TOWN OF NOLENSVILLE, TENNESSEE

ZONING ORDINANCE

T·P·U·D·C

TOWN PLANNING & URBAN DESIGN COLLABORATIVE, LLC

ZONE NOLENSVILLE

ZONING ORDINANCE UPDATE

ADOPTION DRAFT

SEPT. 14TH

·2022·

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SECTION 1.1 TITLE.

1.1.1 Long Title.

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated (T.C.A.), to provide for the establishment of Districts within the corporate limits of the Town of Nolensville, Tennessee: to regulate within such Districts the location, Height, bulk, number of Stories and size of Buildings and other Structures, the percentage of the Lot which may be occupied, the sizes of Yards and Open Spaces, the Density of population, and the Uses of Buildings, Structures, and land for trade, industry, Residence, Recreation, public activities and other purposes including areas subject to flooding; 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 and enforcement of this Ordinance by a Zoning Administrator, to provide procedures for land development approvals, 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._____ , adopted _____, as amended, being the Zoning Ordinance of the Town of Nolensville, Tennessee.

This Ordinance, as the same may be amended from time to time, shall be known and may be cited as the "Nolensville, Tennessee Zoning Ordinance."

1.1.2 Short Title.

This Ordinance is referred to herein as "this Ordinance" or "these Regulations".

SECTION 1.2 AUTHORITY & ENACTMENT.

This Ordinance has been adopted pursuant to Tennessee Code Annotated (T.C.A.) Sections 13-7-201 through 13-7-401 pursuant to action by the Board of Commissioners of the Town, dated as of _____, 2022, providing as follows:

Whereas, Tennessee Code Annotated Sections 13-7-201 through 13-7-401 (T.C.A.) empower the Town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

Whereas, the Board of Commissioners deems it necessary, for the purpose of promoting the public health, safety and general welfare of the Town to enact such an ordinance, and

Whereas, all the requirements of T.C.A. Sections 13-7-201 through 13-7-401 with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the Board of Commissioners have been met;

Now, therefore, it is ordained by the Board of Commissioners, that the Zoning Ordinance of Nolensville, Tennessee, be enacted into law.

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 was passed and adopted pursuant to Section 8.5.18.

1.3.2 Repeal.

A. Existing Zoning Ordinance.

The existing zoning ordinance of the Town (Ordinance No. _____, adopted June 4, 2020, as amended) is 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

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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, Planned Residential Developments, Planned Commercial Developments, and Open Space Developments existing prior to the Effective Date and approved under prior zoning ordinances (collectively, "Existing Planned Developments") shall continue with each such Existing Planned Development; however, expansions, changes of Use, and other modifications to an Existing Planned Development not explicitly contained in the rules, regulations, standards, and requirements applicable to an Existing Planned Development shall be subject to the standards, procedures, and requirements of this Ordinance.

SECTION 1.4 COMPREHENSIVE PLAN.

1.4.1 Adoption.

By action of the Planning Commission, the Town of Nolensville, Tennessee (the "Town") has adopted the Nolensville Comprehensive Plan (2017) (collectively, the "Comprehensive Plan").

1.4.2 Implementation.

The Comprehensive Plan is intended to guide Development within the Town; however, the Comprehensive Plan will not be binding on the Board of Commissioners or affect any action taken by the Board unless and until the Board adopts it. If any provision of this Ordinance is inconsistent or in conflict with the Comprehensive Plan, the provision of this Ordinance shall control.

SECTION 1.5 PURPOSES.

1.5.1 Vision Statement.

The Planning Commission for the Town of Nolensville has adopted the following vision statement:

"Nolensville is a vibrant and growing town, determined to achieve economic and social growth that benefits our residents, businesses and visitors. We listened to our residents and are committed to preserving a balance between our small-town charm, our agricultural and historical roots, and the growing needs of our community. Nolensville will continue to develop a walkable town with superior connectivity. We will provide a variety of housing and recreational opportunities to suit various lifestyles, while preserving our natural resources. We will build infrastructure that allows for the safety and health of everyone in our town. Nolensville offers a safe, clean, friendly, fiscally responsible and prosperous place to live and visit."

