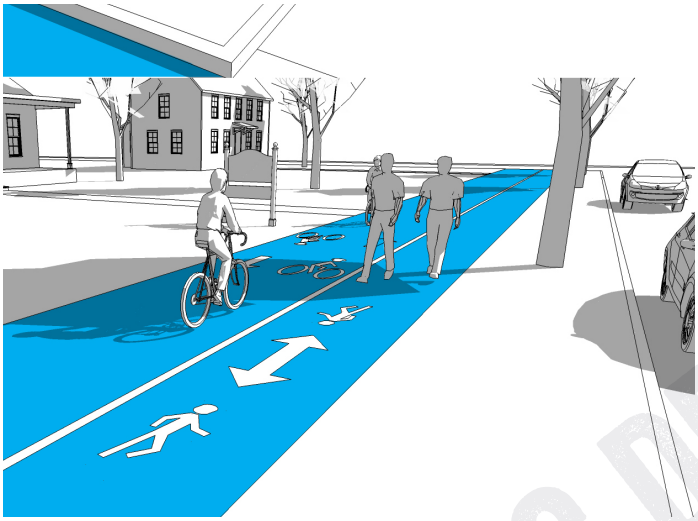

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Riding Surface Width	10 ft min
Buffer	3 ft min, curb or planter strip
Movement	With traffic or dual direction
Intersection Detailing	Signed, signalized, Peg-a-Track
Bicycle Parking	Rack, bicycle shelter, bicycle station

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C. Bicycle Accommodation Standards – Civic Districts.

Within Civic Districts, any bicycle accommodations shall comply with the standards applicable to any Adjacent Character District.

D. Bicycle Accommodation Standards – Special Districts.

Within Special Districts, any bicycle accommodations shall comply with any applicable standards for the Special District.

5.2.5 Public Planting

Public Planting shall be provided within the Public Frontage of Thoroughfares in accordance with **Table 5.2.2.F (Thoroughfare & Internal Drive Types – Summary), Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies & Standards),** and **Table 5.2.5 (Public Planting)** and **Table 4.3.16.D–1 (Native Plants of the Tennessee Valley)**.

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TABLE 5.2.5 PUBLIC PLANTING

TREE SHAPE		CD-2	CD-3L & CD3	CD-4 & CD4C	CD-5 & CD-5C	SD-MHP	SD-INT	SD-LI & SD-HI	PUD-R	PUC-MU	PUD-OTHERS	CV
Columnar		P	P	P	P	P	P	P	P	P	Per PUD approval	P
Oval		P	P	P	P	P	P	P	P	P	Per PUD approval	P
Rounded / Ball		P	P	P	P	P	P	P	P	P	Per PUD approval	P
Conical /Pyramid		P	P	P	NP, except in Civic Space or Open Space	P	P	P	NP, except in Civic Space or Open Space	NP, except in Civic Space or Open Space	Per PUD approval	NP, except in Civic Space or Open Space
Spreading / Umbrella		P	P	P	NP, except in Civic Space or Open Space	P	P	P	NP, except in Civic Space or Open Space	NP, except in Civic Space or Open Space	Per PUD approval	NP, except in Civic Space or Open Space
Vase		P	P	P	NP, except in Civic Space or Open Space	P	P	P	NP, except in Civic Space or Open Space	NP, except in Civic Space or Open Space	Per PUD approval	NP, except in Civic Space or Open Space

LEGEND
The following notations are utilized in this table.

P Permitted

NP Not Permitted

PUD Per PUD Approval

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SECTION 5.3
CIVIC DISTRICTS

5.3.1 Civic Space Requirement; Civic District Designation.

A. Percentage of Civic Space.

Any Development Parcel of 80 acres or more shall include at least 5% but not more than 20% of its gross acreage assigned as Civic Space(s). The Civic Space provided pursuant to this Section 5.3.1.A shall be in addition to all Yard, Setback, and Impervious Surface area required not permitted to be covered under this Ordinance and the Subdivision Regulations.

B. Designation on Zoning Map.

Civic District(s) shall be designated on the applicable Zoning Map as Civic Space (CS) and / or Civic Building (CB). Civic Districts shall be assigned in accordance with Section 2.4.2.

C. Compliance with Civic District Standards.

All Lots, Development, Buildings, Structures and Improvements within Civic Districts shall comply with **Table 4.3.1–U (District Standards–Civic)**.

5.3.2 Civic Spaces – Design.

Civic Spaces shall be designed as generally described in **Table 5.3.3–A (Civic Space Types – Summary)** and **Table 5.3.3–B (Civic Space – Specific Standards)** as indicated for any Adjacent Character District, Special District, or PUD District, or if not Adjacent to any such District, as indicated for the closest non–Adjacent District.

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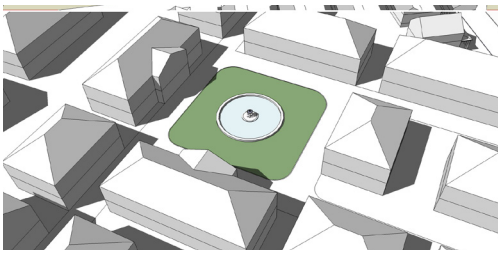
TABLE 5.3.3–A CIVIC SPACE TYPES – SUMMARY

Civic Space Type	Illustration	Permitted In / Adjacent to Districts
Natural Area A natural area available for unstructured recreation. A Natural Area may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Natural Areas may be lineal, following the trajectories of natural corridors. The minimum size is 8 acres.		CD-2 CD-3L CD-3 CD-4 CD-4C
Green An open area, available for unstructured recreation. A Green may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of lawn and Trees, naturalistically disposed. The minimum size is 0.5 acre and the maximum is 8 acres.		CD-2 CD-3L CD-3 CD-4 CD-4C SD-MHP PUD-R
Square An open area available for unstructured recreation and Civic purposes. A Square is spatially defined by Building Frontages. Its landscape shall consist of Paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size is 0.5 acre and the maximum is 5 acres.		CD-4 CD-4C CD-5 CD-5C SD-MHP SD-INT SD-LI SD-HI PUD-R PUD-MU
Plaza An open area available for Civic purposes. A Plaza shall be spatially defined by Building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important Thoroughfares. The minimum size shall be 0.5 acre and the maximum is 2 acres.		CD-4 CD-4C CD-5 CD-5C SD-MHP SD-INT SD-LI SD-HI PUD-R PUD-MU

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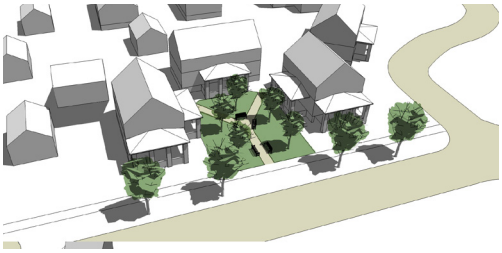
Civic Space Type (continued)	Illustration	Permitted In / Adjacent to Districts
Playground An open area designed and equipped for the recreation of children. A Playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within Natural Areas and Greens. There is no minimum or maximum size.		CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI PUD-R PUD-MU
Sport Field or Court An open area designed and equipped for team sports activities.		CD-2 CD-3L CD-3 SD-LI PUD-R
Community Garden A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. Community gardens should be fenced and accommodate individual storage sheds. Running water is required. Community Gardens shall be interspersed within Residential areas and may be placed within a Block or included within Natural Areas and Greens. There is no minimum or maximum size.		CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI SD-HI PUD-R PUD-MU
Pocket Park A small predominantly green open area available for unstructured Passive Recreation.		CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI SD-HI PUD-R PUD-MU

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TABLE 5.3.3–B CIVIC SPACE – SPECIFIC STANDARDS

Natural Area

Permitted In / Adjacent to:

CD-2 CD-3L CD-3 CD-4 CD-4C

Intent

A natural area available for unstructured recreation. A natural area may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Natural areas may be lineal, following the trajectories of natural corridors. The minimum size is 8 acres.

Specifications

Size	8 ac min.
Frontage	Not Regulated
Character	Natural

Typical Facilities

- Passive and active recreation
- Recreational and community facilities
- Playgrounds and play structures
- Paths and trails
- Accessory structures

Green

Permitted In / Adjacent to:

CD-2 CD-3L CD-3 CD-4 CD-4C SD-MHP PUD-R

Intent

An open area, available for unstructured recreation. A Green may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size is 0.5 acre and the maximum is 8 acres.

Specifications

Size	0.5 ac min, 8 ac max
Frontage	Independent
Character	Informal

Typical Facilities

- Passive and active recreation
- Playgrounds and play structures
- Paths and trails
- Accessory structures

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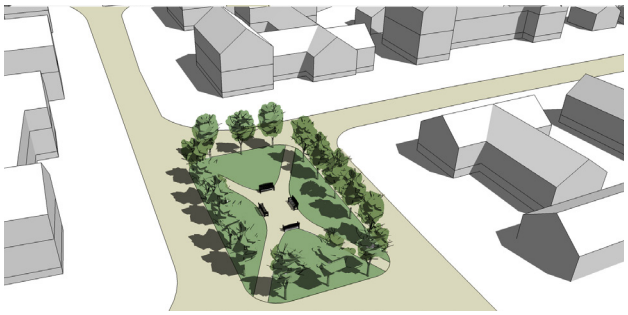
TABLE 5.3.3–B CIVIC SPACE – SPECIFIC STANDARDS

Square



Permitted In / Adjacent to:

CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Intent

An open area available for unstructured recreation and Civic purposes. A Square is spatially defined by Building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size is 0.5 acre and the maximum is 5 acres.

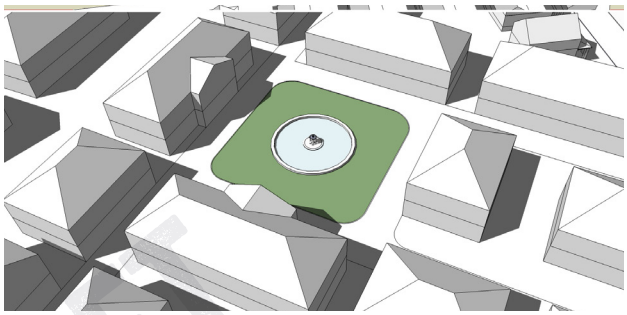
Specifications

Size	0.5 acres min. 5 acres max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive Recreation
- Paths
- Accessory structures

Plaza



Permitted In / Adjacent to:

CD-4 | CD-4C | CD-5 | CD-5C | SD-MHP | SD-INT | SD-LI | SD-HI | PUD-R | PUD-MU

Intent

An open area available for Civic purposes. A Plaza shall be spatially defined by Building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important Thoroughfares. The minimum size is 0.5 acre and the maximum is 2 acres.

Specifications

Size	0.5 ac min. 2 ac max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive Recreation
- Paths
- Accessory structures
- Water features

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TABLE 5.3.3–B CIVIC SPACE – SPECIFIC STANDARDS

Playground

Permitted In / Adjacent to:

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI PUD-R PUD-MU

Intent

An open area designed and equipped for the recreation of children. A Playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within Natural Areas and Greens. There is no minimum or maximum size.

Specifications

Size	No min. No max
Frontage	Buildings
Character	Formal or Informal

Typical Facilities

- Active recreation
- Play structures
- Paths
- Water features

Sport Field or Court

Permitted In / Adjacent to:

CD-2 CD-3L CD-3 SD-LI PUD-R

Intent

An open area designed and equipped for team sports activities.

Specifications

Size	No min. No max
Frontage	Buildings
Character	Formal

Typical Facilities

- Active recreation
- Play structures

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TABLE 5.3.3–B CIVIC SPACE – SPECIFIC STANDARDS

Community Garden

Permitted In / Adjacent to:

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI SD-HI PUD-R PUD-MU

Intent

A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. Community gardens should be fenced and accommodate individual storage sheds. Running water is required. Community Gardens shall be interspersed within Residential areas and may be placed within a Block or included within Natural Areas and Greens. There is no minimum or maximum size.

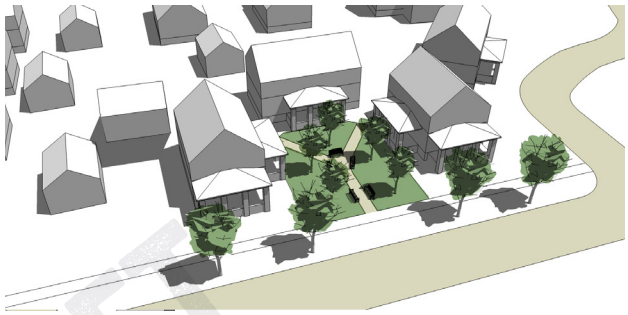
Specifications

Size	No min. No max
Frontage	May be enfronted by Buildings or be located behind Buildings
Character	Formal

Typical Facilities

- Active recreation
- Garden plots
- Accessory structures
- Running water

Pocket Park



Permitted In / Adjacent to:

CD-2 CD-3L CD-3 CD-4 CD-4C CD-5 CD-5C SD-MHP SD-LI SD-HI PUD-R PUD-MU

Intent

A small predominantly green open area available for unstructured Passive Recreation.

Specifications

Size	500 sq. ft. min. 0.5 acres max.
Frontage	Independent
Character	Formal

Typical Facilities

- Passive Recreation
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Limited transient commercial concessions

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5.3.3 Civic Spaces Required.

Each Development Parcel of 20 acres or more shall provide the following:

A. Main Civic Space.

Each Pedestrian Shed within such Development Parcel shall contain at least one Main Civic Space of the Green, Square, or Plaza type, as permitted within the applicable District and conforming to **Table 5.3.3–A (Civic Space Types – Summary)** and **Table 5.3.3–B (Civic Spaces – Specific Standards)**, within 800 feet of the geographic center of such Pedestrian Shed, unless topographic conditions, pre-existing Thoroughfare alignments or other circumstances prevent such location;

B. Playground.

A Civic Space designed and equipped as a Playground conforming to **Table 5.3.3–B (Civic Spaces – Playground)** (1) within 800 feet of every Lot or Building Site in Residential Use in all Districts except CD-2, CD-3L, SD-INT, and SD-LI, and (2) within 1300 feet of every Lot or Building Site in Residential Use in Districts CD-2, CD-3L, and SD-LI; and

C. Thoroughfare Enfrontment.

Each Civic Space shall have a minimum of 50% of its perimeter Enfronting a Thoroughfare, except for Playgrounds or Community Gardens.

5.3.4 Civic Spaces in or Adjacent to Special Districts.

Civic Space in addition to that required by Section 5.3.1.A and 5.3.3 shall be permitted.

5.3.5 Civic Building Standards.

Any Civic Building provided or required pursuant to this Ordinance shall be located within or Adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.

5.3.6 Maintenance of Civic Buildings & Civic Space.

Civic Buildings and Civic Space shall be owned and maintained by a property owners' association unless specifically dedicated to and accepted by the City. Any such property owner's association shall be organized under the laws of the State. The deed conveying a Civic Building or Civic Space to a property owners' association shall include covenants running with the land that permanently reserve it for Civic purposes and require the association to maintain and pay all expenses associated with such Civic Building or Civic Space.

SECTION 5.4 DISTRICT DENSITY

A. Density Calculations.

Any proposed Development Parcel Plan having an aggregate area of 80 gross acres or more, excluding any Special Districts, shall require compliance with the following District Density provisions:

1. All developable area within a specific District covered by the Development Parcel Plan shall be considered the Net Site Area.

2. Density shall be expressed in terms of Density Units per acre as specified for the area of each District by **Table 5.4.A–1 (District Density)**.

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TABLE 5.4.A–1 DISTRICT DENSITY

	Density Units/ Net Site Area of District
CD–2	1 Density Unit per 1 acre, gross, max
CD–3L	2 Density Units per acre, gross, max
CD–3	6 Density Units per acre, gross, max
CD–4	12 Density Units per acre, gross, max
CD–4C	12 Density Units per acre, gross, max
CD–5	24 Density Units per acre, gross, max
CD–5C	24 Density Units per acre, gross, max
SD–MHP	6 Density Units per acre, gross, max
SD–INT	24 Density Units per acre, gross, max
SD–LI	Not Regulated
SD–HI	Not Regulated
PUD–R	12 Density Units per acre, gross, max
PUD–MU	12 Density Units per acre, gross, max
Other PUDs	Per PUD Approval
CV	Not Regulated

3. For purposes of calculating District Density:

a. the area shall include the Thoroughfares but not land assigned to Civic Zones;

b. the quantities of the Principal Uses indicated on **Table 5.4.A–2 (Density Equivalencies)** shall constitute the indicated number of Density Units or portion thereof.

TABLE 5.4.A–2 DENSITY EQUIVALENCIES

The following quantities of Principal Uses are equivalent to the indicated number of Density Units

Principal Use	No. of Density Units
Agricultural & Extractive Uses (Any Amount)	0 Density Unit
1 Residential – Household Living Dwelling Unit	1 Density Unit
Residential – Group Living – Each Bedroom	.5 Density Unit
1500 sf. Civic Use, except Correctional Facilities, Civic Space & Open Space	1 Density Unit
3000 sf. Civic Use – Correctional Facility	1 Density Unit
Civic Space & Open Space (Any Amount)	0 Density Unit
Civil Support (Any Amount)	0 Density Unit
1500 sf. Educational Use or Institutional Use	1 Density Unit
1500 sf. Commercial Use, excluding Accommodations / Lodging, Outdoor Recreation & Parking	1 Density Unit
1 Bed & Breakfast or Inn Dwelling	1 Density Unit plus .5 Density Units for each guest bedroom
1 Accommodations / Lodging Bedroom, excluding Bed & Breakfast Dwellings	.5 Density Unit
Outdoor Recreation or Parking (Any Amount)	0 Density Unit
1500 sf. Office Use	1 Density Unit
3000 sf. Industrial Use	1 Density Unit
3000 sf. Utility Use	1 Density Unit
1500 sf. Other Uses (Any Amount)	1 Density Unit
Accessory Building/ Accessory Dwelling (Any Amount)	0 Density Unit

sf. = Building Square Feet, excluding Basements & Attics

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B. Maximum District Density.

1. The Maximum Density per Character District of a Development Parcel having in the aggregate an area of 80 gross acres or more, shall not exceed that set forth in **Table 5.4.A–1 (District Density)**.

2. The Maximum Density for per Special District of a Development Parcel having in the aggregate an area of 80 gross acres or more shall not exceed that set forth in **Table 5.4.A–2 (Density Equivalencies)**.

SECTION 5.5 DISTRICT DESIGNATION

All Districts within a Development Parcel shall be designated on the applicable Development Plan or Master PUD Development Plan.

SECTION 5.6 SPECIAL DISTRICTS

5.6.1 Purpose of Special Districts.

Special District designations are for areas which, due to their intrinsic size, Use, or Configuration, cannot conform to the requirements and standards of the applicable Character District(s).

5.6.2 Not to be Used to Avoid Compliance.

Special Districts shall not be used to avoid compliance with standards and requirements for Character Districts, and instead, shall be used sparingly.

5.6.3 Assignment of Special Districts.

Special Districts shall be assigned in accordance with Sections 2.4.3 and 3.3.

SECTION 5.7 SPECIAL REQUIREMENTS

Any of the Special Requirements set forth in Section 2.2 may be designated for any Development Parcel on the applicable Development Plan or Master PUD Development Plan.

SECTION 5.8 PROJECT BUFFERS

5.8.1 General.

Project Buffers shall be provided for Development Parcels in accordance with this Section 5.8.

5.8.2 Modification of Existing Structures.

Buildings and Structures lawfully existing as of the Effective Date may be modified without providing or modifying or Buffers in conformance with this Section 5.7, provided that the same does not constitute an Alteration of the Building footprint size by more than 15% and does not increase the degree by which the Building or Structure is Non-conforming.

5.8.3 Not Applicable for Certain Uses / Site Work

The standards and requirements herein set out for Buffers shall not apply to Temporary Uses or to site work on undeveloped sites which does not involve significant ground disturbance.

5.8.4 Minimum Standards / Conflicts.

Required Buffers, as specified in these regulations, are minimum standards. In those instances where this Ordinance specifies different Buffering requirements, then the more restrictive provisions shall govern.

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5.8.5 Additional Measures Permitted.

None of the provisions of this Ordinance shall be construed as prohibiting plant material, Screening, and/or Buffer area in addition to that required by this Ordinance; or prohibiting the modification of existing Buffers to perform to an equivalent degree as the Buffer required by this Ordinance.

5.8.6 Buffer Plan Requirements.

Buffer plans submitted for approval to satisfy the requirements of this Ordinance shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.

5.8.7 Buffer Not Part of Civic Space.

A Buffer area may not be included as part of the calculation of any required Civic Space.

5.8.8 When Required.

A Project Buffer shall be required for new Development in the Districts indicated in **Table 5.7.8 (Project Buffers)** along such parts of the project that Abut any land zoned District CD-2, CD-3L, CD-3, CD-4, CD-4C, CD-5, CD-5C, or SD-MHP, or Civic District.

TABLE 5.7.8 PROJECT BUFFERS

District of New Development	Buffer Depth	Design Plants / 100 Linear Feet
SD-MHP (NA if abutting another SD-MHP District)	75′	15 Canopy Trees ≥ 50% evergreen, 15 Understory Trees ≥ 50% evergreen, & 90 Shrubs ≥ 75% evergreen*
SD-INT	75′	20 Canopy Trees ≥ 50% evergreen, 20 Understory Trees ≥ 50% evergreen, & 120 Shrubs ≥ 75% evergreen
SD-LI	75′	20 Canopy Trees ≥ 50% evergreen, 10 Understory Trees ≥ 50% evergreen, & 120 Shrubs ≥ 75% evergreen
SD-HI	75′	20 Canopy Trees ≥ 50% evergreen, 20 Understory Trees ≥ 50% evergreen, & 120 Shrubs ≥ 75% evergreen
PUD-R	75′	15 Canopy Trees ≥ 50% evergreen, 15 Understory Trees ≥ 50% evergreen, & 90 Shrubs ≥ 75% evergreen
PUD-MU	50′	15 Canopy Trees ≥ 50% evergreen, 15 Understory Trees ≥ 50% evergreen, & 90 Shrubs ≥ 75% evergreen
* SD-MHP Project Buffer shall also include a continuous 100% opaque fence at least 6′ high		

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5.8.9 Design.

A. Plant Materials.

A Project Buffer shall be designed and comprised of the plant materials indicated in **Table 5.7.8 (Project Buffers)**.

B. Fences & Walls.

Fences and walls may be used in a Project Buffer in addition to the required plant materials, provided that they comply with the following:

1. Minimum 100% opacity;

2. Minimum 6' high; and

3. Include a brick, natural rock, or authentic stucco masonry column at any end visible from a Thoroughfare or Internal Drive.

C. Opacity.

Plant materials and any fence or wall shall be arranged in a manner that creates a 100% opaque Project Buffer.

D. Retention of Heritage Trees.

With the exception of clearing required for required Driveways, the retention of Heritage Trees within a Project Buffer area shall be required.

E. Credit for Existing Vegetation.

Existing vegetation within a Project Buffer, which meets the requirements of **Table 5.7.8 (Project Buffers)** and Section 5.7.9.G and is not described in Section 5.7.9.F shall be credited toward the Project Buffer requirement.

F. Removal of Certain Vegetation.

Existing vegetation listed on the Tennessee Exotic Plant Council list shall be removed from the Project Buffer and shall not be credited.

G. Compliance with Landscape Standards.

1. With the exception of permitted existing vegetation, plant materials used in required Project Buffers shall comply with the standards of Section 4.3.16.

2. All Project Buffer areas shall have soils that comply with the standards of Section 4.3.16.

3. Installation of Project Buffer plants shall meet the minimum requirements set forth in Section 4.3.16.

H. Sign Visibility.

Project Buffers shall be designed to address visibility of any permitted ground Signs.

5.8.10 Location.

A. Common Boundary

Any required Project Buffer shall be located along the common boundary of the abutting District.

B. Certain Locations Restricted.

Project Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street, Thoroughfare, Internal Drive, or right-of-way.

C. Location in Yard / Setback.

Project Buffers may be constructed in any required Yard or Setback.

D. Location in Easement.

Plantings in Project Buffers shall be subject to the same limitations regarding location in Easements as are applicable to landscape plantings under Section 4.3.16.E.

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5.8.11 Development / Use within Buffer.

A. Restrictions.

Project Buffers shall not contain any:

1. Development;

2. Parking Area, Parking Lot, Garage, or Parking Structure;

3. Street, Thoroughfare, Driveway, drive aisle, Internal Drive, or Alley except as permitted under Section 5.8.11.B;

4. Impervious surfaces;

5. Dumpsters or garbage, trash or recycling receptacles; or

6. Site features that do not function to meet the standards of this Section or that require removal of existing vegetation, unless otherwise permitted in this Ordinance.

B. Certain Development / Uses Allowed.

Project Buffers may contain the following Uses and Structures, provided that the Screening intent of this Section is met:

1. Passive Recreation, Sidewalks, trails, multi-use paths, picnic facilities, and bike or equestrian trails;

2. Fences and walls;

3. Landscape plantings;

4. Stormwater retention or detention facilities, green infrastructure, provided they do not interfere with the performance or maintenance of the Project Buffer area;

5. Utilities, provided that additional width shall be added to the Project Buffer in an amount equal to that occupied by the utility lines and any associated Easements and any path cleared by utility installation or maintenance shall be replaced; and

6. Streets, Thoroughfares, Driveways, drive aisles, Internal Drives or Alleys, provided they only cross the Project Buffer at a 90-degree angle and do not otherwise Encroach into the Project Buffer;

7. Appurtenances that require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and bus or other shelters or benches, none of which shall be Screened.

8. Ingress and egress to such Uses, Structures, utility lines, and appurtenances, may cross the Project Buffer provided they minimize the amount of Project Buffer taken.

9. Identification signs, as specifically permitted in Article 7 (Signs).

10. Lighting, as specifically permitted in Sections 4.3.17 and 5.25.

11. Any other Uses as specifically permitted elsewhere in this Ordinance.

5.8.12 Ownership.

Project Buffers may remain in the ownership of the original developer (and assignees) of a Lot, Building Site, or parcel of land; they may be subjected to deed restrictions and subsequently conveyed; or they may be transferred to any consenting grantees, such as a forest preserve, the City, Civic Space held by an association (homeowners, etc.), or conservation group. Any such conveyance shall adequately guarantee the protection and maintenance of the Project Buffer in accordance with the provisions of this Ordinance.

5.8.13 Maintenance.

A. Responsible Parties / Responsibilities.

The responsibility for maintenance of a required Project Buffer shall be that of the owner of the

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property, such owner's successors, heirs, and assignees or any consenting grantee.

B. Plantings.

Dead or diseased plantings shall be removed and replaced with plants meeting all requirements of this Ordinance.

C. Water Courses.

Natural water courses within a Project Buffer shall be maintained in a natural condition consistent with any applicable regulations.

D. Water Source.

A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the Project Buffer, an irrigation system shall be required.

E. Structural Features.

Landscape structural features such as walls, fences, or water features shall be maintained in a structurally safe and attractive condition.

F. Other Uses / Structures.

Where other Uses or Structures are allowed within a Project Buffer, they shall be maintained to provide for their safe use.

G. Enforcement.

If the Person or Persons responsible for maintaining a Project Buffer fails to maintain same according to this Ordinance, the City may, but shall not be obligated to, and after reasonable notice and a demand that deficiency of maintenance be corrected, enter the Project Buffer area, maintain the same, and recover the cost thereof, including reasonable attorney fees, from the Person or Persons having the responsibility for maintenance of the Buffer area.

5.8.14 Hardship Relief.

A. Modification.

The Project Buffer requirement may be modified by the Zoning Administrator upon a finding that a modification would be consistent with the purpose and intent of this Ordinance, and any adopted land use plans, that such modification would not adversely affect the land use compatibility or public interest, and the relief requested will comply with one or more of the criteria in Section 5.7.14.A.

B. Criteria.

The criteria for relief under Section 5.7.14.B are as follows:

1. The affected Project Buffer is parallel and adjacent to an existing utility or drainage easement of at least 75 feet in width;

2. The affected Project Buffer is between Uses that are to be developed under a common Development Plan or Master PUD Development Plan or series of such Plans;

3. The affected Project Buffer is Adjacent to a property that has a joint use agreement with the subject parcel;

4. The affected Project Buffer is parallel and Adjacent to an existing railroad right-of-way; or

5. The topography of the subject property or the Adjacent property is such that Buffering would not be effective.

SECTION 5.9
TREE PRESERVATION

Trees shall be preserved in accordance with Section 5..9.D.

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SECTION 6.1
GENERAL

The following standards and requirements shall be complied with in addition to all other standards and requirements of the City Subdivision Regulations and the City Code and Engineering Regulations.

SECTION 6.2
PRESERVATION OF NATURAL FEATURES.

Development shall preserve the natural features of the site, such as wetlands, unique wildlife habitats, Historic Structures, major trees and scenic views both from and into the site.

SECTION 6.3
STREETSCAPE REPAIRS,REPLACEMENTS & IMPROVEMENTS

6.3.1 Applicability.

This Section applies to all Development other than Buildings, Lots, or Building Sites within a Development Parcel for which Thoroughfares or Internal Drives are to be provided or modified in accordance with Article 5 (Development Parcel Standards), which Thoroughfares and Internal Drives must comply with the applicable provisions of Article 5 (Development Parcel Standards).

6.3.2 Streetscape Repairs, Replacements & Improvements.

Prior to the issuance of any Certificate of Occupancy for a Building or Improvement, the following Streetscape improvements, repairs, or replacements shall be provided by the Lot or Building Site owner with respect to each Building or Improvement and the Streetscape that Enfronts the applicable Lot or Building Site:

A. Damage Repair.

Any walkway, planter well or planter strip, street light or curb that exists in the Public Frontage or Thoroughfare Adjacent to the applicable Lot prior to commencement of construction of such Building or Improvement and which is damaged during such construction shall be repaired so that it is in at least as good condition as it was in prior to such damage or shall be replaced.

B. Absent Elements.

If the Public Frontage Adjacent to the applicable Lot does not include a Sidewalk, Planter, Thoroughfare Trees, or street lights, any such absent element shall be provided by the applicable Lot or Building Site owner in accordance the following standards and requirements:

1. If there is no Sidewalk, a Sidewalk shall be constructed along the entire Front Lot or Building Site Line, which Sidewalk must match any existing Sidewalk Enfronting an Adjacent Lot or Building Site, or if there is none, must conform to the Thoroughfare or Internal Drive standards applicable to the District, as set forth in Section 5.2 as if such Thoroughfare or Internal Drive standards were applicable.

2. If there is no planter strip or plant well, planting accommodations shall be constructed along the entire Front Lot or Building Site Line, which planting accommodations must match any existing planter strip or plant well Enfronting an Adjacent Lot, or if there is none, must conform to the Thoroughfare or Internal Drive standards applicable to the District, as set forth in Section 5.2 as if such Thoroughfare or Internal Drive standards were applicable.

3. If there is no tree within the Frontage Adjacent to the Lot or Building Site, one or more trees shall be installed along the Front Lot or Building Site Line, which tree(s) must meet the tree shape, spacing, and size standards for the applicable District as set forth in Section 5.2, as if such standards were applicable.

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4. If there is not sufficient right-of-way area for all or any of the required Streetscape repairs, replacements, or improvements as set forth in this Section 6.3, such element or elements shall be provided within the Lot or Building Site Adjacent to the right-of-way and the property owner must grant a perpetual non-exclusive easement for public use of such elements.

5. Each Streetscape repair, replacement or Improvement made pursuant to this Section 6.3 must comply with the rules, regulations, and requirements of the City that are applicable and in effect from time to time in respect of such element, so that it qualifies, or would qualify if within the public right-of-way, for dedication to the City.

SECTION 6.4 FIRE SAFETY

Any Multifamily, Mixed – Use, or Non-Residential Use or Development shall be reviewed by the Fire Marshal, who shall make a recommendation to the Decision-Making Authority for the Development Plan or Master PUD Development Plan.

SECTION 6.5 TRAFFIC CIRCULATION

6.5.1 General.

Development shall not negatively impact the traffic conditions of the surrounding roadway system and shall organize Thoroughfares or Internal Drives, as applicable, and vehicular and pedestrian ingress and egress in a well-defined system in order to avoid conflicts.

6.5.2 Vehicular Circulation Plan.

Portions of the Development Plan or Master Development Plan relating to location and design of ingress and egress traffic control, arrangement of Parking and loading space, and internal circulation shall be referred to the City Engineer for review, and no Plan for a Development Parcel shall be approved without consideration of the recommendations of the City Engineer. Additional conditions and safeguards on such matters may be included by the Decision- Making Authority.

6.5.3 Vehicular Access Location.

A vehicular access location shall consist of such entrance and exit Driveway and/or Internal Drive openings so designed and located so as to minimize hazardous ingress and egress.

SECTION 6.6 FLOODPLAIN PROTECTION

6.6.1 Statutory Authorization.

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Columbia, Tennessee Mayor and City Council, does ordain as follows:

A. Findings of Fact.

1. The Columbia Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of Columbia are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods;

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or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

B. Statement of Purpose.

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. Objectives.

The objectives of this Ordinance are:

1. To protect human life, health and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged Business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodable area; and

8. To maintain eligibility for participation in the National Flood Insurance Program.

6.6.2 Definitions.

Unless specifically defined below, words or phrases used in this Section 6.6 shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure:" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act:" the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

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"Addition (to an existing building):" any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"**Appeal:**" a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"**Area of Shallow Flooding:**" a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"**Area of Special Flood-related Erosion Hazard:**" the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"**Area of Special Flood Hazard:**" the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"**Base Flood:**" the flood having a one percent chance of being equalled or exceeded in any given year.

"**Basement:**" that portion of a building having its floor subgrade (below ground level) on all sides.

"**Breakaway Wall:**" a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"**Building:**" any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

"**Development:**" any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"**Elevated Building:**" a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"**Emergency Flood Insurance Program**" or "**Emergency Program:**" the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"**Erosion:**" the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"**Exception:**" a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

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"**Existing Construction:**" any structure for which the "Start of Construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"**Existing Manufactured Home Park or Subdivision:**" a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"**Existing Structures**" see "**Existing Construction**".

"**Expansion to an Existing Manufactured Home Park or Subdivision:**" the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"**Flood**" or "**Flooding:**" a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"**Flood Elevation Determination:**" a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"**Flood Elevation Study:**" an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"**Flood Hazard Boundary Map (FHBM):**" an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"**Flood Insurance Rate Map (FIRM):**" an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"**Flood Insurance Study:**" the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"**Floodplain**" or "**Flood-prone Area:**" any land area susceptible to being inundated by water from any source (see definition of "flooding").

"**Floodplain Management:**" the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"**Flood Protection System:**" those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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"**Floodproofing:**" any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"**Flood-related Erosion:**" the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"**Flood-related Erosion Area**" or "**Flood-related Erosion Prone Area:**" a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"**Flood-related Erosion Area Management:**" the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"**Floodway:**" the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"**Floor:**" the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"**Freeboard:**" a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"**Functionally Dependent Use:**" a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"**Highest Adjacent Grade:**" the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"**Historic Structure:**" any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

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4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   a. By an approved state program as determined by the Secretary of the Interior, or

   b. Directly by the Secretary of the Interior.

"**Levee:**" a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"**Levee System:**" a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"**Lowest Floor:**" the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"**Manufactured Home:**" a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

"**Manufactured Home Park or Subdivision:**" a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"**Map:**" the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"**Mean Sea Level:**" the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"**National Geodetic Vertical Datum (NGVD):**" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"**New Construction:**" any structure for which the "Start of Construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"**New Manufactured Home Park or Subdivision:**" a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"**North American Vertical Datum (NAVD):**" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"**100-year Flood**" see "**Base Flood**".

"**Person:**" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

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"**Recreational Vehicle:**" a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"**Regulatory Floodway:**" the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"**Riverine:**" relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"**Special Hazard Area:**" an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"**Start of Construction:**" includes substantial improvement, and means the date the building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"**State Coordinating Agency:**" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"**Structure:**" for purposes of this section, a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"**Substantial Improvement:**" any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "Start of Construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

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For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"**Substantially Improved Existing Manufactured Home Parks or Subdivisions:**" where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"**Variance:**" a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"**Violation:**" the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"**Water Surface Elevation:**" the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6.6.3 General Provisions.

A. Application.

This Ordinance shall apply to all areas within the incorporated area of Columbia, Tennessee. Unless specifically exempted by this Ordinance, all Development and Construction must conform to the requirements of this Ordinance.

B. Basis for Establishing the Areas of Special Flood Hazard.

The Areas of Special Flood Hazard identified on the Maury County, Tennessee, and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) Number 470123C0000E, dated April 16, 2007 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47119C0145E, 47119C0160E, 47119C0165E, 47119C0170E, 47119C0180E, 47119C0190E, 47119C0195E, 47119C0260E, 47119C0280, 47119C0285E dated April 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit.

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. Compliance.

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts

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or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation.

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Columbia, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Columbia, Tennessee from taking such other lawful actions to prevent or remedy any violation.

6.6.4 Administration.

A. Designation of Ordinance Administrator.

The Director of Development Services Department and/or assignee is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. Permit Procedures.

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

C. Application Stage.

Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

Elevation in relation to mean sea level to which any Non-Residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

Design certificate from a registered professional engineer or architect that the proposed non-Residential flood-proofed Building will meet the flood-proofing criteria in this Section 6.6.

Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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D. Construction Stage.

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a Non-Residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

E. Duties & Responsibilities of Administrator.

Duties of the Administrator shall include, but not be limited to:

Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Sections 6.6.4.B, 6.6.4.C, and 6.6.4.D.

Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved Buildings have been flood-proofed, in accordance with this Section 6.6.

When flood proofing is utilized for a structure, the Administrator shall obtain certification of design

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criteria from a registered professional engineer or architect, in accordance with this Section 6.6.

Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

When Base Flood Elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.1.5 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 6.6.4.B, 6.6.4.C, and 6.6.4.D..

All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

6.6.5 Provisions for Flood Hazard Reduction.

A. General Standards.

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards.

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction:

Where Base Flood Elevation data is available, new construction or substantial improvement of any Residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 6.6.5.B.3.

Within unnumbered A zones, where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 6.6.2 of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in this Section 6.6.

2. Non-Residential Construction:

New construction or substantial improvement of any commercial, industrial, or Non-Residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than two (2) feet above the level of the Base Flood Elevation.

Within unnumbered A zones, where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 6.6.2 of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in this Section 6.6.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in this Section 6.6.

3. Elevated Building:

All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the Base Flood Elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one foot above the finish grade; and

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(4) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(5) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 6.6.5.

4. Standards for Manufactured Homes and Recreational Vehicles:

a. All Manufactured Homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All Manufactured Homes placed or substantially improved in an existing Manufactured Home Park or subdivision must be elevated so that either:

(1) When Base Flood Elevations are available the lowest floor of the Manufactured Home is elevated on a permanent foundation no lower than two (2) feet above the level of the Base Flood Elevation; or,

(2) Absent Base Flood Elevations the Manufactured Home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

c. Any Manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Section 6.6.5.B.4.

d. All Manufactured Homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed on identified flood hazard sites must either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions).

f. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

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5. Standards for Subdivisions:

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

6.6.6 Standards for Areas of Special Flood Hazard with Established Base Food Elevations and with Floodways Designated.

Located within the Areas of Special Flood Hazard established in Section 6.12.3.B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

A. Encroachments.

Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

B. New Construction or Substantial Improvements.

New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of this Section 6.6.5.

6.6.7 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but without Floodways Designated.

Located within the Areas of Special Flood Hazard established in Section 6.6.3.B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

A. Encroachments.

No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two (2) feet at any point within the

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community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

B. New Construction or Substantial Improvements.

New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 6.6.5.B.

6.6.8 Standards for Streams without Established Base Flood Elevations or Floodways (A Zones).

Located within the Areas of Special Flood Hazard established in Section 6.6.3.B, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

A. Data Not Provided

When Base Flood Elevation data or floodway data have not been provided in accordance with Section 6.6.3, then the Administrator shall obtain, review and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 6.6.5. ONLY if data is not available from these sources, then the following provisions (1 & 2) shall apply:

1. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two (2) feet at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. In special flood hazard areas without Base Flood Elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 6.6.5.B, and "Elevated Buildings".

6.6.9 Standards for Areas of Shallow Flooding (AO & AH Zones).

A. Designated Areas.

Located within the Areas of Special Flood Hazard established in Section 6.6.3.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of Residential and Non-Residential buildings shall have the lowest floor, including basement, elevated to at least two (2) feet above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade.

2. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade.

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3. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 6.6.5.B, and "Elevated Buildings".

B. Flood Protection in Lieu of Evaluation.

All new construction and substantial improvements of Non-Residential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least two (2) feet above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 6.6.4.

1. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

2. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

6.6.10 Standards for Areas Protected by Flood Protection System (A-99 Zones).

Located within the areas of special flood hazard established in Section 6.6.3.B. are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Sections 6.6.4 and 6.6.5 shall apply.

6.6.11 Standards for Unmapped Streams.

1. Located within the City are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

2. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two (2) feet at any point within the locality.

3. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Section 6.6.4.

6.6.12 Variance Procedures.

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Columbia, Tennessee.

A. Board of Zoning Appeals.

1. The Columbia Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section 6.12.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition)

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upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section 6.6, and:

a. The danger that materials may be swept onto other property to the injury of others;

b. The danger to life and property due to flooding or erosion;

c. The susceptibility of the proposed facility and its contents to flood damage;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site,

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances.

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

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6.6.13 Legal Status Provisions.

A. Conflict with Other Ordinances.

In case of conflict between this Section 6.12 or any part thereof, and the whole or part of any existing or future ordinance of the City, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision, or portion of this Section 6.6 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Section 6.6 which is not of itself invalid or unconstitutional.

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ARTICLE 7: SIGN STANDARDS

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SECTION 7.1
SIGN STANDARDS

7.1.1 Purpose.

The purpose of this Section 7.1 is to establish a comprehensive scheme for the regulation of Signs in the City. More specifically, this Section is intended to address aesthetic, traffic safety, and property value concerns for the benefit of the public health, safety and welfare, while allowing the use of signs as a medium for conveying messages.

A. Communication & Navigation

Encourage the effective use of Signs as a means of communication and to facilitate navigation from place to place within the City.

B. Conveyance of Information & Traffic Safety

Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting Signs or characteristics of Signs that may be distracting to drivers.

C. Expression & Maintenance of Environment

Balance the desire and need of individuals to express themselves through Signs with the desire to maintain a pleasing, safe, and navigable environment for residents and visitors.

D. Means of Expression

Provide for the display of noncommercial messages in Residential areas, recognizing the unique value of Residential signage as a means of exercising constitutional freedom of expression.

E. Property Value

Protect and enhance the value of property in the City by providing for Signs consistent with the character of the area in which it is located.

7.1.2 Compliance.

A. General.

Signs must comply with the requirements of this Article.

B. Sign Types, Standards, and Numbers

Within each District, the allowed types and numbers of Signs shall be as provided in **Table 7.1.2.B–1 (Sign Types – Summary), Table 7.1.2.B–2 (Sign Types – Specific Standards), and this Section 7.1.** Each Sign type shall be subject to the applicable standards and requirements of **Table 7.1.2.B–1 (Sign Types – Summary)** and **Table 7.1.2.B–2 (Sign Types – Specific Standards).**

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TABLE 7.1.2.B–1 SIGN TYPES – SUMMARY

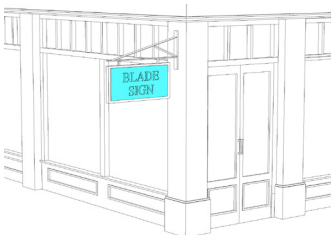
Specific Sign Type	Illustration	Districts
Awning Sign An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Band Sign A Sign that is flat against the Facade and placed directly above the main entrance and often run horizontally along the entablature of traditional Buildings. Band Signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian–scaled signage.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Blade Sign A Sign mounted on the first floor of a Building perpendicular to a Building Facade Wall, typically hung from decorative cast or wrought iron bracket in a manner that permits it to swing slightly. These Signs are small, pedestrian–scaled, and easily read from both sides.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Directory Sign A Sign that displays the tenant names and locations for a Building containing multiple tenants.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV

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TABLE 7.1.2.B–1 SIGN TYPES – SUMMARY

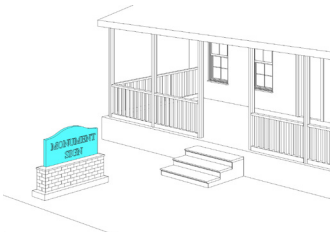
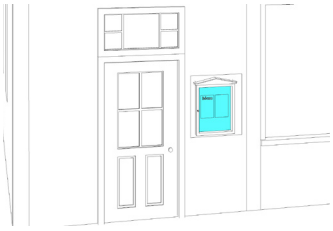
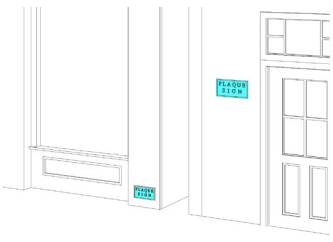
Specific Sign Type	Illustration	Districts
Large Projecting Sign A Sign attached above the first floor of a multi–floor Building and projecting from a Building Facade at a 90–degree angle, or if oriented to a Block corner, a 45 degree angle.		CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Marquee Sign A Sign that is located either along the Facade where it projects perpendicular to the Facade or at the corner of a Building where it projects at a 45 degree angle. These Signs often extend beyond the parapet of the Building, but may also terminate below the cornice or eave. Marquee Signs may have neon lettering used in conjunction with painted colored or changeable lettering.		CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Monument Sign A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.		CD–2 CD–3L CD–3 CD–4 CD–4C SD–INT SD–LI SD–HI CV
Outdoor Display Case A Sign consisting of a lockable metal– or wood–framed cabinet with a hinged transparent door inside of which information may be viewed and accessed for maintenance and updating.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Plaque Sign A Sign that identifies a Building or its builder, or on professional office Buildings, which might name the firm or partners in a firm. May also be referred to as an Architectural Sign.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV

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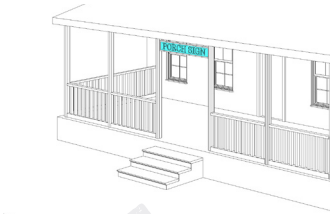
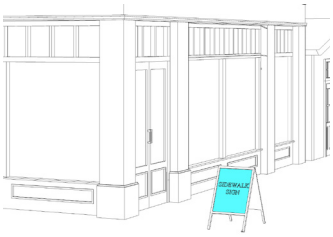
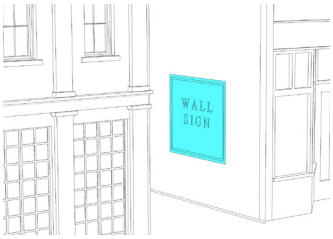
TABLE 7.1.2.B–1 SIGN TYPES – SUMMARY

Specific Sign Type	Illustration	Districts
Porch Sign Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.		CD–4 CD–4C SD–INT SD–LI SD–HI CV
Post Sign A Sign that is mounted on one or two posts in the First Lot Layer.		CD–4 CD–4C SD–INT SD–LI SD–HI CV
Pylon Sign A Freestanding Sign that is mounted on two poles.		CD–4C CD–5C SD–INT SD–LI SD–HI
Sidewalk Sign A free–standing, double–sided Sign with lettering painted or applied to the surface, placed at the entrance to a Building in a primarily pedestrian environment. Sidewalk Signs provide secondary signage.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Wall Sign A Sign that is flat against the Facade of a Secondary Frontage. These Signs are typically painted directly on the Building and contain a combination of text and graphic elements. They are intended to be visible from a greater distance and shall be accompanied by additional signage on the Facade at the Principal Frontage.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV
Window Sign A Sign that is professionally painted or applied directly on the inside of a window or hanging inside a window, consisting of individual letters and designs.		CD–4 CD–4C CD–5 CD–5C SD–INT SD–LI SD–HI PUD–MU CV

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AWNING SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.

Dimensions

Quantity (max)	1 per window
Width/Height	max width = width of facade max height= n/a letters, numbers, and graphics covering no more than 70% of the valance area
Depth / Projection	min 8 ft fully extended, back of curb, whichever is less
Clearance	min 8 ft
Letter Height	min 5 in, max 10 in
Valance Height	max 12 in

Additional Standards

In addition to all other applicable standards, each Awning Sign allowed under this Article:

a. shall be only on an awning that:
   i. does not conceal an architectural feature;

   ii. has no side panels or soffit;

   iii. is rectangular in elevation and triangular in cross-section with straight edges and is not quarter-round or domed; and

   iv. has a metal structure covered in opaque authentic or synthetic canvas or painted metal; and

b. shall be limited to the valance of the awning.

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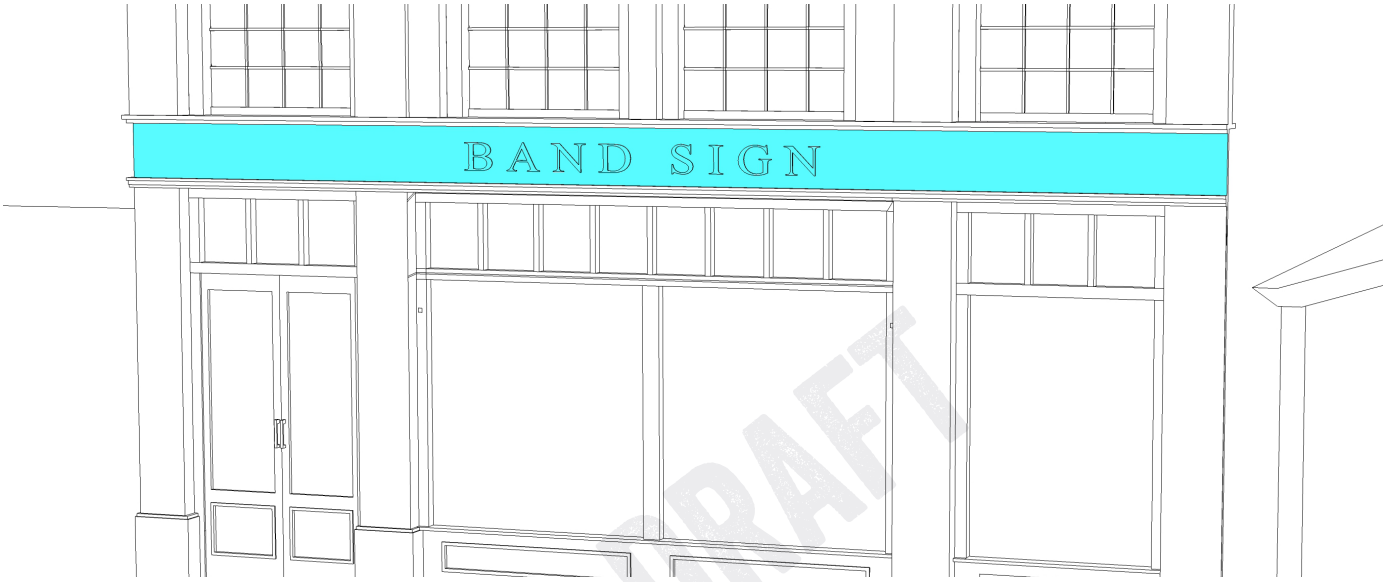
BAND SIGN

TABLE 7.1.2.B-2 SIGN TYPES
SPECIFIC STANDARDS



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Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A Sign that is flat against the Facade and placed directly above the main entrance and often run horizontally along the entablature of traditional Buildings. Band Signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.

Dimensions

Quantity (max)	1 per Facade plus 1 per first floor Business Frontage
Area	1.5 sf per linear ft of Facade
Width/Height	max 100% width of Facade / max 3 ft
Depth / Projection	max 7 in
Clearance	min 7 ft

Additional Standards

In addition to all other applicable standards, each Band Sign allowed under this Article:

a. shall be applied to the first Story Facade and not project vertically above the roof line;

b. shall have letters individually attached to the wall, on a separate background panel affixed to the wall, or printed or etched on the same surface as the background; and

c. shall not obscure any architectural element of the Building and shall be in vertical alignment with the center of an architectural element such as a storefront window or entrance, or centered over the bay or overall space occupied by the Business.

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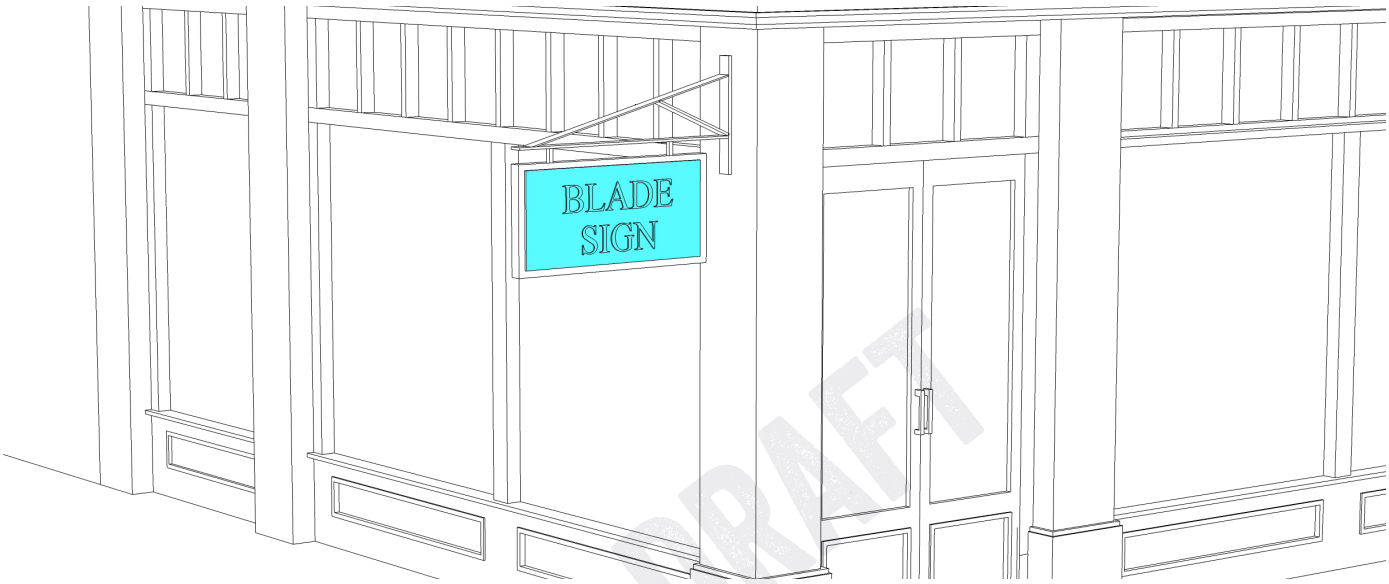
BLADE SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD–4 | CD–4C | CD–5 | CD–5C | SD–INT | SD–LI | SD–HI | PUD–MU | CV

General Description

A Sign mounted on the first floor of a Building perpendicular to a Building Facade Wall, typically hung from decorative cast or wrought iron bracket in a manner that permits it to swing slightly. These Signs are small, pedestrian–scaled, and easily read from both sides.

Dimensions

Quantity (max)	1 per Business, no closer than 18 ft from another Blade Sign
Area	8 sf
Width / Height	max 2 ft / max 4 ft
Depth / Projection	max 4 ft
Clearance	min 8 ft clear above the Sidewalk
Letter Height	max 8 in

Additional Standards

In addition to all other applicable standards, each Blade Sign allowed under this Article:

a. shall be permanently installed perpendicular to the Façade; and

b. all exposed edges of the Sign shall be finished.

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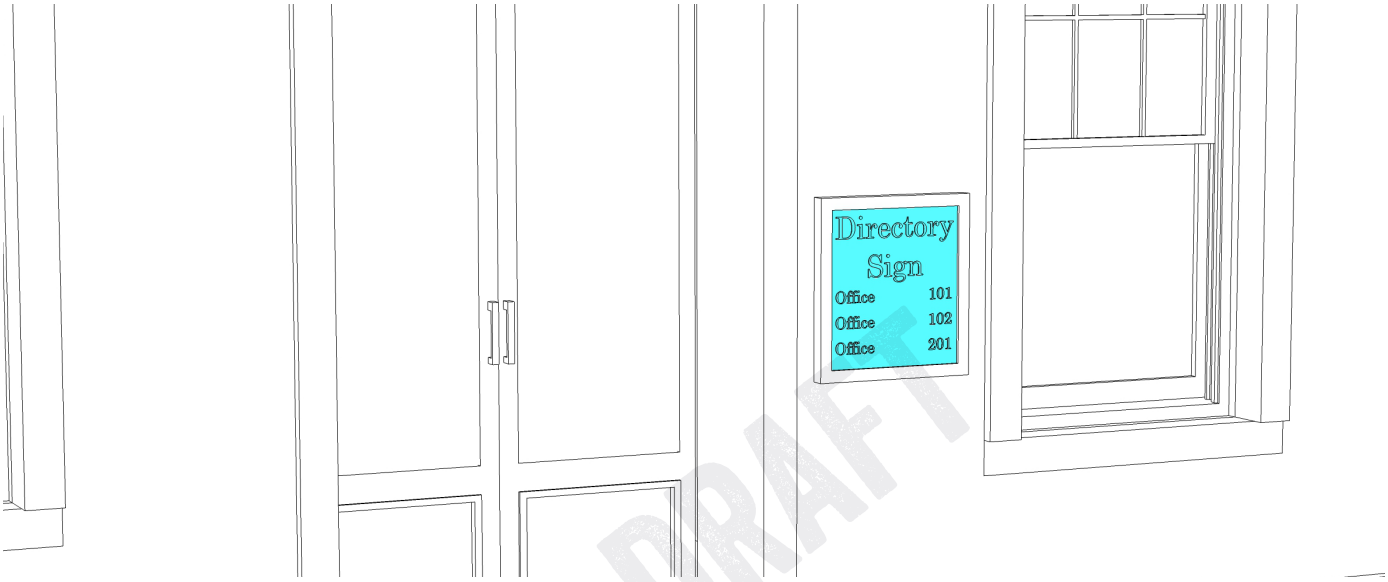
DIRECTORY SIGN

TABLE 7.1.2.B–2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A Sign that displays the tenant names and locations for a Building containing multiple tenants.

Dimensions

Quantity (max)	1 per ground floor entrance to upper floor Business(es)
Area	6 sf max
Width / Height of Sign Panel	2 ft max width/ 3 ft max height

Additional Standards

In addition to all other applicable standards, each Directory Sign allowed under this Article:

a. shall be attached to and parallel with the first floor Facade; and

b. shall not be attached to or placed within shopfront windows.

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LARGE PROJECTING SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD–5 | CD–5C | SD–INT | SD–LI | SD–HI | PUD–MU | CV

General Description

A Sign attached above the first floor of a multi–floor Building and projecting from a Building Facade at a 90–degree angle, or if oriented to a Block corner, a 45 degree angle.

Dimensions

Quantity (max)	1 per building
Height (max)	max width = width of facade max height= n/a letters, numbers, and graphics covering no more than 70% of the valance area
Area (max)	min 8 ft fully extended, back of curb, whichever is less
Clearance	min 8 ft
Letter Height	min 5 in, max 10 in
Depth (max)	max 12 in
Projection (max)	7 ft over Sidewalk, but may not project past back of curb

Additional Standards

In addition to all other applicable standards, each Large Projecting Sign allowed under this Article:

a. shall be made of metal or other material more than 1/2 inch in thickness;

b. shall be permanently installed to the Façade; and

c. shall not be internally lighted or backlit except behind cut–out letters and otherwise shall be lighted with neon tubing or other external means.

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MARQUEE SIGN

TABLE 7.1.2.B-2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A Sign that is located either along the Facade where it projects perpendicular to the Facade or at the corner of a Building where it projects at a 45 degree angle. These Signs often extend beyond the parapet of the Building, but may also terminate below the cornice or eave. Marquee Signs may have neon lettering used in conjunction with painted colored or changeable lettering.

Dimensions

Quantity (max)	1 per Principal Frontage
Width / Height	centered on and no more than 4 ft wider than Principal Entrance bay
Depth / Projection	min 4 ft, max 10 ft over Sidewalk
Clearance	min 10 ft from Sidewalk
Letter Height	removable letter height max 6 in, permanent letter height max 36 in
Distance from Curb	min 3 ft

Additional Standards

In addition to all other applicable standards, each Marquee Sign allowed under this Article:

a. shall not be internally lighted or backlit except behind the panels from which changeable letters are hung and shall otherwise be lighted with neon tubing or other external means;

b. shall be located only above the Principal Entrance of a Building and attached parallel to the Facade, or if such Building is located on a corner, then such Sign may be located at and attached perpendicular to the corner of the Building;

c. shall not have any supports more than eight (8) feet deep and all anchors, bolts, and supporting rods must be concealed within its interior; and

d. together with all anchors, bolts, supporting rods and braces, shall be constructed of high quality non-combustible or non-corrodible components and materials and shall be designed by a structural engineer and be subject to approval by the Building Inspector.

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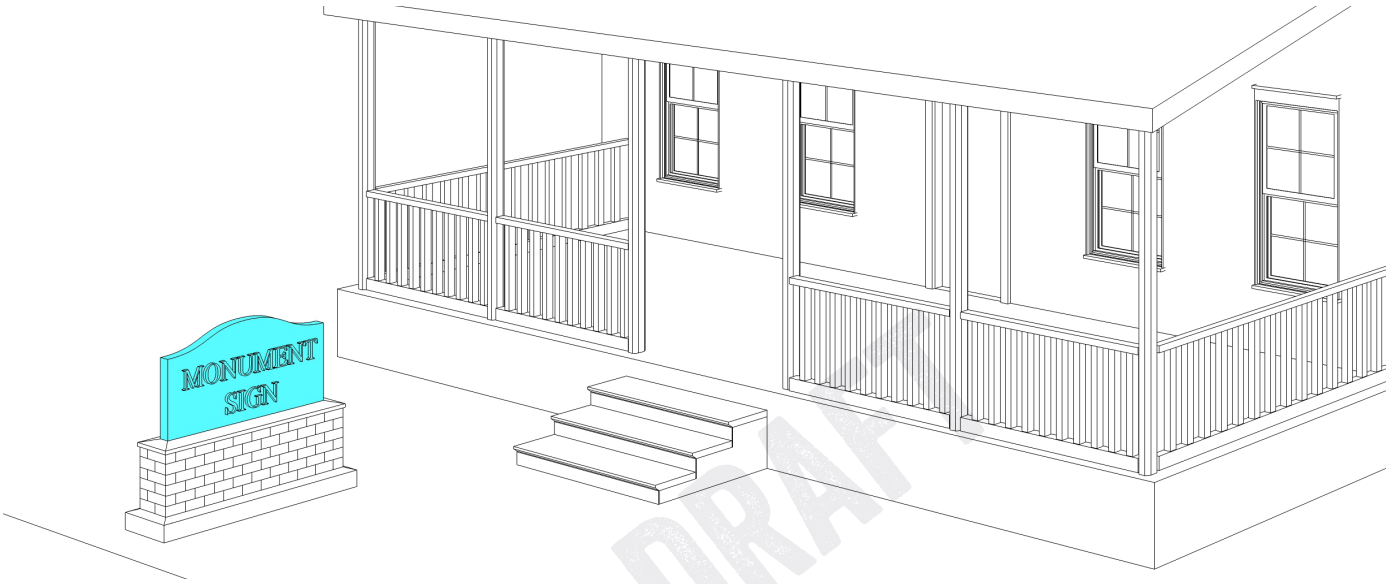
MONUMENT SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD–2 | CD–3L | CD–3 | CD–4 | CD–4C | SD–INT | SD–LI | SD–HI | CV

General Description

A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.

Dimensions

Quantity (max)	All Permitted Districts: 1 per Development entrance; CD–2, CD–3L & CD–3: Not Permitted except at Development entrance; All Permitted Districts other than CD–2, CD–3L & CD–3: 1 per Frontage
Area (max)	CD–2, CD–3L & CD–3: 18 sf Other Permitted DIstricts: 50sf
Height (max)	CD–2, CD–3L & CD–3 & CD–4: 6 ft Others: 10 ft
Letter Height	Not Regulated

Additional Standards

In addition to all of the applicable standards, each Monument Sign allowed under this Article:

a. shall be located at Development Entrance, if applicable, otherwise within the 1st Lot Layer;

b. shall incorporate a supporting base that is at least 75 percent of the width of the Sign face at its widest point;

c. shall have a supporting base constructed of brick, stone, masonry or scored concrete; and

d. shall not be allowed at the Frontage if there is a Post Sign on the Lot.

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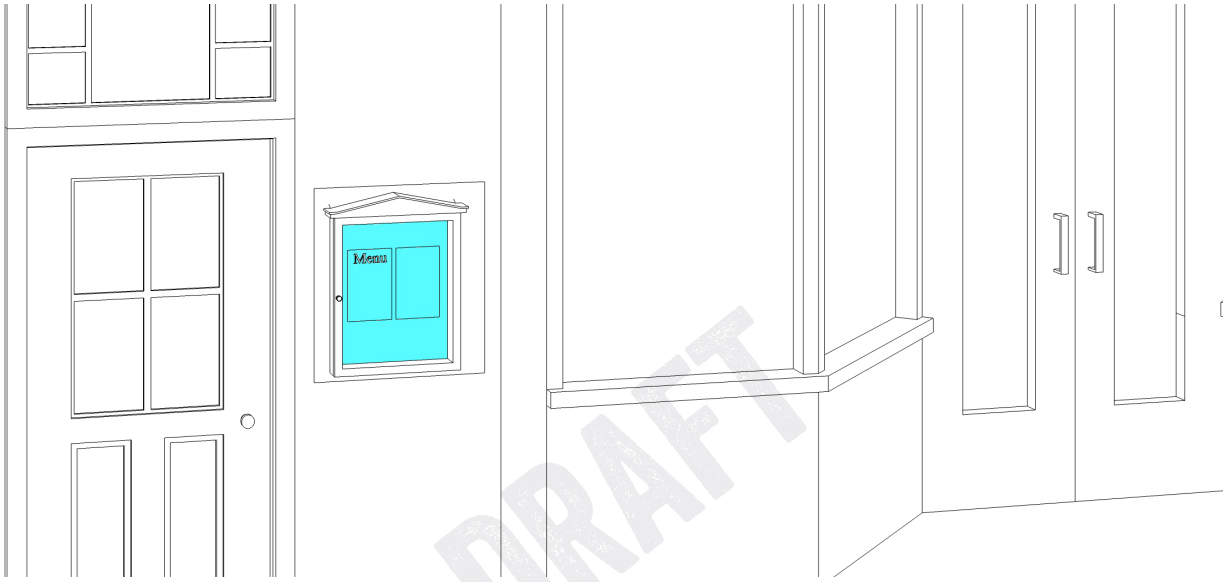
OUTDOOR DISPLAY CASE

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



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Permitted Districts

CD–4 | CD–4C | CD–5 | CD–5C | SD–INT | SD–LI | SD–HI | PUD–MU | CV

General Description

A Sign consisting of a lockable metal– or wood–framed cabinet with a hinged transparent door inside of which information may be viewed and accessed for maintenance and updating.

Dimensions

Quantity (max)	1 per Principal Frontage
Area	max 8 sf, except in the case of theaters, which may not exceed 20 sf
Depth / Projection	max 5 in.
Clearance	min 30 in.
Letter Height	Not Regulated

Additional Standards

In addition to all other applicable standards, each Outdoor Display Case allowed under this Article:

a. shall be permanently attached to and parallel with the first floor Façade;

b. may be externally illuminated or lighted by a recessed light source within the cabinet; and

c. shall not be attached to or be placed within shopfront windows.

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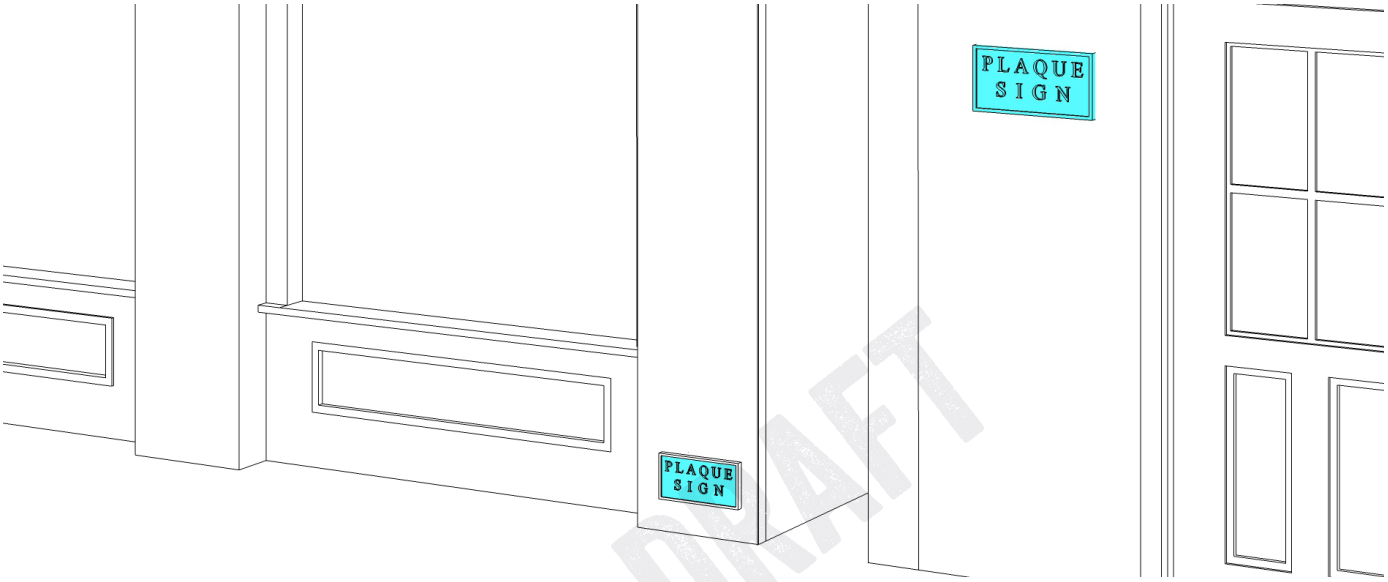
PLAQUE SIGN

TABLE 7.1.2.B–2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD–4 | CD–4C | CD–5 | CD–5C | SD–INT | SD–LI | SD–HI | PUD–MU | CV

General Description

A Sign that identifies a Building or its builder, or on professional office Buildings, which might name the firm or partners in a firm. May also be referred to as an Architectural Sign.

Dimensions

Quantity (max)	1 per Principal Frontage
Area	max 1 sf
Width / Height	max 18 in / max 2 ft
Depth / Projection	max 3 in
Mounting Height max	7 ft

Additional Standards

In addition to all other applicable standards, each Plaque Sign allowed under this Article shall consist of either a panel or individual letters inset or applied flush with a Building wall within ten (10) feet of an entrance to the Building.

No more than 1 Plaque Sign may be used for a Home Occupation in CD–3.

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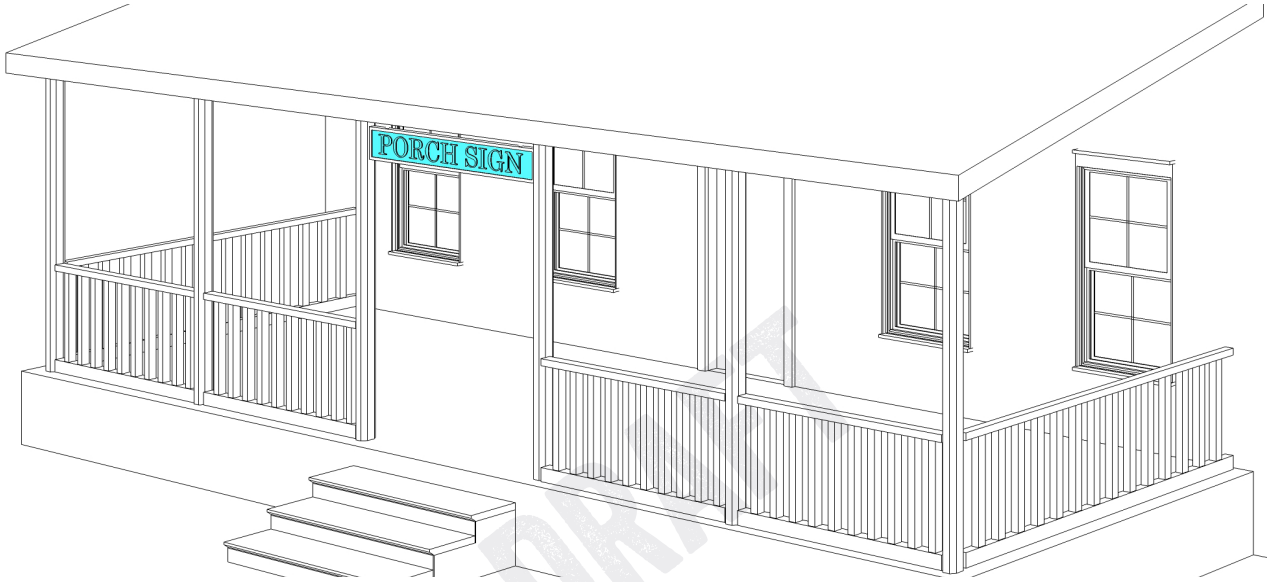
PORCH SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | SD-INT | SD-LI | SD-HI | CV

General Description

Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.

Dimensions

Quantity (max)	1 per address (2 for Corner Building)
Area	max 6 sq ft
Width / Height	max 100% width of entrance / max 2 ft
Depth / Projection	n/a
Clearance	min 7 ft
Letter Height	max 8 in

Additional Standards

In addition to all other applicable standards, each Porch Sign allowed under this Article:

a. shall be hung above the entrance to the porch or elsewhere on the architrave (beam at top of columns); and

b. shall be permanently installed parallel to the Facade of the Building.

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POST SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | SD-INT | SD-LI | SD-HI | CV

General Description

A Sign that is mounted on one or two posts in the First Lot Layer.

Dimensions

Quantity (max)	1 per Building
Area	12 sf
Width / Height of Sign panel	max 48 in / max 40 in
Apex	6 ft
Letter Height	max 10 in

Additional Standards

In addition to all other applicable standards, each Post Sign allowed under this Article:

a. may be mounted on one or two posts; and

b. shall be set perpendicular to the Building Facade.

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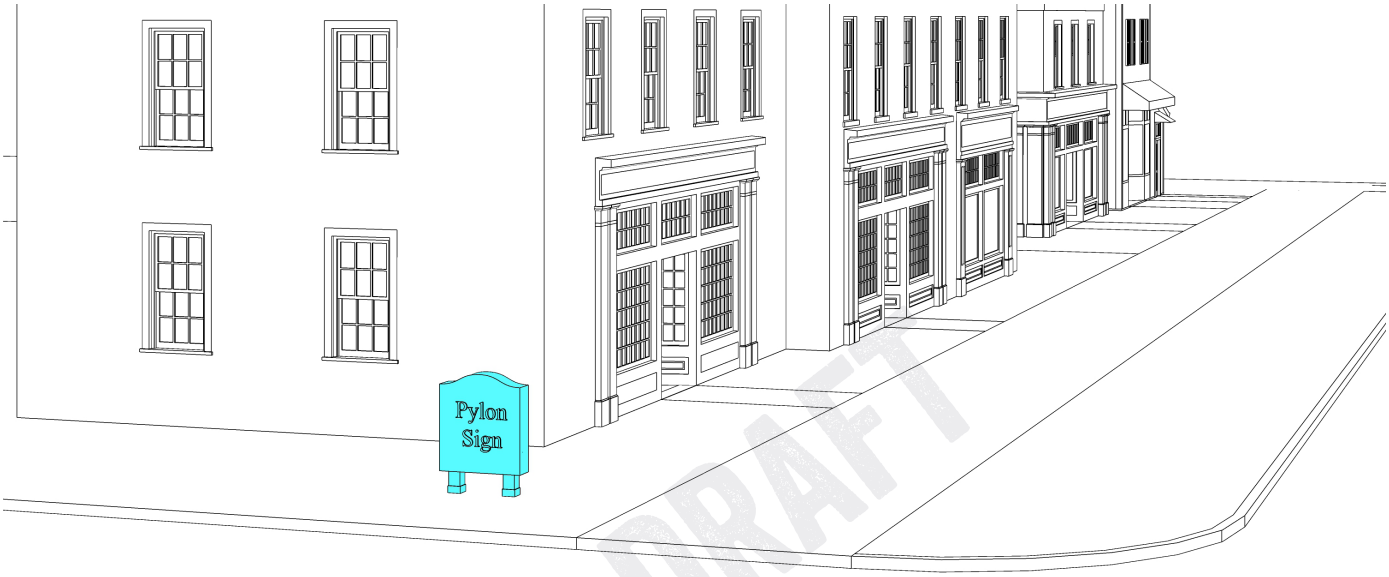
PYLON SIGN

TABLE 7.1.2.B-2 SIGN TYPES SPECIFIC STANDARDS



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Permitted Districts

CD-4C | CD-5C | SD-INT | SD-LI | SD-HI

General Description

A Freestanding Sign that is mounted on two finished poles.

Dimensions

Quantity (max)	1 per Frontage
Area	SD-INT: 300 sf Others: 40 sf
Height including Poles	CD-4C & CD-5C: 15 ft SD-LI & SD-HI: 20 ft SD-INT: Not Regulated
Letter Height	Not Regulated
Finished Pole Face Size (each face)	12.5% of the width of the Sign

Additional Standards

In addition to all other applicable standards, each Pylon Sign allowed under this Article:

a. shall not be allowed if there is another Sign in the First Layer
b. poles shall be faced on each side with masonry, stone, or aluminum

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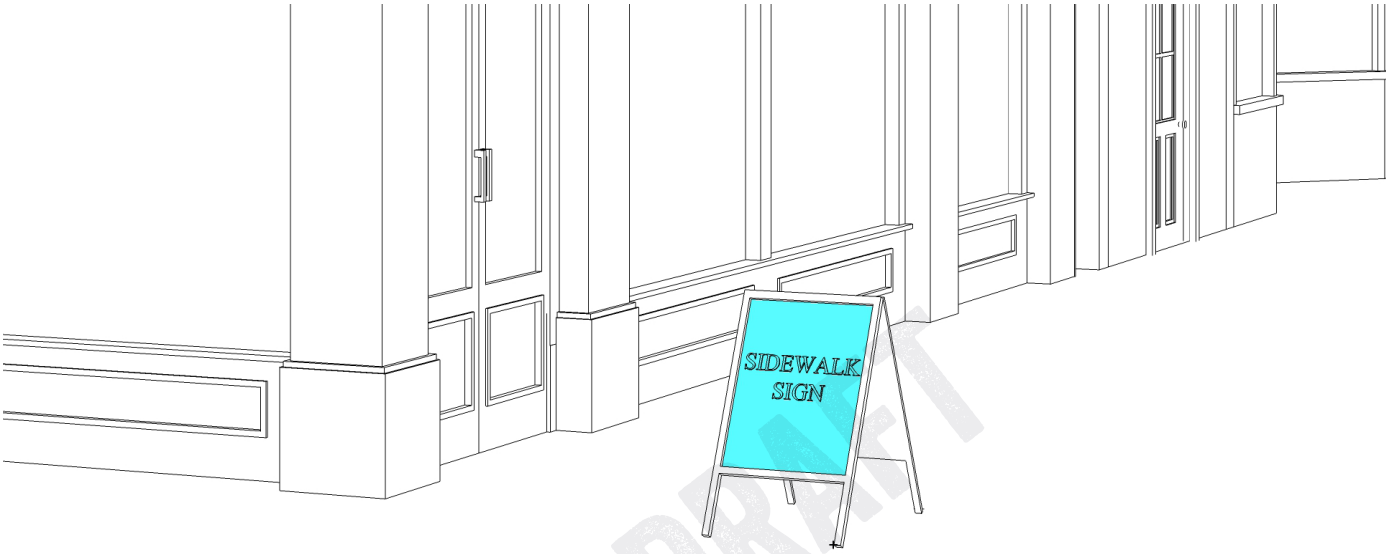
SIDEWALK SIGN

TABLE 7.1.2.B-2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A free-standing, double-sided Sign with lettering painted or applied to the surface, placed at the entrance to a Building in a primarily pedestrian environment.

Dimensions

Quantity (max)	1 per Business
Area	max 10 sf
Width / Height	max 30 in / max 48 in

Additional Standards

In addition to all other applicable standards, each Sidewalk Sign allowed under this Article:

a. shall be located directly in front of the space occupied by the sign permit holder;

b. shall not be placed so as to cause the width of the sidewalk to be reduced below five feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window, or fire escape;

Additional Standards (continued)

c. shall be marked with the approved permit or permit number. Sidewalk signs without permits shall be disposed of at owner's expense;

d. shall not be illuminated or have any moving parts;

e. shall only be displayed between 9:00 a.m. .and 11:00 p.m. and shall be removed from public rights-of-way in the event of snow accumulation until such time that accumulation is removed;

f. shall not be made of paper or cardboard; and

g. may be removed by the City from the right-of-way for municipal purposes.

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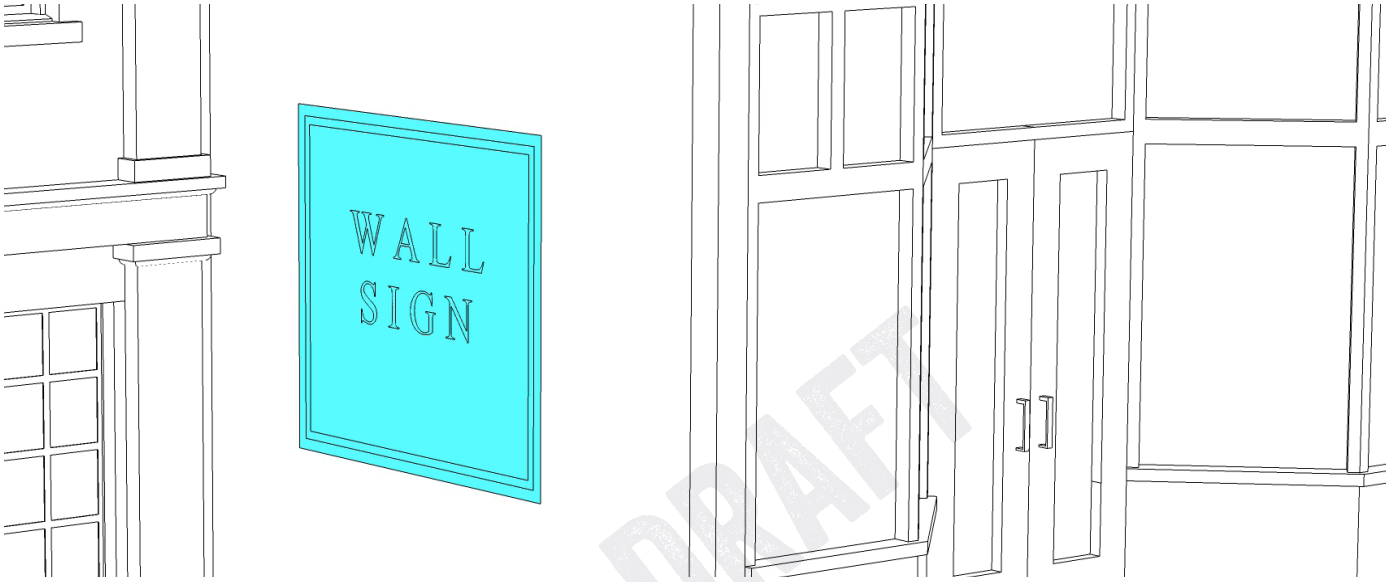
WALL SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A Sign that is flat against the Facade of a Secondary Frontage. These Signs are typically painted directly on the Building and contain a combination of text and graphic elements. They are intended to be visible from a greater distance and shall be accompanied by additional signage on the Facade at the Principal Frontage.

Dimensions

Quantity (max)	1 per Business
Area	max 32 sf
Depth / Projection	3 inches
Clearance	Not Regulated

Additional Standards

In addition to all other applicable standards, each Wall Sign allowed under this Article:

a. shall not project vertically above the roof line;

b. shall include only letters, background, lighting, and an optional logo, with such information shall consist only of the name and/or logo of the Businesses located in such Building;

c. shall have letters individually attached to the wall, on a separate background panel affixed to the wall, or painted, printed or etched on the same surface as the background; and

d. shall not obscure any architectural element and be in vertical alignment with the center of an architectural element such as a storefront window or entrance, or centered over the bay or overall space occupied by the Businesses.

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WINDOW SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | CD-5 | CD-5C | SD-INT | SD-LI | SD-HI | PUD-MU | CV

General Description

A Sign applied directly on the inside of a window or hanging inside a window.

Dimensions

Area	max 33% of glass onto which it is applied

Additional Standards

In addition to all other applicable standards, each Window Sign allowed under this Article:

a. shall be of one of the following types:

i. Letters painted or applied directly on the window;

ii. Hanging Sign that hangs parallel to the window;

iii. Neon Sign; and

iv. Door Sign applied to or hanging inside the glass portion of an entrance doorway.

b. shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays; and

c. may list services and/or products sold on the premises, or provide phone numbers, operating hours or other messages, provided that the total aggregate area of these messages shall not exceed the area dimensional limit provided herein.

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7.1.3 Permit Required.

Except for Exempt Signs, no Sign shall be erected on a Lot or Building Site, installed or placed on a Building, or otherwise exist on a Lot, Building Site or Building unless a Sign Permit has been issued for such Sign in accordance with Section 8.5.23 and such Sign Permit remains in full force and effect.

7.1.4 Violation, Enforcement, & Appeal.

Any violation of this Section 7.1 shall be enforceable and appealable in accordance with the enforcement and appeal provisions of this Ordinance.

7.1.5 Allowed Signs.

There shall be no Signs allowed other than as specified in this Section 7.1.

7.1.6 Address Signs

An Address Sign is required for each Building in compliance with **Table 7.1.2.B–1 (Sign Types – Summary) and Table 7.1.2.B–2 (Sign Types – Specific Standards).**

7.1.7 Temporary Signs

In addition to all other Signs allowed in accordance with **Table 7.1.2.B–1 (Sign Types – Summary) Table 7.1.2.B–2 (Sign Types – Specific Standards)**, non–illuminated Temporary Signs are allowed without a Sign Permit subject to the following:

A. Single – Family, Two – Family, Owner–Occupied Multi–family Residential.

On any Lot or Building Site used as a single–family, two–family, or owner–occupied multi–family dwelling, up to 2 temporary Signs may be displayed on a pole or stake affixed to the ground. Each such Sign must be removed within 45 days of installation. Such Signs shall not exceed 8 square feet in area per side, and the top of such Sign shall be no more than 5 feet from ground level.

B. Other Lots or Building Sites.

On any Lot or Building Site not used as a single–family, two–family, or owner occupied multi–family dwelling, up to 2 Temporary Signs may be displayed on a pole or stake affixed to the ground or on a banner affixed to a Building on the Lot or Building Site. Each such Sign must be removed within six (6) months of installation. Such Signs shall not exceed 24 square feet in area per side, and the top of the Sign shall be no more than 5 feet from ground level unless the Sign is a banner affixed to a building. If affixed to the ground, they shall be supported by wooden posts a minimum of 4 inches by 4 inches thick and shall be spaced at least 15 feet apart from one another.

C. Materials & Condition.

Temporary Signs must be made of waterproof materials and kept in good repair.

D. Setback & Visibility.

Temporary Signs must be set back at least 5 feet from the property line and may not be placed in a manner that obstructs visibility for drivers on an adjacent street.

7.1.8 General Provisions Applicable to All Non–Exempt Signs

Without limitation to any applicable specific Sign standards, all Signs other than Exempt Signs shall comply with the following additional standards:

A. Materials, Fabrication, & Condition.

Signs shall be constructed of durable and weather–resistant material, shall be fabricated and installed by qualified Sign painters and mechanics, and shall be kept in good repair.

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B. Lighting.

Signs may, but are not required to be, lighted unless otherwise specifically stated for the particular Sign type in **Table 7.1.2.B–2 (Sign Types – Specific Standards)**, If lighted and if in any District other than in District CD–5C, Signs shall not be internally illuminated or back–lighted except as otherwise specifically provided for the particular Sign type in **Table 7.1.2.B–2 (Sign Types – Specific Standards)**.

C. Electrical Elements.

Except for the light fixture itself, all electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from public view.

D. Mounting

Signs shall be mounted in such a way that their removal does not damage and/or alter the original surface of the Building. If the original surface of a Building is damaged during removal of a Sign, the damage must be repaired and the original surface condition restored concurrently.

E. Historic Signs

In addition to Sign types allowed pursuant to T**able 7.1.2.B–1 (Sign Types – Summary)** and **Table 7.1.2.B–2 (Sign Types – Specific Standards)**, Signs that are original to the Building or have been placed on the Building for at least fifty (50) years may remain or be reproduced. Any such Signs shall be kept in good repair, both in terms of appearance and operation.

F. Design Drawings

Design drawings of any proposed Sign must be submitted to the Building Official for review of compliance with this Section prior to fabrication and installation. Such drawings shall include Sign location and size and shall indicate materials, color(s), hanging or mounting device, illumination scheme, and example of lettering.

G. Off–Premises Signs & Billboards

Billboards and Off–Premises Signs are prohibited except as otherwise permitted pursuant to TSA Title 54, Chapter 21.

H. Building Code

All Signs must comply with all applicable provisions of the Building Code.

I. Rights–of–Way

Except as expressly allowed under this Article, Signs are not permitted in public Rights–of–Way.

J. Portable Signs

Portable Signs other than Sidewalk Signs are not permitted.

K. Removal of Abandoned Signs

Except for Signs allowed pursuant to Section 7.1.8.E above, Commercial Signs and supports for Commercial Signs erected by entities that are no longer operating on the premises shall be removed by the owner, agent, or Person having beneficial use of the Sign or the property upon which the Sign is located within 30 days of written notice from the Building Official.

L. Signs in Upper Floor Windows.

Signs in upper floor windows are not permitted, except for Window Signs for an occupant that is separate from the occupant of the ground floor.

M. Removal of Non–Conforming Signs

All Signs that do not conform to this Section 7.1 shall be removed pursuant to Section 1.22.

N. Occupant Rear Door Sign

A Sign for the occupant shall be permitted at rear

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entrance doors if mounted flush against the Building and not exceeding six (6) square feet in size.

O. Compliance with Electrical Codes

All Signs erected, altered, or maintained in the City shall conform to City and state electrical codes.

P. Certain Lighting Prohibited

No Sign may be illuminated with or include animated, moving, intermittent, or flashing lights, or other active lighting.

Q. Moving Elements / Components.

No Sign may have any moving component or element.

R. Changeable Copy

No Sign may have changeable copy except for a Marquee Sign with physically changeable letters, an Outdoor Display Case with removable printed items, or an Electronic Message Board allowed pursuant to Section 7.1.9.

S. Imitation of Traffic Safety Control Sign

No Sign may by design or arrangement imitate the size, color, lettering, illumination, word, phrase, or symbol of a Sign used as traffic safety control Sign.

T. Sign Setback Relative to Adjoining Lot or Building Site

Where a Lot or Building Site adjoins another Lot or Building Site, no Freestanding Sign shall be permitted within a triangle formed by the Side Lot or Building Site Line, the Front Lot or Building Site Line and a line beginning on the Side Lot or Building Site Line at the required front Setback distance and extended at 45 degrees to the Front Lot or Building Site Line for an existing Building. The established front Setback of an Adjacent Building may be substituted for the required Street Yard prescribed within the applicable District.

U. Overhang into Right-of-Way

No Sign may be within or overhang a public right-of-way or required Setback other than a Wall Sign that does not overhang such right-of-way more than 15 inches, a Blade Sign, a Vertical Projecting Sign, a Marquee Sign, or an Awning Sign.

V. Obstruction of Traffic Sign or Control Device, or Street Name Sign; Visibility; Hazard

No Sign may obstruct a traffic-control device, traffic Sign, or street name Sign, block the vision of drivers at any Driveway, street intersection or crosswalk, or be unsafe or constitute a hazard of any type.

W. Affixing on Improper Support; Attachment

No Sign or Sign support may be affixed to a tree, rock, utility pole or other improper Sign support, or contain any attachment, other Sign, symbol, flag, pennant or other attention-getting device (other than the Sign itself).

7.1.9 Electronic Message Boards.

A. Districts Permitted

Electronic Message Boards shall be permitted, only as part of a permitted Monument Sign or Marquee Sign. Such Signs shall be subject to the following conditions:

1. The electronic lighting shall be of a single color, otherwise referred to as monochrome.

2. The electronic lighting shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter at a pre-set distance depending on sign area. The measurement distance shall be calculated

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with the following formula: the square root of the product of the sign area (in square feet) and 100. For example, the brightness of a 12 square foot sign shall be measured at a distance of 34.6 feet. Light measurement shall be taken with the meter aimed directly at the sign message face, or the area of the sign emitting the brightest light.

3. The frequency of message and/or image change shall be no more than once every 60 seconds.

4. The transition or change sequence between messages and images shall appear instantaneous as perceived by the human eye, without any animation such as scrolling or flashing.

B. Area

The area of an Electronic Message Board shall be considered a part of the Sign of which it is a part for purposes of calculating the total sign area of such sign, and the area of the Electronic Message Board itself shall not exceed 50% of the total Sign area.

C. Distance Between

A new electronic message board may not be constructed or installed within 100 feet of any Residential structure, including Multi-Family Dwellings

7.1.10 Exempt Signs Not Requiring a Sign Permit.

The following Signs are Exempt Signs and do not require a Sign Permit:

1. Address Sign

One Address Sign per tenant or owner.

2. Certain Small Signs

On-premises Signs not exceeding four (4) square feet in area that are located along the route to a place or location within such premises or are provided for safety.

3. Governmental Signs

Signs placed by the City or any other governmental unit with jurisdiction over the area where the Sign is placed.

4. Certain Integrated Signs

Signs carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent construction and made an integral part of the Structure.

5. Temporary Signs

Temporary Signs allowed under Section 7.1.7.

7.1.11 Sign Area Computation.

The area of Sign as regulated herein shall be the computed area of the background upon which lettering, insignia or other devices are placed. Where said display area is the face of a Building, the area of such Sign shall be the product of the total width and the total height occupied by such lettering, devices or insignia. For Signs having two sides, the maximum display area shall be permitted on both sides and the total area of one side shall be deemed to be the total Sign area. The supporting Structures shall not be included in the area computation unless utilized as part of the total display area.

7.1.12 Responsibility for Signs.

All Signs located in the City shall be erected, altered and maintained by the owner of such Sign who shall assume full responsibility for any consequences or damage caused by the Sign. Signs and supports must be removed or corrected within 30 days after the Building Official sends written notice that an unsafe or improperly maintained Sign condition exists.

7.1.13 Non-Conforming Signs.

Any existing non-conforming sign or any Sign that becomes non-conforming as a result of the enactment or amendment of this Chapter shall be subject to the provisions of Section 1.22.

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SECTION 8.1
PURPOSE & INTENT.

It is the purpose and intent of this Article to provide for the proper and efficient administration of this Ordinance, for procedures for the implementation of this Ordinance, and for enforcement of this Ordinance.

SECTION 8.2
ADMINISTRATION.

8.2.1 Zoning Administrator.

A. Authorization.

1. There is hereby created the Office of the Zoning Administrator. The Zoning Administrator shall be executive head of such office. This Ordinance shall be administered by the Zoning Administrator.

2. The Zoning Administrator shall have all authority, take all actions, and discharge all duties and responsibilities under this Ordinance, as specified herein, under applicable law, or as directed by the Planning Commission, the Board of Zoning Appeals, or the City Council.

3. The City Planner is hereby designated and appointed as the Zoning Administrator. In the absence of a City Planner, the Zoning Administrator shall be such person as may be designated by the City Manager.

B. Method of Acting.

The Zoning Administrator, may act directly or through any one or more of its designees. The Zoning Administrator may designate any staff member to represent the Zoning Administrator in exercising or discharging any of actions, duties, or responsibilities under this Ordinance, which are within Zoning Administrator's authority. The Zoning Administrator shall remain responsible for any final action.

C. Powers & Duties.

In order to assure compliance with the provisions of this Ordinance, and in addition to the general authority of the Zoning Administrator pursuant to Section 8.2.1.A above, the Zoning Administrator shall have the following specific powers and responsibilities:

1. Reviewing, making recommendations regarding, and certifying completeness and compliance of the following:

a. Applications for Development Plans and Master PUD Development Plans

b. Applications for Certificates of Appropriateness;

c. Amendments to adopted Land Use Plans;

d. Amendments to the text of this Ordinance;

e. Applications for Rezoning;

f. Applications for Historic District designation; and

g. Vested rights determinations.

2. Making final administrative decisions on the following:

a. Interpretations of this Ordinance;

b. Issuing of all Building Permits, and the creating and maintaining all pertinent records;

c. Applications for Sketch Development Plans;

d. Applications for certain Site Development Plans;

e. Applications for Floodplain Development Permits;

f. Administrative Adjustments;

g. Applications for Temporary Use Permits;

h. Applications for Home Occupation Permits;

i. Applications for Sign Permits.

j. Applications for Certificates of Occupancy;

k. Applications for Determination of Economic Hardship; and

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l. Applications for removal of Heritage Trees within a required Buffer area or credit for preservation of existing vegetation, including Heritage Trees.

3. Administering the provisions of any certified Development Plan or Master PUD Development Plan and any approved Conditional Use or approved site plan, except where administration is otherwise expressly provided in this Ordinance to be the responsibility of other City personnel;

4. Reviewing and certifying whether plans and applications submitted pursuant to this Ordinance are complete and in compliance with all standards and requirements hereof;

5. Together with Decision-Making Authorities and other City code enforcement personnel as provided herein, enforcing this Ordinance and the provisions of any Development approval, permit, or plan certified, approved, or issued under this Ordinance;

6. Taking all actions and discharging all duties and responsibilities as directed by the Planning Commission, Board of Zoning Appeals, or City Council; and

7. Taking all other actions as Zoning Administrator specified in this Ordinance.

D. Additional Responsibilities.

The Zoning Administrator shall have the following additional responsibilities:

1. Provide information to the public on all matters relating to this Ordinance;

2. Receive, file, and forward to all necessary agencies all applications for Conditional Uses and for amendments to this Ordinance;

3. Undertake a study of the provisions of this Ordinance, and make reports of his/her recommendations to the Planning Commission as necessary.

4. Receive, file and forward to the Board of Zoning Appeals all applications for matters on which the Board of Zoning Appeals is required to review under the provisions of this Ordinance;

5. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, Conditional Uses, Variances, appeals, and applications therefor;

6. Prepare an annual report summarizing annexation requests and subsequent action on such requests, and submit the same annually to the City Council;

7. Not make changes in the provisions of this Ordinance, excepting as provided in Section 8.5.8, Administrative Adjustment; and

8. Not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant, despite the violation of contracts such as deed covenants or private agreements which may occur upon the granting of said permit.

E. Procedures & Guidelines.

The Zoning Administrator shall develop, approve, and implement administrative procedures and guidelines to execute the provisions of this Ordinance.

SECTION 8.3 REVIEW AND DECISION-MAKING AUTHORITIES.

8.3.1 General.

Authority under this Ordinance shall be vested in and delegated to the officials and Decision-Making Authorities designated in this Ordinance, the City Code, and Tennessee law. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and Decision-Making Authorities.

The officials and Decision-Making Authorities shall have all implied authority necessary to carry out the duties and responsibilities expressly provided in this

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Ordinance to the extent the implied authority is not in conflict with the express authority.

8.3.2 City Council.

A. Creation & Membership.

Information regarding the creation, membership, and rules of procedure of the City Council is available in the City Code.

B. Powers & Duties.

In execution of the provisions of this Ordinance, the City Council shall have the following powers and duties:

1. Final decision on amendments to this Ordinance;

2. Final decision on Rezonings;

3. Final decision on adoption of/or amendments to the Comprehensive Plan,

4. Final decision on the preliminary Master PUD Development Plan of a Planned Unit Development;

5. Final decision on a Heavy Manufacturing Permit; and

6. To perform all duties and functions assigned to City Councils under Tennessee law, this Ordinance, and any applicable Chapter of the City Code.

8.3.3 Planning Commission.

A. Creation & Membership.

Information regarding the creation and membership of the Planning Commission is available in the City Code.

B. Powers & Duties.

In execution of the provisions of this Ordinance, the Planning Commission shall have the following powers and duties:

1. Final decision on certain Development Plans;

2. Make recommendations to the City Council on amendments to this Ordinance;

3. Make recommendations to the City Council on Rezonings;

4. Develop an official Comprehensive Plan for the physical Development of the City, including any area outside of its boundaries which, in the Planning Commission's judgment, bears relation to the planning of the City;

5. Make recommendations to the City Council to amend, extend or add to the Comprehensive Plan or carry any part of subject matter into greater detail;

6. Submit an advisory opinion on any matter before the Board of Zoning Appeals, which opinion shall be made part of the record of such public hearing;

7. Make recommendations to the City Council on a preliminary Master PUD Development Plan; and

8. Final decision on a final Master PUD Development Plan; and

9. To perform all duties and functions assigned to Planning Commissions under state law, this Ordinance, and any applicable Chapter of the City Code.

8.3.4 Board of Zoning Appeals.

A. Creation.

A Board of Zoning Appeals is hereby created for the City (referred to in this Ordinance as "Board of Zoning Appeals").

B. Membership.

The Board of Zoning Appeals shall consist of five (5) members, all of whom shall be bona fide residents of the City both at the time of their appointment and for the duration of their tenure on the Board of Zoning Appeals. No person holding any public

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office or position within the City government shall be eligible for membership on the Board of Zoning Appeals. A member shall be removed from the Board of Zoning Appeals if found to be in violation of these membership requirements at any time during their tenure.

C. Term of Office, Removal & Vacancies.

1. Members of the Board of Zoning Appeals shall serve for three year terms or until their respective successors are appointed and qualified, except that the members first appointed shall serve respectively for the following terms:

a. Two Members – One Year

b. Two Members – Two Years

c. One Member – Three Years

2. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just cause. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose positions have become vacant in the manner provided herein for the appointment of such member.

D. Election of Officers.

The Board of Zoning Appeals shall elect from its members a chairman and vice chairman, who shall serve for one year and may upon election serve succeeding terms. The City shall provide necessary secretarial services for members of the Board of Zoning Appeals.

E. Meetings.

Regular meetings of the Board of Zoning Appeals shall be held at such time and place as established by the Zoning Administrator on behalf or such Board. Special meetings may be held at the call of the chairman or at the request of two members, provided that notice of the special meeting is given to every member at least 24 hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of such meeting.

F. Conflict of Interest.

Any member of the Board of Zoning Appeals who shall have a direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the Board of Zoning Appeals shall be disqualified from participating in the discussion, decision, and proceedings of the Board of Zoning Appeals in connection therewith. The burden for revealing any such conflict rests with individual members of the Board of Zoning Appeals. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board of Zoning Appeals for cause.

G. Powers & Duties.

The Board of Zoning Appeals shall have the following powers and duties:

1. Final decision on appeals of any administrative decision made in the enforcement of this Ordinance;

2. Final decision on a Conditional Use Permit;

3. Final decision on an application for a Variance;

4. Interpret zoning District boundaries;

5. Interpret the boundaries of the Flood Hazard Districts on appeal from a decision of the Zoning Administrator;

6. Hear and decide all matters referred to it on which it is required to act under this Ordinance or by statute; and

7. To perform related duties as directed by the City Council;

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8. To perform all duties and functions assigned to boards of appeal under state law, this Ordinance, and any other applicable Chapter of the City Code.

H. Annual Report.

The Board of Zoning Appeals shall prepare an annual report and submit it to the City Council. The annual report shall include a comprehensive review of the activities, problems, and actions of the Board of Zoning Appeals and any budget requests or other recommendations.

I. Rules.

The Board of Zoning Appeals shall adopt rules for the conduct of its meetings, requiring at a minimum the requirements of Section 8.3.3.J.

J. Proceedings.

1. The presence of three members of the Board of Zoning Appeals shall constitute a quorum and the concurring affirmative vote of at least three members of Board of Zoning Appeals shall be necessary to deny or grant any application before the Board of Zoning Appeals.

2. No action shall be taken by the Board of Zoning Appeals on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in the City at least ten days before the hearing of an appeal. No appeal shall be considered and heard by the Board of Zoning Appeals earlier than 15 days after filing such appeal. If new information is uncovered regarding an action of the Board of Zoning Appeals that could not have been reasonably presented in public hearing before the Board of Zoning Appeals, the Board of Zoning Appeals shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

3. The Board of Zoning Appeals may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board of Zoning Appeals as may be reasonably required.

4. All hearing sessions shall be open to the public.

K. Appeal.

1. Any officer, agency or department of the City or other aggrieved party may appeal any decision of the Board of Zoning Appeals to a court of competent jurisdiction as provided by State law.

2. An appeal shall stay all proceedings relating to the action under appeal, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after such notice of appeal has been filed, that by reason of facts stated in the certificate, such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order stating the justification for the stay, which may be granted by a court of competent jurisdiction, on notice to the Zoning Administrator.

L. Rehearing.

1. No Rehearing of a Decision by the Board of Zoning Appeals shall be had except:

a. On motion by Board of Zoning Appeals member to reconsider the vote; or

b. On a written request for a hearing by the property owner or authorized agent.

2. All rehearing requests must conform to the following:

a. All motions or requests to reconsider shall require a majority affirmative vote. Only then shall the Board of Zoning Appeals vote on the motion to grant the request for a rehearing, subject to such conditions as the Board of Zoning Appeals may by resolution in each case, stipulate.

b. No request to grant a rehearing will be entertained unless new evidence is submitted, which could not reasonably be presented at the previous hearing.

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c. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The person(s) requesting the rehearing shall be notified to appear before the Board of Zoning Appeals on a date to be set by the Board of Zoning Appeals.

d. No rehearing for a Variance shall be granted to an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior Variance granted under the authority of this Ordinance or any prior ordinance.

8.3.5 Historic Zoning Commission.

A. Creation.

A Historic Zoning Commission is hereby created for the City. The Historic Zoning Commission shall consist of seven members, each of who shall be a resident of, or property or Business owner within, the City prior to the appointment and who shall continue to be so as long as they serve.

B. Membership.

1. Membership on the Historic Zoning Commission shall be composed of the following members:

a. One member of the Planning Commission.

b. One member representing a local historical or patriotic organization.

c. One architect who is a member, or meets membership requirements, of the American Institute of Architects, if available; if such a qualified architect is unavailable, this position will be filled by another member selected from the community in general.

d. Four members as selected from the City in general.

2. Members of the Historic Zoning Commission shall be appointed by the Mayor, subject to confirmation by the City Council.

3. Except as herein provided, the members of the Historic Zoning Commission shall serve for a five year term. The members first appointed, shall serve respectively as follows:

a. One member for one year;

b. One member for two years;

c. One member for three years;

d. Two members for four years; and

e. Two members for five years.

4. The term of the member nominated from the Planning Commission shall be concurrent with the term on the Planning Commission, and in the event that any other member shall also be a member of the City Council, the term of such member shall be concurrent with the term of the elected office of the member.

5. All members shall serve without compensation and may be removed from membership by the Mayor and City Council.

C. Vacancies.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member; vacancies shall be filled within 60 days.

D. Election of Officers.

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose.

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E. Conflict of Interest.

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is subject matter of or is affected by a decision of the Historic Zoning Commission shall be governed by the provisions of TCA Section 12 – 4 – 101.