1.5.2 General.

This Ordinance is being adopted for the following general purposes:

A. Protection & Promotion.

To protect and promote the public health, safety, and welfare of the people and community;

B. Districts.

To divide the Town 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 and enhance Residential, Business, Commercial, and

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Industrial areas within the Town's jurisdiction, and to promote the orderly and beneficial development of such areas;

D. Appropriate Use of Land.

To encourage appropriate Uses of land;

E. Light, Air, Privacy & Access.

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

F. Open Space.

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

G. 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;

H. Standards.

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

I. 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;

J. 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;

K. Congestion, Parking & Loading.

To minimize traffic hazards and 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;

L. Protect Against Hazards.

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

M. Prevent Overcrowding.

To prevent overcrowding of land and undue concentration of Structures and population 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;

N. Preserve Value.

To preserve the value of land and Buildings throughout the Town;

O. 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;

P. Define Powers & Duties.

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

Q. Beneficial Use of Property.

To protect and in general allow for the beneficial Uses of property;

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R. Assist with Services.

To assist in the economic provision, utilization, and expansion of services and to provide for the public when determined desirable and appropriate, including, but not limited to, police, fire, and public works, and recreation services, and to make arrangements with third parties to provide water, sewer, communications, and solid waste services; and

S. Protection & Enhancement of Amenities.

To protect and where appropriate, enhance the natural, man-made, and historical amenities of the Town.

1.5.3 Other Purposes and Objectives.

In addition to the purposes and objectives set forth in Section 1.5.2 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 Town.

No Improvement shall be made or 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 Town zoning ordinance adopted as of June 6, 2020, as amended, which 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 Town.

SECTION 1.7 PLANS UNDER THIS ORDINANCE.

This Ordinance provides for Development Plans, Building Plans, and Sign 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.

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 Building Plans.

A. Purpose.

A Building Plan is a Plan that is submitted with an Application for a Building Permit.

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B. Condition to Building Permit.

A Building Plan approved by the Zoning Administrator pursuant to Section 8.5.5.B and 8.5.5.D as being in compliance with all requirements of this Ordinance is a condition to issuance of a Building Permit.

1.7.3 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 Buildings, Structures, premises, Lots, Building Sites, Development Parcels, or other land, or the Use thereof, or Civic Spaces or other Open Space 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 Williamson County Register of Deeds office or any Development Plan or Building 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 Town codes, ordinances, regulations, and standards that may be in conflict with this Ordinance. Except as provided in the preceding sentence, all Development, Construction, Buildings, Structures, and Uses are subject to all applicable federal, state, county, and Town laws and regulations.

1.9.2 Compliance with Subdivision Regulations.

Reference is hereby made to the Town Subdivision Regulations, as amended. Without limitation to any other means by which a violation of the Town Subdivision Regulations 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.

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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 Board of Commissioners, 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 Town 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.

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 **Tables 4.3.1–A – 4.3.1–K (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.

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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 Town that shall be applicable upon the Effective Date of this Ordinance shall be prepared by or on behalf of the Town and adopted simultaneously with this Ordinance.

SECTION 1.16 DETERMINATION OF STANDARDS.

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

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 _____Code Title __, 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.

An Application for approval of a Development Plan 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 Board of Commissioners as a Zoning Map amendment under **Article 8 (Administration, Procedures, and Enforcement.**

1.18.5 Ordinary Maintenance / Repair Exempt.

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

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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.

1.19.2 Conditional Use.

A Conditional Use may be permitted by the Board of Zoning Appeals 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.

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

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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 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.

3. 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.

4. Notwithstanding anything to the contrary contained or implied in this Section 1.22, any single family detached Residential dwelling that legally existed immediately prior to a Zoning Change shall be allowed, without losing the legal status of a Non-Conforming Use or Nonconforming Structure, to be changed, Altered, enlarged, increased, or extended to occupy more land than that occupied thereby immediately prior to a Zoning Change, provided that after such Alteration, enlargement, increase, or extension such single family Residential dwelling complies in all respects with the zoning ordinance in effect immediately prior to such Zoning Change.

5. 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

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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, and 1.22.2.D.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 Section 1.22.2.C.2 and Sections 1.22.2.D.3.2 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 Town 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

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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.

4. 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.

5. 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.

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6. 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 Section 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) or more separate times as provided by T.C.A. 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, provided that the deficiency in the required Lot Area or other Density measurement is not thereby increased.

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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 Town 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:

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

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

3. not part of Development in which a new subdivision plat or 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;

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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:

1. Any Off-Premises Sign smaller than a standard 8-sheet poster, which, for the purposes of this Section 1.22.4.D, 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 Section 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 Section 1.22.4.D, 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 Section 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

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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.

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, which 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 Town 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 ninety (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, Building Plans, Variances, Conditional Use Permits, 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 / PDs.

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

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1.23.5 Administrative Adjustment.

Administrative Adjustments to Development Plans, or Building Plans submitted pursuant to approved Development Plans, may be made in order bring such submissions into conformance with this Ordinance or to other ordinances adopted for environmental purposes. These are authorized without the necessity of Board of Commissioners 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 Development Plan; or

b. if there is no 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 Section 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 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.