F. Rules & Meetings.

1. The Historic Zoning Commission shall adopt rules of order and establish regular meeting dates.

2. Four members of the Historic Zoning Commission shall constitute a quorum for the transaction of its business.

3. The concurring vote of a majority of the Historic Zoning Commission members present shall constitute final action of the commission on any matter before it.

G. Powers & Duties.

Subject to state law and the procedures prescribed hereunder, the Historic Zoning Commission shall have the following powers, functions and duties:

1. To create and to recommend the adoption of legislation which will facilitate establishment of Historic Districts wherein the construction, repair, Alteration, rehabilitation, relocation or demolition of any Structure now located or to be located will be subject to special provisions as set forth herein and as further specified in TCA Section 13 – 7 – 402.

2. To create and recommend the enactment of legislation providing for the transfer of Development rights as a portion of the legislation which establishes any Historic District and as further specified in TCA Section 13 – 7 – 402 (C).

3. To testify before all boards and commissions, including the Planning Commission, City Council and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, Structures and areas.

4. To conduct a survey of Buildings, places or areas within the City for the purpose of identifying those of historic or cultural significance.

5. To develop and adopt, prior to the establishment of any Historic District, review guidelines as specified in Section 8.5.12.F.3, which the Historic Zoning Commission will apply in ruling upon the granting or denial of a Certificate of Appropriateness.

6. To submit and to review all applications designating Historic Districts.

7. To review and make decisions on any application for a Certificate of Appropriateness as specified in Section 8.5.13.C and to require the presentation of such plans, drawings, elevations and other information as may be necessary to make such decisions.

8. To determine an appropriate system of markers for designation of Historic Districts.

9. To prepare and publish maps, brochures and other descriptive material about the City's Historic Districts, Historic Landmarks and Historic Structures.

10. To cooperate with and enlist the assistance of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and property reuse.

11. To advise and assist owners of Historic Properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse.

12. To accept gifts, grants and money as may be appropriate for the purposes of this Article.

13. To adopt, publish and make available Bylaws for the conduct of Historic Zoning Commission meetings.

14. To exercise such powers as may be delegated it by the Tennessee Historical Commission under the

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certified Local Government's Historic Preservation Program, to include participation in the review of nominations to National Register of Historic Places, and enforcement of appropriate state and local legislation for designation and protection of Historic Properties.

15. To review proposed zoning amendments, applications for Conditional Use Permits, Variances, and applications for subdivision that affect proposed or designated Historic Districts.

16. To retain such specialists or consultants or to appoint such citizen advisory committees as may from time to time be required.

17. To confer recognition upon the owners of property within Historic Districts.

18. To develop a preservation component in the Comprehensive Plan of the City and to recommend it to the Planning Commission.

19. To review periodically this Ordinance and to recommend to the Planning Commission and City Council any amendments appropriate for the protection of Historic Properties..

20. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purposes of this Article.

8.3.6 Architectural Design Review Team.

A. Creation.

There is hereby created the Architectural Design Review Team for the purpose of reviewing Development applications (excluding Building Permit applications) that are subject to design review pursuant to this Ordinance.

B. Membership.

1. The Architectural Design Review Team shall be composed of the following:

a. Current president of the Maury Alliance or City Chamber of Commerce, or their designee; and

b. Two citizen members, appointed by the City Council, one who should be a registered architect or landscape architect, and the other who should be the owner of a Business registered in the City, and which citizen members shall serve staggered two-year terms, with a maximum of three consecutive terms.

C. Vacancies.

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

D. Removal.

The City Council may remove and replace any member which it has appointed for cause.

E. Meetings.

Meetings shall be held on an as-needed basis.

F. Rules of Procedure.

The Architectural Design Review Team shall adopt rules of procedure, which shall include at a minimum the following:

1. An affirmative vote of a majority of the eligible members of the Architectural Design Review Team present and voting shall be required for all recommendations; and

2. Failure of the Architectural Design Review Team to meet or to review a particular application within 30 days of the submittal of such application to the Team shall be deemed to be a recommendation of approval by the Team.

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G. Powers & Duties.

1. The Architectural Design Review Team shall be responsible for reviewing and making recommendations regarding proposals for Building Permit or Planned Unit Development approval.

2. Review by the Architectural Design Review Team shall be limited to the criteria established within this Ordinance.

3. As necessary, the Architectural Design Review Team shall periodically review and make recommendations regarding any necessary changes to the Building Facade Regulations within this Ordinance.

H. Annual Report.

The Architectural Design Review Team shall prepare an annual report and submit it to the City Council. The annual report shall include a comprehensive review of the activities and actions of the Architectural Design Review Team and any other recommendations.

8.3.7 Development Review Committee.

There shall be a Development Review Committee. Such Committee shall consist of the Zoning Administrator, the Building Inspector, the City Engineer, the City Building Inspector, the City Traffic Sergeant, the City Consulting Traffic Engineer, the City Fire Chief and/or other staff that the Zoning Administrator deems necessary to review an application. The Zoning Administrator shall chair the Committee.

The Committee chair shall prepare and retain a report on each meeting of the Committee. The Committee is authorized to review and provide input on any project proposal forwarded to the Committee by the Zoning Administrator. Additionally, the Committee is authorized to review and provide input on each Site Development Plan and Master PUD Development Plan or amendment to Master PUD Development Plan in accordance with Section 8.5.6.I.3.

The Committee is authorized in its judgment to obtain advice on any project proposal from other City officials, City Staff, and technical experts and consultants, and to compensate such experts and consultants at such rates as the Committee shall determine.

8.3.8 Other Review & Decision–Making Authorities.

A. General.

In addition to those bodies previously identified in this Section 8.3, other bodies as listed in Section 8.3.8.B may have review or decision authority on projects, Development, and property within the City.

B. List.

The following other bodies may have review or decision authority on projects, Development, and property within the City:

1. Development Services Department;

2. Department of Public Works;

3. Wastewater Department;

4. Fire Department;

5. City Power and Water Systems;

6. Police Department;

7. Tennessee Department of Human Resources; and/or

8. Other departments and agencies as may be required under applicable law.

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SECTION 8.4 LIABILITY.

Neither any Board of Zoning Appeals, Planning Commission, Historic Zoning Commission, or Architectural Design Review Team member, the Zoning Administrator, nor other City employee charged with implementation or enforcement of this Ordinance, acting for the City in the discharge of his duties, shall not be liable personally, and is hereby relieved from all personal liability.

All such persons shall be held harmless by the City from and against any damage that may occur to persons or property as the result of any act required or permitted in the discharge of his duties.

Any suit brought against any of such persons shall be defended by legal representatives furnished by the City at the City's expense until the final termination of such proceedings.

SECTION 8.5 APPLICATIONS & DEVELOPMENT REVIEW PROCEDURES

8.5.1 Types of Applications & Development Reviews.

Development review as regulated by this Ordinance, may involve one or more of the following types of applications, requests, and Development reviews:

1. Interpretation of this Ordinance
2. Building Permit
3. Sketch Development Plan Review
4. Site Development Plan Review
5. Floodplain Development Permit
6. Administrative Adjustment
7. Temporary Use Permit
8. Home Occupation Permit
9. Certificate of Occupancy
10. Historic District Designation
11. Certificate of Appropriateness
12. Demolition by Neglect
13. Certificate of Economic Hardship
14. Design Review
15. Conditional Use Permit
16. Variance
17. Appeal of Administrative Decision
18. Zoning Ordinance Amendment
19. Rezoning
20. Comprehensive Plan or other Land Use Plan Amendment or Adoption
21. Planned Unit Development Master Development Plan
22. Heavy Manufacturing Permit
23. Sign Permit
24. Other Applications and Reviews

8.5.2 Interpretation of Ordinance.

A. Zoning Administrator Authorized.

When uncertainty exists, the Zoning Administrator shall be authorized to make all interpretations concerning the provisions of this Ordinance with the exception of the interpretations listed in Section 8.5.2.B.

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B. Certain Exceptions.

1. All interpretations of matters relating to the City Building Code shall be made by the Building Official or designee.

2. The Zoning Administrator may refer interpretations of other provisions to appropriate City and/or County officials.

C. Initiation / Request for Interpretation.

1. The Zoning Administrator may make an interpretation concerning the provisions of this Ordinance on his own initiative, at the request of the Planning Commission, City Council, Historic Zoning Commission, or Board of Zoning Appeals.

2. In addition to requests pursuant to Section 8.5.2.C.1, a request for interpretation may be made by persons having legal authority to take action in accordance a Zoning Permit. Such persons shall include without limitation owners or lessees of property, or their agents, and persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons. The Zoning Administrator may require an a requesting person or agent to submit evidence of his or her authority to submit the request for interpretation.

D. Action by Zoning Administrator.

1. Upon receipt of a request pursuant to Section 8.5.2.C, the Zoning Administrator shall:

a. Review and evaluate the request in light of the text of this Ordinance, the Official Zoning Map, the Comprehensive Plan and any other relevant information;

b. Consult with the Building Official and coordinate with other staff, including the City Attorney, as necessary; and

c. Render an opinion.

2. The interpretation shall be provided in writing to the requesting party.

E. Official Record.

The Zoning Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

F. Appeal.

1. Final action on an interpretation of this Ordinance by the Zoning Administrator or designee pursuant to Section 8.5.2.C.2 may be appealed in accordance with Section 8.5.17, Appeal of Administrative Decision.

2. If the Zoning Administrator is in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any District boundary line on the Zoning Map, or if the Building Inspector is in doubt as to the propriety of issuing a Building Permit or a Certificate of Occupancy in a particular case related to the provisions of this Ordinance, such person shall appeal the matter to the Board of Zoning Appeals for interpretation and decision.

8.5.3 Summary of Review Authority.

The following **Table 8.5.3 (Review Authority)** summarizes review authority under this Ordinance.

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Table 8.5.3 Review Authority

Application or Permit	Zoning Administrator	Design Review Team	Historic Zoning Commission	Board of Zoning Appeals	Planning Commission	City Council	Section
Interpretation of the Ordinance	D			< A >			8.5.2
Building Permit	D			< A >			8.5.5
Development Plan Review	D / R	R / D*		< A >	< D* >		8.5.6
Floodplain Development Permit	D			< A >			8.5.7
Administrative Adjustment				< A >			8.5.8
Temporary Use Permit	D			< A >			8.5.9
Home Occupation Permit	D			< A >			8.5.10
Sign Permit	D		R	< A >			8.5.23
Certificate of Occupancy	D			< A >			8.5.11
Historic District Designation	R		< R >	< A >		< D >	8.5.12
Certificate of Appropriateness	R*		< D >	< A >			8.5.13
Demolition by Neglect	D		< A >	< A >			8.5.14
Conditional Use Permit	R		R	< D >			8.5.16
Appeal of Administrative Decision				< D >			8.5.17
Variance	R		R	< D >			8.5.16
Zoning Ordinance Amendment	R		R		R	< D >	8.5.18
Rezoning			R		R	< D >	8.5.19
Plan Amendment/Adoption	R		R		R	< D >	8.5.20
Preliminary PUD Development Plan Approval	R	R	R		< D >	< D >	8.5.21
Final PUD Development Plan Approval	R					< D >	8.5.21
Heavy Manufacturing Permit	R					< D >	8.5.22

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LEGEND The following notations are utilized in this table.					
	R Review or Recommendation		D* Final decision on certain developments (ADRT has authority to approve design elements only)		
* Certain Certifs of Appropr. D by ZA	D Decision		A Appeal	< > Public Hearing(s) Required	

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8.5.4 Common Review Procedures.

A. Applicability.

The review procedures described in this Section 8.5.4 apply as may be listed by the individual relevant Sections found in this Article.

B. Pre-Application Conference.

1. Before submitting an application for any Development approval, it is recommended that each applicant schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for Development approval in accordance with of this Ordinance.

2. Without limitation, a pre-application conference is recommended for Developments of 9 or fewer one- or two-family Dwellings.

3. A pre-application conference with the Zoning Administrator shall be required for the following types of Development review:

a. Application for Development Plan, except Development Plans for Developments of 10 or more one- or two-family Dwellings;

b. Application for Conditional Use Permit;

c. Application for a Variance or Administrative Adjustment;

d. Application for Rezoning or Zoning Ordinance Amendment, including Rezoning to a PUD; and

e. Application for Heavy Manufacturing Permit.

C. Application Requirements.

1. Applications required under this Ordinance shall be submitted on forms and in such numbers as required by the appropriate department. All forms shall include, at a minimum, the following information:

a. Contact information for the individual or firm submitting the application.

b. Contact information for the individual or firm on whose behalf the application is being submitted.

c. If applicable, identification of the property affected by the application, such as a legal description, address, or PIN as may be appropriate; and

d. Any other information required by the Zoning Administrator, other appropriate department, or the provisions of this Ordinance.

2. All applications and associated fees shall be filed with the appropriate department.

3. Filing fees shall be established from time to time to defray the actual cost of processing the application.

4. All applications must be complete before the appropriate department is required to review the application.

5. A determination of whether a Development application is complete shall be made by the Zoning Administrator no more than five days after submittal of the application.

6. An application that contains all required information shall be deemed complete.

7. If the application is determined not to be complete, the Zoning Administrator shall notify the applicant by certified mail. The notification shall list all missing or incomplete items and provide a specific period of time for the applicant to resubmit the material for the next scheduled meeting. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Administrator, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, a new application and fee shall be required.

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8. A determination of completeness does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

9. If an incomplete application is erroneously deemed complete and later determined to be incomplete, Section 8.5.4.C.7 shall apply. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

10. The Zoning Administrator may require an applicant to present evidence of authority to submit the application.

11. Applications sufficient for processing shall be submitted to the Zoning Administrator in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

12. Applications for Development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a Variance or Administrative Adjustment shall not be eligible for final approval unless and until such relief has been granted.

13. Applications submitted simultaneously are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

D. Notice & Public Hearing.

1. Notice shall be required for applications for Development approval as shown in **Table 8.5.D–1 (Summary of Notice Requirements).**

Table 8.5.4.D Summary of Notice

Procedure	Published	Posted	Mailed
Historic District Designation			●
Appeal of Administrative Decision			
Certificate of Appropriateness		●	
Demolition by Neglect			
Conditional Use Permit	●		●
Variance	●		●
Ordinance Amendment	●		
Rezoning	●	●	●
Comprehensive Plan Amendment/Adoption	●		
Planned Unit Development		●	●
Heavy Use Permit		●	●
Design Review	●		

2. For published notice, in addition to other requirements that may be required for the specific procedure, the following shall be required:

a. a distinctive notice shall be placed by the Development Services Department in a newspaper of general circulation within the City at least ten days but not more than 30 days prior to the Planning Commission or Board of Zoning Appeals meeting, as applicable;

b. the notice shall include, at a minimum:

(1) The time, date, and location of the proposed meeting or hearing; and

(2) A summary description of the proposed action.

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3. For posted notice (sign), in addition to other requirements that may be required for a specific procedure, the following shall be required:

a. The sign shall specify the phone number for the City Development Services Department.

b. The sign shall be constructed of a rigid waterproof material, such as plastic board or metal, with a green background using white letters. Letters shall be at least 2" tall.

c. The sign shall have a minimum dimension of 18" tall by 24" wide and legs of sufficient length to raise the top of the sign 36" above the adjacent grade.

4. For an application to be considered complete, at least ten days prior to the meeting, the applicant and/or the Development Services Department shall post any required signs. The signs shall remain in place and in readable condition until one of the following occurs:

a. The request has received final action by the Decision-Making Authority; or

b. The applicant withdraws the request.

5. If the signs are removed during the decision process, such process shall be suspended until the signs are replaced and re-certified by the Development Services Department.

6. Signs for all requests shall be removed within 14 days following final action by the Decision-Making Authority or when the applicant withdraws the request.

7. Posted notices shall be installed by the City in conformance with the following:

a. One single faced sign shall be placed at a maximum of 12 feet back from, and parallel to, the property line fronting on a public street.

b. Properties fronting on more than one public street must have one single – faced sign placed a minimum of 12 feet back from, and parallel to the property line fronting on each public street.

c. Signs shall be placed at mid – point on the street frontage from which the site is addressed. If signs are not clearly visible at such midpoints, then they shall be placed at the clearest point of visibility as determined by the Zoning Administrator.

d. On properties where existing Structures encroach into the minimum sign setback area, the sign shall be located on such Structures so that the top of the sign is located seven to ten feet above grade.

e. In situations where site conditions prevent the placement of signs in conformance with the requirements in Sections 8.5.4.D.7.a through 8.5.4.D.7.d above, alternative placement may be approved by the Zoning Administrator.

8. For mailed notice, in addition to other requirements that may be required for the specific procedure, the following shall be required:

a. All letters shall be sent by the City using certified U.S. Mail.

b. The letter shall specify the street address and phone number for the City Development Services Department.

c. If the letter shall contain a notice of an upcoming meeting or hearing, the letter shall include the date, time, location of the meeting and the body before which the meeting or hearing shall take place.

d. The letter shall contain the proposed action and street address for the property in question.

e. All letters shall be mailed at least ten days prior to the scheduled meeting, hearing, or other action.

f. Letters shall be mailed to all owners of property that is Adjacent to the property in question.

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9. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

10. A public hearing shall be held for the following procedures before the City Council, Planning Commission, Board of Zoning Appeals, or Historic Zoning Commission, as indicated:

Table 8.5.4.D–10 Required Hearing

Procedure	City Council	Planning Commission	Board of Zoning Appeals	Historic Zoning Commission
Historic District Designation	●			●
Certificate of Appropriateness				●
Conditional Use Permit			●	
Variance			●	
Appeal of Administrative Decision			●	
Ordinance Amendment	●			
Rezoning	●	●		
Plan Amendment/ Adoption	●	●		
Vested Rights Determination	●			
Planned Unit Development	●	●		
Heavy Manufacturing Permit	●			

8.5.5 Building Permit.

A. Required.

1. Except as exempted pursuant to Section 8.5.5.A.2, a Building Permit shall be required to commence the excavation for or the construction of any Structure, to commence the moving, Alteration, or repair of any Structure, to use any Structure or to change the use of any Structure.

2. Structures under 200 square feet. and not anchored by a permanent foundation are exempt from the Building Permit process.

3. The Building Permit shall contain a statement that the plans, specifications and intended use of such Structure in all respects conform to the provisions of this Ordinance.

B. Application.

1. Applications for Building Permits may be made by persons having legal authority to take action in accordance with the permit, including without limitation the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons (who may make application in the name of such owners, lessees or contract vendees).

2. The Zoning Administrator may require an applicant to submit evidence of his or her authority to submit the application for a Building Permit.

3. An application for a Building Permit shall be submitted in accordance with Section 8.5.4. All applications for Building Permits must be complete before the Zoning Administrator may consider the application.

4. Unless specifically exempted, Development Plan or Master PUD Development review approval shall be required prior to the issuance of a Building Permit.

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5. For any application where loading and/or five or more parking spaces are to be provided, the application shall be accompanied by a fully dimensioned site plan drawn to a scale of no less than 1"=200'. Such site plan shall show the location of all Structures on the Lot and the location and layout of the proposed parking and loading, including any required vehicular area landscaping.

C. Development of Forms.

The Zoning Administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the Building Permit application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the Zoning Administrator to determine compliance with this Section, such applications for Building Permits to construct single – family or two – family Dwellings, or applications for Sign Permits, the Zoning Administrator shall develop standard forms that will expedite the submission of the necessary Plans and other required information.

D. Zoning Administrator Action.

1. Upon receipt of a complete application for Building Permit and any other required materials, the Zoning Administrator shall have up to 60 days to initiate review of the application. Application review not initiated within 60 days shall be deemed to have automatic approval.

2. Upon hearing recommendations from all appropriate departments and review bodies, the Zoning Administrator shall proceed as follows:

a. In cases where no additional permits are required and all Ordinance requirements have been met, the Zoning Administrator shall issue a Building Permit.

b. In cases where an additional permit(s) is required, the Zoning Administrator shall notify the applicant of the additional permit(s).

3. In no case shall a Building Permit be issued until all other permits required by this Ordinance have been obtained. Additional permits may include any or all of the following:

a. Temporary Use Permit

b. Home Occupation Permit

c. Sign Permit

d. Certificate of Appropriateness

e. Certificate of Economic Hardship

f. Demolition by Neglect

g. Conditional Use Permit

4. In cases where an amendment to the text of this Ordinance and/or a Rezoning may be required prior to the issuance of a Building Permit, the Zoning Administrator shall notify the applicant of the text amendment procedure in Section 8.5.18, and/or the Rezoning procedure in Section 8.5.19.

5. In cases where a Variance or Administrative Waiver may be required prior to the issuance of a Building Permit, the Zoning Administrator shall notify the applicant of the Variance procedure in Section 8.5.16 or the Administrative Adjustment procedure in Section 8.5.8.

6. Any Building Permit issued by the Zoning Administrator shall become null and void six months after the date of its issuance unless Actual Construction has begun and been continued in a diligent manner.

7. Final action on a Building Permit may be appealed in accordance with Section 8.5.17, Appeal of Administrative Decision.

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8.5.6 Development Plan Review.

A. Applicability

1. Except as exempted under Section 8.5.6.B below, no Building Permit or Certificate of Occupancy may be issued unless and until a Development Plan has been approved therefor and unless the application for the same includes a Development Plan, which has been certified by the Zoning Administrator as being in compliance with Section 4.3. and this Section 8.5.6.

2. Except as exempted under Section 8.5.6.B below, no Building shall be constructed, re-constructed, or modified, and no Lot or other land shall be Developed, Improved, subdivided, or re-subdivided, and none of the same shall be used, except in compliance with this Ordinance, the Zoning Map, and a Development Plan that has been prepared, submitted, reviewed and certified in accordance with this Article and all standards and requirements applicable thereto.

3. All requirements imposed by a Development Plan shall run with the land and shall apply against any owner, subsequent owner, or occupant.

B. Exemptions.

The following Development, activities, or Uses shall be exempt from Development Plan review, although they may be subject to other review procedures where noted in other Sections of this Ordinance:

1. Ordinary Maintenance and Repair of a Structure (unless review is required under Certificate of Appropriateness).

2. The use or intended use of land for the purpose of agriculture, raising of crops, or forestry.

3. Home Occupations.

4. Accessory Uses incidental to a one- or two-family Residential Use, provided that an Accessory Building or Accessory Structure is not exempt.

5. Any proposal for which an application for Master PUD Development Plan approval has been approved pursuant to Section 8.5.21.

C. Types of Development Plans.

There shall be two types of Development Plans, each applicable to certain types of Development and each having a different level of approval required. The criteria for establishing which type of Development Plan and the corresponding level of approval for each are indicated below:

1. Sketch Development Plan, which is a Development Plan the approval of which is necessary for:

a. A one – or two – family detached Dwelling located on a single Lot or Building Site;

b. A one – or two-family attached Dwelling located on two abutting Lots or Building Sites;

c. A Manufactured Home located on an individual Lot or Building Site; or

d. A request for issuance of a Sign Permit; and

for which no Conditional Use Permit, Variance, or Rezoning is necessary;

2. Site Development Plan, which is a Development Plan the approval of which is necessary for a project that does not meet the criteria listed in Section 8.5.6.C.1 above. See **Illustration 8.5.6 (Development Plan Review Process).**

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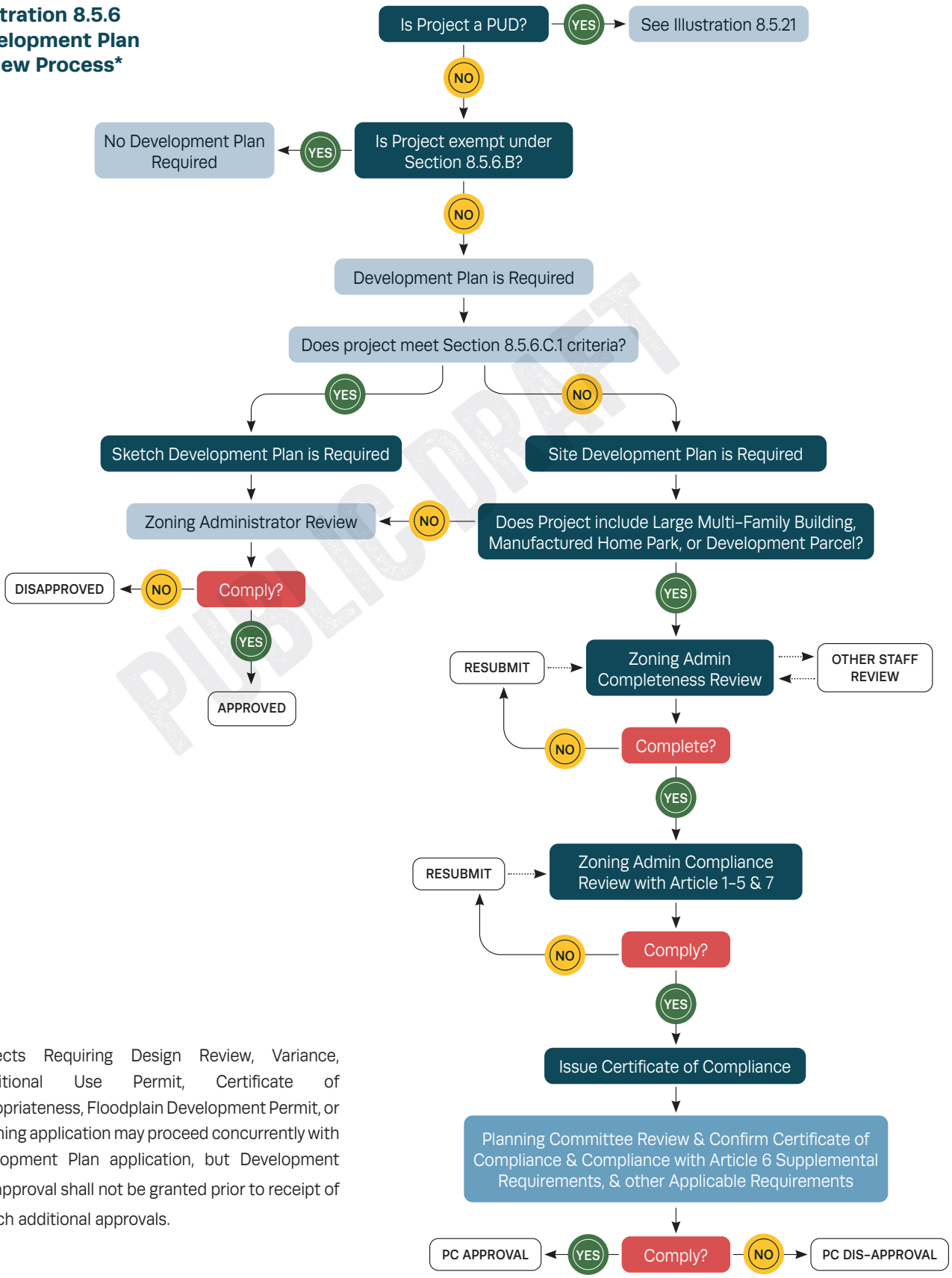
Illustration 8.5.6
Development Plan Review Process*



*Projects Requiring Design Review, Variance, Conditional Use Permit, Certificate of Appropriateness, Floodplain Development Permit, or Rezoning application may proceed concurrently with Development Plan application, but Development Plan approval shall not be granted prior to receipt of all such additional approvals.

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D. Decision–Making Authorities.

1. The Zoning Administrator shall be the Decision–Making Authority for Sketch Development Plans. However, the Zoning Administrator shall have the discretion to refer Sketch Development Plans to the Planning Commission for approval.

2. Except as provided in Section 8.5.6.D.3, the Zoning Administrator shall be the Decision–Making Authority for Site Development Plans. However, the Zoning Administrator shall have the discretion to refer Site Development Plans to the Planning Commission for approval.

3. The Planning Commission shall be the Decision–Making Authority for Site Development Plans that include Large Multi–Family Buildings or Manufactured Home Parks, one or more Development Parcels, or an application referred by the Zoning Administrator.

E. Review by other Departments.

The Zoning Administrator shall ensure that all appropriate review entities have reviewed the proposed project and had opportunity to comment. These review entities may include, but are not limited to: Department of Public Works, Inspections Department, City Engineer, and others. It is encouraged that the applicant addresses all concerns raised by these entities.

F. Development Plan Requirements – General.

1. The following requirements are applicable to all Development Plans and applications:

a. All Development Plans shall be submitted in accordance with Section 8.5.4.

b. In addition, State or Federal regulations may require that additional information be supplied as a part of a submittal.

c. Each Development Plan required under this Article shall be prepared, signed, and submitted by or on behalf of the Owner of the applicable property. If such Plan is prepared, signed, or submitted on behalf of such Owner, a written durable irrevocable power of attorney authorizing such actions to be taken on behalf of the Owner shall accompany the Plan.

d. Each Development Plan shall be prepared in accordance with this Section 8.5.6.F and must conform to all applicable requirements of this Ordinance.

e. Each Development Plan must include all items described in Section 8.5.6.G.

f. Each Development Plan must be submitted for review and action in accordance with this Section 8.5.6.F

g. Each Development Plan shall include:

(1) The name and address of the Applicant and the owner of record, if different from the Applicant.

(2) The name, address, signature, and seal of the professional preparing the Plan.

(3) The title of the Development, date prepared, and date of revisions, if any.

(4) Legal description of the property and tax parcel identification.

(5) A location map drawn to a scale of not less than one inch (1") equals 800 feet, with a North arrow, and written and graphic scale legend.

(6) Existing zoning of the property and all Adjoining properties.

(7) The identification of all Adjacent properties, including owners' names.

(8) Description of all existing and proposed restrictions or covenants applicable to the site.

(9) Location, width and purpose of all existing and proposed Easements, Setbacks, Yards, reservations and areas, dedicated to public use, both within and Adjacent to the property.

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(10) Certified survey of existing conditions of the application property, prepared and sealed by a licensed Tennessee surveyor, and showing at a minimum:

(a) Property lines and measurements,

(b) Tax lot designation,

(c) Utility lines and connections,

(d) Curb cuts,

(e) Street designations, and

(f) North arrow.

(11) Zoning Administrator's Certificate of Completeness with respect to the Development Plan and application;

(12) Detailed Plan prepared and signed, and sealed by a professional planner, or prepared, signed, and sealed by an architect, landscape architect, engineer, or land surveyor licensed to practice by the State of Tennessee, and signed by the applicant, which shall include the following, fully dimensioned and presented at a scale no smaller than 1" = 50' unless a different scale is otherwise approved in writing by the Zoning Administrator showing the location, height, and materials associated with the following:

(a) Screens

(b) Streetscreens;

(c) Walls and Fences;

(d) Landscaping, including proposed plant species and size at time of planting; and

(e) Exterior lighting.

h. In addition to all items required by Section 8.5.6.F, each Development Plan shall show and include all items described in Section 8.5.6.G (Sketch Development Plan Requirements) or Section 8.5.6.H (Site Development Plan Requirements), as applicable.

i. Each Development Plan must comply with the standards and requirements of the Zoning Map, any other applicable approved Plan, and this Ordinance, including without limitation those applicable to the District in which the land covered by such Development Plan is situated; provided however, that a conceptual Development Plan submitted as part of an application for Zoning Text Amendment or Rezoning need only provide information to describe the intended Development; and provided further that solely with respect to a Development Plan submitted for approval of a Development Plan modification, such Plan shall be required to include only those elements being changed.

2. Development Plan applications that cover property located, either wholly or in part, within a Floodplain District shall:

a. Be submitted in conformance with this Section 8.5.6;

b. Indicate the location of area(s) subject to flooding.

c. Require the issuance of a Floodplain Development Permit prior to final approval (see Section 6.12)

G. Sketch Development Plan Requirements.

At minimum, in addition to meeting all requirements under Section 8.5.6.F above, each Sketch Development Plan shall be fully dimensioned and at a scale no smaller than 1" = 200' except as otherwise specifically provided in this Ordinance, and shall be in compliance with the standards and requirements of the Zoning Map, any other applicable approved Plan, and this Ordinance and shall:

1. Show the actual shape, location and dimensions of the overall project site and each Lot or Building Site;

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2. Show the shape, size, and location of all Buildings or other Structures to be constructed, erected, Altered or moved, and of any Building or other Structure already on project site and each Lot or Building Site;

3. Include the existing and intended use of each Lot, Building Site, and other land and of all Buildings or other Structures upon it, including the number of Dwelling Units or other measure of Density each Lot, Building Site, and Building is intended to accommodate;

4. Show and include the following, in compliance with the standards and requirements of the Zoning Map, any applicable approved Plan, and this Ordinance, including without limitation those applicable to the District in which the applicable land is situated:

a. Lot or Building Site Width and Area

b. Lot or Building Site Layers

c. Percentage of Building and Wall at Frontage Line-to-Lot or Building Site Width (Frontage Buildout)

d. Principal Building

e. Accessory Building and other Accessory Structure

f. Setbacks or Yards

g. Encroachments

h. Building Type

i. Proposed Impervious Surface Coverage of each Lot or Building Site and the overall Development site

j. Proposed Floor Area, Dimensions, Floor Elevations, Floor-to-Ceiling Heights, and Height of each Building

k. Private Frontage and Façade Elements

l. Building Roof Type & Pitch

m. Building and Lot Principal Uses, Accessory Uses, and Temporary Uses

n. Vehicular Parking Accommodations, including Parking spaces and their dimensions within the Lot or Building Site, layout, design and if applicable, landscaping of Parking Lots, Parking Areas and Parking Structures, Parking and if applicable Loading Area Locations, Location of any Garage, Driveways to Off-Street Parking, Passenger Dropoff Location, Driveway/Vehicular Entrance Width, any Parking Screen, and points of vehicular ingress and egress to and from each Lot or Building Site, including cross-access Easements

o. Driveway

p. Exterior lighting plan including photometric plan, location, pole height, luminaire/head type, pole/standard type, shielding, manufacturer's specifications and hours of operation for all exterior light fixtures;

q. Refuse Receptacle, Utility Box and Service Meter Accommodations and Locations

r. Any other personal property or fixtures not affixed to a Building

s. Private Landscaping, Walls, and Fencing

t. All Screens & Streetscreens, including vegetative, Fence, and Wall Screens & Streetscreens and their dimensions

u. Sign Plan, including locations, types, and detailed dimensioned drawings

v. Ground Floor Elevation above grade for each Building

w. Any applicable Special Requirements

x. Any Public Frontage improvement or replacement elements required under Section 6.10

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y. The existing and any proposed zoning classification for the property

z. Recorded Plat consistent with the Sketch Development Plan.

5. Demonstrate that all other requirements of this Ordinance are met.

6. Include such other information concerning the Lot, Building Site, or other land and all Adjacent Lots, Building Sites, or other land as may be deemed necessary by the Zoning Administrator, Director of Public Works, or City Engineer for determining whether the provisions of this Ordinance and other applicable provisions of the City Codes are being met.

H. Site Development Plan Requirements.

At minimum, in addition to meeting all requirements under Sections 8.5.6.F and 8.5.6.G, each Site Development Plan shall be fully dimensioned and at a scale no smaller than 1" = 200' except as otherwise specifically provided in this Ordinance, shall be in compliance with the standards and requirements of the Zoning Map, any other applicable approved Plan, and this Ordinance and shall:

1. Be prepared and, as applicable, stamped by an individual licensed and/or certified by the State of Tennessee to perform such design services.

2. Include any more detailed and/or separate plans may be required by the Zoning Administrator.

3. Comply with any applicable approved Plan, the Official Zoning Map, and all standards and requirements of this Ordinance, including without limitation those applicable to the District in which the applicable land is situated, and show and include the following:

a. The actual shape, location, and dimensions of the overall Development site and each Lot or Building Site.

b. The shape, size, and location of all Buildings or other Structures to be erected, Altered or moved, and of any other Building or other Structure already on the Lot, Building Site, and overall Development site.

c. Each existing and intended Use of the Lot, Building Site, and Development site and of all Structures upon it, including, for Residential activities, the number of Dwelling Units each Building is intended to accommodate and for all Non-Residential Uses, the number of square feet of each such Use.

d. If regulated in the applicable District, the Floor Area Ratio of each Building and Lot or Building Site.

e. Location of all groupings of trees and how they will be incorporated into the proposed Development.

f. Location, trunk diameter, and species of all Heritage Trees within any required Buffer or landscaped area. All Heritage Trees proposed for removal shall also be shown.

g. Position, materials, and dimensions of fences and walls.

h. Location and dimensions of all required Buffers, which shall be provided on a separate Buffer plan if required by the Zoning Administrator.

i. Location, type, and size of proposed Signs.

j. Proposed means of surface drainage.

k. Overall Development site dimensions.

l. Bicycle Parking Accommodations, including without limitation number of spaces

m. Loading Space calculations and location, and Storage, Drive-Through, Refuse Receptacle, Utility Box, and Service Meter Accommodations and Locations

n. Total area, materials, and design of the following proposed or to remain:

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(1) Structures;

(2) Parking Lots, Parking Areas, and Parking Structures, keyed to the Parking Plan provided pursuant to Section 8.5.6.H.3.t(12)(o);

(3) Driveways and their respective distances from the nearest street corner if fewer than 200 feet;

(4) All impervious surfaces; and

(5) Outdoor storage and refuse areas, if any, and trash receptacles, including enclosures and Screening measures;

o. Fire hydrants, keyed to a detailed Fire Equipment Access Plan;

p. Location, dimensions, design, pavement specifications, profiles, finished grade, slope as a percent of grade, and curbing and striping of proposed public and private sidewalks and other pedestrian accommodations, bicycle, ride-sharing, and pedestrian loading accommodations, Thoroughfares, Internal Drives, Alleys, and Driveways (from the Adjacent roadway through each curb cut to the Building(s), pedestrian accommodations, Parking Area, Parking Lot, Parking Structure, or Garage);

q. Recorded Plat consistent with the Site Development Plan.

r. Proposed hours of operation.

s. Description of all existing and proposed restrictions or covenants applicable to the Development site.

t. Certified ALTA survey of existing conditions of the applicable property, prepared and sealed by a licensed surveyor, and showing at a minimum:

(1) Property lines and measurements,

(2) Legal description and street address,

(3) Tax parcel designation,

(4) Utility lines and connections,

(5) Curb cuts,

(6) Thoroughfares, Internal Drives, and Alleys, showing dimensions of each element and types,

(7) North arrow,

(8) Scale Legend,

(9) Title block, including:

(a) The address and legal description of the site; and

(b) Names, addresses and telephone numbers for the Applicant(s) and owner(s);

(10) Current zoning classification and use of the property and Adjacent properties;

(11) Locations of all of the following existing on or within fifty feet (50') of the overall Development site:

(a) Property boundaries;

(b) Buildings and other Structures, keyed to the project description and project illustrative plan provided pursuant to Section 8.5.6.H.3.u(3) and the architectural renderings and preliminary plans provided pursuant to Section 8.5.6.H.3.u(2); and

(c) Sidewalks, walkways, handicap ramps, and curb cuts;

u. The following additional plans and information:

(1) Site Access and Circulation Plan, indicating access and circulation routes for all vehicular and pedestrian movement;

(2) Full color architectural renderings and preliminary architectural plans, showing all Facades and Elevations of each other exterior Wall and all exterior materials to be used, keyed to the project description and project illustrative plan provided pursuant to Section 8.5.6.H.3.u(3);

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(3) Project Description and Illustrative Plan showing each Development and Building element regulated by this Ordinance;

(4) If applicable, public address system plan, including type, location, design, manufacturer's specifications and hours of operation;

(5) Erosion and sedimentation control measures for the Development;

(6) Topographic, excavation and grading plans shown at contour intervals of two feet (2'), and indicating both existing and proposed contours, extended at least ten feet (10') into Adjoining properties, and delineating areas of steep slopes as applicable;

(7) Existing vegetation plan, including the location of Heritage Trees, existing wooded areas, other significant individual trees with a diameter at breast height of eight inches (8") or more, trees to be removed and trees to be preserved;

(8) Map showing the extent of flood prone areas or storm water overflows, including Special Flood Hazard Areas as established by the Federal Emergency Management Agency;

(9) Detailed landscape plan drawn to scale including:

(a) Common and botanical plant names

(b) Plant and planting specifications, including size at time of planting

(c) Total number of trees provided

(d) Total square footage of landscaped area on site and internal to each Parking Area and Parking Lot

(e) Identification of area used to calculate Parking Lot or Parking Area landscaping

(f) Fence detail drawing

(10) Refuse collection enclosure detail drawing

(11) Detailed Sign Plan, showing types, design, materials, dimensions and locations of each Sign, keyed to the Sign portion of the plan provided pursuant to Section 8.5.6.H.3.i;

(12) Stormwater pollution prevention plan that meets all applicable City, County, State and federal standards;

(13) Detailed utilities plan, showing the locations, design, and specifications of all proposed sanitary sewage and water supply systems, electric, telecommunications, cable television, gas, and other utility facilities, together with "Capacity and Will Serve" letters from each applicable utility provider;

(14) Storm water drainage facilities with details of detention/ retention basins, catch basins, swales, dry wells and other related stormwater facilities, and if required by the Planning Commission or Zoning Administrator, as applicable, accompanying calculations supporting the design of the proposed drainage system and indication of runoff rates, runoff patterns and storm drain loads;

(15) Detailed Parking Plan, showing layout, dimensions, grades and pavement section for all Parking stalls, drive aisles, turning radii, etc, keyed to the Parking location plan provided pursuant to Section 8.5.6.H.3.p;

(16) Demonstration to the satisfaction of the Decision– Making Authority that the Site Development Plan complies with the following:

(a) The Comprehensive Plan,

(b) City Development standards for Site Grading, Site Drainage, Sewage, Utilities, Traffic Circulation, and Facilities for Persons with Disabilities, as set forth in the City Subdivision Regulations,

(c) The Supplemental Development Standards of Section 6.2 (Preservation of Natural Features),

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(d) The Supplemental Development Standards of Section 6.3 (Streetscape Repairs and Improvements),

(e) The Site Development Plan application is complete, as evidenced by the Zoning Administrator's Certificate of Completeness,

(f) All applicable standards and requirements of Article 4 (Lots, Building Sites & Building Standards) and Article 5 (Development Parcel Standards), as evidenced by the Zoning Administrator's Certificates of Compliance, and

(g) All other applicable provisions of the City Ordinances, City Code, City Subdivision Regulations and other applicable City rules and regulations, and all applicable state and federal statutes and regulations.

(17) If required by the Planning Commission or Zoning Administrator, as applicable, a traffic impact analysis;

(18) If required by the Planning Commission or Zoning Administrator, as applicable, a Parking study; and

(19) If required by the Planning Commission or Zoning Administrator, as applicable, an environmental impact analysis;

(20) Development schedule indicating, to the best of the Applicant's knowledge, the approximate date on which Development of the project can be expected to begin, the phases of Development, if any, the anticipated rate of Development and the completion date, which schedule shall be pursued with diligence until completion by the owner of the property and its successors in interest;

(21) If the proposed project will require other approvals, such as Rezoning, Variances, Administrative Adjustments, or Conditional Use approvals, the Applicant must identify all such other required approvals;

(22) All information deemed necessary by the Zoning Administrator, the Director of Public Works or the City Engineer to determine compliance with this Ordinance and all other applicable codes and ordinances;

(23) Any other items required by this Ordinance with respect to any Site Development Plan or required for any other applicable Development application; and

(24) Any other studies, information, or items deemed necessary by the Planning Commission or Zoning Administrator, as applicable, to determine the conformity of the Site Development Plan with the requirements of this Ordinance, which information or items as specifically identified to the Applicant in writing.

(25) If the proposal includes a Development Parcel and includes or requires Construction of any Structure or exterior Alteration to an existing Structure, Development, re-Development, Improvement, subdivision, or re-subdivision of any Lot, Building Site, or other land, use of any land or Structure, or filing, issuing, applying for, approving, or certifying any subdivision application or plat, Building Permit, Conditional Use, site plan, Zoning Map or Zoning Map Amendment, or other Development approval with respect to such Development Parcel, the Sketch Development, the items listed in Sections 8.5.6.H.3.a(18)(a) – 8.5.6.H.3.a(18)(j) below, including without limitation those applicable to the District in which the applicable land is situated:

(a) Thoroughfare and Internal Drives Network, laid out according to Section 5.2, including existing and any required or proposed new Thoroughfares and Internal Drives, or extensions or changes to any existing Thoroughfare(s) or Internal Drive(s);

(b) Thoroughfare and Internal Drive Types and Standards;

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(c) Thoroughfare Internal Drive cross-sections;

(d) One or several proposed or existing Standard or Linear Pedestrian Sheds, as applicable, on which the Site Development Plan shall be based, each having a Common Destination near its center and located according to existing conditions, such as traffic intersections, Adjacent Development, and natural features. See **Illustration 5.1.4.B–1 (Standard Pedestrian Shed)** and **Illustration 5.1.4.B–2 (Linear Pedestrian Shed)**;

(e) Existing and any required or proposed Civic Spaces, open spaces, Civic Buildings, and Civic Districts and calculation of percentage of Civic Space area-to-Net Site Area, Open Spaces, Civic Buildings, and Civic Districts assigned pursuant to Sections 5.3.1, 5.3.3, 5.3.4, and 5.3.5 and Section 2.4.2;

(f) Existing and any proposed Character Districts, assigned according to and as required Section 2.4.1;

(g) Existing and proposed Special Districts, if any, assigned according to Section 2.4.3;

(h) Existing and proposed Special Requirements, if any;

(i) The proposed Block Structure for the site in compliance with applicable Block Perimeter Standards; and

(j) Public Landscaping Plan.

(26) Where subsurface sewage disposal is anticipated, certification from the Tennessee Department of Health and Environment approving the Lot, Building Site, Development Parcel, or other land, as applicable, for each Use.

(27) The following additional information and items:

(a) Photographs of the property and surrounding areas

(b) The location and dimensions (length, width, floor elevations and height in feet and Stories) of all existing and proposed Structures and Structures to remain.

(c) Floor plans that indicate the types of Use proposed for each level of floor space.

(d) Location, width and finished grade of proposed public and private streets, roads and sidewalks, including pavement type and profiles.

(e) Location, design, pavement specifications, finished grade, curbing and striping of proposed parking, pedestrian, bicycle, ride-sharing, and loading accommodations.

(f) Driveway designs and profiles from the Adjacent roadway through the curb cut to the Parking Area, Parking Lot, Parking Structure, or Garage, with slopes indicated by percent of grade.

(g) The location and design of all proposed sanitary sewage and water supply systems and other utility facilities.

(h) Proposed hours of operation.

(i) All information deemed necessary by the Division of Public Works and Division of Public Safety to determine compliance with all applicable City codes and ordinances.

(j) Any other items required by this Ordinance with respect to any applicable Site Plan.

(28) Any other information or items deemed necessary by the Planning Commission to determine the conformity of the Site Development Plan with the spirit and intent of this Ordinance, which information or items as specifically identified to the applicant in writing.

(29) All other requirements of this Ordinance shall be met.

(30) Such other information concerning the Lot, Building Site, Development Parcel, or other land or Adjacent Lot, Building Site,

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Development Parcel, or other land as may be deemed essential by the Zoning Administrator, Director of Public Works, or City Engineer for determining whether the provisions of this Ordinance are being met.

I. Development Plan Procedures – Pre-Application Conference & Review.

1. Prior to formal submission of a Development Plan application, an applicant shall schedule a pre-application conference with the Zoning Administrator by completing and submitting a project proposal form, as provided on the City website or by the Planning Department.

2. The pre-application conference is intended to define potential issues with the project proposal and to identify any required Variances, Administrative Adjustments, Conditional Uses, or other necessary certifications, approvals or permits. Additionally, the pre-submission conference serves to educate the applicant on the Development approval process and the information required to submit a complete Development Plan application.

3. No later than three (3) months after the pre-application conference, the applicant shall provide one complete draft copy of a proposed Development Plan application to the Zoning Administrator for pre-application review and feedback. In addition to the draft proposed Development Plan application, applicant shall provide a digital 3D model of the proposed project for review by and input from the Development Review Committee (DRC) on the proposed project and draft Development Plan and application in the following situations:

a. For any Site Development Plan or

b. For a Sketch Development Plan, in the discretion of the Zoning Administrator based on the scale, complexity, or potential impacts.

c. Feedback from the Zoning Administrator, and if applicable, the Development Review Committee, shall be provided to the applicant within one (1) month of the Zoning Administrator's receipt of the draft Development Plan and application and, if applicable, the digital 3D model.

4. No pre-submission discussion, statement, advice, feedback or review must be binding on the City.

J. Development Plan Procedures – Coordination with other Approvals.

When a Development Plan requires other approvals the applicant shall identify in the Development Plan application all such other approvals that such applicant is seeking and refer a draft Development Plan to the Planning Commission to obtain such Planning Commission's recommendation prior to making application for any other such approval.

K. Development Plan Procedures – Submission of Application.

1. No later than six (6) months after feedback on the draft Development Plan application is provided to the applicant, and no fewer than twenty (20) days prior to the meeting of the Decision-Making Authority at which the application is to be considered, the applicant shall submit to the Zoning Administrator fifteen (15) printed copies and one (1) digital PDF copy of the complete Development Plan application, including all supporting documentation, accompanied by the appropriate submission fee.

2. The digital copy of the application must be clearly identified with the name of the applicant, project address, submission date, and case number, if assigned.

L. Development Plan Procedures – Completeness Review.

1. Within fifteen (15) days of submission of a Development Plan application, the Zoning

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Administrator shall review and determine whether the application is complete.

2. If the Zoning Administrator determines that the Development Plan application is complete, he shall issue a Certificate of Completeness and, in the case of a Site Development Plan that is subject to review by the Planning Commission, forward such Certificate and the Development Plan application to the Planning Commission for review and action, and shall notify the applicant that the application has been certified as complete and, if applicable, forwarded to the Planning Commission for consideration.

3. If the Zoning Administrator determines that a Development Plan application is incomplete, he shall notify the applicant of such determination with a written explanation regarding which items are incomplete, and shall return the application to the applicant.

M. Development Plan Procedures – Compliance Review, Notice & Hearing.

1. Upon issuance of a Certificate of Completeness for a Sketch Development Plan application and upon payment by the Applicant of all fees and reimbursable costs due to the City, the Zoning Administrator shall review the application and take action pursuant to Section 8.5.6.O.1.

2. Upon issuance of a Certificate of Completeness for a Site Development Plan application for which the Zoning Administrator is the Decision-Making Authority, upon receipt of payment by the Applicant of all fees and reimbursable costs due to the City, the Zoning Administrator shall review the application and take action pursuant to Section 8.5.6.O.1.

3. Upon issuance of a Certificate of Completeness for a Site Development Plan application for which the Planning Commission is the Decision-Making Authority, the Zoning Administrator shall review the application for compliance with the conditions, standards, and requirements of Articles 1-5 and Article 7 of this Ordinance and if the application complies with such Articles, he shall issue a Certificate of Compliance, certifying such compliance, and shall forward the same with the Certificate of Completeness and the Site Development Plan application, to the Planning Commission.

4. Upon receipt of the items described in Section 8.5.6.M.3, the Planning Commission shall promptly schedule a public hearing on the matter, which shall be set within 62 days of such receipt and shall provide public notice of such hearing in compliance with the public notice requirements set forth in Section 8..

N. Review Criteria.

1. The criteria to be applied by the Zoning Administrator in reviewing a Development Plan and application shall be whether such Plan and application comply with the applicable conditions, standards, and requirements of this Ordinance, all applicable previously approved Plans, such as earlier Development Plans, the Comprehensive Plan and all other applicable Land Use Plans.

2. With respect to a Development Plan and application for which the Zoning Administrator has issued a Certificate of Compliance, the Planning Commission shall rely on such Certificate with respect to compliance of all conditions, standards, and requirements of Articles 1-5 and Article 7 of this Ordinance and the Planning Commission shall review the Plan and application for compliance with all other conditions, standards, and requirements of this Ordinance, including without limitation those of Article 6 (Supplemental Standards) , and compliance with all applicable previously approved Plans, such as earlier Development Plans, the Comprehensive Plan and all other applicable Land Use Plans. Additionally, in the case of Development in a Special District, the Planning Commission shall determine:

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a. Whether the Development design and Development intensity are appropriate for and tailored to the unique characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, floodplains, and zoning of or existing Development on Adjacent property;

b. Whether the proposed access and circulation are adequate with respect to traffic patterns, traffic control measures, and street pavement areas, with provisions for maintaining traffic flows and reducing any negative effects of traffic on nearby properties;

c. Compliance with site construction requirements;

d. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with City standards, specifications and guidelines; and

e. Compliance with requirements for Easements or dedications.

O. Development Plan Procedures –Decision–Making Authority's Action.

1. Within 62 days of the issuance of the Certificate of Completeness for a Development Plan and application for which the Zoning Administrator is the Decision–Making Authority, or within 62 days after the hearing on a Development Plan and application for which the Planning Commission is the Decision–Making Authority, the Development Plan and application shall be approved or disapproved by the Decision–Making Authority in accordance with the review criteria of Section 8.5.6.N and Sections 8.5.6.O.2–.5 below:

2. A Development Plan and application shall be approved by the Decision–Making Authority, upon a finding that the Development Plan and application are in compliance with the review criteria set forth in Section 8.5.6.N.

3. If a Development Plan and Application are approved, the Development Plan as approved shall become part of the record of approval, and subsequent actions relating to the authorized Development must be consistent with approved items.

4. A Development Plan and application shall be disapproved if the Decision–Making Authority determines that the Plan and application do not comply with any one or more of the review criteria set forth in Section 8.5.6.N.

5. Disapproval shall be in the form of a resolution by the Decision–Making Authority setting forth the reasons for its disapproval. A copy of the resolution must be sent to the applicant within ten (10) days of its passage.

P. Comment Compilation.

Pursuant to Section 8.5.6.E, the applicable Decision–Making Authority shall compile all staff comments on a Development Plan and application in light of the applicable requirements of this Ordinance. A copy of these comments shall be provided to the Applicant.

Q. Concurrent Applications.

Development Plan applications for projects that also require Design Review, a Variance, a Conditional Use Permit, a Certificate of Appropriateness, a Floodplain Development Permit, or Rezoning may proceed concurrently with such additional application. However, final approval of the Development Plan may not be granted prior to receiving the additional required permit or approval.

R. Time Limits on Approvals.

Any Development Plan approved under the provisions of this Ordinance shall become null and void one year after the date of its approval unless a Building Permit

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for the entire project or applicable phase thereof has been obtained, in which case the provisions of Section 8.5.5, shall apply.

S. Inspection of Required Improvements.

Inspections during the installation of site Improvements shall be made by the entity responsible for such Improvements that is required to certify compliance with approved Development Plans. Without limitation to the foregoing, no Improvements shall be accepted for maintenance by the City unless and until the requirements regarding public improvements have been met.

T. Fees

The applicant shall pay to the City the fees established in Fee Schedule Document available from the Development Services Department in order to cover a portion of the costs associated with the administration of this Ordinance.

U. Appeal.

1. Final action by the Zoning Administrator on a Development Plan and application may be appealed in accordance with Section 8.5.17.

2. Final action by the Planning Commission on a Development Plan may be appealed may appeal by certiorari to a court of competent jurisdiction.

V. Construction & Use Pursuant to Approved Application, Plans, & Permits

1. Permits, including without limitation, Conditional Use Permits, issued on the basis of approved Development Plans and applications, authorize only the Use, arrangement, and construction set forth in such approved Plans and applications, and none other. Use, arrangement, or construction at that does not comply with such approved Plans and applications shall constitute a violation of this Ordinance, enjoinable or punishable as provided by Section 8.6.

8.5.7 Floodplain Development Permit.

A. Applicability.

Within any Floodplain District:

1. No person shall erect, construct, enlarge, Alter, repair, Improve, move, or demolish any Building or Structure without first obtaining a separate Floodplain Development Permit for each such Building or Structure;

2. No man – made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate Floodplain Development Permit has been obtained for each such change; and

3. No Manufactured Home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each Manufactured Home.

B. Application Requirements.

1. All applications for Floodplain Development Permits shall be submitted in accordance with Section 8.5.4.C.

2. Any application for a Floodplain Development Permit shall be made prior to any Development activities, and may include, but not be limited to, plans in triplicate drawn to scale and showing:

a. The nature, location, dimensions, and elevations of the area in question;

b. Existing or proposed Structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

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(1) Elevation in relation to mean sea level of the proposed lowest floor (including Basement) of all Structures;

(2) Elevation in relation to mean sea level to which any Non-Residential Building will be floodproofed;

(3) Certificate from a registered professional engineer or architect that a Non-Residential floodproofed Building will meet the floodproofing criteria set forth in this Ordinance; and

(4) Description of the extent to which any watercourse will be changed or relocated as a result of proposed Development.

C. Action by Zoning Administrator.

1. In the review of the requirements of this Section, the Zoning Administrator shall:

a. Review all Development permits to assure that the permit requirements of this Ordinance have been satisfied and that proposed Building sites will be reasonably safe from flooding;

b. Advise applicant that additional federal or state permits may be required, and if specific federal or state requirement are known, require that copies of such permits be provided and maintained on file with the Floodplain Development Permit;

c. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office prior to any change or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

d. Assure that maintenance is provided within the changed or relocated portion of said watercourse so that the flood – carrying capacity is not diminished;

e. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved Buildings, in accordance with Section 6.12.4.D;

f. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved Buildings have been floodproofed, in accordance with Section 6.12.4.D;

g. When floodproofing is utilized for a particular Building, the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 6.12.4.D;

g. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance; and

h. When Base Flood Elevation or floodway data have not been provided in accordance with Section 6.12.3., then the Zoning Administrator shall obtain, review, and utilize any Base Flood Elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this Section.

2. Before a Floodplain Development Permit is issued, the Zoning Administrator shall confirm that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972.

3. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the lowest horizontal structural members of the lowest floor, whichever is applicable,

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it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the lowest floor, floodproofed elevation, or the elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular Building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

D. Final Action.

The Zoning Administrator shall issue the Floodplain Development Permit upon notice that the applicant has successfully satisfied all of the requirements listed above.

E. Appeal.

Final action on a Floodplain Development Permit may be appealed in accordance with Section 8.5.17, Appeal of Administrative Decision.

F. Maintenance of Records.

All records pertaining to Floodplain Development Permits shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

8.5.8 Administrative Adjustment / Approval

A. Applicability.

The Zoning Administrator shall be authorized to approve minor specified Administrative Adjustments to the requirements of this Ordinance as specified below where, owing to special conditions, strict enforcement of the provisions of this Ordinance would be physically impractical.

B. Application Requirements.

An application for an Administrative Adjustment shall be submitted in accordance with Section 8.5.4.C.

C. Action by Zoning Administrator

1. The Zoning Administrator shall have the following administrative authority:

a. To make a determination that a Use, which is not specifically listed as Not Permitted ("NP"), Permitted by Right ("P"), Permitted Subject to Limited Conditions ("PC"), or as a Conditional Use (CU") in **Table 4.3.9.A–1 (Building, Lot, & Building Site Principal Uses), Table 4.3.9.A–2 (Building, Lot, & Building Site Accessory Uses), or Table 4.3.9.A–3 (Building, Lot, & Building Site Temporary Uses),** as applicable, for the applicable District, is substantially similar to a Use that is specifically listed in such applicable Table as Permitted by Right ("P"), Permitted Subject to Limited Conditions ("PC"), or as a Conditional Use (CU") for the applicable District, applying the following criteria:

(1) The actual or projected characteristics of the activity in relationship to the stated characteristics of each group of Uses.

(2) The relative amount of site area or floor space and equipment devoted to the activity.

(3) Relative amounts of sales from each activity.

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(4) The customer type for each activity.

(5) The relative number of employees in each activity.

(6) Hours of operation.

(7) Building and site arrangement.

(8) Types of vehicles used and their parking requirements.

(9) The relative number of vehicle trips generated.

(10) Signs.

(11) How the Use is advertised.

(12) The likely impact on surrounding properties. and

(13) Whether the activity is likely to be found independent of the other activities on the site.

b. To permit Outdoor Display subject to the standards in Section 4.3.9.D.6;

2. Any request for a deviation from the provisions of this Ordinance not listed above shall be deemed to be a request for Variance, which shall be subject to review by the Board of Zoning Appeals as provided in Section 8.5.16.D.

D. Administrative Adjustment Criteria.

To approve an Administrative Adjustment of a dimensional requirement up to 20% of such requirement, subject to the Zoning Administrator's affirmative finding that all of the following criteria are met:

1. All additional procedures and standards are met;

2. That granting the Administrative Adjustment will not have an adverse impact on land use compatibility;

3. That granting the Administrative Adjustment will not materially and adversely affect Adjacent land uses or the physical character of uses in the immediate vicinity of the proposed Development; and

4. That granting the Administrative Adjustment will be consistent with the Comprehensive Plan and the purposes and intent of this Ordinance.

E. Appeals.

Final action on an Administrative Adjustment by the Zoning Administrator may be appealed in accordance with Section 8.5.17.

8.5.9 Temporary Use Permit

A. Applicability.

1. Temporary Uses occurring on property outside of the public right-of-way shall be allowed only upon the issuance of a Temporary Use Permit, except as set forth in Section 4.3.9.G.

2. The provisions of this section shall not apply to Temporary Uses occurring within the public right-of-way.

B. Application Requirements.

A Temporary Use Permit application shall be submitted in accordance with Section 8.5.4.C.

C. Action by Zoning Administrator.

1. After receiving the application, the Zoning Administrator shall have up to 30 days to review the application.

2. Upon hearing recommendations from all appropriate departments, the Zoning Administrator shall approve the issuance of a Temporary Use Permit subject the use standards established in Section 4.3.9 and the following:

a. No lighting or electrical service shall be provided without an electrical permit;

b. No Temporary Use Structure shall be erected without a Building Permit;

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c. No Temporary Use Structure shall block fire lanes or pedestrian or vehicular access;

d. The site of the Temporary Use shall be cleared of all debris at the end of the Temporary Use. All temporary Structures shall be cleared from the site within five days after the use is terminated;

e. Written permission of the property owner for the Temporary Use shall be provided;

f. Adequate Parking shall be provided;

g. Required Parking for other uses shall remain available;

h. Adequate traffic control measures shall be provided;

i. Adequate provisions for refuse disposal and sanitary facilities shall be provided; and

j. When appropriate, adequate provisions for crowd control shall be provided.

3. Temporary Use Permits shall be valid for the time period established in Section 4.3.9.G. Where no time period is established in Section 4.3.9.G, the use shall automatically be permitted for thirty (30) days. The Zoning Administrator may extend this time period by up to sixty (60) days at his/her discretion provided the request is made at the time of original application.

4. Temporary Use Permits may be renewed one time by the Zoning Administrator unless other renewal standards are specified in Section 4.3.9.G or in other provisions of this Section.

D. Revocation of Temporary Use Permit.

A Temporary Use Permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

E. Appeal

Final action on a Temporary Use Permit may be appealed in accordance with Section 8.5.17.

8.5.10 Home Occupation Permit

A. Applicability

Any Home Occupation shall require a permit, as set forth below.

B. Application Requirements.

A Home Occupation application shall be submitted in accordance with Section 8.5.4.C.

C. Action by Zoning Administrator.

1. Upon review of the application, the Zoning Administrator shall approve the Home Occupation Permit, provided the Home Occupation meets all requirements of this Ordinance.

2. The Zoning Administrator shall maintain a record of all Home Occupation Permits that have been issued by the City.

D. Time Limit.

A Home Occupation Permit shall be valid for a period not to exceed two (2) years.

E. Revocation.

A Home Occupation Permit shall be revoked if the Zoning Administrator finds the Home Occupation to be in violation of the requirements of this Ordinance.

F. Appeal.

Final action on a Home Occupation Permit may be appealed in accordance with Section 8.5.17.

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8.5.11 Certificate of Occupancy

A. Certificate of Occupancy Required.

No land, Building, Structure, or part thereof hereafter erected, Altered, or changed in its use shall be used or occupied until the Zoning Administrator shall have approved and the Building Official shall have issued a Certificate of Occupancy stating that such land, Building, Structure, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this Ordinance.

B. Applicability.

A Certificate of Occupancy shall be required for any of the following:

1. Occupancy or use of a Building or Structure hereafter erected or enlarged;

2. Change in occupancy or use of an existing Building; or

3. Any change in a Nonconforming Use or Nonconforming Structure.

C. Application Requirements.

A Certificate of Occupancy application shall be submitted in accordance with Section 8.5.4.C.

D. Action by Zoning Administrator.

The Zoning Administrator shall review an application for a Certificate of Occupancy for conformance with the approved Development Plan and the requirements of this Ordinance. The Zoning Administrator shall provide comments and recommendations to the Building Official.

E. Action by the Building Official.

Upon review of the application and approval by the Zoning Administrator, the Building Official shall issue the Certificate of Occupancy, provided the project meets all requirements of this Ordinance and other applicable requirements.

F. Permits not to be Issued.

No final Certificate of Occupancy shall be issued for any Building, Structure, or part thereof, or for the use of land, which is not in accordance with the provisions of this Ordinance, or where the Development or Improvements have not been completed in accordance with the approved Development Plan.

G. Temporary Certificate of Occupancy.

1. In the case of hardship not related to the applicable Building, Structure, or premises, at the discretion of the Building Official, he or she may issue a temporary Certificate of Occupancy provided that such portion of the Building, Structure, or premises for which the temporary certificate is issued is in conformity with the provisions of this Ordinance. A temporary Certificate of Occupancy shall not be effective for a time period in excess of three (3) months.

2. In order for a temporary Certificate of Occupancy to be issued, all required Improvements must be substantially complete. The temporary certificate may include safeguards and conditions as will protect the safety of the occupants and the public.

3. An Applicant for a temporary Certificate of Occupancy shall post a bond or other surety acceptable to the City in an amount equal to $10,000 or the 125% of the cost of completing all required improvements, whichever is greater.

H. Appeal.

Final action on a Certificate of Occupancy may be appealed in accordance with Section 8.5.17.

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8.5.12 Historic District Designation

A. Creation.

There is hereby created pursuant to TSA sections 13-7-401 et seq. the Historic District designation, as defined in Article 9 (Definitions) and established as such pursuant to this Section 8.5.12. The boundaries of each specific Historic District so established shall be shown on the official Zoning Map or special overlays thereto and noted by name on said maps, and shall be so designated and made subject to the Historic Overlay District as described in Section 3.7.3.B.2, in which no Structure shall be constructed, Altered, repaired, relocated, or demolished unless the action complies with the requirements of this Ordinance.

B. Interim Control.

No Building Permit shall be issued for Alteration, construction, demolition, or removal of a nominated Structure within a nominated Historic District from the date of the meeting of the Historic Zoning Commission at which a completed nomination form is first presented until the final decision by the City Council, unless such Alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall this restriction be in place for more than 180 days. After 180 days, a Building Permit may be issued provided all applicable requirements have been met. This may include the requirement for a Certificate of Appropriateness if the nominated District or Structure has been approved by the City Council.

C. Applicability.

1. The City Council may designate an area as a Historic District.

2. The owner or owners may request that an area as a Historic District, a property be designated as a Historic District.

3. Any designation of a Historic District must be pursuant to this Section 8.5.12, shall require a Zoning Map amendment pursuant to Section 8.5.19, and shall subject the applicable area, property or Structure to all applicable requirements of this Section 8.5.12, Section 8.5.13, and Section 8.5.14.

D. Initiation of Request.

1. Requests for designating a Historic District, may be made in any one of the following methods:

a. By petition to the City Council by owner(s) of the proposed Historic District;

b. By initiative of the City Council; or

c. By initiative of the Historic Zoning Commission subject to the requirements of Section 8.5.12.E.

2. An application for a Historic District designation shall be submitted to the Historic Zoning Commission in accordance with Section 8.5.4.C. Requests for designation shall include the specific elements of the area, property, or Structure for which the designation is proposed.

E. Historic Preservation Plan.

The Historic Zoning Commission shall undertake an ongoing survey within the corporate limits of the City to identify neighborhoods, areas, sites, property, Structures and objects that have historic, community, architectural, or aesthetic importance, interest, or value. Before the Historic Zoning Commission shall on its own initiative nominate any Historic District, it shall develop a plan for completion of a survey of the entire City.

F. Historic Zoning Commission Review & Recommendation.

1. The Historic Zoning Commission shall, within sixty (60) days from receipt of a completed nomination in proper form, adopt by resolution a recommendation that the nominated Historic District does or does not meet the criteria for nomination set out in

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Section 8.5.12.F.2. The resolution, accompanied by a written report, shall be forwarded to the Planning Commission for review as specified in Section 8.5.12.G and to the City Council as specified in Section 8.5.12.H for final action. The report shall contain the following information:

a. Explanation of the significance or lack of significance of the nominated Historic District as it relates to the criteria for designation.

b. Explanation of the integrity or lack of integrity of the nominated Historic District.

c. Proposed Design Guidelines required by Section 8.5.12.F.3, for applying the criteria for review of Certificates of Appropriateness to the nominated Historic District.

d. The relationship of the nominated Historic District to the ongoing effort of the Historic Zoning Commission to identify and nominate all potential areas, properties, and Structures that meet the criteria for designation.

e. Recommendations as to appropriate Permitted Uses, Uses Permitted Subject to Limited Development Standards, Conditional Uses, height and area regulations, minimum Dwelling size, Floor Area, Sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated Historic District.

f. A map showing the location of the nominated Historic District.

g. In the case of a nominated area or property found to meet the criteria for designation as a Historic District

(1) The significant exterior architectural features of the nominated Historic District that should be protected;

(2) The types of construction, Alteration, demolition, and removal, other than those requiring a Building Permit or Demolition Permit, which are subject to review for appropriateness pursuant to the provisions of Section 8.5.13.

2. In order for an area or property to be considered for nomination as a Historic District such must be found to meet one or more of the following criteria:

a. That it is associated with an event that has made a significant contribution to local, state or national history;

b. That it includes is associated with the lives of persons significant in local, state or national history;

c. That it is a Structure, or contains Structures or groups of Structures, which embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that pose high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

e. That it is listed in the National Register of Historic Places.

3. Prior to the establishment or designation of a Historic District, the Historic Zoning Commission shall adopt for each such area or property a set of Design Guidelines, which it will apply in ruling upon the granting or denial of a Certificate of Appropriateness, as provided for in this Article. Such guidelines shall be consistent with this Ordinance and with the requirements for such, as established and provided for by TCA Section 13 – 7 – 406. The Historic Zoning Commission shall, to the maximum feasible extent, secure the involvement and participation of owners of property proposed for designation within any Historic District in developing such guidelines. These guidelines shall accompany the request for Historic District designation and shall

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be considered together with such request. These Design Guidelines shall, at a minimum, consider the following criteria:

a. The height of any proposed Alteration or construction should be compatible with the style and character of or within the Historic District and with surrounding Structures in the Historic District.

b. The proportions and relationships between doors and windows should be compatible with the architectural style and character of or within the Historic District and with surrounding Structures in the Historic District.

c. The relationship of a Structure within a Historic District to the open space between it and adjoining Structures should be compatible.

d. The design of the roof should be compatible with the architectural style and character of or within the Historic District and with surrounding Structures in a Historic District.

4. Landscaping should be compatible with the architectural character and appearance of or within the Historic District and with surrounding Structures in a Historic District.

5. The scale of the Structure after Alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding Structures in a Historic District.

6. Facades in a Historic District and surrounding Structures in a Historic District should blend with other Structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of surrounding Structures. The directional expression of a Historic District and surrounding Structures in a Historic District after Alteration, construction, or partial demolition should be compatible with its original architectural style and character.

7. Architectural details, including materials, colors, and textures, should be treated so as to make a Historic District and Structures within a Historic District compatible with the original architectural style and character thereof and to preserve and enhance the architectural style or character of and within a Historic District and Structures within a Historic District.

G. Planning Commission Review & Recommendation.

Upon receipt of a report prepared by the Historic Zoning Commission in accordance with Section 8.5.12.F, the Planning Commission shall conduct a review as provided herein. The Planning Commission shall review such report relative to the following:

1. The adopted Major Thoroughfare Plan.

2. Any re-Development or restoration plans.

3. Utility plans (including need for Easements).

4. Impact on or possible modification required in base District zoning.

5. All other matters normally considered in recommending a Rezoning, excepting those aspects of the report that pertain specifically and solely to the Historic District and as otherwise specified in Section 8.5.12.F.

H. City Council Review & Decision.

1. The City Council shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Planning Commission that a nominated Historic District does or does not meet the criteria for designation.

2. Notice of the Zoning Map Amendment shall be published in accordance with Section 8.5.4.D.2. This notice shall also include the street address and legal description of the boundaries of a nominated Historic District.

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3. Notice of the Zoning Map Amendment shall be mailed to the owner(s) of record and to the nominators, as well as to owners of property Adjacent to the nominated Historic District at least 15 days prior to the date of the hearing in accordance with Section 8.5.4.D.8. This notice shall also include the street address and legal description of the boundaries of a nominated Historic District.

4. Oral or written testimony concerning the significance of the nominated Historic District shall be taken at the public hearing from any person concerning the nomination. The Historic Zoning Commission may present expert testimony or present its own evidence regarding the compliance of the nominated Historic District with the criteria for consideration of a nomination set forth in this Section.

5. The owner of any real property located within or consisting of any nominated Historic District shall be allowed reasonable opportunity to present evidence in support of his position and shall be afforded the right of representation by counsel and reasonable opportunity to cross – examine expert witnesses. The hearing shall be closed upon completion of testimony.

I. Landowner Approval.

A petition signed by at least 51% of the owners of property within a Historic District, indicating approval of the designation of a Historic District shall be required prior to final designation of the Historic District. Such petition shall be filed with the Zoning Administrator.

J. Action by City Council.

1. The City Council shall, within thirty (30) days after holding the Public Hearing specified in Section 8.5.12.H. and after consideration of the report prepared by the Historic Zoning Commission and the review by the Planning Commission concerning the proposed Historic District either reject the proposed nomination or designate the Historic District by ordinance. The City Council may extend this decision period if it determines that additional meetings or hearings are required. Each extension shall be for no more than thirty (30) days. No more than three extensions shall be permitted. If, at the end of three (3) extensions no final decision has been rendered by the City Council, the application shall be considered rejected.

2. In the event that the City Council approves the proposed Historic District ordinance, the City Council shall amend this Zoning Ordinance to reflect the same in the manner specified in Sections 8.5.18. Upon designation, a Historic District shall be classified as "Historic Overlay District" shall be classified as such and the designating ordinance shall prescribe significant exterior architectural features, the types of construction, Alteration, demolition, and removal, other than those requiring a Building Permit or Demolition Permit that should be reviewed for appropriateness; the Design Guidelines for applying the criteria for review of appropriateness; Permitted Uses, Permitted Uses Subject to Limited Development Standards, Conditional Uses; height and area regulations; minimum Dwelling size; Floor Area; Sign regulations; and Parking regulations.

3. Upon decision to amend this Zoning Ordinance, the Official Zoning Map of the City shall be amended to show the location of the Historic District. The applicant shall not be required to go through the Rezoning process in Section 8.5.19.

K. Amendment or Removal of Designation.

Designation of a Historic District may be amended or rescinded upon petition to the Historic Zoning Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

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L. Mapping of Historic Landmarks & Historic Structures.

The locations or boundaries of Historic Landmarks and Historic Structures, each as defined in Article 9 (Definitions) shall be indicated for reference only on the official Zoning Map or special overlays thereto and noted by name on said maps. The applicant shall not be required to go through the Rezoning process in Section 8.5.19.

8.5.13 Certificate of Appropriateness

A. Applicability.

A Certificate of Appropriateness shall be required before the any of the following actions may be taken, which affect the exterior architectural appearance of any Structure or other property within a Historic District:

1. Any construction, Alteration, or removal requiring a Building Permit.

2. Any demolition in whole or in part requiring a Demolition Permit.

3. Any construction, Alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the Historic District.

B. Application for Certificate Appropriateness.

A Certificate of Appropriateness application shall be submitted in accordance with Section 8.5.4. In addition:

1. Every application for a Demolition Permit or a Building Permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated Historic District or property within a designated Historic District shall be forwarded by the Planning Department within seven days following its receipt of the application for action pursuant to the City Historic Guidelines.

2. The Planning Department shall not issue the Building Permit or Demolition Permit until a Certificate of Appropriateness has been issued by the Historic Zoning Commission. Any applicant may request a meeting with the Historic Zoning Commission before the application is sent by the Planning Department to the Historic Zoning Commission or during the review of the application. Application for review of construction, Alteration, demolition, or removal not requiring a Building Permit for which a Certificate of Appropriateness is required shall be made on a form available at the office of the Historic Zoning Commission.

C. Review by Historic Zoning Commission.

1. Upon receipt of an application for a Certificate of Appropriateness, which in the judgment of the Historic Zoning Commission is sufficiently complete to enable it to make a decision on the request, the Historic Zoning Commission shall set a meeting for initial presentation of the application.

2. The Historic Zoning Commission shall within thirty (30) days following the initial meeting at which the application is presented approve, conditionally approve or deny the request.

3. In its review of any application submitted hereunder, the Historic Zoning Commission shall apply all applicable review standards established in accordance with Section 8.5.13.D.

4. The owner(s) of a Historic Structure, or any individual or group of property owners from the Historic District where the specific property that is the subject of the requested Certificate of Appropriateness is located may appear before the Historic Zoning Commission for purposes of offering evidence or testimony concerning the request and

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its applicability to the Design Guidelines established for the Historic District. In making its decision as to the granting of a Certificate of Appropriateness, the Historic Zoning Commission shall consider:

a. The review guidelines established for the Historic District.

b. The testimony and evidence offered by property owner(s) of the owners of property within the Historic District where the specific property that is the subject of the requested Certificate of Appropriateness is located.

5. The Historic Zoning Commission may establish a subcommittee of its members to review a routine application for a Certificate of Appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A Certificate of Appropriateness may be issued prior to the next regular meeting upon the signatures of four (4) of the members of the subcommittee.

D. Standards for Review.

In considering an application for a Certificate of Appropriateness, the Historic Zoning Commission shall be guided by the following criteria:

1. Every reasonable effort shall be made to provide a compatible Use for a property that requires a minimal Alteration to the Historic District or property therein and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of Historic District or property therein and its environment shall not be destroyed. The removal or Alteration of any historic material or distinctive architectural feature shall be avoided.

3. All Historic Districts and properties therein shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

4. Changes that may have taken place in the course of time are evidence of the history and development of a Historic District, the properties therein and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a Historic District and the properties therein shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other Structures.

7. The surface cleaning of Structures shall be undertaken with the most gentle means possible. Sandblasting and other cleaning methods that will damage the historic materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or Adjacent to, any project.

9. Contemporary design for Alterations and additions to existing properties shall not be discouraged when such Alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

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E. Final Action by Historic Zoning Commission.

The Historic Zoning Commission shall either:

1. Approve the application for Certificate of Appropriateness; or

2. Approve the application for Certificate of Appropriateness with conditions; or

3. Deny the application for Certificate of Appropriateness.

F. Denial of Certificate of Appropriateness.

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Zoning Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Historic Zoning Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner(s) and the Historic Zoning Commission. The applicant may resubmit an amended application or submit a new application that takes into consideration the recommendations of the Historic Zoning Commission.

8.5.14 Demolition by Neglect

A. Applicability.

The requirements of this Section 8.5.14 are applicable only to Structures within designated Historic Districts that are identified as "contributing" or "pivotal".

B. Maintenance.

Owners shall maintain or cause to be maintained the exterior and structural features of their properties and not allow to occur on such properties any Condition of Neglect. It shall be a violation of this Ordinance to fail to remedy a Condition of Neglect within the period of time set by a final administrative determination, as described in Sections 8.5.14.C and 8.5.14.D.

C. Conditions of Neglect.

1. Each of the following is a Condition of Neglect:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;

c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;

d. Deterioration or crumbling of exterior plasters or mortars;

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;

g. Rotting, holes, or other forms of decay;

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, or architectural details that causes delamination, instability, loss of shape and form, or crumbling;

i. Heaving, subsidence, or cracking of sidewalks, steps, or pathways;

j. Deterioration of Fences, gates, or Accessory Structures;

k. Deterioration that has a detrimental effect on the applicable Historic District or on the special character thereof; and

l. Deterioration that contributes to a hazardous or unsafe condition.

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2. The existence of any one or more Conditions of Neglect shall constitute Demolition by Neglect.

D. Process & Administration.

1. The initial determination that there is a Condition of Neglect shall be made by the Zoning Administrator, after an investigation that is initiated by a petition from any person who is familiar with the subject property, which may include but not be limited to a City employee.

2. On receipt of a petition alleging the existence of a Condition of Neglect, the Zoning Administrator shall notify the owner(s) in writing of the allegation and the process for making a decision regarding the petition, including any applicable deadlines. Among other things, the notice shall offer the owner the opportunity to meet in person with the Zoning Administrator and to present any relevant information. Notice shall be delivered by personal service, or by certified or registered mail, return receipt requested. If certified mail is refused or unclaimed, notice may be delivered by first class mail, and shall be considered effective if such mail is not returned by the post office within fifteen (15) days of mailing. In the case of notice by first class mail, notice shall also be posted on the property. Notice of the investigation may also be given to the owners of nearby or adjacent properties or neighborhood associations.

3. The Zoning Administrator shall:

a. Investigate the allegation that a Condition of Neglect exists;

b. Hold one or more meetings at a time to be set by the Zoning Administrator in which the owner(s), other persons who have received notice, or other interested persons may give information;

c. Issue a written determination, supported by findings of fact, regarding the allegation within 45 days of the owner's receipt of notice;

d. Include within the determination a time period for correcting the Condition of Neglect, if a Condition of Neglect has been found;

e. Retain all information presented by the owner(s) or other persons;

f. Deliver the written determination through any of the means for delivery of notice, as described above;

g. Designate the written determination as a final administrative determination with the right of appeal to the Historic Zoning Commission; and

h. Include information regarding rights to a de novo hearing before the Historic Zoning Commission in accordance with the process described in Section 8.5.14.D.5.

4. The above process may be suspended in the event the owner(s) agrees in writing to correct the alleged Condition of Neglect within a time period determined to be reasonable by the Zoning Administrator. If the condition is not corrected within that time period, the process shall continue where it was suspended.

5. If the owner(s) disagrees with the Zoning Administrator's determination, the owner may appeal and may request a de novo hearing before the Historic Zoning Commission.

6. The request shall be delivered to the Development Services Department, in writing, within thirty (30) days of receipt of the Zoning Administrator's determination.

7. The Historic Zoning Commission shall hold a hearing on the issue of whether Demolition by Neglect is occurring on the property. Procedures that would be followed by the Board of Zoning Appeals shall be used.

8. The Zoning Administrator's determination shall be considered an administrative determination,

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which has been appealed to the Historic Zoning Commission. The Historic Zoning Commission's determination on the administrative determination shall be in accordance with the standards established in Section 8.3.4.

9. The Historic Zoning Commission's written decision shall include findings of fact and conclusions regarding Conditions of Neglect consistent with this Section 8.5.14.D. It shall be delivered to the appealing party by certified mail, return receipt requested.

10. Decisions by the Historic Zoning Commission may be appealed to the courts in the same manner as an appeal of a Board of Zoning Appeals decision. If the decision is not appealed, it shall be considered a final decision subject to enforcement with no rights of appeal.

11. The owner(s) is entitled to make a claim of undue economic hardship if the owner(s) is unable to make needed repairs to the property because it is economically unfeasible.

12. In the event that the owner(s) and/or other parties in interest do not wish to contest the determination regarding the Condition of Neglect, but do wish to petition for a claim of undue Economic Hardship, the Zoning Administrator's order regarding the Condition of Neglect shall be stayed until after the Historic Zoning Commission's determination regarding the claim of undue Economic Hardship.

13. If a claim of undue Economic Hardship is made, the Zoning Administrator shall receive all information from the property owners that the Historic Zoning Commission is entitled to receive pursuant to this Ordinance, make a determination regarding whether there is undue Economic Hardship, and if it is found to exist, develop a plan for dealing with such hardship, and issue a Certificate of Economic Hardship with respect to its determination and plan.

14. The determination and, if applicable, the plan, shall be sent to the owner(s), certified mail, return receipt requested, with notice of the owner's rights to appeal to the Historic Zoning Commission within thirty (30) days of receipt. If the owner(s) disagrees with the determination and, if applicable, the plan, the owner(s) may request a hearing before the Historic Zoning Commission. In the event of such a request, the hearing shall be a quasi-judicial hearing, in the nature of a Board of Zoning Appeals hearing, and the decision shall be in writing, supported by findings and conclusions. The Zoning Administrator's determination as to undue Economic Hardship and any plan for dealing with such a hardship shall be considered a final administrative determination, and any Historic Zoning Commission decision altering such determination or plan shall be made in a manner consistent with the requirements of Section 8.3.4.

15. When a claim of undue Economic Hardship is made owing to the effects of this Section 8.5.14, the owner and/or parties in interest shall, where reasonably possible, provide the evidence below, describing the circumstances of hardship, and any additional evidence requested by the Zoning Administrator or Historic Zoning Commission or evidence the owner(s) considers relevant:

a. Nature of ownership (individual, Business, or nonprofit) or legal possession, custody, and control.

b. Financial resources of the owner(s) and/or parties in interest.

c. Cost of repairs.

d. Assessed value of the land and improvements.

e. Real estate taxes for the previous two years.

f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner(s) and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.

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g. Annual debt service, if any, for previous two years.

h. Any listing of the property for sale or rent, price asked, and offers received, if any.

i. Annual gross income, if any, from the property for the previous two years.

j. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.

k. Annual cash flow, if any, for the previous two years.

16. Nothing contained within this Section 8.5.14 shall diminish the City's power to declare a Structure unsafe or in violation of the minimum housing code or any other applicable statute or code. In addition, the procedures described herein are mandatory only for determinations being made solely under the authority of this Section 8.5.14. Where other sections of this Ordinance, the City Code, or other ordinances apply, the City Council may, in its discretion, choose to process any action regarding the property under such other provisions alone, or under such provisions along with these provisions concurrently, or solely under these provisions. The City Council may also suspend the procedures of this Section 8.5.14 at any time if an action has been initiated under other applicable law.

17. Enforcement of this Section 8.5.14 may be by any one or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions:

a. The City may apply for any appropriate equitable remedy to enforce the provisions of this Section 8.5.14.

b. The City may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section 8.5.14. Whenever the party is cited for contempt by the court and the City has executed the order of abatement, the City shall have a lien on the property for the cost of executing the order of abatement.

c. Civil penalties may be assessed for failure to comply with a final administrative determination or an un-appealed Historic Zoning Commission decision under the provisions and guidelines for assessing such penalties for violations of this Ordinance. Prior to imposing a civil penalty, the Zoning Administrator shall deliver a written notice by personal service or by registered or certified mail, return receipt requested, to the person responsible for the violation indicating the nature of the violation and ordering corrective action. Where the violation is the failure to remedy a Condition of Neglect within the time periods provided by the Zoning Administrator or the Historic Zoning Commission, no additional time period for compliance need be given. The notice shall include information regarding the possible assessment of civil penalties and other possible enforcement actions. If this notice is appealed to the Board of Zoning Appeals, the Board of Zoning Appeals shall not rehear any issue that was heard by the Historic Zoning Commission or could have been so heard had an appeal to the Historic Zoning Commission been made; rather, the Board of Zoning Appeals shall limit the scope of its review to whether there has been compliance with the Zoning Administrator's determination or the Historic Zoning Commission's determination, as applicable.

8.5.15 Design Review

A. Intent.

Design Review by the Architectural Design Review Team is intended to protect the physical character of the City through additional review of certain proposed Developments meeting certain criteria.

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B. Applicability.

Prior to issuance of a Building Permit, Design Review shall be required for the following:

1. Design of all Buildings and Structures within a Special District; and

2. Design of all Buildings and Structures Buildings within a Planned Unit Development District.

C. Pre-Application Conference.

Applicants for Development requiring Design Review are encouraged to schedule a pre-application conference in accordance with Section 8.5.4.B.

D. Action by Architectural Review Team.

All reviews by the Architectural Design Review Team shall be in accordance with the following procedures:

1. Upon receipt of an application for Design Review which in the judgment of the Zoning Administrator is sufficiently complete to enable the Architectural Design Review Team to conduct a review, the Zoning Administrator shall set a meeting for initial review as soon as reasonably possible, but in no case later than 30 calendar days after receipt of a complete application.

2. Applicants are encouraged (but not required) to begin the process with a conceptual presentation of the project to the Architectural Design Review Team at the initial review meeting.

3. In cases where the Architectural Design Review Team deems it necessary, it may hold a public hearing concerning the application. Such hearing shall be advertised in accordance with Section 8.5.4.D.2, Published Notice.

E. Approval Authority.

For all applications that include Buildings that are subject to Design Review, the Architectural Design Review Team shall make a recommendation to approve or deny a proposal.

F. Design Review Criteria.

1. In their consideration, the Architectural Design Review Team shall consider the following:

a. Compatibility with the surrounding Structures; and

b. Compliance with applicable design standards and requirements of this Ordinance or the applicable Development Plan or Master PUD Development Plan.

2. In rendering a decision, the Architectural Design Review Team shall be limited to the consideration of the design features and materials of construction of each Building or other Structure.

3. The Architectural Design Review Team shall not be permitted to consider aspects of a proposal not specifically related to the design features and/or materials of construction of a Building.

8.5.16 Conditional Use Permits & Variances

A. Applicability.

This Section applies to Conditional Use Permits and to Variances.

B. Concurrent Applications.

Applications for Variances may be submitted concurrently with applications for Conditional Use Permits. However, decisions shall be rendered separately for any Variance and the Conditional Use Permit.

C. Conditional Use Permits.

1. Conditional Uses within Districts are considered to be Uses which are appropriate in a particular District, but because of their potential for incompatibility with Adjacent Uses, require individual review.

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2. The Board of Zoning Appeals shall hear and decide, in accordance with the provisions of this Ordinance, requests for Conditional Use Permits.

3. The procedures and requirements for Conditional Uses are applicable when a Use is indicated within the applicable District as a Conditional Use in **Tables 4.3.9.A–1 (Building, Lot, & Building Site Principal Uses)**, **4.3.9.A–2 (Building, Lot, & Building Site Accessory Uses), and 4.3.9.A–3 (Building, Lot, & Building Site Temporary Uses)** and are not applicable to Use when a Use is indicated within the applicable District as a Use Permitted Subject to Limited Use Standards in such Tables.

D. Variances.

1. The Board of Zoning Appeals shall hear and decide, in accordance with the provisions of this Ordinance, requests for Variances.

2. The Board of Zoning Appeals may authorize, upon appeal relating to a piece of property, a Variance from the strict application of certain standards, conditions, and requirements of this Ordinance; subject however to the requirements of this Section.

3. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.D.2, no Variance may be granted with respect to any of the following types of standards, conditions, or requirements of this Ordinance:

a. Use

b. Floor Area or Floor Area Ratio

c. Lot or Building Site Width or Area

d. Impervious Surface Coverage

e. Parking

f. Signs

g. Extension of Nonconforming Use

h. Maximum dimensions of vehicular lanes

4. In addition to Variances that may be granted pursuant to Section 8.5.16.D.2, the Board of Zoning Appeals may grant Variances for the reconstruction, rehabilitation, or restoration of Structures within Historic Districts.

E. Pre–Application Conference.

All applicants for a Conditional Use Permit or a Variance shall schedule a pre–application conference in accordance with Section 8.5.4.B.

F. Application Requirements.

An application for a Conditional Permit or a Variance shall be filed in writing with the Board of Zoning Appeals in accordance with Section 8.5.4.C. Application Requirements and shall contain the information and exhibits required under Section 8.5.6.H as if it were an application for Site Development Plan review.

G. Public Hearing

1. Any request for a Conditional Use Permit or a Variance shall require a public hearing before the Board of Zoning Appeals.

2. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant.

3. All notices shall specify the current zoning and notification that applicant is seeking a Conditional Use Permit or Variance.

4. All notices shall include a brief summary indicating the nature of the action and the standard that is requested to be modified (if applicable).

5. All notices shall be made at least 10 days prior to the scheduled Board of Zoning Appeals meeting.

6. The notice shall be published in accordance with Section 8.5.4.D.2. The notice shall be mailed in accordance with Section 8.5.4.D.8.

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H. Zoning Administrator Action.

1. The Zoning Administrator shall transmit one copy of the application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.

2. If the proposed use is located within or on a Historic District, the Zoning Administrator shall transmit one copy of the application and all supporting information to the Historic Zoning Commission.

3. The Zoning Administrator shall prepare a report that reviews the application in light of any requirements of this Ordinance and technical input from the City Engineer or other review bodies. A copy of the report shall be provided to the Board of Zoning Appeals and to the applicant.

I. Historic Zoning Commission Action.

1. If the proposed Use is located within a Historic District and a Certificate of Appropriateness is required, the applicant shall obtain the certificate according to the procedure in Section 8.5.13, prior to proceeding.

2. If no Certificate of Appropriateness is required but the proposed use is within a Historic District, the Zoning Administrator shall include comments and recommendations in the report prepared by the Zoning Administrator.

J. Board of Zoning Appeals Action.

1. The Board of Zoning Board of Appeals shall conduct a public hearing pursuant to Section 8.5.16.G.

2. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed in Sections 8.5.16K and 8.5.16.L, the Board of Zoning Appeals shall:

a. Approve the request;

b. Approve the request with conditions;

c. Deny the request; or

d. Continue the hearing.

3. In acting on an application for a Variance, the Board of Zoning Appeals shall limit its review and action to the specific standard, condition, or requirement from which relief is requested.

K. Conditional Use Permit Specific Requirements.

1. A Conditional Use Permit may be granted provided the Board of Zoning Appeals finds that the request conforms to the following requirements:

a. The proposed Use is listed as a Conditional Use for the applicable District.

b. The proposed Use conforms to all applicable standards listed in Section 4.3.9.D, for the proposed Use;

c. The proposed Use Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

d. The proposed Use will not adversely affect other property in the area in which it is located;

e. The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.

2. The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize the injurious effect of such Conditional Use upon and ensure

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compatibility with surrounding properties. The Board of Zoning Appeals may establish dates for the expiration of any Conditional Use Permit as a condition of approval.

3. The provisions of Sections 8.5.16.K.3.a–.c following shall apply to all applications for approval of any Conditional Use located within any Floodplain District as indicated on the Floodplain Map available from the Development Services Department during normal business hours:

a. Prior to the approval of a Conditional Use Permit application, an approved Floodplain Development Permit shall be required.

b. The Board of Zoning Appeals shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of the Conditional Use Permit as it deems necessary to further the purposes of this Ordinance.

c. In passing upon such applications, the Board of Zoning Appeals shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of this Ordinance, and:

(1) The danger that materials may be swept onto the other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services provided by the proposed facility to the community;

(6) The necessity to the facility of a waterfront location, where applicable;

(7) The availability of alternative locations, not subject to flooding or erosion damage;

(8) The compatibility of the proposed use with existing Development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

(10) The safety of access to and from the property in times of flood for ordinary and emergency vehicles;

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(12) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

L. Variance Requirements.

1. The Board of Zoning Appeals shall not grant a Variance unless it makes the following findings based upon evidence presented to it:

a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

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b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.

c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.

d. That financial returns alone shall not be considered as a basis for granting a Variance.

e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's zone plan and this Ordinance.

f. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the applicant or any person having an interest in the property.

2. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.L.1, none of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with this Ordinance presents, a peculiar and exceptional practical difficulty to or exceptional or undue hardship upon the owner of property:

a. Pecuniary considerations

b. Aesthetic considerations

c. Historic Preservation

d. Public good

e. Over-compliance with other provisions of this Ordinance

f. Personal Situations

g. Proximity to inconsistent or incompatible Uses or Development

h. Other Variances that have been granted

i. Nonconformities

j. District boundaries

k. Conditional Uses or Uses Permitted Subject to Limited Use Standards; or

l. Deterioration of surrounding area

3. Neither any Nonconforming Use of neighboring lands, Structures, or Buildings in the same District, nor any non-permitted or Nonconforming Use of lands, Structures, or Building in other Districts shall be considered grounds for the issuance of a Variance.

4. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use that is not permissible under this Ordinance in the applicable District, or any Use which is expressly or by implication prohibited by the terms of this Ordinance in said District.

5. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to comply with the provisions set out in Sections 8.5.16.L.1 above to reduce or minimize the injurious effect to such Variance upon surrounding property and better carry out the general intent of this Ordinance. The Board of Zoning Appeals may establish expiration dates as a condition or as a part of any Variances.

6. The additional requirements of Sections 8.5.16.L.6.a –.c following shall apply to all applications for approval of any Variance from the provisions of Section 6.12:

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a. Each application for a Variance shall reflect the type of Structure(s) for which the Variance is sought, the size of such Structures, the approximate location upon the parcel and the intended use thereof.

b. Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream Structures, no Variance shall be issued within the designated Floodway District which would result in any increase in flood levels during the regulatory flood discharge.

c. Any applicant to whom a Variance is granted shall be given notice that the proposed Structure will be located in the flood prone area, but the Structure will be permitted to be built with a lowest flood elevation of the number of feet approved by the Variance below the regulatory flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation, and all subsequent purchasers shall be notified in writing, and same shall be set out in any deed or other writing issued to subsequent purchasers, lessees, mortgagors or vendees.

7. Any person, including without limitation any agency of the City, who is aggrieved by a decision of the Board of Zoning Appeals on a Variance, may appeal by *certiorari* to a court of competent jurisdiction. The judgment and findings of the Board of Zoning Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Ordinance shall be final and subject to review only for illegality or want of jurisdiction.

8.5.17 Appeal of Administrative Decision

A. Applicability.

An appeal may be made by the aggrieved party in the case of refusal by the Zoning Administrator to issue a Building Permit, Certificate of Compliance, or other administrative decision.

B. Application Requirements.

1. An application for an appeal of an administrative decision shall be filed in accordance with Section 8.5.4.C.

2. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Zoning Administrator, or designee. The date and time of filing shall be entered on the notice.

3. An application for appeal of an administrative decision shall be filed with the Board of Zoning Appeals within 30 days of receipt of the decision by the Zoning Administrator.

C. Notice & Public Hearing.

1. Any appeal of an administrative decision shall require a public hearing before the Board of Zoning Appeals.

2. Each application for appeal of an administrative decision shall be numbered serially and filed in proper form with the required date, and shall be placed upon the calendar of the Board of Zoning Appeals by the Zoning Administrator. The calendar numbers shall begin anew on January 1, each year, shall be hyphenated with the year in which the appeal is filed.

3. Appeals will be assigned for hearing by the Zoning Administrator in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order by the Board of Zoning Appeals, upon good cause being shown. The Zoning Administrator of Adjustment shall give published public notice as forth in Section 8.5.4.D.2.

4. All notices shall specify the current zoning and notification that the applicant is seeking an appeal of administrative decision.

5. All notices shall be made at least 10 days prior to the scheduled Board of Zoning Appeals meeting.

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6. The notice shall be published in accordance with 8.5.4.D.2.

D. Action by Board of Zoning Appeals.

1. At the public hearing of the case before the Board of Zoning Appeals, the appellant shall appear on appellant's own behalf or be represented by counsel or agent. The appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

2. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Board of Zoning Appeals and shall be dealt with as the chair deems proper.

3. The Board of Zoning Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Zoning Appeals shall have all the powers of the officer from whom the appeal is taken.

4. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

5. The concurring vote of a majority of the entire membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any Administrative Adjustment in the application of this Ordinance.

6. Any motion to overturn an administrative decision shall state the reasons or findings of fact that support the motion.

E. Effect of Appeal.

1. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Appeals that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

2. An appeal shall not stop action lawfully approved (including construction activities authorized by a Building Permit); only actions presumed in violation of this Ordinance are stayed.

F. Further Appeal.

Any person, including without limitation, any agency of the City, who is aggrieved by a decision of the Board of Zoning Appeals on appeal of an administrative decision may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board of Zoning Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Ordinance shall be final and subject to review only for illegality or want of jurisdiction.

8.5.18 Zoning Ordinance Amendment

A. Applicability.

This Section 8.5.18 is applicable to requests for amendment of the text or other content of this

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Ordinance. Such an amendment is sometimes referred to as a Zoning Ordinance Amendment or a "zoning text amendment". Requests for changing the Zoning Map as applied to a particular piece of property (i.e., a Rezoning or Zoning Map Amendment] are governed by Section 8.5.19.

B. General.

The City Council may, from time to time, amend this Ordinance by changing any provisions whenever it is alleged that there was an error in the Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

C. Consistency with Plans.

1. All petitions for Zoning Ordinance Amendment must be consistent with the Comprehensive Plan and applicable local plans. A petition for Zoning Ordinance Amendment shall not be approved by the City Council when there is a conflict with the Comprehensive Plan or applicable local plans, as determined by the Planning Commission (see Section 8.3.3.B.4.

2. When required, an application for an amendment to the Comprehensive Plan or local plan may be submitted concurrently with an application for Zoning Ordinance Amendment. The decisions, however, shall be rendered with separate motions.

D. Initiation of Amendment.

A Zoning Ordinance Amendment may be initiated by the City Council, the Planning Commission, the Zoning Administrator, or by an application of any other interested citizen of the City.

E. Application for Amendment.

1. An application for Zoning Ordinance amendment shall be filed with the Zoning Administrator.

2. An application for Zoning Ordinance Amendment shall be submitted in accordance with Section 8.5.4.C.

3. An application for Zoning Ordinance Amendment shall be accompanied by a conceptual Sketch Development Plan.

4. The Zoning Administrator on receiving such an application, shall transmit a copy thereof to the Planning Commission prior to any consideration of the proposed amendment by the City Council.

F. Planning Commission Hearing Schedule.

The petition for Zoning Ordinance Amendment shall be placed on the agenda of the next available Planning Commission meeting.

G. Planning Commission Action.

1. The Planning Commission shall make a recommendation within 30 days of its initial meeting on the application. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.

2. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Planning Commission recommendation.

3. The Planning Commission in its review and recommendation shall make specific findings with regard to the following grounds for a Zoning Ordinance Amendment and shall note the same in the official record as follows:

a. The extent to which the proposed Zoning Ordinance Amendment is consistent with the remainder of this Ordinance, including, specifically, any purpose and intent statements;

b. The extent to which the proposed Zoning Ordinance Amendment represents a new idea not considered in this Ordinance, or represents a revision necessitated by changing circumstances over time;

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c. Whether or not the proposed Zoning Ordinance Amendment corrects an error in this Ordinance; and

d. Whether or not the proposed Zoning Ordinance Amendment revises this Ordinance to comply with state or federal statutes or case law.

H. City Council Hearing Schedule.

The petition for Zoning Ordinance Amendment shall be placed on the agenda of the next available City Council meeting following a Planning Commission recommendation or failure of the Planning Commission to make a recommendation under Section 8.5.18.G above.

I. Notice of Public Hearing.

1. Any request for Zoning Ordinance Amendment shall require a public hearing before the City Council.

2. Notice of the proposed Zoning Ordinance Amendment shall be published in accordance with Section 8.5.4.D.2.

3. This notice shall also include:

a. A summary description of the proposed amendment;

b. A statement that interested parties may appear at the City Council meeting; and

c. A statement that substantial changes to the proposed action may be made following the meeting.

J. City Council Action.

1. A public hearing shall be held.

2. In rendering its decision, the City Council shall consider any recommendations by the Planning Commission.

3. The City Council may approve the proposed Zoning Ordinance Amendment, approve the amendment with modifications, deny the amendment, or send the amendment back to the Planning Commission for additional consideration.

4. The City Council in its deliberation and decision shall make specific findings with regard to the following grounds for an Zoning Ordinance Amendment and shall note the same in the official record as follows:

a. The extent to which the proposed Zoning Ordinance Amendment is consistent with the remainder of this Ordinance, including, specifically, any purpose and intent statements;

b. The extent to which the proposed Zoning Ordinance Amendment represents a new idea not considered in this Ordinance, or represents a revision necessitated by changing circumstances over time;

c. Whether or not the proposed Zoning Ordinance Amendment corrects an error in this Ordinance; and

d. Whether or not the proposed Zoning Ordinance Amendment revises this Ordinance to comply with state or federal statutes or case law.

K. Effect of Denial of Application.

Whenever an application for a Zoning Ordinance Amendment is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

1. Upon initiation by the City Council or Planning Commission.

2. When the previous application was denied for the reason that the proposed Zoning Ordinance Amendment would not conform to the Comprehensive Plan or local plans, and the Comprehensive Plan has subsequently been amended in a manner which will allow the proposed Zoning Ordinance Amendment.

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L. Entry of Zoning Ordinance Amendment.

Upon enactment of a Zoning Ordinance Amendment, the Zoning Administrator shall cause such amendment to be entered into the Ordinance, and if it affects the Zoning Map, cause such amendment to be entered on the Official Zoning Map, in each case noting thereon the ordinance number and effective date of such amendatory ordinance.

M. No Unauthorized Changes.

No changes of any nature shall be made to the Zoning Ordinance except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 8.6.

8.5.19 Rezoning

A. Applicability

This Section 8.15.9 is applicable to requests for a change in the District boundaries of property, including without limitation the District assignment of a particular piece of property, as depicted on the Official Zoning Map. Such a change is sometimes referred to as a Rezoning or a Zoning Map Amendment. Requests for amendment of the text or other content of this Ordinance (i.e., a Zoning Ordinance Amendment or a "zoning text amendment") are governed by Section 8.5.18.

B. General.

1. The City Council may, from time to time, amend the Official Zoning Map by changing the boundaries of districts whenever it is alleged that there was an error in the Official Zoning Map or whenever the public necessity, convenience, and general welfare require such amendment.

2. For additional requirements applicable to Rezonings to a Planned Unit Development, see Section 8.5.21.

C. Consistency & Coordination with Plans.

1. All petitions for Rezoning shall be consistent with the Comprehensive Plan and any applicable local plans. A petition for Rezoning shall not be approved by the City Council unless the Rezoning is consistent with and not in conflict with the Comprehensive Plan or applicable local plans, as determined by the Planning Commission (see Section 8.5.20).

2. When required, an application for a Comprehensive Plan Amendment or other Land Use Plan Amendment may be submitted concurrently with an application for Rezoning. The decisions, however, shall be rendered with separate motions.

D. Initiation of Rezoning.

Rezonings may be initiated by the City Council, the Planning Commission, the Zoning Administrator, or by application by the owner of the property or an authorized agent of the owner.

E. Application for Rezoning.

1. An application for Rezoning shall be filed with the Zoning Administrator.

2. The Zoning Administrator, on receiving such application, shall transmit a copy thereof to the Planning Commission prior to any consideration of the proposed amendment by the City Council.

F. Application Requirements.

1. Rezonings should correspond with the boundary lines of existing platted Lots, Building Sites, or tracts. If the boundaries of a Rezoning request stop short of an exterior property line, that portion of the property outside the proposed Rezoning boundary shall be capable of being subdivided in accordance with the City Subdivision Regulations and Developed in accordance with the requirements of this Ordinance.

2. All requirements of this Ordinance shall be met within the boundaries of the area being Rezoned.

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If all of the requirements cannot be met on the property proposed to be Rezoned, the Rezoning shall be expanded to include necessary property being used to meet such requirements.

3. As applicable, a Sketch Development Plan meeting the requirements of Section 8.5.6.G or a Master PUD Development Plan meeting the requirements of Section 8.5.21 shall be provided as part of a Rezoning application that proposes assignment of land to any of the available types of PUD District. Without limitation to the foregoing, no proposal for Rezoning shall be approved unless and until an application for a Sketch Development Plan or a Master PUD Development Plan, as applicable, shall have been approved and-or certified, as applicable, pursuant to Section 8.5.6.G or Section 8.5.21.