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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 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 (15) -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 Sections 1.24.2.B-.D, a vested property right shall terminate upon a written determination by the Decision-Making Authority under the following circumstances pursuant to Section 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 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 Town and that precludes Development as contemplated in the Plan or plat the approval

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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 Section 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 Town 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 Town 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 Town 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 Town 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 Town which would 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 Town enacts a moratorium on Development or Construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

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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;

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

5. Increases any Town 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 Town an Application for approval of a Development Plan or a Preliminary Plat, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

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 Development Plan under this Ordinance;

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D. "Development Standards".

"Development Standards" means all Town-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; Town 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 T.C.A. § 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 Board of Commissioners hereby finds that the Town 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, Town 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 Board of Commissioners, the Planning Commission, the Board of Zoning Appeals, the Zoning Administrator, and the Town Engineer to require Applicants to reimburse the Town 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 Town.

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 Town and such consultant. All such charges shall be paid by the Town upon submission of a Town voucher.

B. Reimbursement.

The Applicant shall reimburse the Town for the cost of such services in accordance with the procedures described in Section 1.25.2.C.

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.

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 Town shall post a performance bond, cash deposit, certified check, irrevocable letter of credit, or other security acceptable to the Town to secure the Applicant's

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payment and performance of all obligations to the Town, maintenance of landscaping, and completion of all public Improvements, (each, a "Performance Guarantee"), covering the Planning Commission's estimate of the cost of such obligations, landscaping maintenance, and satisfactory completion, installation, payment, performance, and/or compliance. Such Performance Guarantee shall be deposited with the Town Clerk at the time of the issuance of the permit authorizing the activity or project, and shall be subject to approval by the Town Attorney.

1.26.2 Condition of Performance Guarantee.

Any Performance Guarantee provided pursuant to Section 1.26.1 shall be conditioned upon the Applicant's payment or performance of all obligations to the Town and completion of all required public Improvements enumerated in the approved Plan or plat approval in a manner satisfactory to the Town, 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 Town shall be entitled to the full amount thereof as necessary to satisfy the owner's or developer's obligations to the Town, 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 Town 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.

1.26.3 Waiver.

The Planning Commission may consider the Applicant's previous performance and/or to grant a waiver of the Performance Guarantee requirement under Section 1.26.1.

1.26.4 Requirements.

Such Performance Guarantee shall comply with all statutory requirements and shall be satisfactory as to form, sufficiency and manner of execution as set forth in these regulations.

1.26.5 Period.

The period within which required Improvements must be completed shall be specified by the Planning Commission and incorporated in the Performance Guarantee, and shall not exceed two (2) years. The Performance Guarantee shall be reviewed as to progress at least once a year by the Planning Commission.

1.26.6 Extension.

The Planning Commission may extend the completion date set forth in the Performance Guarantee for a period of two (2) more years. Any extension of the performance period may necessitate an increase in the Performance Guarantee amount.

1.26.7 Reduction or Release of Performance Bond or Security.

The surety securing a Performance Guarantee may be reduced one (1) time by the Planning Commission when at least fifty percent (50%) of the public Improvements, or the landscaping, has been completed. The Performance Guarantee, and the surety securing it, may be released by the Planning Commission upon acceptance of the public improvements and/or the landscaping. No performance bond shall be reduced to less than thirty percent (30%) of its full face amount irrespective of the estimated cost of completing the improvements. The costs incurred in connection with a request for reduction of the surety or release of the Performance Guarantee, including engineering inspection fees, legal fees, etc., shall be borne by the Applicant, regardless of whether the request for reduction is granted.

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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 Board of Commissioners, shall be bounded and designated on the Zoning Map and any amendment thereto, as adopted by the Board of Commissioners 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 matters thereon, are 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 Town 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 Board of Commissioners.

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 Town 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 streets, highways, or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted Lot Lines or deeded property lines shall be construed as following such lines;

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

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

5. Boundaries indicated as approximately following streams, rivers, canals, lakes, or other bodies of water or pronounced topographic features 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 the 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 Town and partially within one or more other jurisdictions, the portion of such Lot or parcel of land situated within the Town must comply with the Town standards and requirements for the applicable District.

2.1.6 Adoption by Board of Commissioners.

The Zoning Map shall be adopted by the Board of Commissioners 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 Town Clerk, bear the Seal of the Town 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 Town of Nolensville, 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 Town'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 Board of Commissioners may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Town may use the resolution process to address minor drafting, omissions, or other errors but must use the rezoning process described in Section 8.5.19 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 Town Clerk, and bear the seal of the Town under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, by the Town of Nolensville, 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 Town, 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 DEVELOPMENT PARCELS.