G. Hearing Schedule.

The petition for Rezoning shall be placed on the agenda of the next available Planning Commission meeting.

H. Planning Commission Action.

1. Notice requirements shall be met.

2. The Planning Commission shall make its recommendation within 30 days of its initial public hearing. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.

3. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Planning Commission recommendation.

4. The Planning Commission in its review and recommendation, shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

a. The Rezoning is consistent and not in conflict with the Comprehensive Plan or other applicable approved local plans for the area;

b. It has been determined that the legal purposes for which zoning exists, as set forth in Section 1.5;

c. It has been determined that there will be no adverse effect upon Adjoining property owners unless such effect can be justified by the overwhelming public good or welfare;

d. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public;

e. It has been determined that conditions affecting the area have changed to a sufficient to warrant the Zoning Map Amendment or that the existing zoning of the property was the result of a mistake.

f. It has been determined that adequate school, road, parks, wastewater treatment, water supply, and stormwater drainage facilities are available.

I. Initial Reading before City Council.

The City Council shall hold an initial reading of the petition for Rezoning prior to scheduling a public hearing.

J. Notice of Public Hearing.

Any request for Rezoning shall require a public hearing before the City Council. After the initial reading before the City Council, the petition shall be placed on the agenda of the next available City Council meeting and notification of a public hearing shall be performed as follows:

1. Notice of the Rezoning shall be published in accordance with Section 8.5.4.D.2.

2. This notice shall specify the property by the best means possible and proposed zoning classification of the property under consideration.

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3. Except in cases of a newly annexed property receiving initial zoning, the City shall post signs on the property indicating the action requested in accordance with Section 8.5.4.D.3.

4. Initial zoning of properties newly annexed into the City shall not require the posting of a sign.

5. Notice of the Rezoning shall be mailed in accordance with Section 8.5.4.D.3.

6. This notice shall specify the street address, current and proposed zoning classification, and it shall contain a graphic illustration of the area.

K. City Council Action.

1. Notice requirements shall be met.

2. The City Council shall consider any recommendations by the Planning Commission in rendering its decision.

3. The City Council may approve the request, deny the request, or send the request back to the Planning Commission for additional consideration.

4. The City Council may approve the request at a less intensive classification than requested with consent of the applicant.

5. Including the initial consideration before City Council mentioned above, two considerations before the City Council shall be required prior to any decision on the petition.

6. The City Council in its deliberation and decision shall make specific findings with regard to the following grounds for a Rezoning and shall note the same in the official record as follows:

a. The Rezoning is in agreement with the Comprehensive Plan and any applicable local area plans;

b. It has been determined that the legal purposes for which zoning exists are not contravened; and

c. It has been determined that there will be no adverse effect upon Adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

L. Effect of Denial of Application.

Whenever an application for a Rezoning of any property is denied, no application for Rezoning of all or any part of such property may be made or considered for one year following such denial, except in the following cases:

1. Upon initiation by the City Council or Planning Commission.

2. If the new application, although involving all or a portion of the same property, is for a different District than that for which the denied application was made.

3. If the previous application was denied for the reason that the proposed Rezoning would not conform to the Comprehensive Plan, and the Comprehensive Plan was subsequently amended in a manner which would allow the proposed zoning.

M. Districts as Applied to Territory Added to Jurisdiction of City.

Whenever new territory is added to the zoning jurisdiction of the City by any means, the Planning Commission shall recommend to the City Council appropriate zoning districting within 30 days following the final approval of the annexation action. Prior to the final enactment by the City Council of an Zoning Map Amendment establishing zoning districting for said territory, the area shall be temporarily unclassified and no Building Permits shall be issued.

N. Reflection on Zoning Map.

1. Upon approval of a Zoning Map Amendment, the Zoning Administrator shall cause such amendment to be placed upon the Official Zoning Map, noting

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thereon the ordinance number and effective date of such amendatory ordinance.

2. No amendment to this Ordinance that involves any matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

N. No Unauthorized Changes.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 8.6.

8.5.20 Plan Amendment / Adoption

A. Applicability.

1. This Section 8.5.20 is applicable to the adoption of, or amendments to, the Comprehensive Plan, Future Land Use Map, or other City land use plans and maps (hereinafter referred to collectively as "Land Use Plans).

2. The City Council shall consider adoption of, or amendments to, Land Use Plans as may be required from time to time.

3. The process for adoption of a Land Use Plan shall be the same as that for a Land Use Plan Amendment, as set forth herein.

B. Coordination with Rezoning Application.

An application for a Land Use Plan Amendment may be submitted and reviewed concurrently with a Rezoning application. The public hearings on both the proposed Land Use Plan Amendment and the proposed Rezoning may be heard at the same meeting; however, decisions shall be rendered with separate motions.

C. Pre-Application Conference.

All applicants applying for a Land Use Plan Amendment shall schedule a pre-application conference with the Zoning Administrator in accordance with Section 8.5.4.B.

D. Application Requirements.

An application for a Land Use Plan Amendment shall be submitted in accordance with Section 8.5.4.C, Application Requirements. The Zoning Administrator shall review the application and make any recommendations to the Planning Commission.

E. Action by Planning Commission.

1. Before making any recommendation on a Land Use Plan Amendment, the Planning Commission shall consider any recommendations from the Zoning Administrator, and shall conduct a public hearing.

2. Notice and public hearing requirements shall be in accordance with Section 8.5.4.D.

3. It is expected that the applicant or a representative of the applicant will appear at the meetings to explain why the Land Use Plan should be changed.

4. Following the public hearing, the Planning Commission shall make a recommendation on the application to the City Council.

5. The Planning Commission shall make its recommendation within 30 days of its initial public hearing. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.

6. If a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Planning Commission recommendation.

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F. Criteria for Planning Commission Recommendations.

The recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed Land Use Plan Amendment in relation to the following, where applicable:

1. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of all other applicable adopted Land Use Plans;

2. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;

3. Whether the proposed change would create substantial adverse impacts in the Adjacent area or the City in general;

4. Whether conditions affecting the area have changed to a sufficient extent to warrant the proposed change; and

5. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

G. Action by City Council

1. Before taking action on a Land Use Plan Amendment, the City Council shall consider the recommendations of the Planning Commission and any recommendations of Zoning Administrator, and shall conduct a public hearing.

2. Notice and public hearing requirements shall be in accordance with Section 8.5.4.D.

3. It is expected that the applicant or a representative of the applicant will appear at the meetings to explain why the Land Use Plan should be changed.

4. Following the public hearing, the City Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Commission for additional consideration.

5. An approval shall be by written resolution. The approval may be subject to any conditions specified by the City Council. The effective date may be immediate or may be a date otherwise specified in the approval.

H. Official Copies of Land Use Plans.

Official, current copies of all land use plans adopted by the City shall be maintained in the office of the Zoning Administrator and shall be available for review during normal business hours.

8.5.21 Planned Unit Development (PUD)

A. Applicability.

This Section 8.5.21 is applicable to the establishment of Planned Unit Developments (each, sometimes referred to as a "PUD") and to the regulation and continued administration of such Planned Unit Developments.

B. Rezoning, Zoning Ordinance Amendment & Master PUD Development Plan Approval Necessary.

1. Establishment of a PUD is subject to Rezoning of the subject land as one of the available PUD Districts by a Zoning Map Amendment, a Zoning Ordinance Amendment to set out the standards and requirements applicable to the specific PUD District, and approval of a Preliminary Master PUD Development Plan and a Final Master PUD Development Plan. Accordingly, in addition to the requirements of this Section 8.5.21, all requirements of Section 8.5.18 and Section 8.5.19 must be complied with to establish a PUD.

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2. No application for Rezoning of property to a PUD District, application for Zoning Text Amendment application related to a PUD, or application for approval of a Preliminary Master PUD Development Plan or a Final Master PUD Development Plan., and no approval of any of the foregoing, shall be proposed or used to avoid, or have the effect of avoiding, compliance with the standards and requirements of this Ordinance or of the other zoning Districts, and instead shall be used sparingly and only in exceptional situations where:

a. such rezoning, the related Preliminary Master PUD Development Plan or a Final Master PUD Development Plan, and the proposed Development are necessary to implement the Comprehensive Plan and any adopted special area Plan and are consistent with the Comprehensive Plan and any adopted special area Plan,

b. due to unique site conditions or the necessary and intrinsic Uses, size, or form of the Development, such Development cannot under any other plan, design, or circumstances conform to one of more of the Character Districts or standards therefor specified in this Ordinance,

c. the rezoning, the related Master PUD Development Plan, and the proposed Development provide an innovative plan, design, and Development that are harmonious with and respect the land use, character, and natural or man-made features of the subject property and Adjacent property, and promote quality design and environmentally sensitive development by taking advantage of special site characteristics, locations and land uses, and

d. there are sufficient existing infrastructure, services, and utilities available to the site prior to Development.

3. Without limitation to Section 8.5.21.B.2 above, approval of Rezoning of property to a PUD District, Zoning Text Amendment application related to a PUD, or a Master PUD Development Plan are subject to the Planning Commission's and the City Council's first making formal, written findings regarding each of the items listed in Section 8.5.21.B.2 and that the proposed Development, such applications, and approvals:

a. conform to all applicable standards and requirements of this Ordinance,

b. would be compatible with other Development permitted under all applicable provisions of this Ordinance;

c. will not significantly interfere with the use and enjoyment of other land in the vicinity;

d. adequately conserve woodland and the protect water courses from erosion and siltation;

e. maximize safety, convenience, and amenities for the residents and visitors of the Development; and

f. adequately address all such other matters as they may find to have a material bearing upon the stated standards and objectives of this Ordinance.

4. Unless specifically exempted, the standards and requirements contained in this Section 8.5.21 shall be in addition to all other applicable standards and requirements established in this Ordinance.

C. Adopted Special Area Plans Mandatory.

1. In the event that any adopted special area plan for an area in which any PUD is proposed so recommends, the City Council shall require that all petitions for reclassifications of land within the area be formulated and administered in accordance with this Article, including any amendments thereto.

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2. As appropriate for their respective areas, any adopted special area plans shall also contain recommendations which may differ from or supplement the provisions of this Ordinance respecting new or modified PUD Districts; design standards for signage, Setbacks or Yards, Parking, and other matters, to be made applicable either area – wide or within particular PUD Districts, or both; density credit or bonus systems linked to Development elements; or any other matter affecting public health, safety, or welfare. The City Council shall not entertain proposals for the reclassification of land within such areas until it has formally acted upon these recommendations.

D. Relationship of PUD & Other Regulations.

1. The PUD regulations in this Ordinance shall apply generally to the establishment, initiation and regulation of all PUD Districts. Where there are conflicts between the PUD-specific regulations herein and other zoning, subdivision, or other regulations or requirements, the PUD-specific regulations shall apply in PUD Districts.

2. Where actions, designs, or solutions proposed by the applicant do not conform to applicable PUD or other regulations, but the City Council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the City Council may make specific modification of the regulations applicable to the particular PUD, provided that specific standards and requirements applicable to each type of PUD District established by this Ordinance shall not be subject to modification.

2. Except as indicated above, notwithstanding procedures and requirements generally in effect, procedures and requirements set forth herein and in guidelines and standards officially adopted as part of regulations for the applicable type of PUD District shall apply to all such PUD Districts, to any amendments creating such Districts, and to issuance of all required permits therein.

E. Combination of Types of PUD Districts.

The Planning Commission and the City Council may consider different types of PUDs (PUD-R and PUD-COMUMF) within a consolidated Master PUD Development Plan and application as a single administrative procedure, provided the total tract is under the Unified Control of a Landholder and the land area is sufficient to comply with separate area requirements combined. This provision in no way alters any requirements of this Ordinance.

F. Phasing of Development.

The Planning Commission may permit the phasing of Development within a PUD, in which case, the following provisions shall apply:

1. In PUD-R, the ratio of gross Floor Area of Commercial Use- to - Residential Use in the Master PUD Development Plan as initially approved or amended shall not be exceeded at any given phase of construction.

2. Each phase shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent phases will not have an adverse impact on the PUD or its surroundings.

3. The commencement of Actual Construction of any phase of the PUD shall be governed by the provisions of Section 8.5.21.W.

4. In the instance of a combined PUD involving Residential Uses as well as Commercial or Mixed Uses, the Planning Commission may permit the Commercial and Mixed Uses to be constructed first, but only if it finds and records its findings on the final Master PUD Development Plan that the non-Residential Uses are consistent with the Comprehensive Plan even if no Residential construction takes place.

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G. Developmental Controls & Division of Land.

1. No tract of land may receive final approval as a PUD unless such tract is under the Unified Control of a Landholder. Unless otherwise provided as a condition of approval of a PUD, the landholder of an approved PUD may divide and transfer parts of the PUD. The transferee shall complete each such part, and shall use, Develop, construct, and maintain it in strict conformance with the adopted final PUD Development Plan.

2. A report identifying all property owners within the area of the proposed PUD and giving evidence of unified control of its entire area shall be submitted with any application for approval of a preliminary PUD Development Plan. The report shall state agreement of all present property owners and/or their successors in title:

a. To proceed with the proposed PUD according to the regulations in effect when the map amendment creating the PUD District becomes effective, with such modifications as are set by City Council in the course of such action;

b. To provide bonds, dedication, guarantees, agreements, contracts, and deed restrictions acceptable to the City Council for completion of such PUD according to approved plans; and for continuing operation and maintenance of such areas, facilities, and services as are not to be provided, operated, or maintained at general public expense; and such dedications, contributions, or guarantees as are required for provision of needed public facilities and services; and

c. To bind further successors in title to any commitments listed above.

H. Consistency with PUD Standards.

All PUD Developments shall be subject to all applicable standards and requirements of this Ordinance, including without limitation, those of Article 4 (Building, Lot, and Building Site Standards), Article 5 (Development Parcel Standards), Article 6 (Supplemental Standards), Article 7 (Sign Standards), and this Section 8.5.21.

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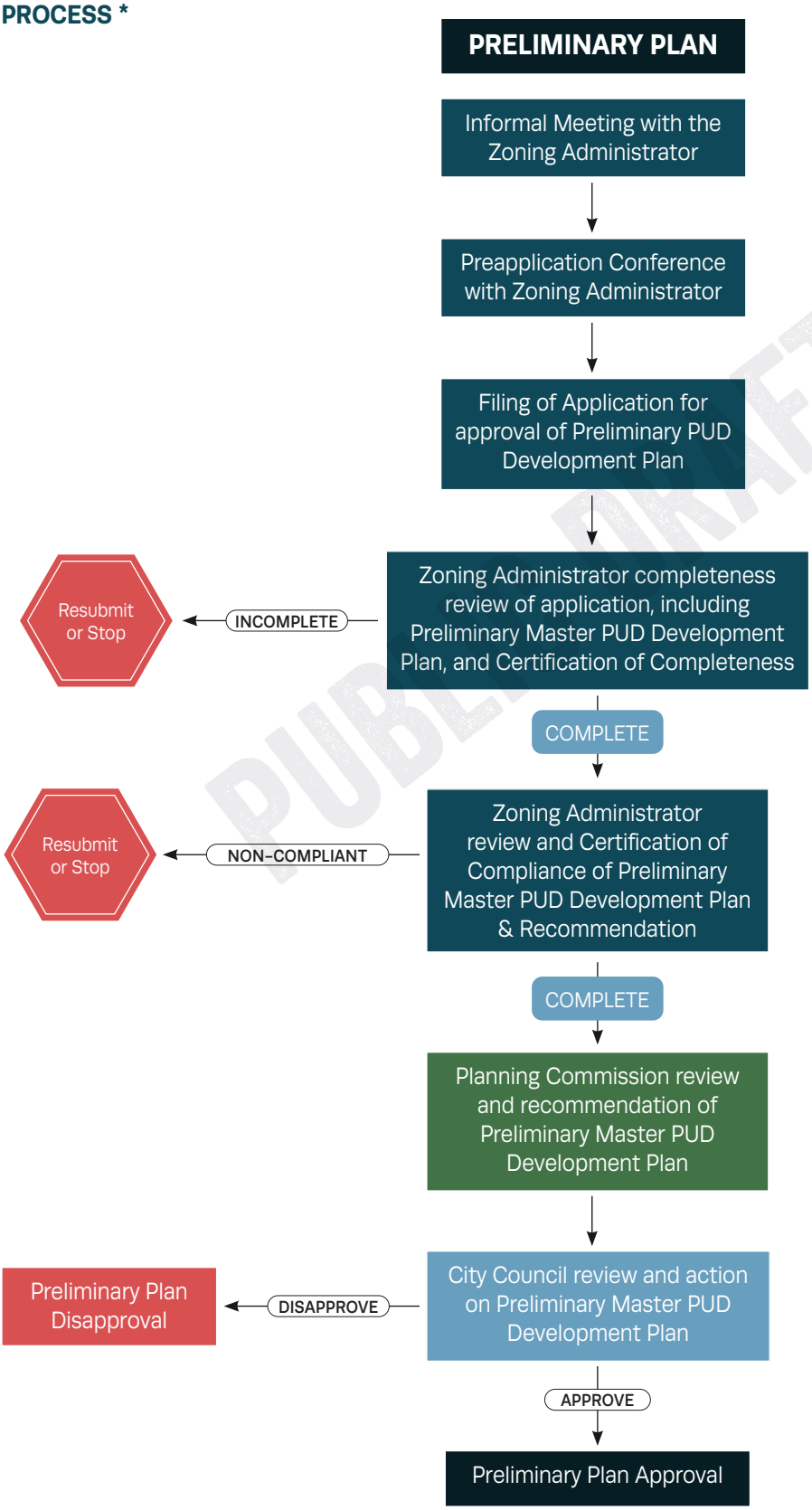
ILLUSTRATION 8.5.21. SUMMARY OF MASTER PUD DEVELOPMENT PLAN APPLICATION AND SUBMITTAL PROCESS *



*Zoning Ordinance Amendment & Zoning Map Amendment are also required.

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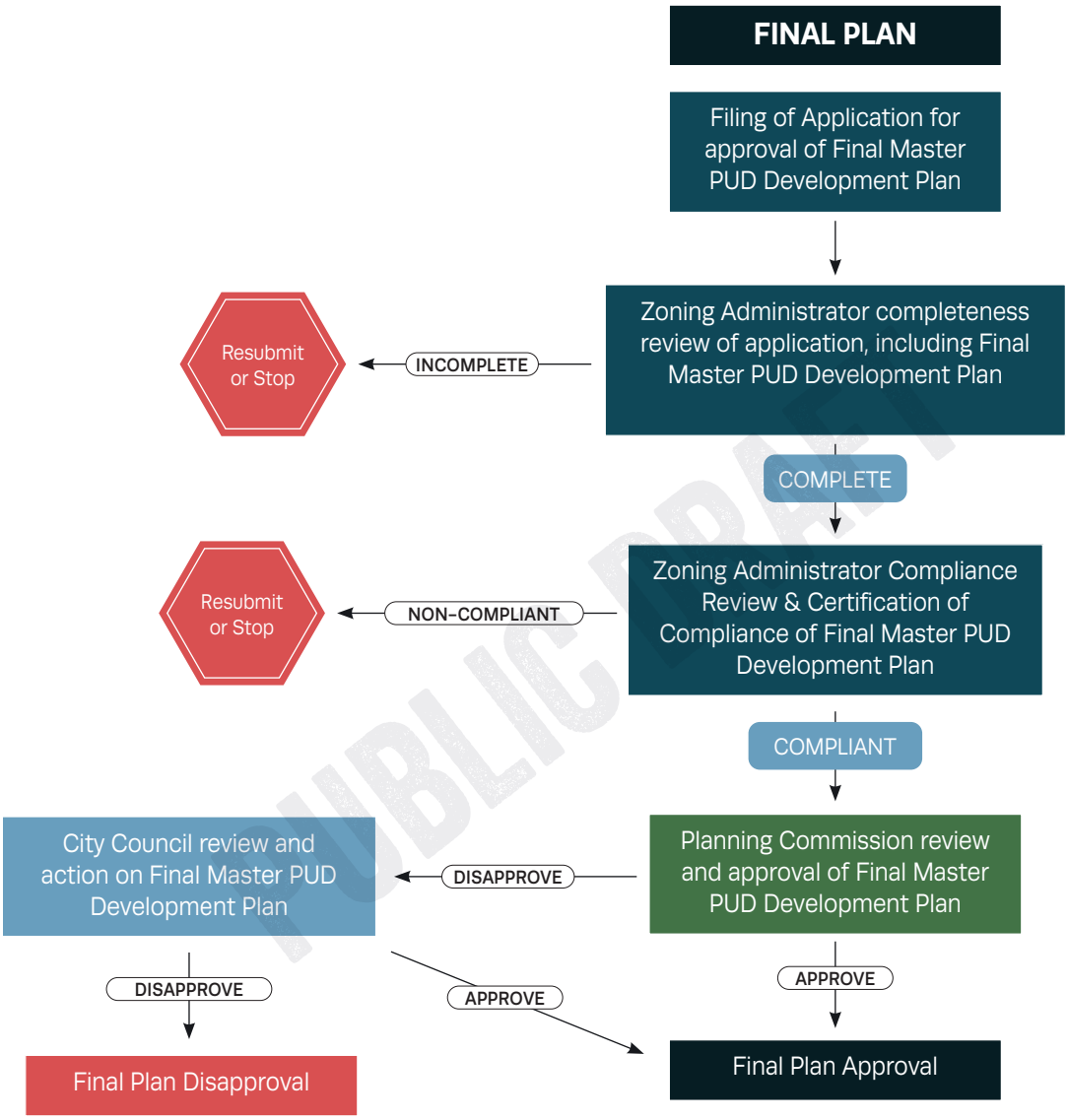

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*Zoning Ordinance Amendment & Zoning Map Amendment are also required.

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I. Initial Meeting & Pre–Application Conference.

1. Prior to filing an application for approval of a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan and prior to the pre–application conference pursuant to Section 8.15.21.I.2, the applicant shall meet with the Zoning Administrator to determine whether the applicant is proceeding under the proper section of this Ordinance, to consider the desirability or necessity of approving a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, to clarify the issues, and to discuss any other matter as may aid in the disposition of the proposal.

2. In addition to such initial meeting, an applicant applying for approval of a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan shall schedule a pre–application conference with the Zoning Administrator in accordance with Section 8.5.4.B.

3. Approval of a Master PUD Development Plan or an amendment to an existing Master PUD Development Plan requires both an application for approval of a Preliminary Master PUD Development Plan under Section 8.5.21.J and submission of a Final Master PUD Development Plan under Section 8.5.21.O.

J. Application Requirements – General.

1. A request for approval of a Master PUD Development Plan or an amendment to an existing Master PUD Development Plan shall be made by filing an application for such approval in connection with an application for Rezoning to a PUD District and an application for a Zoning Ordinance Amendment.

2. An application for approval of a Master PUD Development Plan or an amendment to an existing Master PUD Development Plan shall be filed by the owner of the property or an authorized agent of the owner with the Zoning Administrator in accordance with Section 8.5.4.C and Section 8.5.21.K.

K. Preliminary Master PUD Development Plan.

1. An application for approval of a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan shall meet the requirements of Section 8.5.6.G and sufficient information to disclose:

a. A tabulation of the land area and each Building to be devoted to various Uses categories and activities, and the overall number of Dwelling Units and square footage of each non–Residential Use category within the PUD, each part of the PUD, and each Building .

b. Reservations for public uses including schools, parks, and other open spaces.

c. The general means of the disposition of sanitary waste.

d. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property.

e. The substance of covenants, grants of Easements or other restrictions to be imposed upon the land, Buildings and Structures including proposed Easements.

f. If applicable, phase Development schedule, setting forth when the landholder intends to commence construction and a completion period for each phase.

g. If it is proposed that the final Master PUD Development Plan or amendment to an existing Master PUD Development Plan will be submitted in stages, a schedule of submission thereof.

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2. Each application for approval of a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, and the submitted Preliminary Master PUD Development Plan or amendment to an existing Preliminary Master PUD Development Plan shall be reviewed for completeness pursuant to Section 8.5.4.C. If is deemed incomplete by the Zoning Administrator, a written request for further information shall be made within ten days after the original submittal. In such case, the application shall be held in abeyance until the Zoning Administrator issues a Certificate of Completeness pursuant to Section 8.5.4.C.

3. If the Zoning Administrator determines that the Preliminary Master PUD Development Plan is complete, he shall review it for compliance with Article 4 (Building, Lot, & Building Site Standards), Article 5 (Development Parcel Standards), Article 6 (Supplemental Standards), and Article 7 (Sign Standards). If the Zoning Administrator determines that the preliminary Master PUD Development Plan or amendment to an existing Master PUD Development Plan complies with such Articles, as applicable, he shall issue his Certificate of Compliance with respect thereto.

4. No Master PUD Development Plan or amendment to an existing Master PUD Development Plan shall be presented for Planning Commission action until such Certificate of Completeness and Certificate of Compliance have been issued.

5. The Development Review Committee shall the preliminary Master PUD Development Plan or amendment to an existing Master PUD Development Plan.

L. Architectural Design Review Team Review of Preliminary Master PUD Development Plan.

Each Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan for which a Certificate of Completeness and Certificate of Compliance have been issued shall be reviewed by the Architectural Design Review Team as provided in Section 8.5.15.

M. Planning Commission Action on Preliminary Master PUD Development Plan.

1. Before making any recommendation on a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, the Planning Commission shall consider the Certificate of Compliance and all recommendations from the Zoning Administrator and other City departments, and shall conduct a public hearing.

2. Notice and public hearing requirements shall be in accordance with Section 8.5.4.D.

3. The applicant or a representative of the applicant shall appear at the meetings to explain the proposed Development and answer questions.

4. The Planning Commission may render any one of the following recommendations:

a. Unconditional approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan;

b. Conditional approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, in which the Planning Commission expressly denotes conditions and modifications that must be made to the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan. If the Planning Commission recommends conditional approval:

(1) the Planning Commission shall transmit in writing to the applicant and to the Zoning

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Administrator the conditions or modifications which must be complied with in order for the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan to be recommended for unconditional approval;

(2) Applicant shall have 60 days following the transmittal of the required conditions or modifications to demonstrate compliance with the required conditions or modifications and provide its written commitment to comply with said requirements. The application shall receive Planning Commission recommendation for unconditional approval upon satisfactory review of the revised Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan and/or written commitment(s); and

(3) If the applicant makes a negative reply within 60 days of the date of conditional approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, or does not reply to the Planning Commission, the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan shall be deemed to have received a disapproval recommendation from the Planning Commission, unless such time limit is extended by a specific action of the Planning Commission upon a written request by the applicant; or

c. Disapproval.

5. The Planning Commission shall make its recommendation to the City Council within 45 days of the Planning Commission's initial public hearing. The Planning Commission shall prepare a report detailing the Planning Commission's action on the application, including any conditions or modifications that it may have imposed for its recommendation of approval. The time period for a recommendation may be changed, as in the case of significant conditions or modifications, in which case one additional 45-day period shall be granted before the case shall go to the City Council.

6. After review and recommendation by the Planning Commission, the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan shall be forwarded to the City Council with the recommendation.

7. When a recommendation is not rendered or deemed to have been rendered within the time periods established in this Section, the City Council may process the request without a Planning Commission recommendation.

N. City Council Action on Preliminary Master PUD Development Plan.

1. Upon receipt of the Planning Commission's report and recommendations, the City Council shall consider such report and recommendations and otherwise proceed in the manner established in Section 8.5.18 and Section 8.5.19, as applicable.

2. The City Council may render one of the following decisions with respect to the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan:

a. Approve;

b. Disapprove; or

c. In an instance where the Planning Commission has recommended approval subject to conditions or recommendations for alterations to the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, the

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City Council may establish, eliminate, or modify such conditions in its action.

3. In any instance where the City Council acts to eliminate or modify conditions imposed by the Planning Commission to recommend approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, the City Council shall provide specific guidance as to:

a. Overall design of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan;

b. Any conditions or modifications required; and

c. Any additional information which may be required by the Planning Commission to determine substantial compliance of the Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan with the approved Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan.

4. Upon City Council approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan, the applicant may prepare and submit to Zoning Administrator for forwarding to the Planning Commission a final Master PUD Development Plan or amendment to an existing Master PUD Development Plan.

Only upon approval of a Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan shall the approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan become final. In any instance where a Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan is to be presented in portions or stages, any associated Rezoning shall only become effective at the time of final approval of each individual stage or segment Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan.

O. Final Master PUD Development Plan – Requirements.

1. City Council approval of the Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan must be obtained prior to submission of the Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan.

2. An application for approval of a Master PUD Development Plan or an amendment to an existing Master PUD Development Plan shall be filed by the owner of the property or an authorized agent of the owner with the Zoning Administrator in accordance with Section 8.5.4.C and Section 8.5.21.K.

3.

4. The proposed Final Master PUD Development Plan or amendment to an existing Final Master PUD Development Plan must meet all requirements for a Preliminary Master PUD Development Plan or an amendment to an existing approved Preliminary Master PUD Development Plan and shall additionally include the following:

a. Sufficiently detailed information to indicate the ultimate operation and appearance of the Development, or applicable portion thereof.

b. Drawings at a scale no smaller than one inch = 200 feet, indicating:

(1) A circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the PUD and to and from existing Thoroughfares and Internal Drives, which shall

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specifically include the width of proposed Thoroughfares and Internal Drives;

(2) a plan showing sidewalks and other pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern;

(3) A plot plan for each Lot, Building Site, common open area, Civic Space, and other public or semi – public open space uses, showing the approximate location of all Structures and Improvements and indicating the open spaces around Structures;

(4) A utilities plan, including sewers, both sanitary and storm, gas lines, water lines, fire hydrants, and electric lines showing proposed connections to existing utility systems;

c. a plan which indicates the location, function, and ownership of all Civic Spaces and open spaces, excepting those open spaces included in fee simple Lots;

d. final drafts of all proposed covenants and grants of Easement.

e. copies of legal documents required by the Planning Commission for dedication or reservation of group or common open space and/or for the creation of a nonprofit association; and

f. if applicable, a Development phasing schedule.

P. Final Master PUD Development Plan – Completeness & Compliance Reviews.

1. The Zoning Administrator shall review the submitted Final Master PUD Development Plan or amendment to Final Master PUD Development Plan for completeness pursuant to Section 8.5.4.C. If determined to be complete, the Zoning Administrator shall issue his Certificate of Completeness.

If the submission of a Final Master PUD Development Plan or amendment to Final Master PUD Development Plan is deemed incomplete by the Zoning Administrator, a written request for further information shall be made within ten days after the original submission of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan. In such case, the further processing of the PUD application and review of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be held in abeyance until the Certificate of Completeness has been issued. No Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be formally presented to the Planning Commission until such plan is certified by the Zoning Administrator as being complete and ready for review.

2. Upon Issuance of a Certificate of Completion, the Zoning Administrator shall review the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan for compliance with the approved Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan. It determined to comply, the Zoning Administrator shall issue his Certificate of Compliance.

Q. Final Master PUD Development Plan – Phased Approval.

Submission of and the request for approval of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan and the approval thereof by the Planning Commission may be limited to each phase of Development in compliance with the Section 8.5.21.6.

R. Expiration or Revocation of Preliminary Master PUD Development Plan Approval.

1. In the event the applicant fails to submit the for approval within two years from the date of the

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approval of the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan by the City Council or in the event the Planning Commission finds that conditions in support of the granting of approval of the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan have so changed as to raise reasonable question regarding the landholder's ability to pursue the Development pursuant to the plan, the Planning Commission may recommend revocation of the approval of the Preliminary Master PUD Development Plan or amendment to existing Preliminary Master PUD Development Plan.

2. Should the Planning Commission recommend revocation of the approval of the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan, a report of this action shall be sent immediately to the City Council along with a recommendation that action be taken to remove revert the site to its previous District designation.

S. Final Master PUD Development Plan – General.

1. In reviewing a Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, the function of the reviewing agencies is twofold:

a. First, the plan or amendment must be found to be in substantial compliance with the approved Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan.

b. Second, all new or revised information that was not in the previously approved Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan must be reviewed to determine its quality and compliance with all applicable requirements of this Ordinance.

2. The Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be deemed in substantial compliance with the approved Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan provided any modifications by the applicant do not involve changes which in aggregate would:

a. Violate any provisions of this Ordinance;

b. Change the Lot or Building Site Area requirement as submitted in the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan by more than 10%;

c. Involve any increase in the number of Dwelling Units approved for the site in the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan;

d. Involve a reduction of more than 3% of the area shown on the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan as reserved for Common Open Space;

e. Increase the Floor Area shown on the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan for non-Residential Uses by more than 5%; or

f. Alter the mix of Building Types or Uses shown on the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan by more than 3% in any category or Uses or any one or more Building Types from that proposed in the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan.

T. Review Procedure – Planning Commission.

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1. Upon issuance of the Zoning Administrator's Certificate of Completeness and Certificate of Compliance, the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be submitted to the Planning Commission for review.

2. The Final Master PUD Development Plan or amendment to Final Master PUD Development Plan must be submitted 15 days prior to the meeting of the Planning Commission at which the plan is to be presented. Twenty copies of the plan and related documents will be required.

3. Within 30 days subsequent to the formal presentation of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan to the Planning Commission, the Zoning Administrator shall present to the Planning Commission data and findings of the various City departments and agencies concerning the f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

4. In the course of its consideration and prior to any approval of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, the Planning Commission shall give notice and provide each of the following an opportunity to be heard:

a. Any person who is on record as having appeared at the formal public hearing on the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan, or

b. Any other person who has indicated to the Planning Commission in writing that he wished to be notified.

U. Planning Commission Action.

1. The Planning Commission may approve, approve with conditions or modifications, or disapprove the final Master PUD Development Plan or Amendment to existing Master PUD Development Plan.

2. The Planning Commission may approve the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan if it finds:

a. That the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan meets the provisions for substantial compliance with the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan ; and

b. The Final Master PUD Development Plan or amendment to Final Master PUD Development Plan complies with all other standards for review which were not considered when the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan was approved.

3. The Planning Commission may approve the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan with conditions or modifications subject to the following:

a. Should the Planning Commission require any condition or modification in the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan or any portion thereof including covenants, etc., in order to approve such plan or amendment, such conditions or modifications must be agreed to by the applicant in writing prior to formal action and filing of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

b. All such conditions or requirements for modification as may be required hereinunder shall be expressly for the purpose of:

(1) Causing the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan to meet the test of substantial compliance with the approved

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Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan, or

(2) Meeting some specific requirement of this Ordinance.

c. The Planning Commission shall transmit in writing the conditions or modifications which must be complied with for the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan to be approved.

d. Within 60 days of the transmittal of the required modifications, the landholder may make a written response concurring with the required modifications, in which case the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan is deemed to have Planning Commission approval at the date of the receipt by the Planning Commission of said written concurrence.

e. Where the landholder makes a negative reply or no response is received within 60 days of the date of conditional final approval, the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be deemed disapproved, unless such time limit is extended by specific action of the Planning Commission.

4. Upon formal action by the Planning Commission approving a Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, or in the instance of conditional or modified approval of a Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, upon acceptance of the conditions or modifications as set forth in Section 8.5.21.M.4.B, said f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan and all maps, covenants, and other portions thereof, shall be filed with:

(1) The City Council;

(2) The City Recorder; and

(3) The Zoning Administrator.

5. If the Planning Commission finds that the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan does not meet the test for substantial compliance set forth in Section 8.5.21.S.2 or does not comply with other standards of review, it shall disapprove the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

6. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the City Council and the applicant. This report shall detail the grounds on which the f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan was denied, including specifically the ways in which the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan violated the substantial compliance provisions or other standards of review.

V. City Council Action.

1. In the event that the Planning Commission disapproves any Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, such action shall be reviewed by the City Council.

2. The Council shall consider the report submitted by City Planning Commission and such other information as it may require in order to determine whether such Final Master PUD Development Plan or amendment to Final Master PUD Development Plan in its view meets the test of substantial compliance and complies with other standards of review herein established.

3. Should the City Council uphold the Planning Commission's disapproval of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, it shall notify the landholder

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that the action approving the reclassification of such property as contained in the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan shall be disapproved.

4. Should the City Council determine that the f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan does meet the test of substantial compliance and other requirements for approval, it shall notify both the landholder and the Planning Commission of its decision, and the action of the City Council approving the zoning shall thereby become final.

W. Failure to Begin PUD.

If no Actual Construction has begun in the PUD within three (3) years from the date of approval of the final shown on the Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan , said approval shall be lapse and be of no further effect and the related Zoning Ordinance Amendment and Rezoning shall lapse, be of no further effect and be repealed. The Planning Commission may, upon showing of good cause by the landholder, extend the time for commencement of Actual Construction for periods of 12 months. However, at least annually the Planning Commission shall review the status of any PUD on which construction has not begun in order to determine that the project has not been abandoned.

X. Enforcement of Development Schedule.

1. Unless specifically approved as part of the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, the construction and provision of all Civic Spaces, Common Open Spaces, and public and recreational facilities which are shown on the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan must proceed at no slower rate than the construction of Dwelling Units and non-Residential Improvements.

2. From time to time, the Zoning Administrator shall compare the actual Development and construction accomplished with the approved Development schedule. If the Zoning Administrator finds that the rate of Development and construction of Dwelling Units or non-Residential Improvements is substantially greater than the rate at which Civic Spaces, Common Open Spaces, and public and recreational facilities have been Developed and constructed and provided, then the Zoning Administrator may take either or both of the following actions:

a. Cease to approve any additional final site plans or plats;

b. Instruct the Building Official to discontinue issuance of Building Permits.

3. In any instance where either of the above actions is taken, the Planning Commission must be provided satisfactory assurance from the applicant and its successors in interest that the relationship between the Development and construction of Dwelling Units and Commercial or Industrial Structures and the provision of common open spaces and public and recreational facilities is brought into balance acceptable to the Planning Commission prior to the continuance of Development or construction.

Y. Building Permits & Certificates of Occupancy

Building Permits and Certificates of Occupancy may be issued for Development, Uses, Buildings and other Structures in a PUD in accordance with this Section.

1. The City Engineer may issue a Building Permit for Development, Structures, Buildings, activities, or uses as a part of a finally approved PUD only in strict compliance with the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan for the particular PUD,

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including the conditions of approval and only after the administrative procedure outlined in this section has been strictly followed. No Building Permit shall be issued for the area included in a Preliminary Master PUD Development Plan or amendment to Preliminary Master PUD Development Plan until the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan has been finally approved.

2. A Certificate of Occupancy shall be issued when the Zoning Administrator determines that a Structure, Building, activity, or Use within a PUD conforms with the applicable adopted f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, including the any conditions or modifications required for approval under the provisions of Section 8.5.21.Z.

Z. Modification of Approved Final Master PUD Development Plan or Amendment to Existing Development Plan During Initial Construction Period.

1. During the period of actual Development or Construction of or within any PUD, or of or within any portion of a PUD when Developed in phases, the provisions of this Section 8.5.21.Z shall apply to any proposed modifications to an approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

2. Any such proposed modification that is not permitted under Sections 8.5.21.Z.3–.4 may be approved only as an amendment to the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

3. The Planning Commission may approve:

a. minor modifications in the location, siting, and height of Buildings and Structures if required by engineering or other circumstances not foreseen at the time the f Final Master PUD Development Plan or amendment to Final Master PUD Development Plan was approved so long as no such modification violates the basic policy and concept, standards and requirements of this Ordinance applicable to the PUD, or other standards and requirements applicable to the PUD pursuant to the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan. Collectively, all such modifications approved by the Planning Commission shall not in the aggregate result in:

(1) Any increase in the number of Dwelling Units from that approved in the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan; or

(2) An increase of more than 3% in the floor area for Commercial Uses from that approved in the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan; and

b. minor modifications in the location of streets and underground utilities shown on the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

4. For any modification to an approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan other than minor modifications authorized by Section 8.5.21.Z.3, such modification shall be subject to satisfactory proof by the applicant and written findings by the Planning Commission and City Council as follows and approval as an amendment to the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

a. The modification shall be limited to the minimum necessary;

b. Strict application of the provisions of the approved Final Master PUD Development Plan or amendment to Final Master PUD Development

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Plan would result in practical difficulties or unnecessary hardship;

c. There are exceptional or extraordinary circumstances or conditions applying to the land, Buildings, Structures or Uses referred to in the request for modification, which circumstances or conditions do not apply generally to other land, Buildings, Structures or uses in the same type of PUD District.

d. The requested modification will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.

e. Under the circumstances of the particular case, the requested modification will not adversely affect the health or safety of persons working or residing in the neighborhood of the premises.

f. The requested modification is consistent the intent and purpose of this Ordinance, the Comprehensive Plan, and the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan and will not adversely affect the community objectives of the Comprehensive Plan.

g. The requested modification will not result in any reduction of required Buffer areas or other specific open spaces required by this Ordinance and will not vary any District or Development standard applicable to the PUD under this Ordinance.

AA. PUD Control After Completion.

1. Upon completion of a PUD or of any phase of a PUD, the Zoning Administrator shall issue a Certificate of Completion certifying this fact, and shall note the issuance of the Certificate on the recorded Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

2. After the Certificate of Completion has been issued, the use of land and the construction, modification, or Alteration of any Buildings or Structures within the PUD will be governed by the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan and the applicable provisions of this Ordinance.

3. No changes may be made in the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan except upon application to the appropriate agency under the procedures below:

a. Any minor extensions, Alterations, or modifications of existing Buildings or Structures may be authorized by the Zoning Administrator if the extensions, Alterations, or modifications are consistent with the purposes and intent of the recorded approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, this Ordinance, and the Comprehensive Plan.

b. Any Uses not authorized by the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan, but allowable in the applicable type of PUD District as a Permitted Use, Permitted Subject to Limited Use Standards, or as a permitted Conditional Use, may be added to the recorded approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan under the procedures provided by for the approval of Conditional Uses.

c. A Building or Structure that is completely or substantially destroyed may be reconstructed only in compliance with the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan unless an amendment to the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan is approved as set forth below.

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4. All other changes in the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan may be approved only by the City Council under the procedures authorized by this Ordinance for Rezoning, Zoning Ordinance Amendment, and Master PUD Development Plan approval.

5. Notwithstanding any other provision of this Section 8.5.21.AA, no changes may be made to the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan unless such changes are required for the continued successful functioning of the PUD or are required by changes in conditions that have occurred since the Final Master PUD Development Plan or amendment to Final Master PUD Development Plan was approved or by changes in the development policy of the community.

6. No changes in the approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan that are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, Buildings, Structures and Improvements within the area of the PUD and all rights to enforce these covenants against any changes permitted by this Section are expressly reserved.

AB. Re-Subdivision of PUD After Completion.

A PUD may be subdivided and re-subdivided for purpose of sale or lease after the Certificate of Completion has been issued under the procedures set forth below:

1. If the subdivision or re-subdivision of a PUD will create a new plot line, the applicant shall make application to the Planning Commission for the approval of a subdivision or re-subdivision. The Planning Commission may approve the subdivision or re-subdivision if each section of the subdivided or re-subdivided PUD meets the provisions of this Ordinance governing density, common open space, and dimensional requirements.

2. The owner and lessees of a subdivided or re-subdivided PUD may jointly make application for a Conditional Use or for an amendment to an approved Final Master PUD Development Plan or amendment to Final Master PUD Development Plan.

8.5.22 Heavy Manufacturing Permit

A. Applicability.

All proposed Uses requiring a Heavy Manufacturing Permit shall be required to obtain a Heavy Manufacturing Permit prior to establishment or expansion.

B. Pre-Application Conference

All applicants shall schedule a pre-application conference in accordance with Section 8.5.4.B.

C. Application Requirements

An application shall be filed in writing with the City Council in accordance with Section 8.5.4.C, which shall contain information and exhibits as may be required under Section 8.5.6. In the case of Buildings or other Structures or Uses to be located within Floodplain Districts, all information as may be required by Section 6.6 and 8.5.7 Additionally the applicant shall provide the following information in sufficient detail to reveal the intended function and ultimate operation of such Use:

1. The nature of the operations and/or processes proposed, including storage, processing, and handling methods, proposed;

2. The materials; and

3. The nature and potential level of atmospheric emissions associated with the intended operation.

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D. Meetings.

The City Council may conduct meetings as may be required in order to establish the findings necessary to proceed with such application. However, prior to final consideration of any information that has been provided to the City Council, such information shall be made available for public view and comment.

E. Notice & Public Hearing.

1. Any request shall require a public hearing before the City Council.

2. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant.

3. All notices shall specify the current zoning and notification that applicant is seeking a Heavy Manufacturing Permit.

4. All notices shall include a brief summary indicating the nature of the action.

5. All notices shall be made at least 10 days prior to the scheduled City Council meeting.

6. The notice shall be published in accordance with Section 8.5.4.D.2.

7. The notice shall be posted in accordance with Section 8.5.4.D.3.

8. The notice shall be mailed in accordance with Section 8.5.4.D.8.

F. Zoning Administrator Action

1. The Zoning Administrator shall transmit one copy of the application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project.

2. The Zoning Administrator shall prepare a report that reviews the application in light of any requirements of this Ordinance and technical input from the City Engineer or other review bodies. A copy shall be provided to the City Council and the applicant.

G. City Council Action

1. The City Council shall conduct a public hearing.

2. After the public hearing, and considering the recommendations of the Zoning Administrator, the City Council shall:

a. Approve the request;

b. Approve the request with conditions.

c. Deny the request; or

d. Continue the hearing.

H. Requirements for Permit

A Heavy Manufacturing Permit may be granted only if the City Council finds that the request conforms to the following requirements:

1. The proposed Use is:

2. Listed as a Permitted Use within the applicable District;

3. Conforms to any additional standards listed in Section 4.3.9.D for the proposed Use;

4. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

5. Will not adversely affect other property in the area in which it is located; and

6. Conforms to all applicable provisions of this Ordinance for the applicable District.

7. Any proposed use Adjacent to a Residential District or Use (whether or not such property is actively used as a residence), shall be required to provide a Yard of a minimum depth of 150 feet between the proposed Use and the Adjacent Residential District or Use. This Yard shall not be

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used for any activity or Use other than permitted in Section 4.3.10.

8. A proposed Use Adjacent to any non-Residential District or Use shall be required to provide a Yard of a minimum depth of 100 feet between the proposed Use and the Adjacent District or Use. The City Council may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of such Heavy Manufacturing Use upon and ensure compatibility with surrounding properties. The City Council may establish dates for the expiration of any Heavy Manufacturing Use Permit as a condition of approval.

8.5.23 Sign Permits.

A. Sign Permit Required

No Sign other than an Exempt Sign may exist or be erected, installed, altered, modified, or restored in the City unless it is the subject of a valid Sign Permit issued by the Building Inspector in accordance with this Section 8.5.23.

B. Applications

Sign Permit applications shall be made with the Building Inspector.

C. Application Requirements

Each application for a Sign Permit shall be accompanied by a fully dimensioned Sign Plan that reflects that such Sign, the method and means of its installation, its type, and its location on the applicable Building or Lot comply with all applicable standards and requirements of this Ordinance, together with such other information as may be necessary to determine and provide for the enforcement of Article 7 (Sign Standards).

D. Review by Zoning Administrator; Certificate of Compliance

Upon receipt of an application for a Sign Permit, the Building Inspector shall forward to the Zoning Administrator a copy thereof and copies of all accompanying materials, including without limitation the Sign Plan.

The Zoning Administrator shall review such application, Sign Plan, and other materials to determine whether the proposed Sign complies with Article 7 (Sign Standards).

If the Zoning Administrator determines that the application, Sign Plan, and other materials, comply with Article 7 (Sign Standards), he or she shall issue a Certificate of Compliance, certifying compliance Article 7 (Sign Standards), and shall forward a copy of the same to the Building Inspector.

E. Issuance of Sign Permit

A Sign Permit shall be issued by the Building Inspector if and only if:

1. the applicant pays the application fee in accordance with a fee schedule adopted by the Commission,

2. the Building Inspector determines that the application, proposed Sign, and the Sign Plan and other materials accompanying the application conform to the applicable requirements of the Building Code and all applicable electrical codes, and

3. the Building Inspector has received a copy of the

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Zoning Administrator's Certificate of Compliance, certifying compliance with Article 7 (Sign Standards).

8.5.24 Subdivision Plats.

Subdivision Plats must meet the standards and requirements of this Ordinance and the City Subdivision Regulations as the same are in effect from time to time, and must be prepared, submitted, reviewed and acted upon in accordance with such City Subdivision Regulations.

SECTION 8.6 ENFORCEMENT.

8.6.1 Enforcement; Violations; Penalties; & Remedies – General.

A. Enforcement.

This Ordinance and the provisions of any Development approval, permit, or Plan certified, approved, or issued under this Ordinance shall be enforced by the Zoning Administrator, the Building Inspector, the applicable Decision-Making Authority, the City Code Enforcement Officer, and other City code enforcement personnel as provided herein.

B. Complaints / Notice of Violation.

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

2. If, after such investigation or at his own initiation, the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator, Building Inspector, or a law enforcement officer of the City, shall serve a notice of violation on the owner, agent or contractor of the Structure or Lot, Building Site, or other land where such violation has been committed or shall exist, and on any lessee or tenant of the part of, or of the entire Structure or the Lot, Building Site or other land where such violation has been committed or shall exist and/or on the agent, architect, contractor, or any other Person who takes part or assists in such violation or who maintains any Structure or the Lot, Building Site or other land with respect to which any such violation has been committed or shall exist.

3. If the violation is one of those for which the premises may or must be vacated, such fact shall be stated in the notice, and a notice to that effect shall be affixed to the front of the premises giving notice thereof.

4. Irrespective whether notice is otherwise required, notice of violation shall be served by certified mail, return receipt requested, or by personal service.

C. Correction of Violation.

1. If notice of violation is given by certified mail, the violation must be corrected not later than five (5) days after the time of mailing.

2. If notice of violation is given by personal service, the violation must be corrected within two (2) days after such service.

D. Service of Appearance Ticket.

In addition, if those Persons notified shall fail to correct any violation within the required period, the Zoning Administrator, Building Inspector, or any police officer may serve an appearance ticket by personal service on any Person so notified, charging a violation of this Ordinance before the appropriate court of law.

E. Remedies

1. In case any Structure is proposed to be erected, constructed, reconstructed, Altered, extended, or converted, or any Structure or land is or is proposed

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to be used in violation of this Ordinance, the Zoning Administrator or other appropriate authority of the City or any Adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, Alteration, extension, conversion or use, to correct or abate the violation, or to prevent the occupancy of such Structure or land.

2. Where a violation of this Ordinance exists, the Zoning Administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re – establishment of service be withheld until such time as the Structure or premises are no longer in violation of this Ordinance.

F. Certain Remedies for Specific Violations.

1. If the violation is one of the following, and if those Persons notified shall fail to correct such violation within the allotted time period, the Zoning Administrator, the City Code Enforcement Officer, the Building Inspector and/or any law enforcement officer of the City shall charge them with such violation of this Ordinance before the appropriate court of law:

a. No Building Permit and/or no Certificate of Occupancy.

b. Building Permit and/or Certificate of Occupancy has been revoked.

c. The Structure, in the opinion of the Building Inspector, constitutes an immediate danger to health or a fire hazard. An immediate danger to health shall consist of:

(1) No heat or heat below 50˚ F in the months of December, January, February or March.

(2) Inoperable plumbing facilities.

(3) Structural instability.

(4) No water service to the Building or applicable part thereof.

(5) Heating units, systems, or venting not in conformity with the requirements of the Building Code and Fire Code.

2. Such charge may be made by an appearance ticket, which the Zoning Administrator, the City Code Enforcement Officer, the Building Inspector, and/or police officer is authorized to issue.

3. Other provisions of this Ordinance notwithstanding, no notice shall be required by the Zoning Administrator, the City Code Enforcement Officer, the Building Inspector, or a City law enforcement officer prior to the issuance of an appearance ticket for violations of Sections 1.9.4, 4.3.12.F.9, or 8.5.11.A.

G. Request for Reconsideration Review.

If any Person shall feel aggrieved by the determination of the Zoning Administrator or Building Inspector to close a Structure, said Person may file a written request for reconsideration review, together with the applicable fee, within the time provided to correct the defect, and the right to remove shall be stayed until one (1) day after notice of the decision on reconsideration is provided by personal service or three (3) days after notice of the decision on reconsideration is provided certified mailing or, if the Zoning Administrator or Building Inspector shall grant an extension of the time allowed to correct the violation, until the end of that extension.

H. Each Violation Separate.

Each violation of this Ordinance shall constitute a separate and distinct violation and each day a violation of this Ordinance continues after expiration of the allotted time for its cure, if any, shall constitute

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a separate and distinct violation.

I. Penalties for Violation

1. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variance or Conditional Uses) shall constitute a misdemeanor and shall be punished as provided for by law.

2. Each day such violation exists shall be deemed a separate offense.

3. The owner or tenant of any Structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

J. Other Remedies for Violation.

In addition to all other remedies provided by this Ordinance or other applicable law, rule or regulation, if there exists or occurs with respect to any Lot, Building Site or other land or any Structure, Development, Use, permit, license, approval, or certificate issued or granted pursuant to this Ordinance any violation or failure to comply with any requirement, standard, or condition of this Ordinance or any such permit, license approval, or certificate, any or all of the following actions or proceedings may be taken on behalf of the City, whether by legal process or otherwise:

1. Revocation or suspension of any or all approvals, permits, certificate or licenses related to such Lot, Building Site or other land or any Structure, Development, or Use;

2. Denial of any or all applications, approvals, permits, certificates or licenses related to such Lot, Building Site, or other land or any Structure, Development, or Use;

3. Issuance of one or more stop work or cease and desist orders;

4. Taking or instituting any other action or proceeding, whether by legal process or otherwise, to require compliance with the requirements, standards, and conditions of this Ordinance, and all permits, license, certificate, or approvals granted or issued pursuant to this Ordinance; and

5. Taking or instituting any other action or proceeding to prevent the unlawful erection, construction, reconstruction, Alteration, repair, conversion, moving, maintenance, Use, Development, Improvement, or Structure, to restrain, correct or abate such violation, to prevent the occupancy of such Structure or Lot, or to prevent any illegal act, conduct, Business or use in or about such premises.