2.4.1 Character Districts.

A. Assignment.

Character Districts must be assigned within Development Parcels of 10 or more gross acres, excluding any Special Districts, in accordance with **Article 5 (Development Parcel Standards)**.

B. Zoning Map Amendment.

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

2.4.2 Civic Districts.

A. Assignment.

Civic Districts must be assigned within Development Parcels of 10 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

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a parcel of land over 10 gross acres, excluding any existing Special Districts to remain, 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.

Any Special District proposal shall be subject to approval pursuant to a Development Plan and Application, which must include specific standards for each Development, Building, Lot or Building Site and Thoroughfare or Internal Drive element that would be regulated if the Special District were a Character District.

B. Zoning Map & / or Ordinance Amendment.

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

In the case of a proposal for a Special District type that does not exist in this Ordinance, such proposal shall also be subject to approval as a Zoning Ordinance Amendment pursuant to Section 8.5.18.

SECTION 2.5
NEWLY ANNEXED PROPERTIES

Newly annexed properties shall have an initial zoning of CD-1. However, an Application for Rezoning to any other District may be considered concurrently with the action for annexation, subject to Section 8.5.19.

SECTION 2.6
ASSIGNMENT OF DISTRICTS TO PARCELS ZONED CD-H.

A parcel zoned CD-H shall retain such zoning District designation until such time as a Development Plan for such parcel is approved for such parcel, which assigns specific portions of the Net Site Area thereof to Character Districts CD-1, CD-2, CD-3, and CD-4 in accordance with Sections 5.1.6 and 8.5.6.N. Additionally, such assignment shall require a Zoning Map Amendment pursuant to Section 8.5.19; provided that the Application for Rezoning to any other District may be considered concurrently with the Application for Development Plan approval.

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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, 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, AND PD DISTRICTS.

3.3.1 Defined.

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

3.3.2 Effect of Designation.

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

3.3.3 Survival of PUD & PD Districts Established Prior to Effective Date.

Parcels zoned to any existing Planned Unit Development or Planned Development District prior to the Effective Date will continue to be regulated by the provisions applicable to them under the Zoning Ordinance and Development Plan or other approval 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 Existing Planned Development 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 DESCRIPTIONS.

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

SECTION 3.6 CIVIC DISTRICT DESCRIPTION.

Civic District is described in **Table 4.3.1–K (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 Town, and the Town is hereby divided into, the following zoning Districts, which are described in Sections 3.5–3.6 and **Table 3.7.1 (District Descriptions – 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 **Article 5 (Development Parcel Standards)** and **Tables 4.3.1–A – 4.3.1–K (District Standards):**

A. Character Districts.

1. Character District CD–1 (Natural);
2. Character District CD–2 (Rural);
3. Character District CD–3L (Neighborhood – Large);
4. Character District CD–3 (Neighborhood);
5. Character District CD–4 (Neighborhood Center);
6. Character District CD–4C (Neighborhood Corridor);
7. Character District CD–4V (Village);
8. Character District CD–5 (Village Center); and
9. Character District CD–H (Hamlet).

B. Special Districts.

1. Special District SD–IV (Industrial Village).

C. Civic District.

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
	CD–1 (Natural) The CD–1 Natural Character District consists of natural landscape approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation. This District typically does not contain buildings; however, small Civic Buildings or interpretive centers may be located here, which must be approved by the applicable governing body.
	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.

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
	CD–3L (Neighborhood – Large) The CD–3L Neighborhood Large Character District consists of primarily a low density single–family detached Residential area in which Houses are 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–3 (Neighborhood) The CD–3 Neighborhood District consists of primarily a low density single–family detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and shall include Sidewalks and/or street trees, and form medium to large blocks.
	CD–4 (Neighborhood Center) The CD–4 Neighborhood Center 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–4C (Neighborhood Corridor) The CD–4C Neighborhood Corridor Character District consists of a medium density area along a corridor. It provides for a balanced automobile– and pedestrian–oriented built environment, 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–4V (Village) The CD–4V Village 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 or narrow 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. Its purpose is to preserve the unique character of existing historic areas while encouraging compatible infill development.

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TABLE 3.7.1 DISTRICT DESCRIPTIONS – SUMMARY

Districts	
	CD-5 (Village Center) The CD-5 Village Center Character District consists of higher density Mixed Use areas. 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-H (Hamlet) The CD-H Hamlet Character District is provided for the future Development of Hamlet communities to be comprised of certain prescribed percentages of Character Districts CD-1, CD-2, CD-3, and CD-4, and Civic Zones. Such communities typically stand free in the countryside and are characterized by clustered Development surrounded by Open Space, Agricultural, or large lot Residential areas.
	SD-IV (Industrial Village) The Industrial Village Special District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail Service / Retail Sales / Personal Service / Art / Artisan, Office, Industrial, and Civic Uses; there are medium front Setbacks and medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium-sized blocks.
	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 Town Halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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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);

3. Character District CD-3 (Neighborhood);

4. Any portion of Character District CD-4 (Neighborhood Center) used or available for Residential Use;

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

6. Any portion of Character District CD-4V (Village) used or available for Residential Use;

7. Any portion of Character District CD-5 (Village Center) used or available for Residential Use;

8. Any portion of Character District CD-H (Hamlet) used or available for Residential Use;

9. Any portion of Special District SD-IV (Industrial Village) used or available for Residential Use; and

10. Any portion of an existing Planned Unit Development or Planned Development District used or available for Residential Use.

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 (Neighborhood Center) used or available for Commercial Use;

2. Any portion of Character District CD-4C (Neighborhood Corridor) used or available for Commercial Use;

3. Any portion of Character District CD-4V (Village) used or available for Commercial Use;

4. Any portion of Character District CD-5 (Village Center) used or available for Commercial Use;

5. Any portion of Character District CD-H (Hamlet) used or available for Commercial Use;

6. Any portion of Special District SD-IV (Industrial Village) used or available for Commercial Use; and

7. Any portion of an existing Planned Unit Development or used or available for Commercial 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-IV (Industrial Village); and

2. Any portion of an Existing Planned Development District or Planned Development District used or available for Industrial Use

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, property may be subject to regulation

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as an Overlay District 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 Zoning District, as provided for the applicable Overlay District.

B. Specific Overlay Districts.

1. Historic District Overlay (HD).

a. Establishment. The Historic District Overlay has been established in recognition of the importance of Historic Structures and Historic Sites to the Town and its citizens. Property within such Historic Overlay District shall be subject to the following:

(1) 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.

(2) 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.

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

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

b. Purposes. The purposes of the Historic District Overlay are:

(1) to provide for the protection and enhancement of resources that represent distinctive and significant elements of the Town's history and identity; and

(2) to insure the harmonious and orderly integration of new Development with these historic resources.

c. Assignment as of Effective Date. As of the Effective Date, the Historic District Overlay has been assigned to that portion of the CD–4V Village District that contains the oldest part of the Town, which lies between the New Clovercroft Road and New Rocky Fork Road right–of–way on the south to the Mill Creek Bridge area on the north end of the CD–4V Historic Village District, as shown on the Zoning Map – Overlay Districts.

d. Assignment of Other Overlay Areas. The Historic District Overlay may also be applied by the Board of Commissioners as a Zoning Map Amendment to other areas within the Town upon recommendation from the Historic Zoning Commission.

e. Historic Designation.

(1) Designation of historic sites and Historic Districts shall be made by the Historic Zoning Commission pursuant to Section 8.5.12. Resources considered to be historic shall be at least fifty (50) years old and shall not have been substantially altered. Applicable districts should have at least 50 percent (50%) of buildings "contributing" to the historic character of the district. Furthermore, historic designation shall be based on the following:

(a) Their representation of distinctive and significant elements of Nolensville's historical, cultural, social, economic and architectural identity; or

(b) Their representation of 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

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distinguishable entity whose components lack individual distinction; or

(c) Their association with events that have made a significant contribution to the broad patterns of Nolensville's history; or

(d) Their association with the lives of persons significant in Nolensville's past; or their likelihood to yield information important in history.

f. Regulations.

(1) This Overlay District and its applicable regulations are mandatory in each assigned Historic District Overlay area.

(2) The Historic District Overlay and the regulations applicable within the Overlay are provided for the purposes of protecting, preserving, and enhancing the historic or architecturally worthy Buildings, Structures, sites, monuments, streetscapes, and neighborhoods of the historic areas. Historical resources are preserved and protected, while regulating demolition, the exterior design of Building alterations and new Construction.

(3) The Historic District Overlay regulates design rather than Use, which is controlled by the underlying Base Zoning District.

(4) Design standards based upon the Secretary of the Interior Standards for Rehabilitation shall regulate all Construction and Development activity within a Historic District Overlay, and standards contained therein shall take precedence over the bulk standards of the applicable Base Zoning District to the extent of any conflict.

(5) The Historic Zoning Commission shall conduct a design review of all Applications that affect designated Historic Sites or Historic Districts, using the following standards which are based upon the Secretary of the Interior Standards for Rehabilitation (developed by the National Park Service) listed below:

(a) Whenever possible, a property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the Buildings and its site and environment.