8.6.2 Procedure to Revoke Certificate of Occupancy or Building Permit.

A. Notice of Non–Compliance

Without limitation to any of the other penalties, remedies, and rights of enforcement provided for under this Ordinance, if the Zoning Administrator or the Building Inspector determines that a violation exists under this Ordinance or any permit, license, or certificate approval granted or issued pursuant to this Ordinance, or certificate that one or more of the terms of any Building Permit or Certificate of Occupancy are not being complied with, the Zoning Administrator shall give notice of noncompliance to the owner, as shown on the latest tax assessment roll, by certified mail addressed to the address shown thereon, requiring that the specified violations be corrected within five (5) days of the mailing of the notice and that, in the event that the violations are not corrected within that time, the Building Inspector shall revoke any such Certificate of Occupancy and/or Building Permit.

A return receipt or refusal of certified mail shall create a presumption of compliance with the mailing

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requirements hereof.

B. Reinspection

On or after said fifth (5th) day of certified mail notice, the Zoning Administrator and Building Inspector shall reinspect the site, and, if any of such violations still exist, the Building Inspector shall revoke the Building Permit and/or Certificate of Occupancy, post a notice of revocation on the property or Structure and mail a notice, by certified mail, to the owner thereof as shown on the latest tax assessment roll.

C. Appeal

In the event that any Person shall feel aggrieved by the revocation, such Person shall have ten (10) days from the mailing of the notice of revocation to file an appeal with the Board of Zoning Appeals, specifying the objections, which shall review the same and give a decision, by certified mail, to the applicant at the address shown on the application. The revocation shall be stayed by the appeal from the date of filing until three (3) days after any notice of denial shall be sent by the Board of Zoning Appeals.

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ARTICLE 9: DEFINITIONS

SECTION 9.1 WORD USAGE. 466
SECTION 9.2 TERMS. 466
SECTION 9.3 DEFINED TERMS. 466

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SECTION 9.1 WORD USAGE.

The following shall be applicable to certain words used in this Ordinance and the interpretation of this Ordinance. Unless the context or natural construction of the wording clearly indicates otherwise:

1. All words used in the present tense include the future tense; all words in the plural number include the singular number and all words in the singular number include the plural number.

2. The words "must" and "shall" are mandatory.

3. The words "used" or "occupied" include the words intended, designed, maintained, or arranged to be used or occupied.

4. The particular shall control the general.

5. The word "may" is permissive.

6. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control. Where in conflict, numerical metrics shall take precedence over graphical metrics.

7. The word "permitted" or words "permitted as of right," whether or not capitalized, means permitted without meeting the requirements for a Conditional Use Permit or compliance with limited use standards.

8. The words "conditionally permitted" or "permitted by Conditional Use Permit" mean permitted subject to the requirements for Conditional Use by special permit pursuant to Section 4.3.9.D, of this Ordinance, and all other applicable provisions.

9. The words "Permitted Subject to Limited Use Standards" means permitted subject to compliance with the applicable limited use standards pursuant to Section 4.3.9.D and all other applicable provisions of this Ordinance.

10. The word "applicant" includes any authorized agent of the applicant.

11. The phrase "used for " shall include the phrases "arranged for", "designed for", intended for", maintained for", and "occupied for".

12. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

13. "and" indicates that all connected items, conditions, provisions or events shall apply.

14. "or" indicates that any of the connected items, provisions, or events shall apply.

15. "either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

16. Unless expressly provided otherwise, all public officials, bodies, and agencies to which reference is made are those of the City.

SECTION 9.2 TERMS.

A. Capitalized Terms.

Certain capitalized terms used in this Ordinance are defined below or elsewhere in this Ordinance and shall be given such meanings unless the context clearly indicates or requires a different meaning.

B. Undefined Terms.

Undefined terms used in this Ordinance shall have the meanings customarily assigned to them.

SECTION 9.3 DEFINED TERMS.

For purposes of this Ordinance, the following terms shall have the meanings set forth below unless the context clearly indicates or requires a different meaning:

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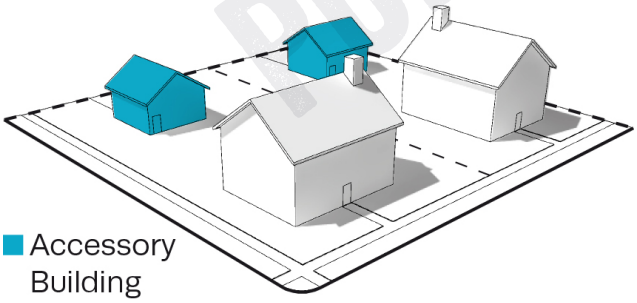
Abut/Abutting: to share or sharing a common property line. For the purposes of this definition, properties across an intervening right-of-way shall not be considered abutting.

Access: as a noun, a legal and physical means of entering premises, whether by Adjacency, Easement, or otherwise; as a verb, the act of entering premises.

Accessory Building: a Building that shares a Lot or Building Site with a Principal Building and that is customarily and clearly incidental and subordinate to the Principal Building. An Accessory Building may or may not have an Accessory Unit or be occupied or devoted to one or more Accessory Uses. An Accessory Building may or may not be attached to the Principal Building. *See* **Illustration 9.3.A-1 (Principal Building & Accessory Building)**.

ILLUSTRATION 9.3.A-1 ACCESSORY BUILDING



Accessory Dwelling: a Dwelling Unit having habitable space not greater than 600 square feet, which shares ownership and utility connections with a Principal Building; it may or may not be within an Accessory Building. An Accessory Dwelling Unit may not be used for Transient accommodations or as a Short-Term Rental Unit.

Accessory Use: a Use that is customarily and clearly incidental and subordinate to a Principal Use of land or a Structure and located on the same parcel of land, Lot, or Building Site as such Principal Use.

Accommodations / Lodging Uses: a Commercial Use sub-category characterized by premises available for daily or weekly renting of bedrooms or suites for periods of less than 30 days, including without limitation Bed and Breakfast, Inn, Hotel, and Motel. A Short-Term Rental Unit is not an Accommodations / Lodging Use. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

Private campground, hunting/fishing camp, and dude ranch, shelter for the homeless, and Recreational vehicle (RV) park are not included in Accommodations / Lodging Uses.

Actual Construction or Development: the excavation of a site and/or the systematic placement of building materials in conjunction with the Development of land or construction of a Building or other Structure.

Addition: with respect to an existing Building, any walled and roofed new construction expansion to the perimeter of a Building in which the addition is connected by a common load - bearing wall other than a fire wall or is separated by independent perimeter load – bearing walls.

Adult Day Care: as defined in the Rules of Tennessee Department of Human Services Community and Social Services.

Address Sign: a Sign type, described as such in **Table 7.1.2.B-1 (Sign Types - Summary)** and **Table 7.1.2.B-2 (Sign Types - Specific Standards)**.

Adjacent/Adjoin: having any distance of real property boundary in common with another property, or being separated from the other property boundary by a right-of-way, Thoroughfare, Internal Drive, Alley, Easement, or Civic Space. Not synonymous with Abutting.

Administrative Adjustment: administrative relief from a standard or requirement of this Ordinance, granted pursuant to the provisions of Article 8 (Administration, Procedure, & Enforcement) by the Zoning Administrator or other staff as specifically authorized by this Ordinance.

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Adult Arcade: any place to which the public is permitted or invited wherein coin – operated or slug – operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image – producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: an establishment having as its principal Business purpose the sale or rental of books, magazines, slides, films, video cassettes, video discs, or any other form of media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specific Sexual Activities or Specific Anatomical Areas.

Adult Care Home: a single family residence licensed pursuant to TSA Title 68, Chapter 11, Part 2, in which twenty-four-hour residential care, including assistance with activities of daily living, is provided in a homelike environment to no more than five (5) adults who are elderly or have a disability, as defined in TSA section 68-11-201.

Adult Day Care Facility: premises at which care, supervision, or guidance is provided for one or more adults, whether or not the facility is operated for profit and whether or not the facility charges for services offered by it. Notwithstanding the foregoing, Adult Day Care Facility does not include:

(1) Facilities for disabled or mentally ill Persons;

(2) Facilities owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive State or federal financial assistance for adult care services.

Adult Entertainment: any conduct that presents material by books, films, slides, video cassettes, video discs, or any other media or by live presentation, or services to the patron of an establishment, which material or services are distinguished or characterized by an emphasis on matters depicting, describing engaging in, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Motion Picture Theater: a Building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.

Adult-Oriented Entertainment: Use whereby premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing Adult – Oriented Motion Pictures, or wherein an entertainer provides Adult Entertainment to a member of the public, a patron or a member, when such Adult Entertainment is held, conducted, operated or maintained for a profit, direct or indirect, including without limitation, Adult Bookstores or Adult Video Stores, Adult Motion Picture Theaters, Adult Arcades, Adult Theaters or Cabarets. any Adult Entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Agricultural Uses: sub-category of Agricultural and Extractive Use category characterized by Uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

Agricultural and Extractive Uses: (1) collectively, Agricultural Uses and Extractive Uses;

(2) a collective reference to Uses in the following sub-Categories: Agricultural Uses and Extractive Uses, as listed in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal**

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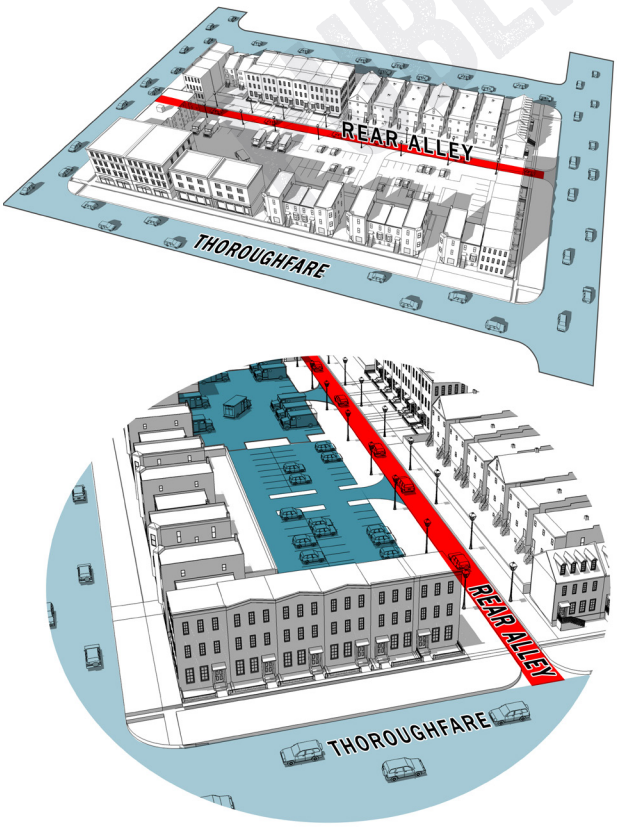
Uses) Table 4.3.9.A–2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A–1 (Building, Lot & Building Site Temporary Uses).

Alcoholic Beverage: any fermented liquor, such as wine, beer, or distilled spirit, which contains ethyl alcohol (ethanol) as an intoxicating agent.

Alcoholic Beverage Retail Sales: an establishment engaged in the Retail sale of Alcoholic Beverages for off–premises consumption.

Alley: generally, a vehicular way, which is not intended for general traffic circulation, which affords secondary access to Abutting property, and which may or may not be dedicated to public use. An Alley is not a Thoroughfare or an Internal Drive. *See* **Illustration 9.3.A–2 (Alley)**. *See also* Rear Alley.

ILLUSTRATION 9.3.A–2 ALLEY



Alteration / Alter: as applied to a Structure, an Addition or a change, rearrangement, or modification in the structural members or elements or the exit facilities, or in any element of the Private Frontage, the Facade or any other exterior architectural feature, including without limitation erection, construction, reconstruction, or removal; any diminution; any enlargement, whether by extending on a side or by increasing in height; moving from one location or position to another; increasing the Floor Area; expending an amount more than 50% of the fair market value; or increasing the fair market value by more than 50%. Alteration does not include Ordinary Maintenance or Repair. The term Alter, in its various modes and tenses and its participial form, refers to the making of an Alteration.

Alternative Tower Structure: as related to Wireless Communication Facilities, trees, clock towers, bell steeples, light poles, water tanks and similar alternative – design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Applicant: the owner, lessee, or contract vendee of the subject premises, or other person or entity authorized to make application to a Decision–Making Authority or administrative Person pursuant to this Ordinance.

Arcade: a Private Frontage type, which is conventional for Retail / Personal Service / Repair / Artistic / Artisan Use, wherein a colonnade supporting habitable space in one or more upper levels overlaps the Sidewalk, while the Façade at the first level remains at the Frontage Line. *See* **Table 4.3.7.A (Private Frontage Types)**.

Area of Special Flood Hazard: as defined in Section 6.12.2. Also may be referred to as "Special Flood Hazard Area".

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Artisan Establishment: any Structure, premises, or establishment in or on which articles of artistic quality or effect or handmade workmanship are produced with or without Retail sales of such articles. Examples of activities that may be conducted in an Artisan Establishment are candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and tailoring.

Art or Photography Studio: premises accommodating the creation of works of art or photography, with or with the exhibition or sale of such works.

Artist Studio Space: space used for the creation, production, rehearsal, or teaching of any performance, visual, or literary art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, pottery, written works of fiction or nonfiction, whether for live or recorded, including music, dance, and theater, and accessory sales of such art.

Assisted Living Apartment: multiple unit Residential premises for elderly, infirm, or disabled residents, in which housekeeping, meals, and other assistance are available to residents.

Attached: an enclosure having continuing walls, roof and floor.

Attached Dwelling: Residential premises characterized by two or more Dwelling Units being incorporated into a single Structure or attached Structures, specifically being Apartments, the Residence portion of a Live/Work Building, Mixed Use Building,or Flex Building, Multifamily Dwellings, Two-Family Dwellings, Duplexes, Rowhouses, Large Multi-family Buildings and Small Multi-Family Buildings.

Attic: the interior part of a Building contained within a pitched roof structure. *See* **Illustration 9.3.A-3(Attic).**

ILLUSTRATION 9.3.A-3 ATTIC

Avenue (AV): a Thoroughfare or Internal Drive of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and sometimes equipped with a landscaped median, described as such in **Table 4.3.8.A (Thoroughfare Types – Summary)** and **Table 4.3.8.B (Thoroughfare Assemblies and Standards)**.

Awning Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

B

Bakery: premises at which cakes, cookies, bread, pastries, tarts, and/or other baked goods are made, whether or not such items are sold at Retail.

Band Sign: the Sign Type described as such in **Tables 7.1.2.B-1 (Sign Types – Summary)** and **7.1.2.B-2 (sign Types – Specific Standards).**

Bar or Tavern: an establishment where serving Alcoholic Beverages to be consumed on the premises is its principal activity.

Bars, Taverns, and Nightclubs: subcategory of the Commercial Uses category, characterized by an establishment which is primarily engaged in selling and serving Alcoholic Beverages for on-premises consumption, subject to all applicable state and local regulations.

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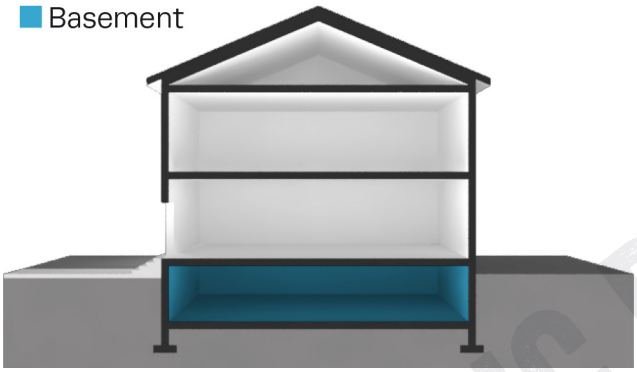
Base Flood Elevation: as defined in Section 6.12.2.

Basement: a portion of a Building having more than half (1/2) of its clear floor- to- ceiling height below the average finished grade of the ground. *See* **Illustration 9.3.B-1 (Basement).**

ILLUSTRATION 9.3.B-1 BASEMENT



Bed and Breakfast: an Accommodations / Lodging Use characterized by 1 to 5 bedrooms of an owner-occupied Building or Accessory Building being offered to paying guests for overnight Lodging with breakfast. A Short-Term Rental Unit is not a Bed and Breakfast.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping. *See* **Table 5.2.4.B (Bikeway Types).**

Bicycle Route (BR): a Thoroughfare that is suitable for the shared use of bicycles and automobiles moving at low speeds. *See* **Table 5.2.4.B (Bikeway Types).**

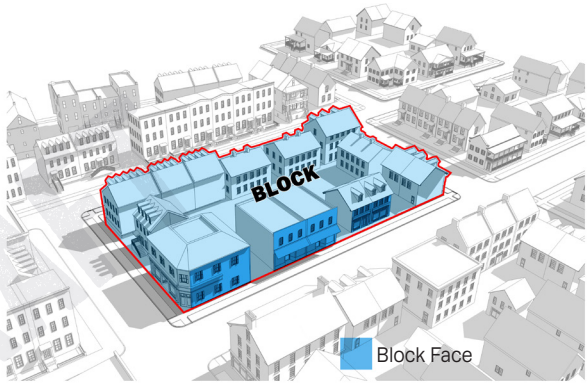
Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare. *See* **Table 5.2.4.B (Bikeway Types).**

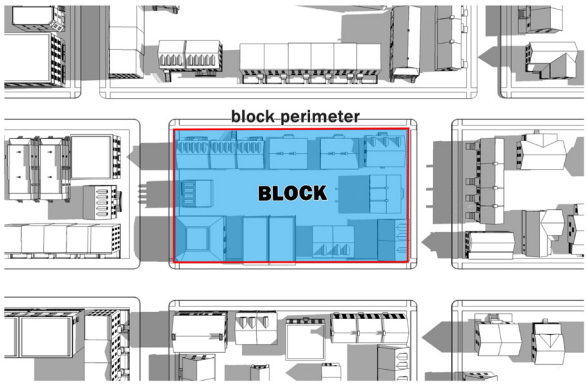
Billboard: a Sign intended for viewing from extended distances, having a display area greater than 50 feet.

Blade Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Block: the aggregate of Lots, Building Sites, Passages, Civic Spaces and Rear Alleys, circumscribed by Thoroughfares or Internal Drives, or where applicable, circumscribed by Thoroughfares, Internal Drives, Civic Space, and/or waterbodies. *See* **Illustration 9.3.B-2 (Block).**

ILLUSTRATION 9.3.B-2 BLOCK





Block Face: the aggregate of all Building Facades on one side of a Block.

Board or Board of Appeals: the Board of Zoning Appeals of the City.

Boat – Related Uses: the term referring collectively to Boat Body Shop, Maintenance, Repair, or Cleaning, Boat Dock, Boat Sales, Rental, Leasing, or Chartering, Boat Ramp, Boat Rack, Boat Slip, Boat Slip Sales or Leasing, and Boat Storage.

Boat Body Shop, Maintenance, Repair, Cleaning, or Service: a Structure, premises, or establishment in or on which watercraft are maintained, repaired, serviced, and/

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or cleaned, including without limitation, incidental storage for fewer than sixty (60) days of watercraft that are being maintained, repaired, serviced, and/or cleaned. This term does not include boat building or Boat Storage.

Boat Dock: a Structure extending into or upon a waterway or water feature, which provides access to the water for the launching and retrieving of watercraft.

Boat Rack: a storage slip for a boat in a dry stack storage facility.

Boat Ramp: an inclined area providing access to the water for the launching and retrieving of watercraft.

Boat Sales, Rental, Leasing, or Chartering: a Structure, premises, or establishment in, on, or from which watercraft are available for sale, rental, leasing, or chartering.

Boat Slip: a docking space alongside a pier, wharf or mooring dolphins in which a waterborne boat may be moored. For purposes of this Ordinance and in the absence of an authorized quantity of Boat Slips by State or federal regulating agencies, a Boat Slip shall be a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

Boat Slip Sales or Leasing: a Structure, premises, or establishment in, on, or from which watercraft are available for sale or leasing, or chartering.

Boat Storage: a Structure, premises, or establishment in or on which watercraft are stored. This term does not include boat building or Boat Body Shop, Maintenance, Repair or Cleaning.

Breakaway Wall: as defined in Section 6.12.2.

Brewery: an establishment that is primarily used for the manufacture of beer. Such establishment may sell beer for on-site consumption or for off- site distribution in accordance with applicable state and local regulations.

Brewpub: a Use or establishment that is primarily engaged in the sale and service of food for on- premises consumption and that also brews beer for on-site consumption in accordance with applicable state and local regulations.

Buffer: a specified land area, located parallel to and within the outer perimeter of a Lot, Building Site, or parcel of land and extending to the Lot, Building Site, or parcel boundary line, together with the planting and landscaping required on the land. A Buffer may also contain, or be required to contain, a barrier such as a fence or wall, or combination thereof, where additional Screening is necessary to achieve the desired level of buffering between various Uses. The term "Buffer" is not synonymous with the term "Setback Area or Yard" or the term "Stormwater Management Area."

Building: any Structure, other than a Parking Structure, having a roof supported by columns or by Walls and intended for the shelter, housing, enclosure, or storage of Persons or property.

Building Element: any component or part of a Building.

Building Official: the City Chief Building Official or designee.

Building Site: a parcel of land that has not been subdivided as a separate Lot, but which is designated by an applicant as a Building Site to be separately built on in a Development Plan or Master PUD Development Plan, site plan, permit application, or plat, and which accommodates, or is available to accommodate, a Principal Building. *See* **Illustration 9.3.L-4 (Lot / Building Site)**. *See also* "Lot", "Lot or Building Site of Record", and "Zoning Lot or Building Site".

Building Systems Business: establishment that installs, services, maintains, and/or repairs Building systems, such as heating, ventilation, air conditioning, electrical, and plumbing contractors.

Business: operation of or engagement in for-profit activities and endeavors, including without limitation Commercial and Industrial activities and endeavors.

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Business Office: premises available for any function of a Business. Examples are advertising office, Business management, consulting, data processing, collection agency, real estate or insurance agent, sales office, travel agency, Business incubator, TV or radio studio, Utility office, and conference center.

Business, Trade, or Vocational School: an Education Use providing education or training in Business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a Home Occupation, College, or University.

C

Catering Service: an establishment that prepares and provides food and related services to off-premises locations.

Catering Events Establishment: any non-Residential room, place, or space where food and beverages are available for consumption, that is regularly leased or hired out for functions, occasions, or events, to which the general public is not invited or admitted and wherein music or entertainment may be provided.

Cemetery: land used or intended to be used for the burial of the dead and dedicated for purposes of containing graves, tombs, and funeral urns, including when located or operated in conjunction with and within the boundaries of the Cemetery, columbariums, crematoriums, mausoleums, and mortuaries.

Central Sewage Collection and Treatment System: a wastewater collection and/or treatment system owned and operated by a public or quasi – public organization and approved by all appropriate licensing and oversight agencies. This term shall not be construed to include any type of privately owned and operated individual disposal system such as private septic or other similar systems.

Certificate of Appropriateness: a certificate issued by the Historic Zoning Commission indicating its approval of plans for Alteration, Construction, removal, or demolition of a Historic Structure or Structure within a Historic District or Historic Landmark District.

Certificate of Completion: a certificate issued with respect to a submission pursuant to this Ordinance, which certifies that such submission is complete in accordance with the applicable requirements under this Ordinance.

Certificate of Compliance: a certificate issued with respect to a submission pursuant to this Ordinance, which certifies that such submission complies with the applicable requirements under this Ordinance.

Certificate of Economic Hardship: a certificate issued pursuant to Section 8.5.14, which evidences a determination that an Economic Hardship exists with respect to remedying a Condition of Neglect related to a Historic Property, which certificate authorizes such Alteration, Construction, removal, or demolition even though a Certificate of Appropriateness therefor has previously been denied.

Certificate of Occupancy: a written permit, which is required before occupying or commencing to use any Building, Lot, Building Site, or other parcel of land.

Character District: one of several areas on a Zoning Map to which certain Character District Development, Lot or Building Site, Building, Development Parcel standards are applied. *See* **Tables 4.3.1–A – 4.3.1.G (District Standards – Character Districts)**.

Child Care Facility: premises at which care, supervision, or guidance is provided for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit and whether or not the facility charges for services offered by it. Notwithstanding the foregoing, Childcare Facility does not include:

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(1) An educational facility, whether private or public, which operates solely for educational purposes in Grades K or above;

(2) Kindergarten programs for five-year-olds;

(3) Children's Day Camps;

(4) School vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session;

(5) Summer resident camps for children;

(6) Bible schools normally conducted during vacation periods;

(7) Facilities for disabled or mentally ill Persons;

(8) Facilities owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive State or federal financial assistance for childcare services.

Children's Day Camp: premises at which activities are offered to school-aged children in a social setting and the children return home in the evenings.

City: the City of Columbia, Tennessee.

City Code: the municipal code of the City, as the same may be amended and in effect from time to time.

City Council: the City Council of the City.

Civic Uses: (1) not-for-profit Uses dedicated to arts, charitable, philanthropic, culture, Education or Recreation, government, transit, or Parking purposes;

(2) a collective reference to the Uses listed under the heading "Civic Uses" in **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Use), Table 4.3.9.1-B (Building, Lot, & Building Site Accessory Use),** and **Table 4.3.9.1-C (Building, Lot, & Building Site Temporary Use)**.

Civic Building: a medium- to large-sized attached or detached Principal Building type, which is operated by a not-for-profit organization or governmental entity, is dedicated to Civic activities, and is designed to stand apart from its surroundings due to the specialized nature of its Civic purpose. Examples include but are not limited to Auditoriums, Conference / Convention / Exhibition Centers, Libraries, Places of Assembly, Courthouses, centers of government, Performing Arts Venues, and Museums. Civic Buildings are often the most prominently sited and architecturally significant Buildings in a community. *See* **Table 4.3.8.A (Principal Building Types) and Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Civic Space: an outdoor area dedicated for Civic Use, which meets the applicable standards of this Ordinance. *See* **Table 5.3.3-A (Civic Space Types – Summary)** and **Table 5.3.3-B (Civic Space Types -Specific Standards).**

Civic District: an area on the Official Zoning Map designated for Civic Building(s) and/or Civic Space(s).

Civil Support: Use category collectively referring to the Uses listed as such in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

Clinic: a Medical Clinic or Dental Clinic.

College or University: an educational institution that offers courses of general or specialized study leading to a degree.

Commercial Uses: the Use category, which is a collective reference to the Uses in the following Use sub-Categories, as listed in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**:

Accommodations / Lodging, Day Care (non-Civic), Educational Facilities (non-Civic), Indoor Recreation, (Commercial), Group Assembly, Outdoor Recreation

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(Commercial), Commercial Parking (Commercial), Restaurant, Retail / Personal Service / Repair / Art / Artisan, Self-Service Storage, Boat-Related Uses, Motor Vehicle-Related Uses, Manufactured Home Sales, and Wholesale Sales.

Commercial Building: a small- to medium-sized attached or detached non-Residential Building Type, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan Uses and Office Uses. *See* **Table 4.3.8.A (Principal Building Types Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Commercial Indoor Athletic Training Facility: Business establishment providing indoor facilities designed and used for active participatory athletic activities or training, including but not limited to personal strength and fitness training, gymnasiums, skating rinks, swimming pools, and tennis courts. Specifically excluded are Health Clubs, Day Spas, and Sports Venues.

Commercial Parking: a Parking Lot or Parking Structure operated as a for-profit endeavor.

Commercial Street: a Thoroughfare or Internal Drive designed for moderate to high vehicular capacity and slow speed, traversing an Urbanized area, described as such in **Table 4.3.8.A (Thoroughfare Types – Summary)** and **Table 4.3.8.B (Thoroughfare Assemblies and Standards)**. The Public Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides, separated from the vehicular lanes by separate Tree wells with grates and parking on both sides. The landscaping consists of a single Tree species aligned with regular spacing where possible, which clears the storefront entrances.

Common Destination: an area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

Common Open Space: a parcel or parcels of land and/or an area of water within a Development site designated, designed, and intended for use or enjoyment of the occupants of the Development site. Common Open Space may contain such complementary Structures and Improvements as are necessary and appropriate for the benefit and enjoyment of the occupants of such Development site. Common Open Space must meet the applicable Civic Space standards of this Ordinance.

Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line, and the Front Yard so created remains unfenced and is visually continuous with Abutting yards, supporting a common landscape. *See* **Table 4.3.7.A (Private Frontage Types)**.

Communications Equipment: equipment used for communication, transmission or reception by Business, governmental, or other public or quasi-public users, including without limitation cellular towers. This does not include communication equipment for amateur radio operators licensed by the Federal Communications Commission that are exempt from local zoning restrictions.

Communication Services: an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including without limitation, Radio or Television Broadcasting Studio, News Syndicates, Video or Audio Studio, Telecommunication Service Center, and Telegraph Service Center.

Communications Tower: a tower of any size that supports Communications Equipment, transmission or reception by Commercial, governmental, or other public or quasi-public users, including without limitation cellular towers. This does not include communication towers for amateur radio operators licensed by the Federal Communications Commission that are exempt from local zoning restrictions or communications towers under 100 feet in height used solely for educational communications purposes.

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Community Garden: a private or public Civic Space type for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards)**.

Conference / Convention / Exhibition Centers, Places of Worship, Places of Assembly, , Performing Arts Venues, and.

Community Service: sub-category of the Civic Uses category, being Uses of a public, non-profit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a Residential component, including without limitation, Civic Building, club or lodge (Civic), food distribution center (Civic), gallery (Civic), Parking Lot or Parking Structure (Civic), Philanthropic Institution, Place of Assembly, post office, neighborhood arts center (Civic), recreation facility (Civic), Senior Center (Civic), Sports Venue (Civic), transit shelter, transit station, transit terminal with or without vehicle storage or maintenance, and union hall.

Completely Enclosed: refers to a Building or other Structure having a roof, separated on all sides from adjacent open areas, by exterior walls or Party Walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Comprehensive Plan: (1) generally, an analysis of existing conditions and a compilation of policies, guidelines, standards, goals, and objectives, including but not limited to detailed elements of planning (as described and outlined in TCA Section 13-4-201, TCA Section 13-3-301 (2), and the Powers and Functions of the Local Planning Commission in Tennessee, p. 7), along with accompanying maps, tables, plats and illustrations, developed by the Planning Commission subsequent to substantial public review and active participation in the planning process, and officially adopted by the City Council to provide a vision which guides and directs the present and future physical, social, and economic development that occurs within the planning jurisdiction as well as a unified physical design for both the private and public development of land within the community; (3) specifically, the City's Comprehensive Plan adopted and in effect from time to time. Sometimes referred to as the "General Plan".

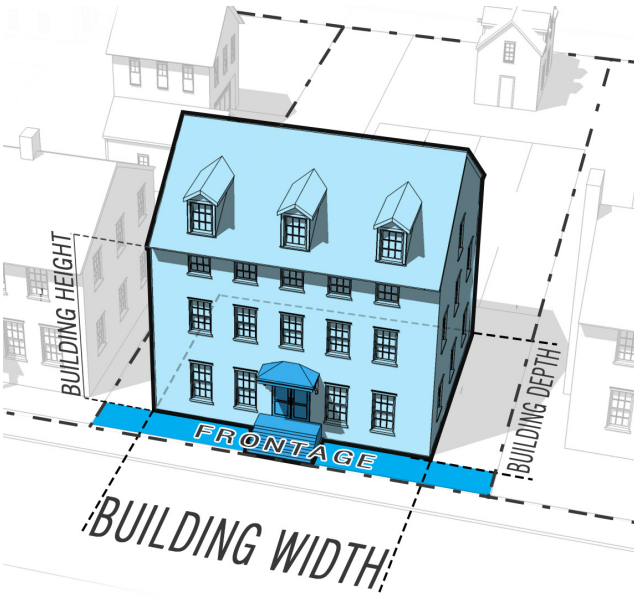
Conditional Use: a Use that would not be appropriate generally or without restriction throughout the applicable District, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Conditional Uses are subject to all such controls and to approval by the Board of Zoning Appeals. For purposes of the administration of this Ordinance, Conditional Uses shall be construed as synonymous with special exceptions, as controlled by TCA Section 13 – 7 – 206.

Conditional Use Permit: a permit issued pursuant to Section 8.5.16.C.

Conditions of Neglect: as defined in Section 8.5.14.C.1.

Configuration: with respect to a Building, its form, including its Massing, Private Frontage, Width, and Height. *See* **Illustration 9.3.C-1 (Configuration).**

ILLUSTRATION 9.3.C-1 CONFIGURATION



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Conference / Convention / Exhibition Center: premises that accommodate conferences, exhibitions, meetings, seminars, training sessions, and other similar gatherings.

Construction: the act of adding an Addition to an existing Structure or the erection of a new Structure.

Construction Business: an establishment engaged in any Business involving activities generally referred to general contracting, construction trades, building, or Development.

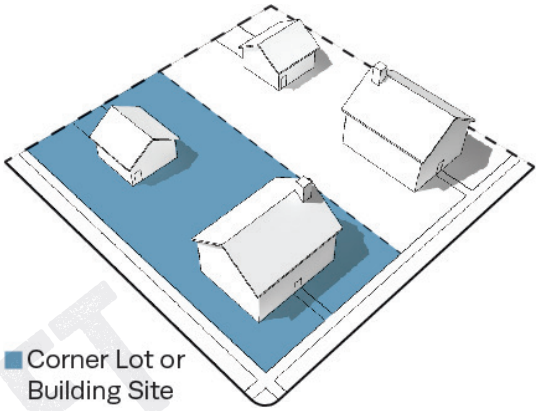
Continuum of Care Facility: a facility providing one or any combination of assisted living, nursing home, or skilled nursing for the elderly or other individuals incapacitated in some manner for medical reasons, as determined and licensed and/or certified by the Tennessee Department of Health, Board of Licensing Health Care Facilities. Included in this definition are homes for the aged, as defined by TCA Sections 68-11-201. Continuum of Care Facilities may include a small amount of age-restricted independent living as part of the overall continuum of care.

Contractor Materials Sales: the sale of building materials at wholesale without Outdoor Storage.

Convenience Store: an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

Corner Lot or Building Site: a Lot or Building Site type of which at least two Abutting sides Abut Thoroughfares, Internal Drives, Pedestrian Ways, Civic Spaces, or other public places. *See* **Illustration 9.3.C-2 (Corner Lot or Building Site)**.

ILLUSTRATION 9.3.C-2 CORNER LOT OR BUILDING SITE



Corridor: a lineal geographic system incorporating a Thoroughfare, Internal Drive, Greenway, or other Civic Space.

Cosmetic Reconditioning: incidental repair and refinishing of a vehicle, limited to plastic and trim parts, including bumpers, moldings, mirrors, headlight lenses, and the restoration of alloy wheels. Vehicle side panels may also be refinished when a bumper scrape carries onto a fender. Cosmetic Reconditioning shall not include painting of a complete vehicle, or use of traditional collision repair equipment, such as a frame machine, weld, or unibody straightening machine.

Counseling Service: an establishment providing counseling, guidance, or similar services to persons requiring rehabilitative or vocational assistance. This term includes job training and placement services.

Court: an open unoccupied space, other than a Setback Area or Yard, on the same Lot or Building Site with a Building or group of Buildings, which is bounded on two or more sides by such Building or Buildings. See also "Inner Court" and "Outer Court".

Courthouse: a Building in which courts of law are held.

Crisis Counseling Center: premises from which Persons who have experienced a traumatic event are provided short-term counseling to assist in coping with the event.

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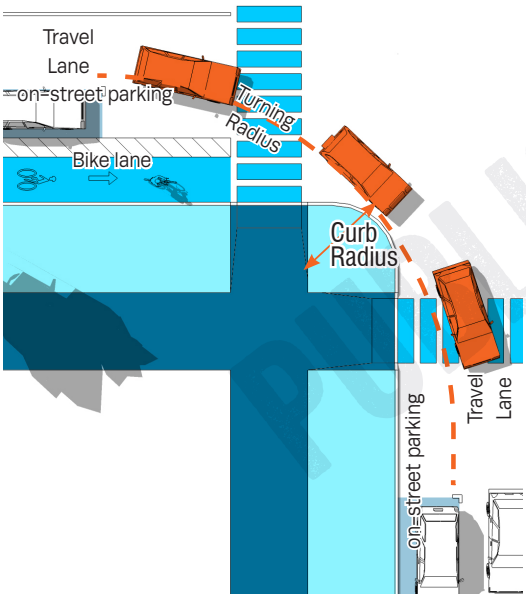
Cross Block Passage: a minimum 10 foot wide pedestrian access reserved between Buildings.

Curb: the edge of the vehicular pavement that may be either raised or flush with a Swale to the extent allowed by this Ordinance. It usually incorporates or is associated with the drainage system. See **Table 4.3.8.A (Thoroughfare Types – Summary)** and **Table 4.3.8.B (Thoroughfare Assemblies and Standards).**

Curb Radius: the radius of the curb at an intersection. *See* **Illustration 9.3.C–3 (Curb Radius).**

ILLUSTRATION 9.3.C–3 CURB RADIUS



D

Data Processing or Storage Services: establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a main frame computer.

Day Care Center or Facility: a place other than an occupied Dwelling, which for a payment, fee, or grant provides care, protection, and supervision for more than 5 children or adults on a regular basis away from their primary Residence for fewer than 18 hours each day (although the facility may be open 24 hours each day), with no overnight accommodations. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults. A Day Care Center or Facility must meet all applicable State and County requirements for standards, licensing, and inspections.

Examples are Adult Day Care program, Child Care Center, Nursery School, Preschool, and Latch–key Program.

Decision–Making Authority: any City administrative Person, legislative or quasi–legislative body, or appellate body authorized to make decisions under this Ordinance, including without limitation, the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals and the City Council.

Deck: a covered or uncovered horizontal, platform–like Structure similar to a floor, which is constructed outdoors of wood, composite wood, or vinyl material, is capable of supporting weight, and may be connected or unconnected to a Building.

Demolition: any act or process that destroys in part or in whole a Historic Structure or a landmark or a Structure within a Historic District or Historic Landmark District.

Demolition by Neglect: the existence of any one or more Conditions of Neglect with respect to a Historic Property.

Density: the intensity of Development within a standard measure of land area. The maximum Density established for a District is not a guarantee that such Density may be obtained, nor shall the inability of a Development to achieve the stated maximum Density be considered sufficient justification for a Variance or Administrative Adjustment or otherwise adjusting other Density or other requirements.

Dental Office / Dental Clinic: an Office or other premises for the private practice of dental care professionals licensed by the State, wherein a majority of patient encounters involve dental examination, diagnosis, treatment, surgical

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procedures, preventive care, restorative care, cosmetic care, and/or emergency care on an outpatient basis.

Dental Lab or Laboratory: premises or establishment at which products to assist in the provision of oral health care by a licensed dentist are made, such as crowns, bridges, dentures, dental implants, and therapeutic and orthodontic devices.

Design Guideline: as related to a Historic District, Historic Landmark District, or Structure in a Historic District or Historic Landmark District, a standard of appropriate activity that will preserve the historic and architectural character of such Structure or district.

Designed for Residential Use: a Building or part thereof which was originally designed for Residential Use.

Develop/Development: (1) commencing, making or planning for man-made changes to land, Structures, or other real property, including without limitation, re-development, clearing, excavation, grading, filling, Construction, re-Construction, Alteration, demolition, modification, subdivision or re-subdivision, installation of infrastructure, mining, dredging, paving, drilling, and storage of materials, whether such changes are horizontal, vertical, or subterranean, but excluding agricultural and gardening activities and Ordinary Maintenance and Repair; (2) the resulting changes to such land, Structures, or other real property; and (3) with respect to a specific plan of development or development project, such development or project.

Development Parcel: a parcel of land:

(1) which, either alone or together with one or more other parcels under a common Development scheme, program or plan, is ten (10) or more gross acres;

(2) with respect to the Development of which any new Thoroughfare, Internal Drive, or extension or change of the design of any existing Thoroughfare or Internal Drive is required or will be made or proposed; or

(3) with respect to which any District assignment or any Thoroughfare or Internal Drive or alignment thereof is proposed to be made or changed by a Zoning Map or Zoning Map amendment.

Development Area Per Dwelling Unit: the measurement of Density for Residential Development, which term refers to the number of Dwelling Units per unit of land area, subject to adjustment for Lot or Building Site Area Remainder as follows:

if an amount of Lot or Building Site Area not allocated to a Dwelling Unit is less than that required for one such Dwelling, the remaining Lot or Building Site Area may be used to satisfy Lot or Building Site Area requirements if it represents at least 75% of the total area required for a Dwelling Unit; provided, however, that the project shall comply with all other applicable regulations including without limitation access, Setbacks, Setback Areas, and Yards.

Development Plan: a Site Development Plan or Sketch Development Plan, as described in Section 8.5.6. See also "Master PUD Development Plan".

Development Permit: any permit or approval issued or granted pursuant to this Ordinance.

Deviation: an Administrative Adjustment or a Variance.

Directory Sign: the Sign type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Distillery: an establishment which is primarily used for the manufacture of alcoholic spirits in accordance with applicable state and local regulations.

Distribution: the movement of goods including the storage of goods awaiting movement.

Distribution Facility: premises used for Distribution.

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District: a Character District, Special District, PUD District, or Civic District; when capitalized and not accompanied by the word "Historic", the word "District" specifically excludes any Local Historic Districts. *See also* "Zoning District".

Dooryard: a Private Frontage type intended for ground floor Residential Use, wherein the Façade is set back a small distance and the Frontage Line is defined by a low Wall, decorative Fence or hedge, creating a small raised, sunken, or at-grade Dooryard consisting of a front garden or patio. The Dooryard shall not be used for public circulation along a Thoroughfare. *See* **Table 4.3.7.A (Private Frontage Types)**.

Double-Wide Manufactured Home: (1) A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or Trailer in 2 or more sections to be attached on site. As used in this Ordinance, Double-Wide Manufactured Home does not include Manufactured Homes constructed as a single self-contained unit and mounted on a single chassis.

(2) A Double-Wide Manufactured Home, shall be considered a Single-Family Dwelling and shall be subject to all standards and regulations applicable to Single-Family Dwellings, as provided by this Ordinance.

Drive: a Thoroughfare or Internal Drive along the boundary between an urbanized and a natural condition, usually along a waterfront, Park, or promontory, with one side having the urban character of a Street, with Sidewalk and Buildings, and the other having the qualities of a Road or Parkway with naturalistic planting and rural details. *See* **Table 5.3.3.F (Thoroughfare / Internal Drives Types – Summary)** and **Table 5.3.3.G (Thoroughfare / Internal Drive Assemblies and Standards)**.

Drive Aisle: a vehicular accessway that serves and is within a Parking Area, Parking Lot, or Parking Structure. A Drive Aisle is not a Thoroughfare, Internal Drive, or Driveway.

Drive-Through: any accommodation designed or used for the transaction of Business wherein the patrons may avail themselves of the services or products of an establishment while remaining in their vehicles, whether or not patrons are also able to obtain services or products inside of a Structure.

Driveway: a vehicular accessway within a Lot or Building Site to provide access only from a Thoroughfare or Internal Drive to a Parking Area, Parking Lot, Garage, Parking Structure, or Building entrance, but not designed to provide space within the First Layer or Second Layer for vehicular Parking additional to the minimum space required for such access.

Duplex: a small- to medium- sized Building, other than a Manufactured Home, situated on a single or two Abutting small- to medium- sized Lot(s) or Building Site(s) with an Edgeyard or Sideyard, which either is (a) attached to another Building of the same type, each of which consists of a separate Dwelling Unit with a separate entrance or (b) contains two Dwelling Units, each of which has a separate entrance. In each case, the entrance of at least one of the Dwelling Units must face a Thoroughfare, Internal Drive, or Civic Space. Dwelling Units may be side-by-side, front-to-back, or over-and-under. *See* **Table 4.3.8.A (Principal Building Types Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Dwelling / Dwelling Unit: a Building or portion thereof designed or used exclusively as Residential quarters for one or more Families living independently of each other, which includes separate complete sleeping, cooking, eating, and sanitation facilities for each such Family, and occupied for a monthly or longer basis. The term shall not be deemed to include Hotel, Extended Stay Hotel, Motel, Boarding or Rooming House, or any Transient living accommodations.

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E

Easement: a privilege or right of use, access or enjoyment granted on, above, under or across a particular tract of land by the landowner to another Person.

Economic Hardship: an economic burden imposed upon the owner, which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

Edgeyard: a Yard type that results from a Building being set back from its Lot or Building Site boundaries at the front, rear, and both sides.

Education or Educational: a Use category characterized by the process of receiving or giving instruction. *See* **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Use)**.

Educational Facility: public and private (including charter or religious) schools at the pre-school, kindergarten, primary, intermediate, or secondary school levels; colleges, universities, community colleges, graduate and professional schools, nursing, dental, and medical schools, seminaries, and other post-secondary institutions of higher learning that offer courses of general or specialized study leading to a degree, usually in a campus setting. The following are not Educational Facilities: dance, art, music, or photographic studios or classrooms (see Retail Sales and Personal Service), driving schools other than truck driving schools (see Retail Sales and Personal Service), and Martial Arts schools (see Retail Sales and Service).

Effective Date: the date on which this Ordinance was adopted by the city Council.

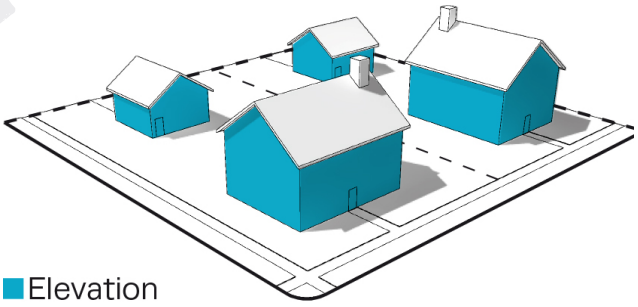
Effective Turning Radius: the measurement of the inside Turning Radius, taking parked cars into account.

Electronic Message Board: a panel or screen with the capability to display electronically programmed variable messages.

Elementary School: a public, private or parochial school offering instruction between Kindergarten and Grade 4 in the branches of learning and study required to be taught in the public schools of Tennessee.

Elevation: as related to the exterior walls of a Building, one that is not along a Frontage Line; when not capitalized, "elevation" means the height above a given level or a drawing or design that represents an object or Structure as being projected geometrically on a vertical plane parallel to one of its sides, as the context indicates. See also Facade. *See* **Illustration 9.3.F–5 (Frontage and Lot or Building Site Lines)** and **Illustration 9.3.E–1 (Elevation)**.

ILLUSTRATION 9.3.E–1 ELEVATION



Elevation

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, Setback Area, or Yard or into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, Setback Area, or Yard or into the Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in "porches Enfront the Thoroughfare."

Exempt Wireless Communications Tower: communication tower used by amateur radio operators licensed by the FCC that are exempt from local zoning restrictions or communications towers under 100 feet in height used solely for educational communications purposes.

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Exempt Sign: a Sign listed in Section 7.1.10 that does not require a Sign Permit.

Existing Local Codes: all City laws, codes, and ordinances in effect on the Effective Date.

Extended Stay Hotel: a Building or part of a Building, containing six (6) or more guest rooms or suites, offering temporary residence for compensation and specifically constructed, licensed, and/or maintained, all or in part, for non-Transient extended stays and/or stays longer than 30 days, regardless of the presence of leases for shorter periods of time. An Extended Stay Hotel is not a Hotel, Motel, Bed and Breakfast, Inn or Short-Term Rental Unit.

Exterior Architectural Appearance: the architectural character and general composition of the exterior of a Structure, including but not limited to the kind, color, and texture of the building materials and the type, design, and character of all windows, doors, light fixtures, Signs, and appurtenant elements.

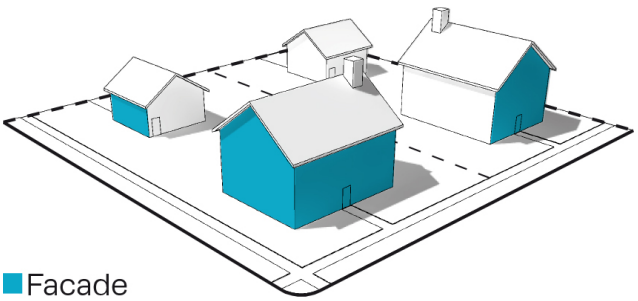
Extractive Uses: sub-category of Agricultural and Extractive Uses Category characterized by Uses in which minerals or other solids or liquids are extracted from the earth, including without limitation, chemical fertilizer and non-metallic mineral mining, clay, ceramic, and refectory mineral mining, coal mining, crude petroleum and natural gas production field, metal ore and mineral mining, sand, stone, and gravel quarrying.

F

FAA: Federal Aviation Administration.

Facade: the exterior Wall of a Building that is set along a Frontage Line. See **Illustration 9.3.F-1 (Facade)**. *See also* "Elevation".

ILLUSTRATION 9.3.F-1 FACADE



Facade

Family: (1) one or two Persons and their children by birth, adoption, foster care, or guardianship or (2) any number of related or unrelated Persons living together in a single, more or less permanent and stable rather than Transient living arrangement as a not-for-profit housekeeping unit, which is the functional and factual equivalent of a traditional family, including without limitation a group headed by a householder caring for a reasonable number of children as one would be likely to find in a traditional family; provided that the criteria "stable rather than Transient living arrangement" shall not be applied in cases where handicapped persons are affected.

Family Day Care: a facility which provides day care and supervision services for up to 18 hours per day for no more than 12 recipients at any one time, without overnight accommodations, by a provider of such services who is not related to such recipients, which provider has received and maintains in full force and effect all necessary State approvals and licenses. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendants.

Farm and Construction Equipment: equipment used in the conduct of farming or construction activities.

Farmer's Market: an open air area, without or without a Structure, used for the Retail sale of fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or plants. A Roadside Stand is not a Farmer's Market.

FCC: Federal Communication Commission.

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Fence: (1) as a Private Frontage type, a Frontage wherein the Facade is set back from the Frontage Line, and the Front Setback Area, Front Yard, or Street Yard so created is separated from the Public Frontage by a Fence. *See* **Table 4.3.7.A (Private Frontage Types)**;

(2) as a Structure, a device erected to serve as an architectural element, landscape element, Screen, Streetscreen, or physical barrier.

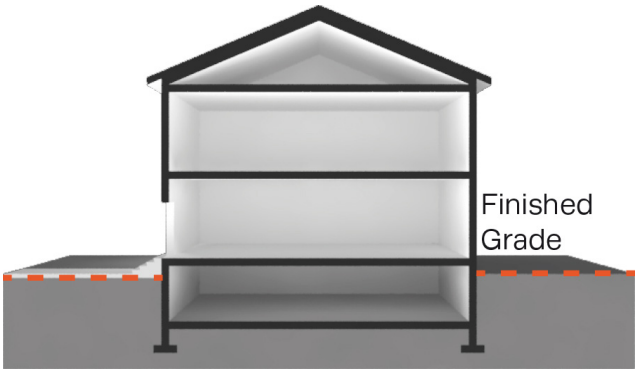
Final Plat: as defined in City Subdivision Regulation Section 2.3.

Financial Institution: an establishment that is regulated by the Federal Deposit Insurance Corporation (FDIC) and/or Tennessee Department of Financial Institutions and provides a variety of financial services, generally including banks, credit unions, and mortgage companies.

Financial Services: a Business, other than a Financial Institution or Non-Banking Financial Institution, characterized by the provision of financial, investment, and/or similar services.

Finished Grade: the elevation of the completed surfaces of lawns, walks and Thoroughfares and Internal Drives Adjoining a Building wall at that point along such wall. *See* **Illustration 9.3.F-3 (Finished Grade).**

ILLUSTRATION 9.3.F-3 FINISHED GRADE



Fire / EMS Station: premises accommodating operations of fire-fighting and emergency medical personnel and other members of staff.

First Layer: *See* "Layer".

Flex Building: a large footprint Principal Building type designed to accommodate either a single Use or a vertical or horizontal mix of Uses. See **Table 4.3.8.A (Principal Building Types- Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards).**

Flood: as defined in Section 6.12.2.

Floodplain: as defined in Section 6.12.2.

Flood Fringe Overlay District: an area designated as such on the Official Zoning Map.

Floodplain District: as defined in Section 6.12.2.

Floodway Overlay District: an area designated as such on the Official Zoning Map.

Floor Area: the total of the gross horizontal areas of all floors, including usable Basements and cellars, below the roof and within the outer surface of the main walls of Buildings or the center lines of Party Walls separating such Buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any Building or portion thereof without walls, but excluding the following:

(1) Areas used for off – street Parking spaces or loading berths and Driveways and maneuvering relating thereto where required by this Ordinance.

(2) In the case of Non-Residential facilities: arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio ("FAR") or Floor-to-Area Ratio: a measurement of Non-Residential land use intensity, being the ratio of Building Floor Area- to -Lot or Building Site Area. FAR is determined by dividing (1) the aggregate Floor Area of the several floors and mezzanine areas of all Buildings on a Lot or Building Site by (2) the Lot or Building

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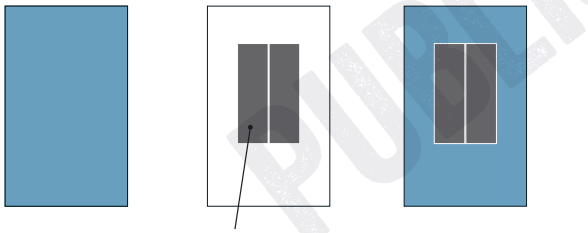
Site Area, as follows:

$$\frac{\textit{Aggregate Floor Area}}{\textit{Lot or Building Site Area}} = \textit{Floor Area Ratio}$$

For example:

(1) a Building containing 20,000 square feet of Floor Area on a Lot or Building Site that has a Lot or Building Site Area of 10,000 square feet has a Floor Area Ratio of 2.0; and

(2) similarly, a Floor Area Ratio of .5:1 would mean that the Floor Area of the Building is 50% of the Lot or Building Site Area of the Lot or Building Site on which the Building is located.



Lot or Building Site Area 10,000 sq. ft.

Floor Area of Building 5,000 sq. ft.

$\frac{\text{5,000 sq. ft.}}{\text{10,000 sq. ft}} = 0.5$

Food Distribution Center: premises operated for Civic purposes, with or without a Structure, from which edible goods are distributed to the public, with or without compensation.

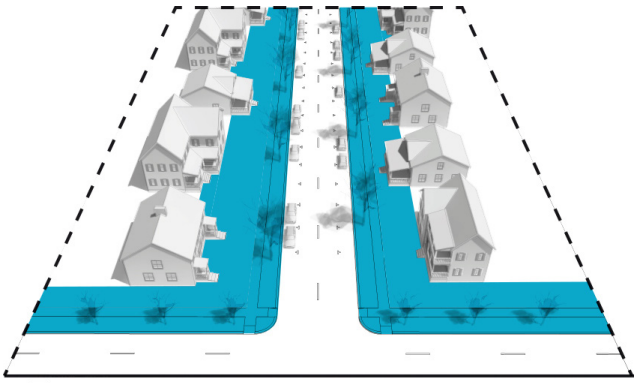
Food Processing: Use characterized by processing and packaging of edible goods and beverages for consumption off of the premises.

Forecourt: a Private Frontage type wherein a portion of the Facade is close to the Frontage Line and the central portion is set back, creating an gathering space for residents or additional shopping or restaurant seating area within Retail / Personal Service / Repair / Art / Artisan Use areas. This type should be used sparingly and may be used in conjunction with other Private Frontage types. *See* **Table 4.3.7.A (Private Frontage Types)**.

Freestanding Sign: any Sign supported by Structures or supports that are anchored in the ground and that are independent of any Building or other Structure.

Frontage: the area between a Building Facade and a Path, Passage, waterbody, Civic Space, or the curb (or if there is no curb, the edge) of the Vehicular Lanes of a Thoroughfare or Internal Drive having Vehicular Lanes, inclusive of the built and planted components of such area. Frontage is divided into Private Frontage and Public Frontage. *See* **Illustration 9.3.F–5 (Frontages and Lot or Building Site Lines), Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies and Standards),** and **Table 4.3.7.A (Private Frontage Types)**. Corner Lots and Building Sites have two Frontages, a Principal Frontage and a Secondary Frontage. *See* **Illustration 9.3.F–4 (Principal Frontage and Secondary Frontage)**.

ILLUSTRATION 9.3.F–4 PRINCIPAL FRONTAGE AND SECONDARY FRONTAGE



Frontage

Frontage Line: the common line that separates the Private Frontage from the Public Frontage, typically at the Front Lot or Building Site Line in cases where the entire Public Frontage is with the public right–of–way. *See* **Illustration 9.3.F–5 (Frontages and Lot or Building Site Lines)**. On a Corner Lot or Building Site, there are two Frontage Lines.

Front Lot or Building Site Line: the boundary at the front

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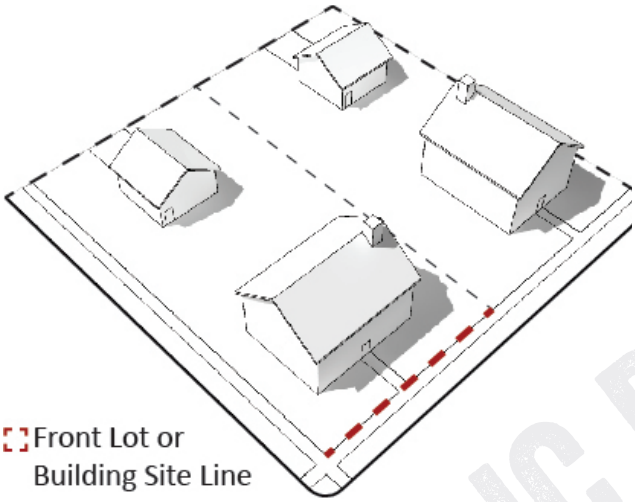
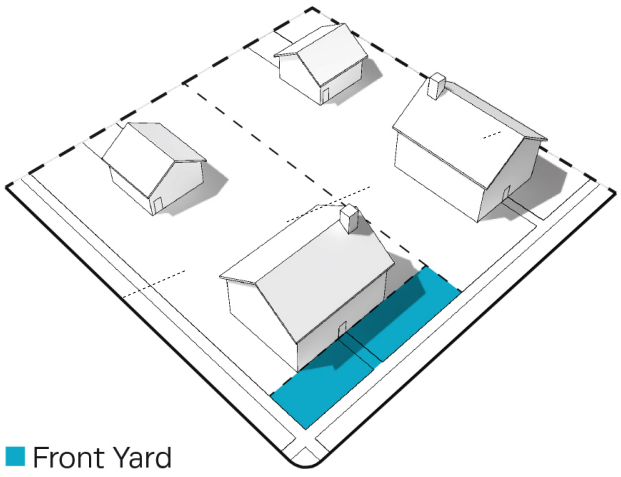
of a Lot or Building Site along the Thoroughfare right-of-way or Internal Drive. *See* **Illustration 9.3.F-5 (Frontages and Lot or Building Site Lines).**

ILLUSTRATION 9.3.F-5 FRONTAGES AND LOT OR BUILDING SITE LINES



Front Setback Area or Yard: a portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot or Building Site and (2) the Front Lot or Building Site Line, extending the full width of the Lot or Building Site, from Side Lot or Building Site Line to Side Lot or Building Site Line. *See* **Illustration 9.3.F-6 (Front Yard).** Sometimes referred to as "Street Yard".

ILLUSTRATION 9.3.F-6 FRONT (STREET) SETBACK AREA OR YARD



Full Value: with respect to a Nonconforming Structure or a Structure used for a Nonconforming Use, the Full Value of a Structure shall be determined by subtracting (1) the estimated value of the foundation as provided by the owner's engineer and approved by the City Engineer from (2) the current assessed value of the Structure.

$$\textit{Current Assessed Value of Structure} - \textit{Estimated Value of Foundation} = \textit{Full Value}$$

Funeral Services: a Use characterized by an establishment engaged in undertaking services such as preparing the human or animal dead for burial and arranging and managing funerals, including without limitation, Funeral Home, Mortuary, Cemetery, and Crematorium.

G

Gallery: (1) with respect to the Frontage, the Private Frontage type conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk (*see* **Table 4.3.7.A (Private Frontage Types)**;

(2) with respect to the Use of premises or part thereof, the collection and/or exhibition, and often the sale, of works of art, photography, objects of permanent value, or artisan or cultural items.

Garage: an enclosed, detached Building, or an enclosed extension of a Principal Building, used for the storage of one or more motor vehicles on a Lot or Building Site as an Accessory Use, provided that no Business, occupation or service is conducted for profit therein.

General Plan: the City Comprehensive Plan.

Governmental Facility: Governmental Offices and storage and other facilities for the operation of local, state, or federal government. Examples are Courthouses, correctional facilities, jails, prisons, emergency services, paramedic, fire department, and law enforcement facilities,

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and post offices. Educational Facility, Maintenance Facility, Civic Spaces and Open Areas, solid or liquid waste transfer or composting and Utility Facilities are not Governmental Facilities.

Green: a type of Civic Space for unstructured recreation, spatially defined by landscaping rather than Buildings, described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards).**

Gross: as related to an area of land, that which is inclusive of all land uses, Thoroughfares, Internal Drives, and other public areas located within a Development site.

Ground Floor Elevation: the distance between the top of the fronting Sidewalk and the top of the finished ground floor.

Group Assembly: sub-category of the Commercial Use category, characterized by people congregating regularly for participation in or holding meetings, workshops, lectures, civic activities, religious services, performances, and other similar activities, including Buildings, facilities, and venues in which such functions and activities are held.

Group Care Home or Family Boarding Home: a Group Care Home or a Family Boarding Home, as those terms are defined under the Rules of the Tennessee Department of Children's Services Social Service Division, Chapter 0250-4-2, which is licensed by the State under 0250-4-2-.01 of said Chapter.

Group Care Facility: shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for nine (9) or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities, provided that such arrangements do not meet the definition of Household Living. A Group Care Facility is not a Group Home for Persons with Disabilities.

Group Day Care: synonymous with Family Day Care.

Group Home for Persons with Disabilities: any home in which eight (8) or fewer unrelated "persons with disabilities" as defined in TSA section 13-24-101 reside, which may include three (3) additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home.

Group Living: sub-category within the Residential Uses category, characterized by Residential occupancy of a Structure by a group of people, which does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Structures for Group Living have a common eating area for Residents, and the Residents may receive care, training, or treatment. Examples include but are not limited to Adult Care Home, Group Home for Persons with Disabilities, and Group Care Home or Family Boarding Home.

H

Health Care Institution: subcategory within the Institutional Use category, characterized by an establishment providing medical or surgical care to patients. Some uses may offer overnight care.

Nursing or medical schools not accessory to a Hospital (see Educational Facilities) and Urgent Care or Emergency Medical Clinic Offices (see Offices) are not Health Care Institutions.

Health Club: premises that contain one or more of the following types of athletic facilities: swimming pool, racquetball courts, squash courts, exercise rooms, weight rooms, gymnasium or similar facilities available exclusively to members and their guests.

Heavy Industrial: the sub-category of Industrial Uses characterized by and collectively referring to factory production and industrial yards; research and development activities without light fabrication and assembly

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operations; limited industrial/manufacturing activities; Industrial Businesses, the sale of heavy equipment, Uses involving storage or use of highly flammable, toxic matter or explosive materials, or of Hazardous Materials; Uses that generate pollution, dust, odor, heat, glare, or vibration beyond the walls of such enclosed Building or any light or glare beyond the boundaries of the land on which the Building is situated; any activity or Use that (1) is detrimental to the environment, (2) poses any danger or hazard of fire or explosion or other physical hazard, (3) causes, disseminates, or discharges any material, dust, smoke, gas, fumes, odor, noise, vibration beyond the Lot or Building Site on which the Building is situated, (4) involves any Outside Storage, (5) results in any unusual traffic hazard or congestion, or (6) for which any water, air, or other environmental or pollution license or permit is required; as more specifically listed under such sub-category in **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Use).**

Not included in this sub-category are animal waste processing (see Waste-Related Service); Repair and service of Motor Vehicles, motorcycles, Recreational Vehicles, boats, or light and medium trucks (see Vehicle Sales and Service); in-store sales, lease, or rental of consumer, household, or business goods (see Retail Sales and Service).

Height: (1) as related to a Structure other than a Tower, the vertical dimension of the Structure, described as applicable, (a) in number of Stories of the Structure or (b) by the distance between (i) the average Finished Grade, as measured at the outside corners of the Structure, and (ii) the highest point of such Structure on the roof surface; excluding in each case (i) Attics under 14 feet in height at their tallest point; (ii) raised Basements; and (iii) masts, belfries, clock towers, spires, steeples, chimneys, chimney flues, flagpoles, silos, water tanks, elevator or stair bulkheads, water tanks, cooling towers, Exempt Communications Towers, or parapet walls not more than four feet (4') high. *See* **Illustration 9.3.H-1 (Height-Building).**

ILLUSTRATION 9.3.H-1 HEIGHT – BUILDING

(2) as related to a Tower, the distance measured from ground level to the highest point on the Tower, even if said highest point is an Antenna.

Heritage Tree: a tree of any species listed under "Canopy Trees" in **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley)** having with a trunk caliper of 24" or greater, measured 3 feet from the base of the trunk.

High School: premises at which education is provided for students from Grade 9 through Grade 12.

Highway: a rural or suburban Thoroughfare or Internal Drive of high vehicular speed and capacity, described as such in **Table 5.3.3.F (Thoroughfare / Internal Drives Types – Summary)** and **Table 5.3.3.G (Thoroughfare / Internal Drive Assemblies and Standards)**.

Historic District: a geographically definable area which possesses a significant individual Structure or a concentration, linkage or continuity of sites, Buildings, Structures, or objects which are united by past events or aesthetically by plan or physical development, which meets one (1) or more of the following criteria:

(1) It is associated with an event which has made a significant contribution to local, state or national history;

(2) It includes Structures associated with the lives of persons significant in local, state or national history;

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(3) It contains Structures or groups of Structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) It is listed in the National Register of Historic Places.

Historic Landmark: a property, Building, district, object, site, or Structure that has outstanding historical significance and is designated as such pursuant to this Ordinance.

Historic Property: the term used as a collective reference to designated Historic Structures, Historic Landmarks, and Historic Districts, together with properties therein identified as "contributing" or "pivotal" in a designated Historic District.

Historic Structure: any Structure that is:

(1) listed individually in the National Register of Historic Places maintained by the Department of the Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminary determined by the Secretary to qualify as a registered Historic District;

(3) individually listed on the state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs which have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior; or

(b) directly by the Secretary of the Interior.

Home Occupation: any gainful occupation conducted entirely within a Dwelling solely by the owners– or tenant–residents thereof as an Accessory Use, which does not change the character of the Structure as a Residence; provided that (1) said activity shall not occupy more than 50% of the Floor Area of the Dwelling, (2) there shall be no external evidence other than an Identification Sign, (3) no goods shall be kept, and (4) no mechanical or electrical equipment shall be used except customary household equipment; and provided further that the following are not allowed as Home Occupations: Clinic, Hospital, Home Professional Office, barbershop, beauty shop, Restaurant, Kennel, antique dealer, Retail sales on the premises, or loading of ammunition.

Horticulture and Landscaping Services: landscaping, tree, plant, lawn, and/or other landscape material installation, care, maintenance, and removal, and other similar services, together with associated equipment and machinery directed toward the care of trees, plants, or lawns.

Hospice: the provision of palliative care and emotional support to the terminally ill so that quality of life is maintained and family members may be active participants in care.

Hospital: premises used for the diagnosis, medical treatment, or similar care of human ailments including without limitation: the term "Hospital" shall be deemed to include (1) psychiatric and substance abuse facilities, ambulatory care, outpatient services, diagnostic and treatment centers, Clinics, Rehabilitation Facilities, Medical Laboratories, Hospices, teaching facilities, and

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meeting areas associated with and on the same premises as the Hospital, and (2) Accessory Uses such as dining and housing for patients' Families and guests, staff members, nurses, interns, resident physicians and their immediate families, and maintenance, service and parking facilities. The term "Hospital" shall not be deemed to include (3) Offices of doctors, dentists, chiropractors, or nurse practitioners, sanitariums, Nursing Homes, Long Term Care Facilities, Rehabilitation Facilities, psychiatric and substance abuse facilities, ambulatory care, outpatient services, diagnostic and treatment centers, Clinics, Rehabilitation Facilities, Medical Laboratories, Hospices, teaching facilities, or meeting areas not associated with and on the same premises as the Hospital, or (2) Accessory Uses such as dining and housing for patients' families and guests, staff members, nurses, interns, resident physicians and their immediate families, and maintenance, service and parking facilities not on the same premises and associated with Hospital.

Hostel: an establishment that provides inexpensive food and lodging for a specific group of people, such as students, workers, or travelers.

Hotel: a Business that offers to Transients, on a daily or weekly basis for compensation, sleeping accommodations accessible from interior hallways, whether or not such Business also includes dining facilities. Not synonymous with Motel, motor court, tourist court, auto court, motor lodge, or similar facilities. Neither a Hotel nor a room therein is a Short-Term Rental Unit.

House: a Building Type that was designed as a Single-Family Detached Dwelling on a medium or large Lot or Building Site with an Edgeyard, often shared with an Accessory Building in the rear, described as such in **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Household Living: the sub-Category of Uses designated as such in **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Uses)**, characterized by permanent, non-Transient Residential activities that involve the occupancy of a Residential Dwelling Unit. A Short-Term Rental Unit is not a Household Living Use.

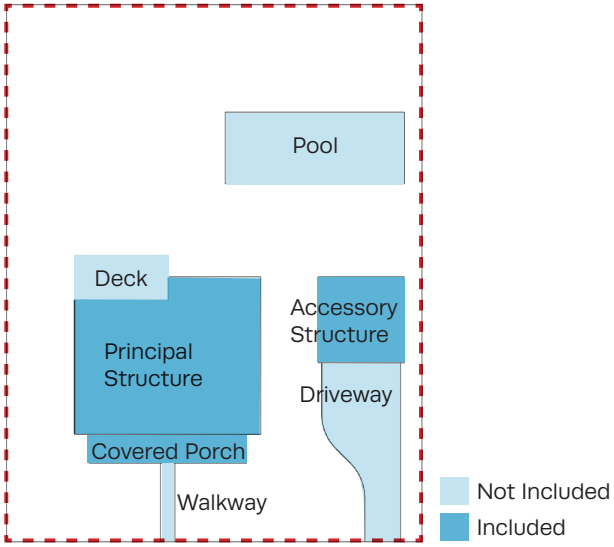
House Trailer: any Trailer designed to be used for living purposes with its wheels, roller or skids in place.

I

Identification Sign: a Sign that directs attention to a Business, profession, or Building with Multi-Family Residential Dwelling Units, which is conducted upon the same Lot, Building Site, or Development Site where such Sign is located.

Impervious Surface Coverage: that portion of a Lot, Building Site, or Development site, as applicable, covered with Buildings, asphalt, or concrete paving or hard-packed, prepared, graveled surfaces that prevent or restrict absorption of rain or surface water into the ground. If a Lot, Building Site, or Development site, as applicable, is located in more than one District, the Impervious Surface Coverage shall be separately computed for each District and no Impervious Surface Coverage may be transferred between Districts. See **Illustration 9.3.I-1 Impervious Surface Coverage.**

ILLUSTRATION 9.3.I-1 IMPERVIOUS SURFACE COVERAGE



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Impound Yard: a facility that provides temporary outdoor storage for: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: Scrap and Salvage Yards / Services; Junkyard; Towing Facilities; Motor Vehicle Storage; or accessory storage of inoperable vehicles.

Improvement: any man-made change of land, a Lot, a Building Site, or Development site, or a change to or creation of a Structure.

Independent Living Apartment: a multiple Dwelling Unit accommodation that provides Residential quarters for Persons over a specified age who do not require skilled nursing care, health care, or assistance with daily activities, such as assistance with eating, dressing, ambulation, medication, bathing, or toileting.

Indoor Recreation: Use characterized by generally Commercial, for-profit Uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting, including without limitation bowling alley, game arcade, pool hall, skating rink, gymnastic facility, indoor sports academy, Indoor firing range, membership club or lodge, and movie or other theater, but excluding Adult-Oriented Entertainment, Bar, Tavern, Nightclub, athletic, tennis, swim or Health Club (see Retail Sales and Service) and outdoor entertainment (see Outdoor Recreation).

Industrial Uses: (1) a Use category characterized by manufacturing, re-manufacturing, processing, fabricating, creating, producing, packaging, converting, altering, assembling, handling, storing, stockpiling, sorting, recycling, treating, disposing of, wholesaling, warehousing, and distributing materials, products, or information, research and development, trucking, shipping, and transportation Business, repairing and maintaining commercial machinery or equipment, and waste management;

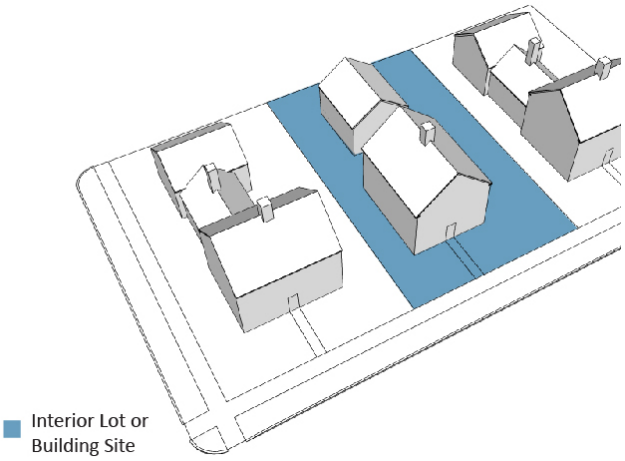
(2) Industrial Uses is the Use category, which is a collective reference to Uses in the following Use sub-Categories, as listed in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses) Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Temporary** Uses): Heavy Industrial, Light Industrial, Warehouse and Freight Movement, and Waste-Related Service.

Information Services: enterprises and organizations whose purpose is to produce and process information and to develop the infrastructure and delivery mechanisms to distribute information.

Inn: an owner-occupied Lodging Use, offering 6 to 12 bedrooms, which may serve breakfast to guests. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).** Neither a Bed and Breakfast nor a Short-Term Rental Unit is an Inn.

Interior Lot or Building Site: a Lot or Building Site type other than a Corner Lot or Building Site. *See* **Illustration 9.3.I-2 (Interior Lot or Building Site).**

ILLUSTRATION 9.3.I-2 INTERIOR LOT OR BUILDING SITE



Internal Drive: a curbed pedestrian and vehicular access way, parallel parking, landscaped area, and public lighting accommodation within a Lot, Building Site, or Development Parcel that connects to a Thoroughfare or another Internal Drive, and provides access and circulation to or through such Lot, Building Site, or Development Parcel and the

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Building(s) and Parking accommodations thereon. An Internal Drive is required to meet the Thoroughfare and Internal Drive assemblies and standards for the applicable District.

Inverted Crown: surface shaping of an Alley, Thoroughfare, or Internal Drive having the low point in the middle, causing surface runoff to flow down the center.

J

Junk Vehicle: a vehicle which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

Junkyard: any land or Structure or part thereof used for the collection, storage or sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvage of machinery or vehicles not in running condition or for the sale of the parts thereof.

K

Kennel: any Structure or premises on which four (4) or more dogs, cats and/or other household pets over four (4) months of age are kept for boarding, breeding, selling, grooming, or training, excluding, however, any Structure or premises on which such animals are kept solely for Retail sale.

Kindergarten: premises accommodating a program that prepares children for first grade.

L

Laboratory: a place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

Landholder: the legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this Ordinance.

Landscaping: (1) live materials such as grass, ground cover, shrubs, vines, hedges and trees, or durable natural material such as crushed stone, wood chips, rock and weathered wood; or (2) the activity of installing or maintaining such materials.

Land Use Plans: as defined in Section 8.5.20.A.

Large Multi-Family Building: Principal Building type that incorporates seven (7) or more side-by-side and/or horizontally stacked Dwelling Units, typically with one or more shared entries. *See* **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Large Projecting Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Laundromat: an establishment with machines for the washing and drying of clothes and garments.

Layer: a range of depth of a Lot or Building Site within which certain elements are permitted. There are three Layers within each Lot or Building Site , as follows:

(1) First Layer: that portion of a Lot or Building Site bounded by

(a) the Side Lot or Building Site Lines,

(b) the Frontage Line, and

(c) the Front Setback line or the line of the Setback Area or Street Yard furthest from the Frontage Line.

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(2) Second Layer: that portion of a Lot or Building Site bounded by

(a) the Side Lot or Building Site Lines,

(b) the Front Setback line, and

(c) a line which is 20 feet from and parallel to the Front Setback line or the line of the Setback Area or Street Yard furthest from the Frontage Line.

(3) Third Layer: that portion of a Lot or Building Site bounded by

(a) the Side Lot or Building Site Lines,

(b) the Rear Lot or Building Site Line, and

(c) the line of the Second Layer as described in paragraph 2.c. of this definition. See **Illustration 9.3.L–5 (Layers)**.

ILLUSTRATION 9.3.L–5 LAYERS

Library: a Building or part thereof containing collections of books, periodicals, and/or other media for Persons to read, borrow, or refer to.

Light Industrial: the sub–category of the Industrial Uses Category characterized by and collectively referring to fabrication, creation, processing, production, packaging, converting, altering, assembling, handling, storage, treatment, distribution, disposal, creation, assemblage, processing, or production, and/or treating, designing, fitting, compounding, repairing, assembling, testing, storing, warehousing, selling at wholesale, distributing or transferring, and/or repair, of or from natural, man–made, products or other goods, raw, secondary, partially completed or completed materials, components, products, by–products, goods, materials, or information, and wholesaling of industrial, Business, or consumer machinery, equipment, which activity is:

(1) conducted solely within an enclosed Building,

(2) is not detrimental to the environment;

(3) does not pose any danger or hazard of fire or explosion or other physical hazard;

(4) does not generate, cause, disseminate, or discharge any pollution, material, dust, smoke, gas, fumes, odor, noise, heat, light, glare, or vibration beyond the Building Site on which the Building is situated;

(5) does not involve any Outside Storage;

(6) will not result in any unusual traffic hazard or congestion;

(7) does not require any water, air, or other environmental or pollution license or permit is required; and

(8) does not involve storage or use of highly flammable, toxic matter or explosive materials, or of Hazardous Materials;

Not included in the Light Industrial Uses sub–category are:

· Heavy Industrial Uses;

· Manufacture and production of goods from composting organic material (see Waste–Related Service);

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· Outdoor storage yard (see Warehousing and Freight Movement);

· Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Sales); or

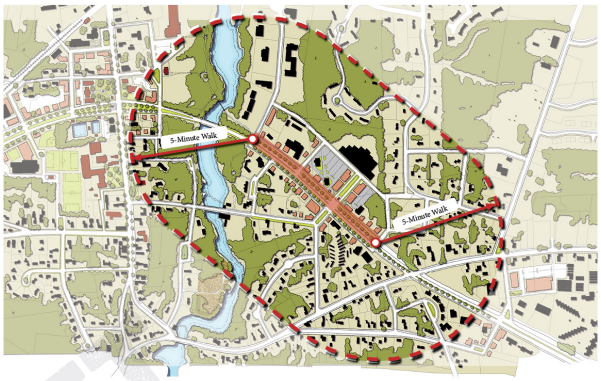
· Small-scale catering establishments (see Restaurants).

See **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Uses)**.

Lightwell: a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See* **Table 4.3.7.A (Private Frontage Types).**

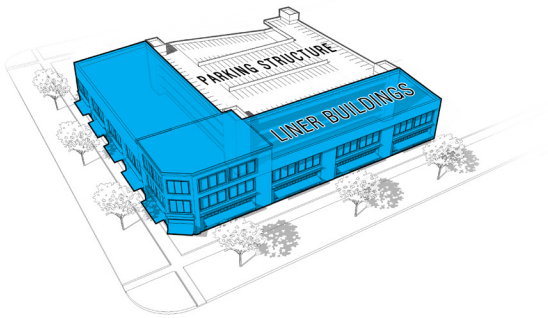
Linear Pedestrian Shed: a Pedestrian Shed that is elongated along an important Corridor. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor. The resulting area is oblong. *See* **Illustration 9.3.L–1 (Linear Pedestrian Shed)**.

ILLUSTRATION 9.3.L–1 LINEAR PEDESTRIAN SHED



Liner Building: a Building that is a least 20 feet deep measured from the Façade, which masks a Parking Area, Parking Lot, or a Parking Structure from the Frontage. *See* **Illustration 9.3.L–2 (Liner Building).**

ILLUSTRATION 9.3.L–2 LINER BUILDING



Live / Work Building: a small- to medium-sized attached or detached Principal Building type, which includes a flexible space for Commercial Use and an internally connected Residential Dwelling Unit above and/or behind the flexible space. *See* **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Living Room: a room designed for general living purposes in a Dwelling Unit. Every Dwelling Unit shall be deemed to have a Living Room.

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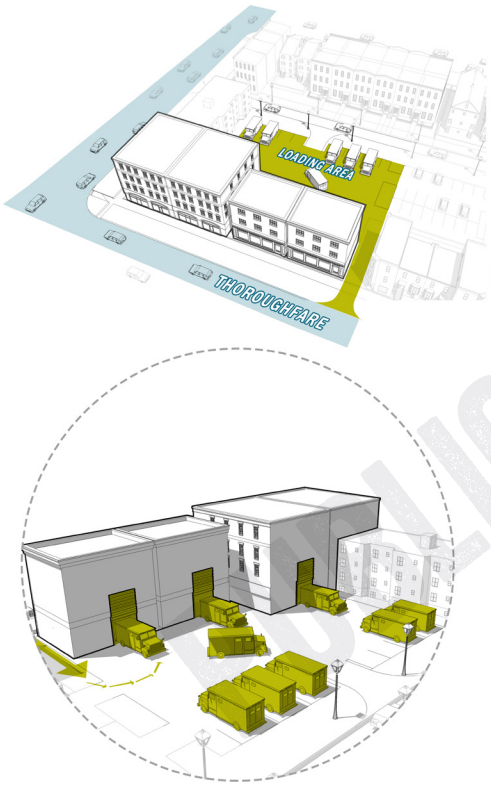
Loading Area: an area on a Lot or Building Site with a Building or along the Thoroughfare or Internal Drive Abutting such Lot or Building Site, used for temporary parking of Commercial vehicles while loading or unloading goods. *See* **Illustration 9.3.L–3 (Loading Area)**.

ILLUSTRATION 9.3.L–3 LOADING AREA



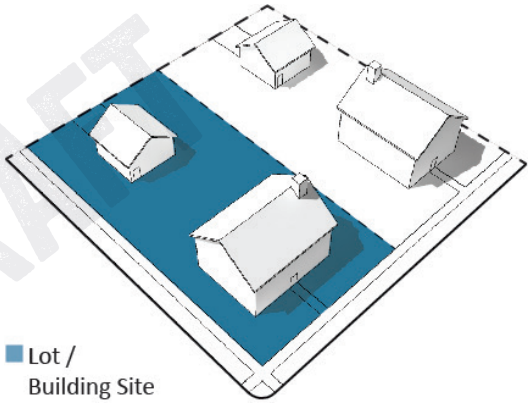
Loading Space: a space within a Loading Area that meets the design and dimensional requirements of Section 4.3.14.

Long Term Care Facility: premises at which living accommodations, bed care, boarding, in-patient service, and/or nursing or other medical care are provided for aged, infirm, disabled persons, persons or who are afflicted with or convalescing from any disease or ailment, or other persons requiring regular medical attention.

Long Term Care Facility does not include Rehabilitation Centers, Assisted Living Apartments, or facilities that provide surgical or emergency medical services, care for alcoholism, drug addiction, substance abuse, mental disease other than dementia, or communicable disease.

Lot: a parcel, plot, tract, or piece of land identified on and established by plat, subdivision, or as otherwise permitted by law, and recorded in the official records of the Maury County Register of Deeds, to be separately owned, used, Developed, or built on. *See* **Illustration 9.3.L–4 (Lot / Building Site).** *See also* "Building Site", "Lot or Building Site of Record" and "Zoning Lot or Building Site".

ILLUSTRATION 9.3.L–4 LOT / BUILDING SITE

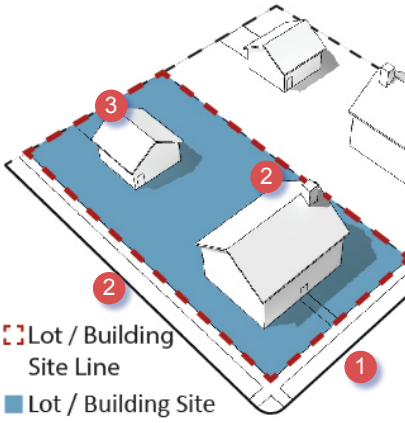


Lot or Building Site Area: the total horizontal area included within the Lot or Building Site Lines.

Lot or Building Site Depth: the shortest horizontal distance between the Front Lot or Building Site Line and Rear Lot or Building Site Line of a Lot or Building Site.

Lot or Building Site Line: any boundary line of a Lot or Building Site. *See* **Illustration 9.3.L–6 (Lot or Building Site Line)**.

ILLUSTRATION 9.3.L–6 LOT OR BUILDING SITE LINE



1	Front Lot or Building Site Line
2	Side Lot or Building Site Line
3	Rear Lot or Building Site Line

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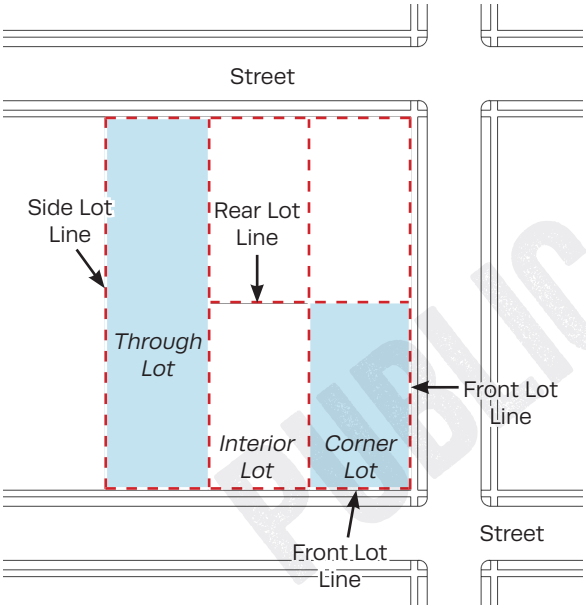
Lot or Building Site of Record: a Lot or Building Site, as applicable, which is part of a subdivision or other plat recorded in the office of the Maury County Register of Deeds, or a Lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot or Building Site Type: the classification of a Lot or Building Site , as shown in the following diagram:

ILLUSTRATION 9.3.L–7 LOT OR BUILDING SITE TYPES



Lot or Building Site Width: the length of the Principal Frontage Line of a Lot or Building Site.

M

Machine Shop: premises at which mechanical items are made or repaired using machinery or equipment.

Main Civic Space: the primary outdoor gathering place within a Development Parcel. The Main Civic Space may be associated with an important Civic Building.

Manufactured Home: a detached one family dwelling constructed as a single self contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels with all the following characteristics as prescribed in Section 68–126–202, (4), (6) and (7) of TCA:

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

(2) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

(3) Manufactured Home dwellings do not include camping Trailers, commercial mobile Structures, motor homes, recreational vehicles, travel Trailers, truck campers or similar units designed to provide temporary living quarters.

Manufactured Home– Class A: a Structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended (42 U.S.C. § 5401 et seq.). It is a Structure that is transportable in one or more sections that in the traveling mode is eight body–feet or more in width and 40 body–feet or more in length, or, when erected on site, is 320 or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any associated plumbing, heating, air conditioning and electrical systems.

Manufactured Home Park or Subdivision: an area, tract, site, or parcel (or contiguous parcels) of land divided into two or more Manufactured Home Sites for rent or sale and associated Lots or Building Sites and Buildings necessary to support the Residential occupancy of Manufactured Homes.

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Manufactured Home Sales: a subcategory of the Commercial Use category, characterized by the offer for sale or lease and the sale or lease of Manufactured Homes.

Manufactured Home Site: a designated area within a Manufactured Home Park for the exclusive use of the occupants of a single home.

Manufactured Home Stand: that part of an individual Manufactured Home Site which has been reserved for the placement of the Manufactured Home.

Marina: any of the following: (1) lock harbor facility; (2) any facility which provides fueling, pump-out, maintenance or repair services; or (3) any facility which has permanent docking space for three (3) or more Boat Slips (4) any water area with a Structure that is used for docking or otherwise mooring Vessels and constructed to provide temporary or permanent docking space for more than ten Vessels; or (5) a dry stack facility.

Marquee Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Massage Studio: an establishment at which manual manipulation of muscle, connective tissue, tendons, and/or ligaments is provided to enhance a Person's health and well-being.

Massing: the overall shape or arrangement of the Bulk or volume of a Building.

Medical Office / Medical Clinic / Outpatient Clinic / Dental Office: an Office or other premises for the private practice of health care or dental professionals licensed by the State, wherein a majority of patient encounters involve examination, diagnose is, treatment, or surgical procedures on an outpatient basis not extending beyond a 24 hour period.

Medical Laboratory: a facility where testing or observation of clinical specimens from which information about the health of a patient can be obtained in order to provide diagnosis, treatment , and/or prevention of disease.

Meeting Hall: a Building that provides accommodations as a Place of Assembly.

Middle School: premises at which Education is provided for children from Grade 5 through Grade 8.

Mid-Rise Building: an attached or detached Principal Building Type of 4 Stories, which may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan, Accommodation / Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses. *See* **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Mixed Use: multiple Uses within the same Building or on the same Lot or Building Site through superimposition or Adjacency, or in multiple Buildings or on multiple Lots or Building Sites by Adjacency or proximity.

Mixed-Use Building: a typically attached Principal Building Type, which provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail / Personal Service / Repair / Art / Artisan, Accommodations / Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses. See **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Mobile Vendor: any temporary activity and/or apparatus from which the operator prepares, assembles, or displays items with the intent to sell such items to the general public (excluding produce stands).

Monument Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-1 (Sign Types – Specific Standards)**.

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Motel: an establishment where short-term Accommodation / Lodging in guest rooms is offered for compensation and one or more rooms are accessed by exterior doors opening directly to exterior Parking accommodations, passageways, or the outdoors. Neither a Hotel, Extended Stay Hotel, or unit therein, nor a Short-Term Rental Unit is a Motel.

Motor Vehicle: every vehicle that is self-propelled by a motor, which can be licensed and registered to be driven on public streets, roads or rights-of-ways, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Examples are passenger vehicles, trucks, motorcycles and other consumer motor vehicles, and motorized Recreational Vehicles.

This term does not include Boats or other watercraft, non-motorized Recreational Vehicles, Manufactured Homes, or Farm and Construction Equipment.

Motor Vehicle Body Shop: premises or a portion of premises used for the adjustment, painting, replacement of parts, or body repair of Motor Vehicles.

Motor Vehicle Maintenance, Repair, Fuel Sales, Service, or Cleaning: a Structure, premises, or establishment in or on which Motor Vehicles are maintained, repaired, serviced, re-fueled, and/or cleaned, including without limitation, incidental storage for fewer than sixty (60) days of Motor Vehicles that are being maintained, repaired, serviced, and/or cleaned.

Examples are car wash, full vehicle service including alignment shop, auto upholstery shop, towing service, limited vehicle service including auto detailing, auto repair, battery sales and installation, fuel sales, quick lubrication facilities, and tire services.

This term does not include Parking Lots, Parking Structures, Motor Vehicle Storage, Motor Vehicle Body Shop, Motor Vehicle Parts Sales, or Convenience Store with Gasoline Sales (see Retail Sales and Service).

Motor Vehicle Parts Sales: a Structure, premises, or establishment in, from, or on which Motor Vehicle parts other than tires are sold, either at Retail or Wholesale.

Motor Vehicle – Related Sales and Service: Motor Vehicle Body Shop, Motor Vehicle Maintenance, Repair, Service, Fuel Sales, or Cleaning, Motor Vehicle Parts Sales, Motor Vehicle Sales, Rental, or Leasing, and Motor Vehicle Storage.

Motor Vehicle – Related Uses: the term collectively referring to Motor Vehicle Body Shop, Motor Vehicle Maintenance, Repair, Fuel Sales, Service, or Cleaning, Motor Vehicle Parts Sales, Motor Vehicle Sales, Rental, or Leasing, and Motor Vehicle Storage. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).**

Motor Vehicle Sales, Rental, or Leasing: a Structure, premises, or establishment in or on which Motor Vehicles are sold, rented, leased, or chartered, including incidental storage, maintenance, and servicing as an Accessory Use.

Motor Vehicle Storage: long or short term storage of operating Motor Vehicles. This term excludes Parking Lots, Parking Structures, Impound Yards, Towing Facilities, and any dismantling, Scrap and Salvage Yards/Service, or Junkyards.

Multi-Family Building: a Large Multi-Family Building or a Small Multi-Family Building. *See* **Table 4.3.8.A (Principal Building Types) and Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Multi-Family Dwelling: a Building containing three (3) or more Dwelling Units, including without limitation Residential condominiums, cooperatives, Independent Living Apartments and other Apartments, Large Multi-Family Buildings, and Small Multi-Family Buildings.

Museum: a Use characterized by the display, preservation, collection, curation, and/or exhibit of objects of community and cultural interest in one or more of the arts and sciences.

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Neighborhood Street: the Thoroughfare or Internal Drive type described as such in **Table 5.3.3.F (Thoroughfare / Internal Drives Types – Summary)** and **Table 5.3.3.G (Thoroughfare / Internal Drive Assemblies and Standards)**.

Neon Tube Illuminated Sign: a Sign with a light source supplied by a neon tube, which is bent to form letters, symbols or other shapes.

Net Site Area: all developable land within a site including Thoroughfares and Internal Drives, but excluding land allocated as Civic Space or Civic District.

Nightclub: an establishment for nighttime entertainment, typically serving Alcoholic Beverages for consumption on site and offering music, dancing, or other entertainment. Adult-Oriented Entertainment is excluded from the term "Nightclub".

Non-Banking Financial Institution: a Financial Institution that is not regulated by the Federal Deposit Insurance Corporation (FDIC) and is governed by T.C.A Title 45 Chapters 15, 17, and 18, including without limitation, Pawn Shops, title loan lenders, cash advance Lenders, and check cashing establishments and other Short-Term Lenders.

Nonconforming Improvement: any Improvement, or part thereof, that legally existed at the Effective Date of this Ordinance or any amendment of this Ordinance or the Zoning Map affecting such Improvement, but upon such Effective Date does not conform to this Ordinance;

Nonconforming Lot or Building Site: any Lot or Building Site, or part thereof, that legally existed at the Effective Date of this Ordinance or any amendment of this Ordinance or the Zoning Map affecting such Lot or Building Site, but upon such Effective Date does not conform to this Ordinance.

Nonconforming Sign: a Sign that legally existed at the Effective Date of this Ordinance or any amendment of this Ordinance or the Zoning Map affecting such Sign but upon such Effective Date does not conform to this Ordinance.

Nonconforming Structure: a Structure that legally existed at the Effective Date of this Ordinance or any amendment of this Ordinance or the Zoning Map affecting such Structure, but upon such Effective Date does not conform to this Ordinance.

Nonconforming Use: any Use of land, of a Structure, or of an Improvement, or part thereof, that legally existed at the Effective Date of this Ordinance or any amendment of this Ordinance or the Zoning Map affecting such Use, but upon such Effective Date does not conform to this Ordinance.

Nonconformity: a Nonconforming Lot or Building Site, Nonconforming Structure, Nonconforming Sign, Nonconforming Improvement, or Nonconforming Use.

Non-Hazardous Waste Treatment or Disposal: facilities for receiving, sorting, treatment, or disposal of nonhazardous solid waste, including waste transfer stations, compost dumps, and combustors, incinerators, and cogeneration plants, and the collection and hauling of nonhazardous waste incidental to the treatment or disposal operations.

Non-Motor Vehicle or -Boat Body Shop Maintenance / Cleaning / Repair / Service: a Structure, premises, or establishment in or on which goods other than Motor Vehicles or Boats are maintained, repaired, serviced, and/or cleaned. This term does not include Parking or Outdoor Storage.

Non-Motor Vehicle or -Boat Rental / Leasing: a Structure, premises, or establishment in or on which goods other than Motor Vehicles or Boats are rented or leased. This term does not include Parking or Outdoor Storage.

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Non-Profit Office: premises available for any function of a not-for-profit organization.

Nursery School: see "Pre-School".

O

Occupancy: the Principal Use of a Lot, Building Site, or Structure for the performance of a function or operation by a Person.

Office Uses: (1) a Use category characterized by premises available for the transaction of Commercial, governmental, professional, medical, dental, not-for profit, or financial services, but excluding Retail / Personal Service / Repair / Art / Artisan Uses, Light Industrial Uses, and Heavy Industrial Uses.

(2) Office Uses is the Use category, which is a collective reference to Uses in the following Use sub-Categories, as listed in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses) 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**:

Business / Government / Non-Profit Offices (excluding Civic Uses), Medical / Dental Offices, Professional Offices, and Other Offices Not Listed;

Office Building: a Building in which space is made available for Office Use. Office Building is not a Building Type.

Officefront: a Private Frontage type wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at or above Sidewalk grade. This type is conventional for Office Use. It may have a substantial glazing on the Facade. *See* **Table 4.3.7.A (Private Frontage Types)**.

Off-Premises Sign: a Sign the owner or lessee of which is not the owner or lessee of the premises on which such Sign is located.

Open Air Market: a Farmer's Market, a Roadside Stand, or an Outdoor Market.

Open Space: Use characterized by large expanses of land.

Ordinance or Zoning Ordinance: this City of Columbia, Tennessee Zoning Ordinance, as the same may be amended and in effect from time to time.

Ordinary Maintenance and Repair: (1) keeping a Lot or Building Site , parcel, or Structure in good condition through ongoing minor intervention, undertaken from time to time, in a manner that does not change its external appearance except through the elimination of the usual and expected effects of weathering; (2) strengthening or restoring any portion of a Structure or Improvement to a safe condition, provided no material enlargement results; (3) repairing or replacing interior walls, fixtures, wiring or plumbing; or (4) repaving Driveways, private Thoroughfares, Internal Drives, and Parking and loading accommodations, (5) replacing exterior windows and siding, and (6) painting exterior Structures and fixtures. Ordinary Maintenance and Repair does not constitute Development, Construction or building for the purposes of this Ordinance.

Outbuilding: synonymous with "Accessory Building".

Outdoor Display Case: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Outdoor Market: an open air area, without or without a Structure, used for the Retail sale of goods other than fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or plants.

Outdoor Recreation: Commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a Structure.

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Athletic, tennis, swim, or Health Club (see Retail Sales and Service), botanical garden, nature preserve (see Parks and Open Areas), and Indoor Recreational Facility (see Indoor Recreation) are excluded from Outdoor Recreation.

Outdoor Storage: one or more assemblages, collections, stacks, or stockpiles of vehicles, equipment, goods, materials, tanks, or other items in any area other than within a Building, including without limitation, parked operative or non-operative vehicles or equipment.

Outer Court: any open area, other than a Setback or Yard or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

(1) A Front Lot or Building Site line;

(2) A Front Setback Area Yard (Street Yard);

(3) A Rear Setback Area or Yard; or

(4) Any open area along a Rear Lot or Building Site line or along a Side Lot or Building Site line having a width or depth of at least thirty (30) feet, and which open area extends along the entire length of such Rear or Side Lot or Building Site line, is bounded by either:

(a) Building walls; or

(b) Building walls and one or more Lot or Building Site lines other than a Front Lot or Building Site line.

P

Parcel Services: providing for-profit package and message routing, distribution, and delivery services.

Park: as a noun, a Civic Space type that is a natural preserve available for unstructured recreation, described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards)**; as a verb, to stop and disengage a Motor Vehicle and leave it unoccupied.

Parking: (1) an accommodation designed for the of stopping and disengagement of a Motor Vehicle and leaving it unoccupied; or (2) the act of stopping and disengaging a Motor Vehicle and leaving it unoccupied.

Parking Area: an off-street, ground-level open area within a Lot or Building Site for Parking vehicles as an Accessory Use incidental to a Principal Use of a Lot or Building Site or a Principal Building on a Lot or Building Site. Not synonymous with Parking Lot.

Parking Lot: an off-street, ground-level open area within a Lot or Building Site for Parking vehicles as a Principal Use for which a fee may or may not be charged. Not synonymous with Parking Area. Parking Lot does not include Bus barn (see Warehouse and Freight Movement) or sale or servicing of vehicles (see Vehicle Sales and Service).

Parking Space: an area required or provided for Parking a vehicle, meeting the requirements of Section 4.3.12.

Parking Structure: a vertical or vertical and subterranean Improvement other than a Garage, containing one or more levels of vehicular Parking above grade. A Parking Structure may not be used for Motor Vehicle Body Shop, Maintenance Repair, Service or Cleaning.

Party Wall: a Wall on an Interior Lot or Building Site Line, used or adopted for joint service between two or more Buildings; such walls shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

Passage (PS): a pedestrian connector, open or roofed, that passes between Buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages. *See* **Illustration 9.3.P-1 (Passage).**

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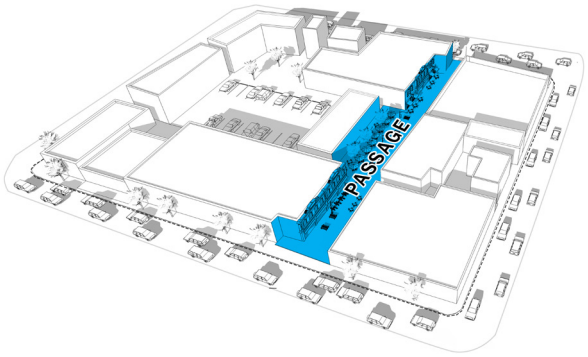
ILLUSTRATION 9.3.P–1 PASSAGE



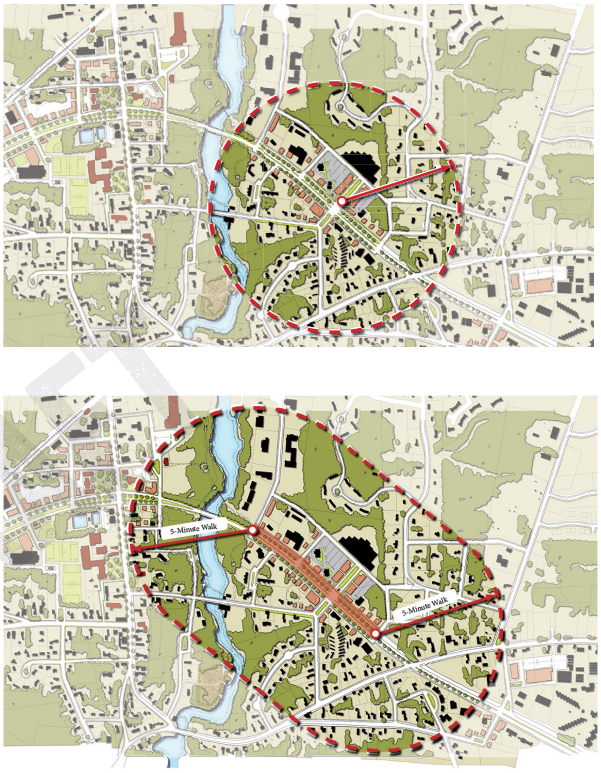
Passive Recreation: outdoor recreational activities, such as nature observation, hiking, and canoeing or kayaking, which require a minimum of facilities or Development and which have minimal environmental impact on the recreational site.

Path (PT): a pedestrian way traversing a Park, with landscape matching the contiguous Civic Space, ideally connecting directly with the urban Sidewalk network.

Pawnshop: a Business that lends money based upon the security of pledged goods left in pawn, or that is in the Business of purchasing tangible personal property to be left in pawn on the condition that it may redeemed or repurchased by the seller for a fixed price within a fixed period of time. *See also,* Short–Term Lender.

Pedestrian Shed: an area of a size approximately equal to the average distance comfortably walked by pedestrians and approximately centered on a Common Destination. There are two types of Pedestrian Sheds: Standard Pedestrian Sheds and Linear Pedestrian Sheds. *See* "Standard Pedestrian Shed" or "Linear Pedestrian Shed". *See* **Illustration 9.3.P–2 (Pedestrian Sheds)**.

ILLUSTRATION 9.3.P–2 PEDESTRIAN SHEDS



Performance Guarantee: as defined in Section 1.26.

Performing Arts Venue: a site, with or without a Structure, intended for the presentation of performing arts, such as dance, music, and theatre.

Performing Arts Studio: an establishment that provides instruction in one or more of the performance arts, such as dance, music, and theatre.

Person: an individual, firm, partnership, corporation, company, association, organization, joint stock association, proprietorship, trust, body politic, or other legal entity, or and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Day Care / Personal Care Facilities (Civic): Civic Use sub–category characterized by non–Residential care for adults, children, or families, which does not meet the definition of Household Living or Group Living.

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Day Care / Personal Care Facilities (Commercial): Commercial Use sub-category characterized by non-Residential care for adults, children, or families, which does not meet the definition of Household Living or Group Living.

Personal Improvement Education: an establishment primarily engaged in the provision of information or instruction relating to a particular subject or hobby.

Personal Services: Uses in which a service is provided to or for a customer for compensation, in which the Person providing such service deals directly with the consumer, which Uses may or may not include the Retail sale of goods related to the services provided.

Excluded from Personal Services are Motor Vehicle – Related Uses, services provided by a medical or dental professional, and Adult-Oriented Entertainment.

Pharmacy: an establishment having a primary function of dispensing prescription drugs and medications and whose stock-in-trade may or may not include other merchandise.

Place of Assembly: a Building, room, or space that is occupied or arranged for occupation by the public for recreational, amusement, social, sports, or similar purposes.

Place of Worship: a Building, room, or space that is occupied or arranged for occupation for religious. spiritual, recreational, or similar purposes.

Placement: with respect to a Building, the manner in which the Building is situated on the Lot or Building Site. *See* "Layers", **Illustration 9.3.L-5 (Layers)**; *see also* "Setback", and "Yard" and **Illustration 9.3.S-2 (Setbacks and Yards)**.

Plan: a Development Plan, Master PUD Development Plan, site plan, Landscape Plan, Sign Plan, or any other plan submitted or prepared pursuant to this Ordinance.

Planned Unit Development: See Section 8.5.21.

Planned Unit Development District: one of the several Districts listed as such in Section 3.7.C. See also Section 8.5.21.

Planning Commission: the Planning Commission of the City.

Planning Director: the City Director of Planning and Development.

Planter: the element of the Public Frontage that accommodates trees along Thoroughfares and Internal Drives, whether continuous or individual.

Plaque Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Playground: a Civic Space type, described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and Table **5.3.3.B (Civic Space – Specific Standards)**.

Plaza: a Civic Space type described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards).**

Police Station: premises accommodating operations of law enforcement officers and other members of staff.

Porch: a Private Frontage type, having a planted Frontage, the Facade is set back from the Frontage Line, and an attached exterior covered area large enough to accommodate outdoor furniture and/or gathering, which is permitted to Encroach into the Front Setback, Setback Area, or Street Yard. This may be used with or without a Fence to maintain Thoroughfare spatial definition. A Stoop is not a Porch. *See* **Table 4.3.7.A (Private Frontage Types)**.