(b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other Buildings, shall not be undertaken.

(d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historical materials shall not be used. The surface cleaning of structures, if appropriate,

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shall be undertaken using the gentlest means possible.

(h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old, and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner, that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

g. Certificate of Appropriateness.

(1) No exterior feature of any designated historic resource shall be added to, altered, repaired, relocated or demolished until an Application for a Certificate of Appropriateness of such work has been approved by the Historic Zoning Commission.

(2) In addition, no new construction, additions, alterations, repairs, exterior painting, relocations or demolitions shall occur in an historic overlay district until a Certificate of Appropriateness of such work has been approved by the Historic Zoning Commission.

(3) A Certificate of Appropriateness is a prerequisite for a Building Permit except in the case of interior structure modifications.

(4) In evaluating a Certificate of Appropriateness Application, the Historic Zoning Commission shall make the following determinations with respect to the Historic Buildings and Historic Sites and Historic Overlay Districts:

(a) The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement.

(b) The appropriateness of the exterior architectural design features of any addition to the existing Structure.

(c) The appropriateness of exterior alterations and repairs to an existing Structure.

(d) The appropriateness of exterior painting on previously unpainted surfaces.

(e) The appropriateness of exterior paint colors on previously painted surfaces.

(f) The appropriateness of new infill Development within a Historic Overlay District.

(g) The appropriateness of land subdivision within a Historic Overlay District.

(h) The appropriateness of relocating any Building out of, into, or within the boundaries of a Historic Overlay District.

(i) The appropriateness of demolishing any Structure or other Improvement. As a condition of any permission to demolish a Structure or other Improvement, the Historic Zoning Commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features.

(j) The appropriateness of adding or removing trees or other significant vegetation on any designated Historic Site or within a Historic Overlay District.

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(k) The Historic Zoning Commission may take into consideration the historical or architectural significance of the subject Structure or Improvement, and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

h. Determination of Economic Hardship.

(1) When a claim of economic unreasonable hardship is made due to the effect of these Historical Overlay District provisions, the property owner must present evidence sufficient to prove that, as a result of the Historic Zoning Commission's action, he is unable to obtain a reasonable return or a reasonable beneficial use. In reviewing an Application, the Historic Zoning Commission may consider economic hardship based on the following information:

(a) An estimated cost of demolition and any other proposed redevelopment as compared to the estimated cost of compliance with the determination of the Historic Zoning Commission.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the subject structure or improvement and its suitability for rehabilitation.

(c) The estimated market value of the property in its current condition; its estimated market value after the proposed undertaking; and its estimated value after compliance with the determinations of the Historic Zoning Commission.

(d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or re-use of the existing structure.

(e) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) If the property is income-producing, the annual gross income from the property for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(g) Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

i. Buffer Yard Required.

(1) Development on property adjacent to a designated Historic Site or Historic District must provide a Lot/Building Site/Parcel Buffer along any Abutting property lines. This requirement is waived on property immediately south of the Nolensville Cemetery due to the fact that the Nolensville Cemetery suffices as a natural buffer.

SECTION 3.8 ESTABLISHMENT OF ADDITIONAL DISTRICTS.

A. Board of Commissioners 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-K (District Standards)** shall be subject to Board of Commissioners establishment and assignment of standards and requirements by Zoning Ordinance Amendment pursuant to Section 8.5.18.

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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-K (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, **Article 6 (Supplemental Standards)** and **Article 7 (Sign Standards)**.

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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 Town, 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 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 Uses thereof within Civic Districts must comply with the applicable standards and requirements of **Table 4.3.1-K (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-K (District Standards – Civic)** and any other requirements as may be determined by the Town 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-1 TABLE 4.3.1–A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

General Description

The CD-1 Natural Character District consists of natural landscape approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation. This District typically does not contain buildings; however, small Civic Buildings or interpretive centers may be located here, which must be approved by the applicable governing body.