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Porch Sign: the Sign Type described as such in **Table 7.1.2.B–1 (Sign Types – Summary**) and **Table 7.1.2.B–2 (Sign Types – Specific Standards)**.

Portable Sign: a Sign the principal supporting Structure of which is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated. Portable Signs include, but are not limited to, Signs mounted on a Trailer, wheeled carrier, or other non–motorized mobile structure, with wheels or with wheels removed.

Post Office: premises operated by or under contract for the United States Postal Service at which letters, parcels, packages or other mail may be received, deposited, processed, sorted, and/or handled and/or postage may be purchased.

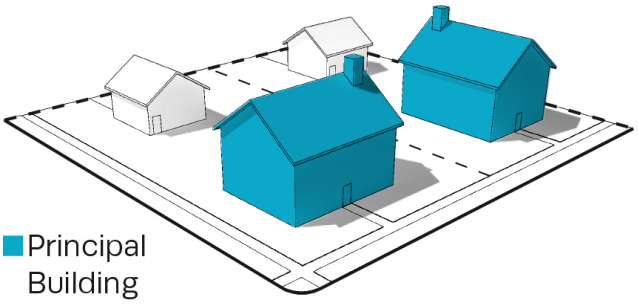
Post Sign: the Sign Type described as such in **Table 7.1.2.B–1 (Sign Types – Summary**) and **Table 7.1.2.B–2 (Sign Types – Specific Standards)**

Pre–School: a school, licensed by the State, with an accredited training program and staffed with certified teachers, providing day time care or instruction for two (2) or more children between the ages of two (2) and five (5) years old. Synonymous with Nursery School.

Preliminary Plat: as defined in City Subdivision Regulation Section 2.2.

Principal Building: the main Building on a Lot or Building Site, located toward the Frontage, in which is conducted a Principal Use of such Lot or Building Site. *See* **Illustration 9.3.P–3 (Principal Building)**.

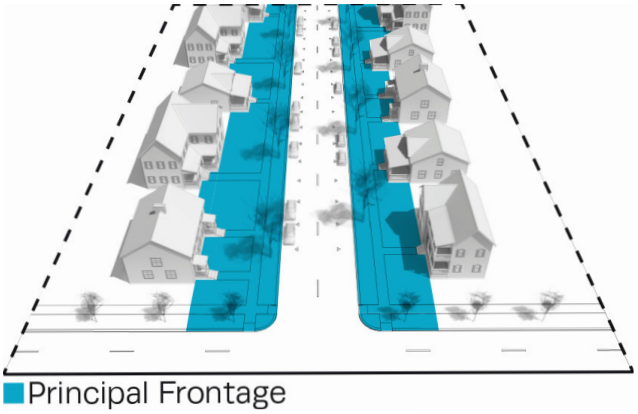
ILLUSTRATION 9.3.P–3 PRINCIPAL BUILDING



Principal Entrance: the main point of access for pedestrians into a Building.

Principal Frontage: with respect to: (a) Corner Lots or Building Sites, the Frontage designated to bear the address and Principal Entrance to the Building, and the measure of minimum Lot or Building Site Width; and (b) non–Corner Lots or Building Sites, the Frontage. *See* "Frontage". *See* **Illustration 9.3.P–4 (Principal Frontage)**.

ILLUSTRATION 9.3.P–4 PRINCIPAL FRONTAGE



Principal Use: the primary or predominant Use of a Lot, Building Site, or Structure.

Printing Services Shop: Retail premises in which photocopying, scanning, short–run printing, and related services are provided.

Private Frontage: the privately held area between the Frontage Line and the Facade of the Principal Building. *See* **Illustration 9.3.P–5 (Private Frontage)**; *see also* **Table 4.3.7.A (Private Frontage Types)**, and **Illustration 9.3.F–5 (Frontage & Lot or Building Site Lines)**.

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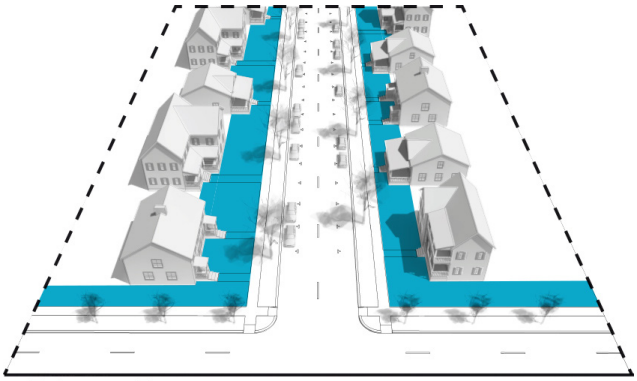
ILLUSTRATION 9.3.P–5 PRIVATE FRONTAGE



Private Frontage

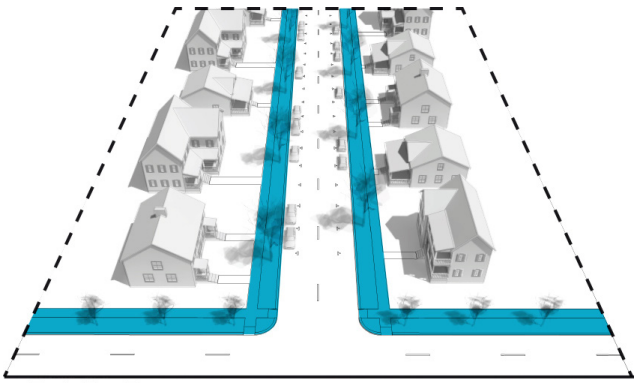
Public Frontage: the area between the Frontage Line and:

(1) the curb (or if there is no curb, the edge) of the Vehicular Lanes in the case of a Lot or Building Site that Enfronts a Thoroughfare or Internal Drive having Vehicular Lanes, or

(2) the Enfronting Civic Space, Path, Passage, waterbody, or Driveway in the case of a Lot or Building Site that Enfronts a Civic Space, Path, Passage, waterbody, or Driveway.

See **Illustration 9.3.P–6 (Public Frontage)**; *see also* **Table 5.2.2.G–1 (Thoroughfare Assemblies & Standards);** *and* **Illustration 9.3.F–5 (Frontage & Lot or Building Site Lines)**

ILLUSTRATION 9.3.P–6 PUBLIC FRONTAGE



Public Frontage

Professional Office: Use sub-category of Office Uses category characterized by premises in or from which professional or consulting services in the fields of law, architecture, planning, design, engineering, accounting, bookkeeping, and similar professions are conducted. This term does not include "Medical Office", "Dental Office", or "Clinic".

Public Art: art in any media that has been planned and executed with the intention of being staged in or viewed from the physical public domain, usually outside and accessible to all.

Public Meeting: a duly convened meeting of a Decision-Making Authority as contemplated under applicable state law, including public meetings, public hearings, workshops, and site visits.

Publishing: the Business of issuing software, Internet content, or newspapers, books, or other printed textual or graphical material for sale or distribution to the public.

Pylon Sign: the Sign Type described as such in **Table 7.1.2.B–1 (Sign Types – Summary)** and **Table 7.1.2.B–1 (Sign Types – Specific Standards)**.

R

Rail Equipment Storage / Repair: Use involving premises for storing or repairing locomotives, rail cars, or other rail vehicles.

Rear Alley: See "Alley".

Rear Lot or Building Site Line: the Lot or Building Site Line opposite the Front Lot or Building Site Line. *See* **Illustration 9.3.R–1 (Rear Lot or Building Site Line).**

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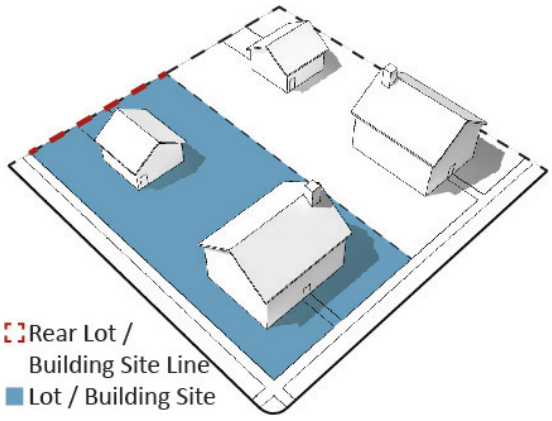
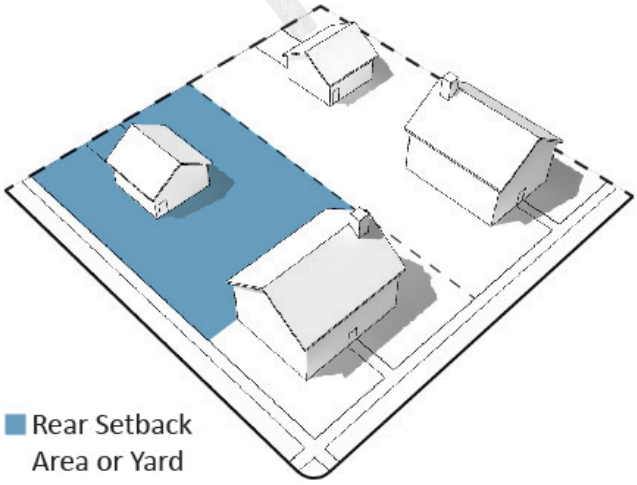
ILLUSTRATION 9.3.R–1 REAR LOT OR BUILDING SITE LINE



Rear Setback Area or Yard: a portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot or Building Site and (2) the Rear Lot or Building Site Line, extending the full width of the Lot or Building Site, from Side Lot or Building Site Line to Side Lot or Building Site Line. See **Illustration 9.3.R–2 (Rear Setback Area or Yard).**

ILLUSTRATION 9.3.R–2 REAR SETBACK AREA OR REAR YARD



Recreation: Use characterized by activities for personal enjoyment or entertainment during a Person's discretionary time.

Recreation Facility: premises accommodating Indoor Recreation and/or Entertainment and/or Outdoor Recreation and/or Entertainment. A Recreation Facility may be Civic or non–Civic.

Recreational Vehicle: a vehicle which is:

(1) built on a single chassis;

(2) four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) designed to be self – propelled or permanently towable by a light duty truck: and

(4) designed primarily for use as a non – permanent dwelling but as temporary living quarters for recreational, camping, vacation, travel, or seasonal use. The term includes camping Trailer, motor home, travel Trailer, and truck campers.

Recreational Vehicle does not include Manufactured Homes.

Recreation and Entertainment, Indoor: participatory and spectator–oriented Recreation activities conducted within an enclosed Building, including without limitation billiard rooms, bowling centers, ice or roller skating rinks, Shooting Ranges, Theater, and arcades.

Recreation and Entertainment, Outdoor: participatory and spectator–oriented Recreation activities conducted in open, partially enclosed, or screened facilities, including without limitation amusement parks, fairgrounds, golf courses and driving ranges, and go–cart tracks.

Recycling Collection Facility: a facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source–separated, non–decayable materials. Recyclable materials at a Recycling Collection Facility must not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or decayable materials.

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Rehabilitation Facility: a facility operated for the primary purpose of assisting in the rehabilitation of individuals through an integrated program of medical, psychological, physical, occupational, substance, social, or vocational evaluation and services under competent professional supervision.

Religious Facilities: facilities used by a non-profit group or institution for organized religious services, meetings, assembly, practice, activities, and supporting uses.

Examples are Places of Worship, church, mosque, synagogue, temple, monastery, convent, retreat center or any permanent or temporary Structure providing regular, organized religious worship of any denomination and religious education incidental thereto. A property tax exemption for a religious group or institution obtained pursuant to state law shall constitute prima facie evidence of a Religious Facilities Use.

Athletic, tennis, swim or Health Club (see Retail Sales and Service), Educational Uses, Day Care facilities, for distribution or production of products, including printed matter, for groups other than immediate membership, public neighborhood arts center or similar community facility (see Community Service), community center, revival or gospel tent, senior center (see Community Service), Social service facility (see Social Service Institution), and Treatment center, transient lodging, or shelter for the homeless (see Social Service Institutions) are not included in this Use Category.

Required Yard or Setback Area: a Yard or Setback Area required by this Ordinance, which is open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as permitted in Section 4.3.10 and no part of which is included as part of a Setback, Setback Area, or Yard for any other Building.

Research Laboratory: premises that contain research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products Such Uses must not be detrimental to the environment through the release of dust, smoke, fumes, odor, noise, or vibration and must not create an unsafe risk of fire or explosion given the location of the use, the Building in which it is located, and the nature of the surrounding Uses and Structures.

Residence: a Building or part of a Building containing one or more Dwelling Units or Rooming Units, including Single – Family or Two – Family Dwellings, Multi-Family Dwellings, Boarding Houses, Rooming Houses, or residence-apartment hotels. Residences shall not include:

(1) Transient accommodations, such as Transient hotels, Motels, or similar establishments;

(2) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing Group Living or sleeping accommodations;

(3) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities; or

(4) In any Building with a mix of Uses, the part of the Building used for any Non-Residential Uses, except Uses accessory to Residential Uses.

Residential: pertaining to premises available for long-term, non-Transient human habitation.

Residential Building: any Building or part thereof utilized solely for Residential Use and Accessory Uses.

Residential Uses: (1) a Use category characterized by premises available for long-term non-Transient human habitation;

(2) Residential Uses is the Use category, which is a collective reference to the following Use sub-Categories, as listed in **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses), and Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**:

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Household Living and Group Living.

Restaurant: an establishment engaged in preparing, serving, and selling food at Retail for on- or off- premises consumption. Bars, Taverns, and Nightclubs are not Restaurants.

Retail: Use characterized by selling, renting, or leasing new or used goods in person , on-line, or by mail-in transactions dealing directly with the consumer of such goods.

Retail / Personal Service / Repair / Arts / Artisan: Use sub-category of the Commercial Uses category characterized by selling, renting, or leasing new or used goods in person, on-line, or by mail-in transactions dealing directly with the consumer of such goods, providing personal services or repair services to the general public, and art- related and artisan-related establishments. See **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses), Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, and **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**.

Examples of Retail Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are Convenience Store (with or without petroleum sales), selling, renting or leasing Alcoholic Beverages, antiques, appliances, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gasoline, gifts, groceries, hardware, home improvement goods, household products, jewelry, medical supplies, musical instruments, Open Air Market, outdoor farmers market, pets, pet supplies, pharmaceuticals, picture frames, plants, printed materials, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos, and Brewpubs, Tasting Rooms, Retail Food Sales with or without on-premises preparation or processing, Retail Membership Clubs, and Warehouse Retail.

Examples of Personal Service Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are art, music, dance, or photographic gallery or studio, athletic, tennis, swim or Health Club, mailing or package delivery service, dry-cleaning or laundry drop-off facility, Laundromat, funeral home or mortuary, hair, nail, tanning, massage therapy and personal care service, photocopy, blueprint, and quick-sign service, photo finishing psychic or medium, security service, tailor, milliner, upholsterer, taxi or ride-share dispatch center, taxidermist, veterinary clinic, animal hospital, or Kennel, and urgent care or emergency medical office.

Examples of Repair Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are appliance, bicycle, canvas, clock, computer, gun, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, and locksmith.

Examples of Arts-Related Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are the non-Residential portion of Artist Live/Work Space, Artist Studio Space, arts-related educational facility, crafts-related retail store, non-Civic art museum/gallery, sale of art and art supplies.

Examples of Artisan-Related Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are Artisan Establishments, candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and tailoring.

The following are excluded from the Retail / Personal Service / Repair / Arts / Artisan sub-category :

Adult Video Stores (see Indoor Recreation), any Use that is potentially dangerous, noxious or offensive to neighboring Uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial), Motor Vehicle- and Boat- Related Uses, Crematorium (see Light Industrial),

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Large-scale catering (see Light Industrial), laundry or dry-cleaning plant (see Light Industrial), Restaurant (see Restaurants), Sale,lease, or rental of machinery, Farm and Construction Equipment, or other equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade).

Retail Food Sales: the sale of food for off-premises consumption, excluding Restaurants.

Retail Membership Club: a discount Retail establishment that sells merchandise to its members.

Rezoning: reassignment of the District applicable to land pursuant to Section 8.5.19.

Right-of-Way Line: a line contiguous with a Lot or Building Site Line, dividing a Lot or Building Site from an Abutting Thoroughfare or Internal Drive.

Road (RD): a local, rural and suburban Thoroughfare or Internal Drive of low-to-moderate vehicular speed and capacity, described as such in **Table 5.3.3.F (Thoroughfare / Internal Drives Types – Summary) and Table 5.3.3.G (Thoroughfare / Internal Drive Assemblies and Standards)**.

Roadside Stand: a small open air Structure for the Retail sale of produce or other goods grown or produced on the property where the Roadside Stand is located. Roadside Stand does not include Farmer's Markets or Outdoor Markets.

Rooming House: a Residential type in a private Dwelling in which at least three (3) but not more than six (6) rooms are offered for rent, payable in money and/or other consideration, whether or not table board is furnished to roomers, and in which no Transient guests are accommodated and no Restaurant is maintained for service to any Persons who are not residents of the Rooming House.

Rooming Unit: a unit of Residential occupancy.

Rowhouse: a Building in a collection of very narrow- to medium-sized attached Buildings on contiguous Lot or Building Sites with a Rearyard (and Sideyard if an end unit), which collection consists of side-by-side Dwelling Units with individual entries facing a Thoroughfare or Internal Drive. Each Building and any Side Setback Area or Side Yard or occupy the full Frontage Line of its Lot or Building Site and shares at least one Party Wall with another Building of the same type. *See* **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

S

School: Business or Trade School, College / University, High School, Middle School, Pre-School or Nursery School, Primary or Elementary School, or Secondary School.

School, Primary or Elementary: *See* "Primary or Elementary School".

School, Secondary: *See* "Secondary School".

Scrap or Salvage Yard / Service: a Use, other than an Impound Yard or Towing Facility, in which an establishment is engaged primarily in the sale, storage, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials, including a Junkyard.

Screen/Screening: (1) used as a verb, to block an item or condition from view from a vantage point in accordance with the requirements of this Ordinance by interposition of a Building, Building Element, Wall or Fence constructed of an opaque material, or an evergreen hedge; or

(2) used as a noun, a Building, Building Element, Wall or Fence constructed of an opaque material or an evergreen

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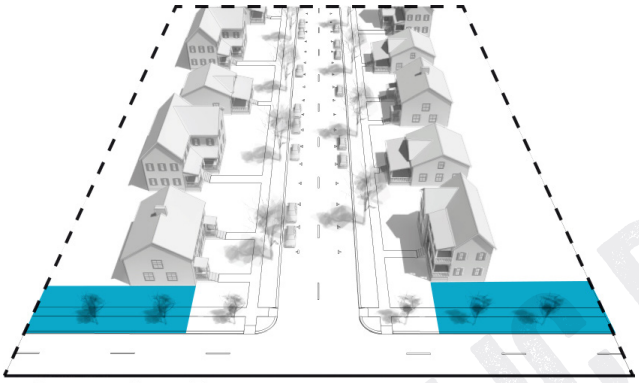
hedge, which blocks an item or condition from view from a vantage point, as required by this Ordinance. Not synonymous with Streetscreen.

Secondary Frontage: on Corner Lots or Building Sites, the Frontage that is not the Principal Frontage. *See* **Illustration 9.3.S–1 (Secondary Frontage)**.

ILLUSTRATION 9.3.S–1 SECONDARY FRONTAGE



Second Layer: *See* "Layer".

Secondary School: a public, private, or parochial school offering instruction at the Middle School and /or High School levels in the branches of learning and study required to be taught in the public schools of the state.

Self–Service Storage Facility: premises at which customers rent separate storage units within a Building designed to allow private access by the customer for storing or removing personal property.

Examples are mini–warehouse, multi–story enclosed storage facility, and storage garage.

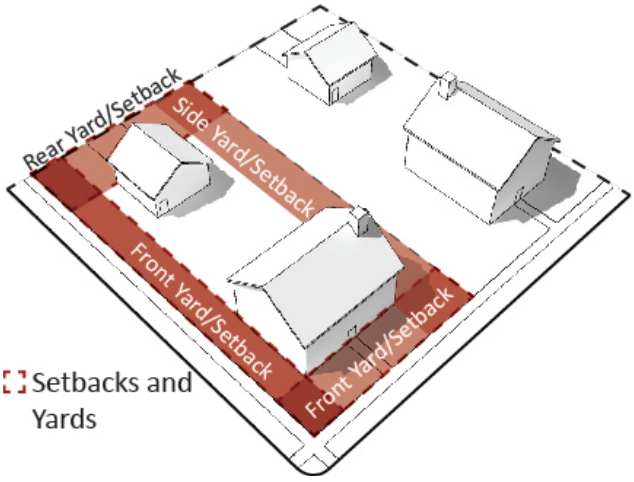
The following are not Self–Service Storage Facilities:

Rental of light or medium trucks, storage area used for Manufacturing use, storage area used for sales, service, and repair operations, and transfer and storage Business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.

Septic Equipment Installation, Service, or Cleaning: establishments that install, pump, or service septic tanks and cesspools, or that rent or service portable toilets.

Setback or Setback Area: the portion of a Lot or Building Site measured from a Lot or Building Site Line to a Building Facade or Elevation, which area is maintained clear of permanent Structures, with the exception of permitted Encroachments allowed pursuant to **Tables 4.3.1–A – 4.3.1.U (District Standards)**. *See* **Illustration 9.3.S–2 (Setbacks)**. *See also,* "Yard".

ILLUSTRATION 9.3.S–2 SETBACKS AND YARDS



Sewage Lines: lines for the movement, distribution, or collection of sewage.

Sewage Facility: facilities for the receipt, treatment, and disposal of sewage.

Shared Parking: Parking spaces that are available for two or more Principal Uses.

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Shared Parking Factor: an accounting for Parking spaces that are available to more than one Principal Use. *See* **Table 4.3.12.B-2 (Shared Parking Factor)**.

Shooting or Firing Range: a specialized facility within a Building, which accommodates firearms training, practice, and qualification.

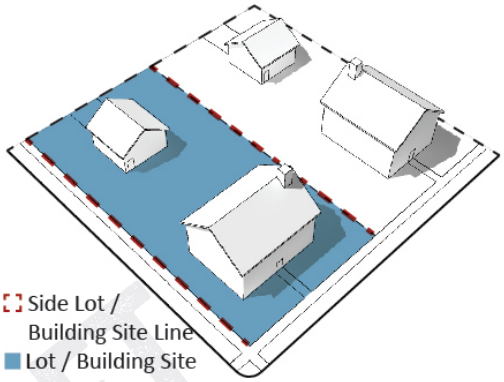
Shopfront: a Private Frontage Type conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at Sidewalk grade. This Frontage has substantial glazing at the Sidewalk level and may include an awning overlapping the Sidewalk. *See* **Table 4.3.7.A (Private Frontage Types)**.

Short-Term Lender: a Business or Use that regularly (1) accepts checks from a borrower drawn on the borrower's account to be presented for payment at a later date and that charges a fee for the service or (2) extends short-term non-purchase money loans secured by titles to motor vehicles. The term does not include Financial Institutions. *See also,* Non-Banking Financial Institution.

Short-Term Rental Unit: a Building used designed to be used as an abode or home of a person, family, or household, including a single-family Dwelling, a portion of a single-family Dwelling, or an individual Dwelling Unit in a Duplex, or Multi-Family Building, such as an apartment building, condominium, cooperative, or timeshare, which Building, portion thereof, or Dwelling is rented wholly or partially for a fee for a period of less than thirty (30) continuous days, specifically excluding however a "hotel" as defined in TSA section 68-14-302 or a "bed and breakfast establishment" or a "bed and breakfast homestay" as those terms are defined in TSA section 68-14-502, all as contemplated in TSA section 13-7-602. A Hotel, Extended Stay Hotel, Motel, Bed and Breakfast, or Inn is not a Short-Term Rental Unit.

Side Lot or Building Site Line: any Lot or Building Site Line that is not a Front Lot or Building Site Line or a Rear Lot or Building Site Line. *See* **Illustration 9.3.S-3 (Side Lot Line)**.

ILLUSTRATION 9.3.S-3 SIDE LOT OR BUILDING SITE LINE

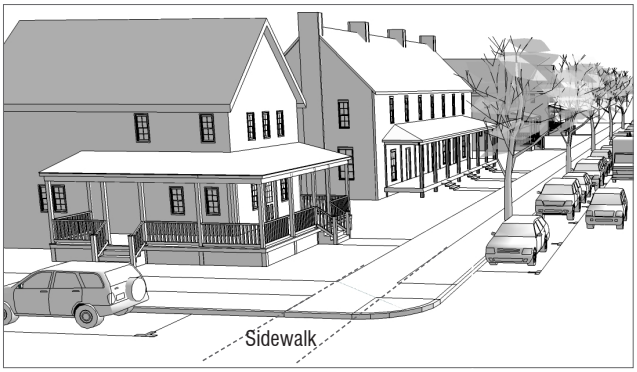


Side Setback, Setback Area or Yard: the portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Building or of any Accessory Building on a Lot or Building Site and (2) the Side Lot or Building Site Line, and extending through from the Front Setback Area or Yard or from the Front Lot or Building Site Line where no Front Setback Area or Yard exists to the Rear Setback Area or Yard or to the Rear Lot or Building Site Line where no Rear Setback Area or Yard exists. *See* **Illustration 9.1.S-2 (Setbacks and Yards)**.

Side Setback Area or Yard Width: the dimension of a Side Setback Area or Yard, measured in such a manner that the Yard is a strip of the minimum width required by the applicable District standards, with its inner edge parallel with the Side Lot or Building Site Line.

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity. *See* **Illustration 9.3.S-4 (Sidewalk)**.

ILLUSTRATION 9.3.S-4 SIDEWALK



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Sidewalk Sign: the Sign Type described as such in **Table 7.1.2.B–1 (Sign Types – Summary)** and **Table 7.1.2.B–2 (Sign Types – Specific Standards)**.

Sign: any name, number, symbol, identification, description, direction, declaration, demonstration, display, representation, illustration, insignia, instruction, directive, information, illustration, object, graphic, device, display, visual communication, material, Structure or device, or part thereof, in view of the general public, whether permanent, temporary, portable, or affixed, composed of lettered, or pictorial, or graphical matter or upon which lettered or pictorial, or graphical matter is used, that announces, directs attention to, names, gives notice of, informs, advertises, or promotes an ideology, position, interest, cause, object, project, product, place, activity, person, institution, organization, or Business; provided that the term "Sign" shall not be deemed to include any badge or insignia of any government agency or any civic, charitable, religious, patriotic, fraternal or similar organization, Public Art, or any directional sign erected and maintained pursuant to law.

Single–Family Detached Dwelling: a Dwelling Unit, other than a Manufactured Housing Unit, for exclusive occupancy for one only Family, situated on a Lot or Building Site with no other Dwelling Units and not attached to any other Dwelling Unit.

Single – Family Dwelling: a Dwelling Unit shall be considered a Single–Family Dwelling only if permanent occupants are limited to one of the following categories:

(1) One individual or

(2) Any number of persons constituting a "Family".

For purposes of this definition, the following are not considered to be Single–Family Residences:

(1) Boarding Houses.

(2) Apartment houses.

(3) Dwelling Units in which more than two rooms are rented to unrelated tenants.

(4) Structures or portions of Structures which are designed or constructed for any of the above purposes; and such Structures and Uses of Structures are explicitly prohibited in each Residential District unless otherwise specifically permitted. Notwithstanding the foregoing, "Single–Family Residence" may include a Dwelling Unit which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling unit, and are not rented to any unrelated tenants or otherwise used in violation of this Ordinance If more than one meter is installed for the same type of household utility service, it will be presumed that Structure is not being used as a Single–Family Residence.

Notwithstanding any other provisions to the contrary, subject to the City Manager's approval, and for such periods of time as the City Manager deems reasonable and necessary, a Single–Family Residence may include, on a temporary basis, one or more persons, not related to the primary occupants, who have been dislocated from their permanent residence due to an officially recognized local, regional or national emergency. A report shall be provided to advise the City Council, Planning Commission, and Development Services Department of any such situations approved by the City Manager.

Single Ownership: a proprietary interest of a Landholder as defined herein.

Site Development Plan: a map required by Section 8.5.6.H, which indicates the intended Development of a parcel of land and which meets the standards and requirements of, and is prepared in accordance with, Section 8.5.6.H and other applicable provisions of this Ordinance.

Small Multi–Family Building: Principal Building type that incorporates between three (3) and six (6) side–by–side

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and/or horizontally stacked Dwelling Units, typically with one or more shared entries. *See* **Table 4.3.8.A (Principal Building Types)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Social or Civic Club or Lodge: a Use characterized by a Structure and/or land owned by or leased to one or more Social or Civic Organizations for meeting, recreational, or social purposes primarily by their members and their guests.

Social or Civic Organization: a private non-profit group, association, organization, club, establishment, brotherhood, membership, or other similar group providing meeting, recreational, social, fraternal, youth, or similar activities or facilities primarily for its members and guests; excluding, however any type of Residential facility such as fraternity or sorority houses.

Solid Waste Facility: premises, appurtenances and Improvements used for treating, storing, or disposing of solid waste, whether publicly or privately owned or operated. A Solid Waste Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

Special District: an area which, due to its intrinsic size, Use, Configuration, cannot conform to the requirements and standards of one or more of the applicable Character Districts or Civic District as specified in this Ordinance.

Special Exception: synonymous with Conditional Use.

Special Requirements: provisions of Section 2.2 and Section 5.7 and/or the associated designations on the Zoning Map for those provisions.

Specified Anatomical Areas: less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

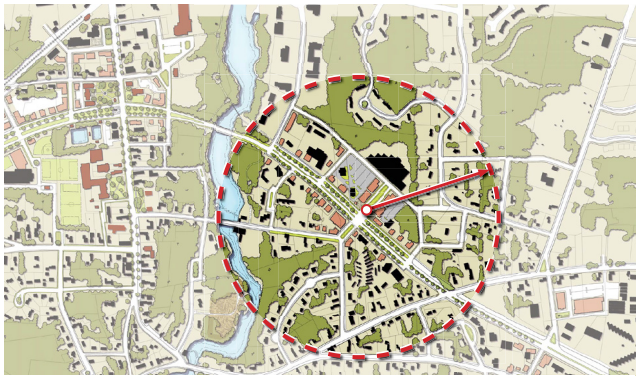
Sports Field: a Civic Space type that accommodates the play of athletic endeavors, described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards)**; excluding Sports Venues. May include associated Structures.

Sports Venue: premises at which athletic events are presented.

Square: a Civic Space type described as such in **Table 5.3.3.A (Civic Space Types – Summary)** and **Table 5.3.3.B (Civic Space – Specific Standards)**.

Standard Pedestrian Shed: a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. *See* "Pedestrian Shed". *See* **Illustration 9.3.S-5 (Standard Pedestrian Shed).**

ILLUSTRATION 9.3.S-5 STANDARD PEDESTRIAN SHED



Stoop: a Private Frontage type wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy. An exterior stair and landing provides access to the entrance. This type is recommended for ground-floor Residential Use. *See* **Table 4.3.7.A (Private Frontage Types)**.

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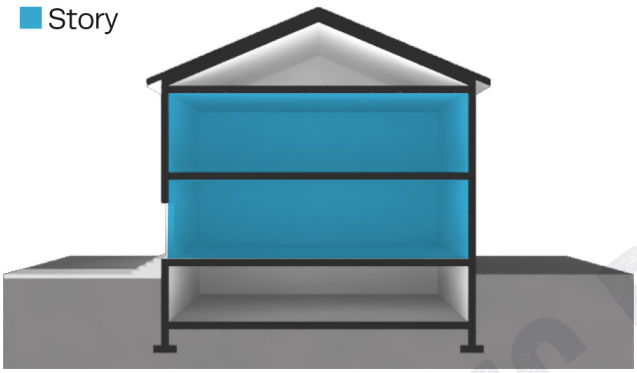
Story: a habitable level within a Building, being that portion included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and the ceiling next above it; excluding an Attic or a raised Basement. *See* **Illustration 9.3.S–6 (Story).**

ILLUSTRATION 9.3.S–6 STORY



Street (ST): a local urban Thoroughfare or Internal Drive of low speed and capacity, which meets the standards and requirements for such Thoroughfare type as set forth in and as described as such **Table 5.3.3.F (Thoroughfare / Internal Drive Types – Summary)** and **Table 5.3.3.G (Thoroughfare / Internal Drive Assemblies & Standards)**. When not capitalized, the term "street" means any public way not within a Lot or Building Site on which vehicles travel.

Project Boundary Buffer: a Buffer located along the boundary of a development.

Streetscape: street lights, trees, planting accommodations and Sidewalk along a Thoroughfare or Internal Drive.

Streetscreen: a type of Screen situated along a Frontage Line, or along the same plane as a Façade, and consisting of a planted evergreen hedge or freestanding Wall constructed of brick or stucco over masonry, which blocks the view of Parking, equipment, or other item or condition from the Frontage, provides privacy to a Side Yard, or strengthens the spatial definition of the public realm.

Street Setback, Setback Area, or Yard: synonymous with Front Setback, Setback Area, or Yard.

Street Setback, Setback Area, or Yard Depth: the dimension of a Street Setback, Setback Area, or Yard that is measured as follows:

The depth of a Street Setback, Setback Area, or Yard shall be measured at right angles to a straight line joining the foremost points of the Side Lot or Building Site Lines; provided that in the case of rounded property corners at Thoroughfare or Internal Drive intersections, the foremost point of the Side Lot or Building Site Lines shall be the point at which the Side Lot or Building Site Lines and Front Lot or Building Site Lines would have met without such rounding.

Synonymous with Front Setback, Setback, or Yard Depth.

Structure: anything constructed, installed, or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, regardless whether the same is horizontal or vertical. The word "Structure" includes Buildings and other Improvements and all parts thereof.

Swimming Pool: a constructed basin or Structure for swimming and aquatic recreation, excluding plastic, canvas or rubber pools temporarily erected upon the ground and holding less than 300 gallons of water.

T

Tasting Room: an establishment or portion of an establishment that allows customers to taste samples of beer, alcoholic spirits, or vinous beverages. In addition to such products, a Tasting Room may include the Retail sale of related items, marketing events, special events, entertainment, and/or food sales.

TCA: Tennessee Code Annotated.

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Temporary Sign: any Sign which is not permanently installed, mounted, or placed. Signs of the types described in **Table 7.1.2.B–1 (Summary of Sign Types)** and **Table 7.1.2.B–2 (Sign Types – Specific Standards)** are not Temporary Signs.

Temporary Use: Use of premises for fewer than 60 days or such other period as may be specifically provided in this Ordinance, and permitted by right, by conditional use, or subject to limited use standards under Section 4.3.9G in accordance with **Table 4.3.9.A–3 (Building, Lot & Building Site Temporary Uses)**, for which a Temporary Use Permit has been issued and is in effect.

Terminated Vista: a location at the axial conclusion of a Thoroughfare or Internal Drive. A Building located at a Terminated Vista location designated on a Zoning Map is required to be designed in response to the axis. *See* **Illustration 9.3.T–1 (Terminated Vista).**

ILLUSTRATION 9.3.T–1 TERMINATED VISTA

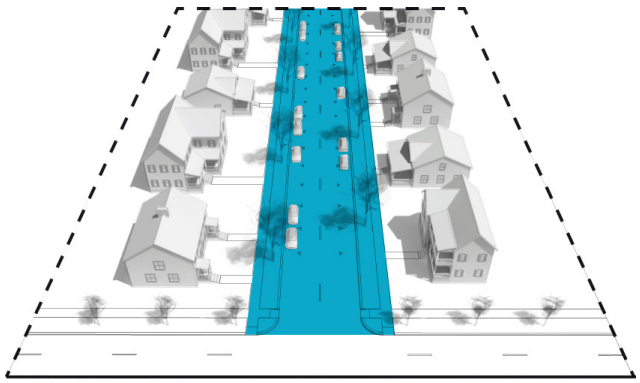
Terrace/Lightwell: a Private Frontage type wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks with the first Story elevated from the Sidewalk for privacy, and may allow for activation of space below grade. An exterior stair and landing provides access to the entrance. This type is recommended for ground-floor Residential Use. See **Table 4.3.7.A (Private Frontage Types)**.

Theater: a Building or part of a Building devoted to the showing of motion pictures, or theatrical or performing arts productions, as a Principal Use.

Third Layer: *See* "Layer".

Thoroughfare: a way, whether public or private, open for common and general use by vehicular and/or pedestrian traffic and to provide access to Lots or Building Sites and Civic Spaces, consisting of Vehicular Lanes and the Public Frontage. *See* **Illustration 9.3.T–2 (Thoroughfare).** *See also* **Table 5.3.3.F (Thoroughfare / Internal Drive Types Summary)** and **Table 5.3.3.G–1 (Thoroughfare / Internal Drive Assemblies and Standards**). See also "Internal Drive".

ILLUSTRATION 9.3.T–2 THOROUGHFARE



Through Lot or Building Site: a Lot or Building Site type that extends through from Thoroughfare or Internal Drive to Thoroughfare or Internal Drive.

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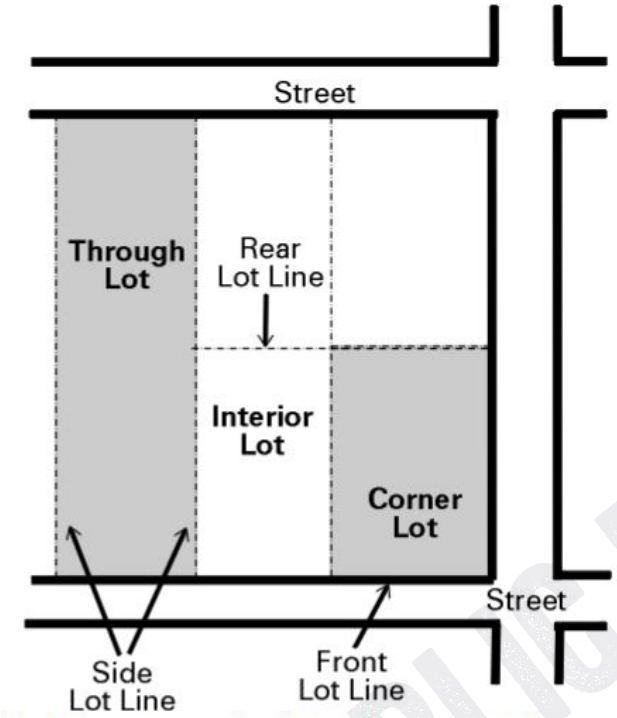
ILLUSTRATION 9.3.T–3 THROUGH LOT / BUILDING SITE



Tire Sales: a Structure, premises, or establishment in or on which tires are sold, installed, and/or repaired.

Tower: with respect to communications equipment, any Structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self – supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Towing Facility: an establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops.

The term "Towing Facility" excludes: automotive services that have a tow truck on–site; Salvage or Scrap Yard / Service; Junkyards, Impound Yards; Motor Vehicle storage; and storage of inoperable vehicles.

Townhouse: the Building Type described as such in **Table 4.3.8.B (Principal Building Types)**.

Trailer: an unpowered, portable, or mobile vehicle designed to be designed to be towed by a Motor Vehicle.

Transient: as a noun, a Person who is staying in a place for fewer than thirty (30) days; as an adjective or adverb, a duration of fewer than thirty (30) days.

Transit Shelter: accommodation providing shelter from the elements for waiting transit riders, excluding a Transit Station or Terminal.

Transit Station or Terminal: a facility or area at which train, rapid transit, light rail, bus, or other mass transit modality service regularly stops to load or unload passengers.

Turning Radius: the inside radius of the Vehicular Lanes available for a vehicle to make a turn, accounting for the presence of parking, bike lanes, medians or other features. *See* **Illustration 9.3.C–3 (Curb Radius). Table 5.2.2.G–1 (Thoroughfare Assemblies & Standards)** and **Illustration 9.3.T–4 (Turning Radius)**. *See also* Curb Radius.

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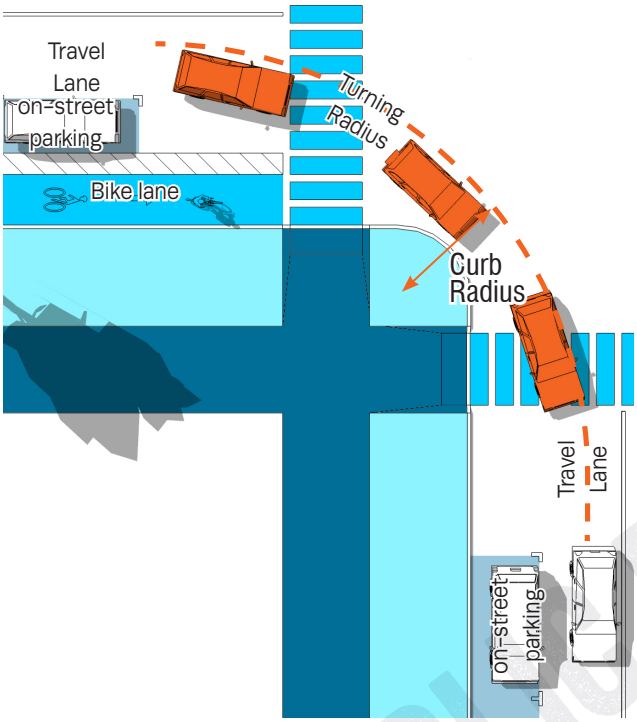
ILLUSTRATION 9.3.T–4 TURNING RADIUS



Two–Family Detached Dwelling: separate Residential premises for only two Families within a Building, whether both Dwelling Units are on a single Lot or Building Site or Abutting Lots or Building Sites. A Duplex is a specific Building Type that may accommodate a Two–Family Detached Dwelling, but the terms are not synonymous.

U

Unified Control of a Landholder: with respect to a Planned Unit Development, control by a single Person of all land to be developed within the overall Planned Unit Development site.

Use: a specific function, activity, or purpose accommodated by or intended to be accommodated by land, a Lot, Building Site, or a Structure, or for which land, Lot, Building Site, or Structure is designed, arranged, intended, occupied or maintained. *See* **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Use)** and **Table 4.3.9.A–2 Building, Lot & Building Site Accessory Uses)**.

Usable Floor Area: the Floor Area within a Building, less the area of space used for utilities or storage.

Floor Area Within Building − ***Space Used For Utilities or Storage*** = ***Useable Floor Area***

Utility(ies): (1) as a Uses category under this Ordinance, the Uses category involving uses, activities, and equipment involved with the providing electricity, gas, water, sewage, telephone, cable, or other similar publicly regulated service, such category of Uses including without limitation Utility Lines, Utility Distribution / Substation / Switching Facility, and Utility Pumping Station (See **Table 4.3.9.A–1 (Building, Lot & Building Site Principal Use)**; (2) as a service, electricity, gas, water, sewage, telephone, cable, wireless communications, or other similar publicly regulated service provided by a Utility Provider.

Utility Distribution / Substation / Switching Facility: facility used for Utility distribution, including systems, and equipment used for such purposes.

Utility Facility: premises used by a Utility Provider relative to providing a Utility service, including without limitation a Utility Pumping Station, a Utility Distribution / Substation / Switching Facility, a water tower or tank, a Water Treatment / Supply Facility, a water or wastewater pump station, a water reclamation facility, a Sewage Facility, a Utility Generation Facility, a Wireless Communications Facility, a Communications Tower, or other facility used to provide a Utility service, excluding, however, Utility Lines.

Maintenance yard or Building (see Light Industrial Service), Utility office (see Office), TV and radio studio (see Office), and Reservoir or water supply (see Civic Space and Open Space) are not included in this Use Category.

Utility Generation Facility: facility used for electric or gas power generation (except hydroelectric and nuclear), control and transmission. This definition includes systems that facilitate the sale of gas or electricity via power distribution systems operated by others, and gas or electric power transmission systems such as transmission

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towers, pipes or lines, and transformer stations, but does not include Utility Distribution / Substations / Switching Facilities.

Utility Line: a line used in providing a Utility service.

Utility Provider: a public or private entity or other Person engaged in generating, transmitting, distributing, or providing a Utility service.

Utility Pumping Station: a facility at which water, sewage, or other Utility fluids are pumped from one place to another.

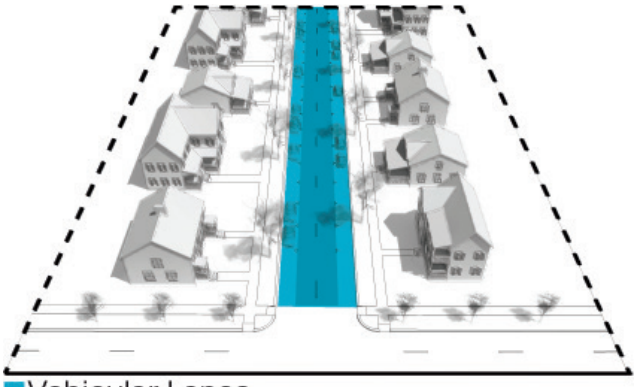
Utility Transmission Line: line used for the movement of high powered electricity or high pressure gas.

V

Variance: relief granted by the Board of Zoning Appeals from a standard or requirement of this Ordinance, which is specifically provided for in this Ordinance or granted pursuant to the provisions of Article 8 (Administration, Procedure, & Enforcement).

Vehicular Lane: an area of a Thoroughfare or Internal Drive for parked or moving vehicles. *See* **Illustration 9.3.V–1 (Vehicular Lane).**

ILLUSTRATION 9.3.V–1 VEHICULAR LANE



Vessel: a Boat, yacht, ship, canoe, kayak, paddle board, paddle board, jet–ski, or recreational or other watercraft.

Veterinary Office, Clinic, or Hospital: premises or an establishment offering Veterinary Services for animals.

Veterinary Services: health or medical care provided to animals by a licensed veterinarian.

W

Wall: a vertical Structure that (1) supports a Structure or (2) encloses or separates an area of land.

Wall Sign: the Sign Type described as such in **Table 7.1.2.B–1 (Sign Types – Summary**) and **Table 7.1.2.B–2 (Sign Types – Specific Standards)**.

Warehouse Retail: a Retail establishment that has limited customer amenities and service and sells goods at discounted prices.

Warehousing: the indoor storage of goods, not including storage in Self–Service Storage facilities.

Warehouse: premises used for Warehousing, not including Self–Service Storage facilities.

Warehouse and Freight Movement: Use sub–category of the Industrial Category characterized by the storage or movement of goods.

Not included in this sub–category are bulk storage of flammable liquids (see Heavy Industrial), Self–Storage Facilities, Mini–warehouse, multi–story enclosed storage facility, storage garages (see Self–Service Storage), Solid or liquid waste transfer, or composting (see Waste–Related Service).

Waste–Related Service: Use sub–category of Industrial Use category characterized by Uses that receive solid or liquid wastes from others for transfer to another location and Uses involving collection of sanitary wastes or manufacture or production of goods or energy from the composting of organic material.

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Not included in this sub-category are:

Stockpiling of sand, gravel, or other aggregate materials (see Warehouse and Freight Movement).

Water Treatment / Supply Facility: facilities for the treatment and supply of potable, irrigation, or industrial water supply.

Wholesale Sales: the sale, lease, or rent of goods in large quantities primarily to industrial, institutional, and commercial business customers, which goods may or may not be resold at Retail by such customers.

Retail Sales, Personal Service, Repair, Arts, and Artisan Use, in-store sales, lease, or rental of consumer, household, or business goods, Warehousing or Freight Movement (see Warehouse and Freight Movement), and Warehouse or Wholesale Club (see Retail Sales and Service) are not included in Wholesale Sales.

Window Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types – Summary)** and **Table 7.1.2.B-2 (Sign Types – Specific Standards)**.

Winery: an establishment which is primarily used for the manufacture of vinous beverages in accordance with applicable state and local regulations.

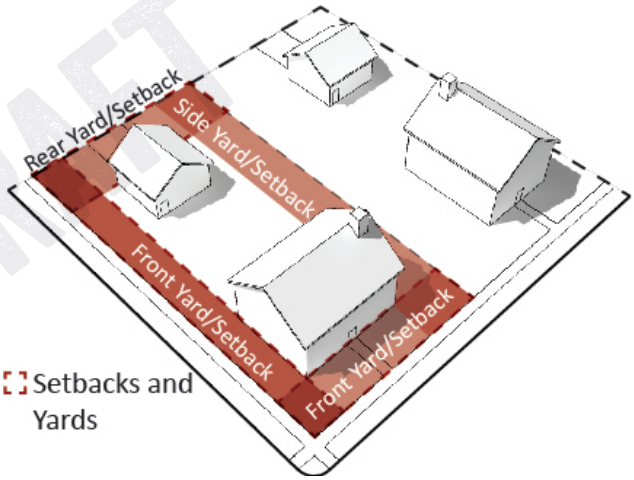
Wireless Communications Facility: any facility for the receiving or transmitting of wireless signals for commercial purposes. As used herein the term shall include any necessary support structure, connection cables and equipment buildings as well as towers or monopoles.

Woodworking Shop: premises at which wooden articles are made or repaired.

Y

Yard or Setback Area: an open area within a Lot or Building Site on which there is a Building. Setback Areas or Yards are described by their positions within the Lot or Building Site, and their area is calculated as the shortest horizontal distance from a Lot or Building Site Line to the nearest foundation wall supporting Building on the Lot or Building Site. *See* "Front Setback, Setback Area, or Yard", "Street Setback, Setback Area, or Yard", "Rear Setback, Setback Area, or Yard", and "Side Setback, Setback Area, or Yard". *See* **Illustration 9.3.R-1 (Setback Areas or Yards).**

ILLUSTRATION 9.3.R-1 YARD / SETBACK AREAS



Yield: characterizing a Thoroughfare or Internal Drive that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

Also, characterizing Parking accommodations on such a Thoroughfare or Internal Drive. *See* **Illustration 9.3.Y-1 (Yield).**

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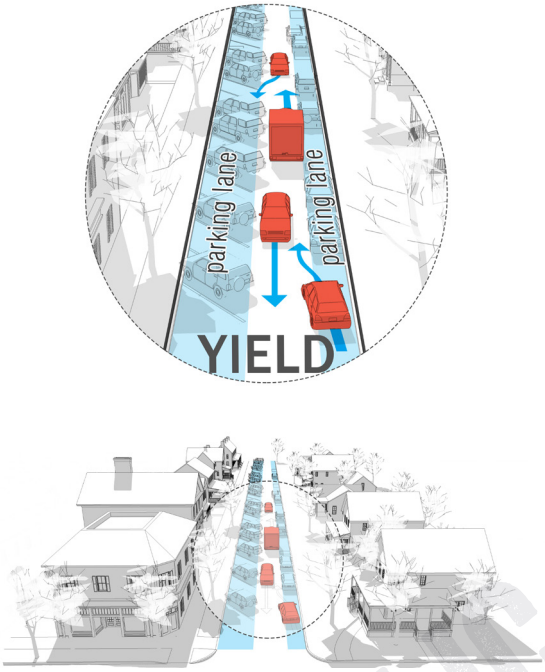
ILLUSTRATION 9.3.Y–1 YIELD



Z

Zoning Administrator: the Planning Director.

Zoning Change: the Effective Date of any applicable Zoning Map Amendment (Rezoning) or of any applicable amendment of this Ordinance.

Zoning District: a Character District, Special District, Planned Unit Development District, or Civic District.

Zoning Map: the map or set of maps, which show the Districts, Thoroughfares and Internal Drives, and Special Requirements if any, of areas subject to, or proposed to be subject to, regulation by this Ordinance. The Zoning Map approved by the City Council, as the same may be amended from time to time, constitutes the Official Zoning Map of the City.

Zoning Permit: a permit required to Develop, construct, reconstruct, Improve, Alter, or use any Structure, Lot or Building Site.

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Concern over the time limit on temporary signs, more particular real estate signs.

Temporary Signs 7.1.7

7.1.7-A Residential

- Staff would recommend removing the 45 day allowance and increasing the size to 9 square feet from the proposed 8 to match current standard for real estate sign standards.

7.1.7- B Other Lots or Building Site

- Staff would suggest taking the current real estate sign standards for larger properties and applying them for parcels over 10 acres at 32 sqft per sign.
- The current standard has a time limitation of 1 year or 7 days after sale. The proposed temporary sign allowance is for 6 months which staff has no objection in removing.

Discussion over Electronic Message Boards color and rate of transition of the sign.

7.1.9 Electronic Message Boards

- The proposed color allowance is stated as one color this would be a preference but staff has no objection to multiple colors being allowed
- The second item was the frequency of message change is proposed at 60 seconds, the state has a requirement of 8 seconds as the minimum change rate of messages. Staff would recommend following the set standard of the state as 8 seconds.

General sign topics and standards.

- While large projection signs are a rarity in Columbia, the additional standard referencing different materials is an unlikely point of review so removing (a.) page 362 is agreeable.

- Setbacks in the proposed code are only based on sight distance triangles from roadways, driveways, and lot corners. These areas are prohibited from having a structure within them ensuring clear sight distance and spacing is met. Staff would recommend leaving those items in place as is.

- Electrical Elements 7.1.8 C – Questioning electrical items of the sign to be concealed from public view. Within that section “concealed from public “ is over stated and in reality should be concealed to the extent possible. The language is the same as the current ordinance 3638 but it’s an opportunity to clear it up.

- Lighting 7.1.8 B internally illuminated vs external lit signs - Modifying districts to allow for signs to be internally illuminated with exception to CD-2, CD-3L, and CD-3. In all other districts signs are allowed to be internally illuminated for all letters and insignia details.

- Removal of abandoned signs 1.22.B 4 – While both ordinances have the same requirement, Columbia has historically not reviewed businesses to ensure they are operating. That being the case limiting this to redevelopment of the property would more closely align with current processes.

- Nonconforming signs – The nonconforming sign section mirrors the existing provisions for such.

- Historic District Signs – The Historic Commission guidelines will still have the authority of signs within those designated areas.

- Calculating sign area 7.1.11 – Calculating the sign area for a sign is the space around lettering or any insignia area. Attached is an example we were asked to review and the calculated sign area would be the 96" wide by 48" tall area shown, being 32 square feet of sign area.