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CD-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Density*

**Applicable only to Development Parcels.*

NR

Block Size*

**Applicable only to Development Parcels.*

Block Perimeter	NA

Private Frontage Types

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

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types*

**Applicable only to Development Parcels.*

Park	NP	Playground	NP
Green	P	Sport Field or Court	NP
Square	NP	Community Garden	NP
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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	NA
Accessory Buildings	NA

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-1 TABLE 4.3.1–A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Lot Occupation

Lot/Building Site Width	NA
Frontage Buildout	NA
Lot/Building Site Area	NA
Impervious Surface Coverage	NA
Lot/Building Site Enfrontment	NA
Lot/Building Site Access	NA

Setbacks / Yards

Setbacks / Yards – Principal Building		Setback / Yards – Accessory Building	
Front Setback / Yard, Principal Frontage	NA	Front Setback / Yard, Principal Frontage	NA
Front Setback / Yard, Secondary Frontage	NA	Front Setback / Yard, Secondary Frontage	NA
Side Setback / Yard, each side	NA	Side Setback / Yard, each side	NA
Rear Setback	NA	Rear Setback	NA

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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-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Building Standards

Building Height

Principal Building	NA
Accessory Building	NA

Ceiling Height

NA

Building Composition

Vertical Composition	NA
Finished Floor Level	NA

Facade

Main Entrance	NA
Facade Position	NA
Facade & Facade Element Design Proportions	NA
Blank Walls	NA
Facade Articulation	NA
Facade Openings	NA
Facade Glazing	NA
Window Alignment	NA

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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-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	NA
Facade Window Sill Height	NA
Porch Frontages	NA
Shopfront Frontages	NA
Facade Variety	NA

Roof Type

Flat	NA
Shed	NA
Hip	NA
Gable	NA

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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-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	NA
Changes in Building Materials	NA
Building Colors	NA
Foundation Cladding	NA
Porch Pier Cladding	NA
Chimney Cladding	NA

Building Types

House	NA	Commercial	NA
Duplex	NA	Mixed Use	NA
Townhouse	NA	Flex	NA
Small Multifamily	NA	Large Scale Commercial	NA
Large Multifamily	NA	Civic	P
Live/Work	NA		

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 5.1.9 (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-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	NP	NA
Recreational Vehicles	NP	NA
Heavy Equipment	NP	NA
Tractor trailers (including trailers for storage)	NP	NA
All Other Vehicles	NP	NA

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	NP
Garage Design	NA
Driveway/Vehicular Entrance Location	NA
Driveway/Vehicular Entrance Maximum Width	NA
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

NR

Thoroughfares & Internal Drive Types*

**Applicable only to Development Parcels*

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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CD-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Loading & Access

Off-Street Loading and Storage	NA
Utility Box & Service Meter* Locations (*Not including water meters)	NA
Off-Street Trash Receptacle Locations	NA
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	NA	NA	NA
Solar Panels	NA	NA	NA
Antennas & Satellite Equipment	NA	NA	NA
Recreation or Play Equipment	NA	NA	NA
Animal Enclosures, Runs or Shelters	NA	NA	NA
Swimming Pools, Hot Tubs and Spas	NA	NA	NA
Transmitting and/or receiving towers or antennas and wind-generating machines	NA	NA	NA

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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

NR

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-1 TABLE 4.3.1–A DISTRICT STANDARDS: NATURAL CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

NA

Walls & Fencing (not including Screens)

Height	NA
Construction	NA
Maintenance	NA

Materials

NA

Additional Standards

Pedestrian connections through to Adjacent Neighborhoods or Uses	NA
Location of Retaining Walls	NA

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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-1 TABLE 4.3.1-A DISTRICT STANDARDS: NATURAL 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	NA	NA
Fence Screen/Streetscreen Height	NA	NA
Hedge Screen/Streetscreen Height	NA	NA

Materials

Wall Screen or Streetscreen	NA
Fence Screen or Streetscreen	NA
Hedge Screen or Streetscreen	NA

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	NA
Rooftop Antenna Screening	NA
HVAC, Mechanical and other Equipment Screening	NA
Self-Service Storage Facility Screening	NA
Streetscreen Location	NA
Lot/Building Site/Parcel Buffer	NA
Project Buffer	NA

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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-B 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.

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

Density*

**Applicable only to Development Parcels.*

1.1 units per 1 acre 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.*

Park	P	Playground	P
Green	P	Sport Field or Court	NP
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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	2 max. *For Standards see District Tables and 4.3.4.C*

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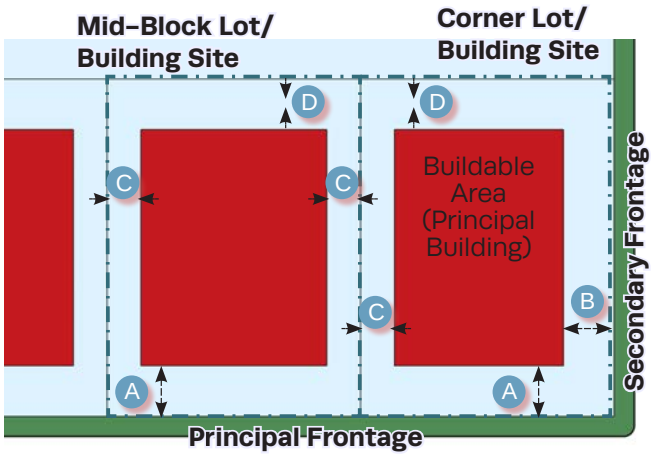
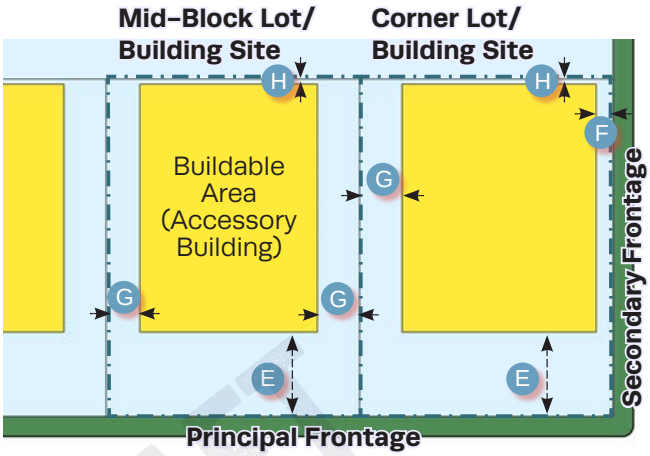
CD-2 TABLE 4.3.1-B DISTRICT STANDARDS: RURAL CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	200 ft. min.
Frontage Buildout	NR
Lot/Building Site Area	0.9 acre min.
Impervious Surface Coverage	NR
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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.

Setbacks / Yards

Setbacks / Yards – Principal Building

Front Setback / Yard, Principal Frontage	100 ft. min.	A
Front Setback / Yard, Secondary Frontage	50 ft. min.	B
Side Setback / Yard, each side	50 ft. min.	C
Rear Setback	50 ft. min.	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	50 ft. min.	F
Side Setback / Yard, each side	3 ft. min.	G
Rear Setback	3 ft. min.	H

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-B DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards

Building Height

Principal Building	3 Stories max
Accessory Building	2 Stories max

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	NR
Facade & Facade Element Design Proportions	NR
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	NR
Facade Glazing	NR
Window Alignment	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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CD-2 TABLE 4.3.1-B DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	NR
Facade Window Sill Height	NR
Porch Frontages	NR
Shopfront Frontages	NA
Facade Variety	NR

Roof Type

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

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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-B DISTRICT STANDARDS: RURAL CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	NR
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

Building Types

House	P	Commercial	NP
Duplex	NP	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Large Scale Commercial	NP
Large Multifamily	NP	Civic	P
Live/Work	NP		

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 5.1.9 (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-2 TABLE 4.3.1-B 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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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	12 ft. min.; Must comply with RW-22 Driveway Standards in Subdivision Regulations.
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only 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-2 TABLE 4.3.1-B 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 for satisfactory reception, as set forth by the FCC.		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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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)

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-B 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.

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	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.

ADOPTION DRAFT

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-B 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	3 ft. to 3.5 ft.	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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

ADOPTION DRAFT

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE CHARACTER DISTRICT

General Description

The CD-3L Neighborhood – Large Character District consists of primarily a low density single-family detached Residential area in which Houses are 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.

ADOPTION DRAFT

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CD-3L TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE CHARACTER DISTRICT

Density*

*Applicable only to Development Parcels.

2 units per 1 acre max.

Block Size*

*Applicable only to Development Parcels.

Block Perimeter	3500 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.

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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

ADOPTION DRAFT

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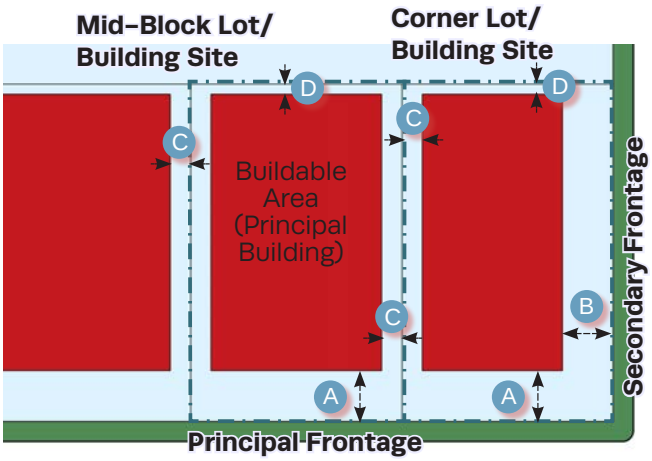
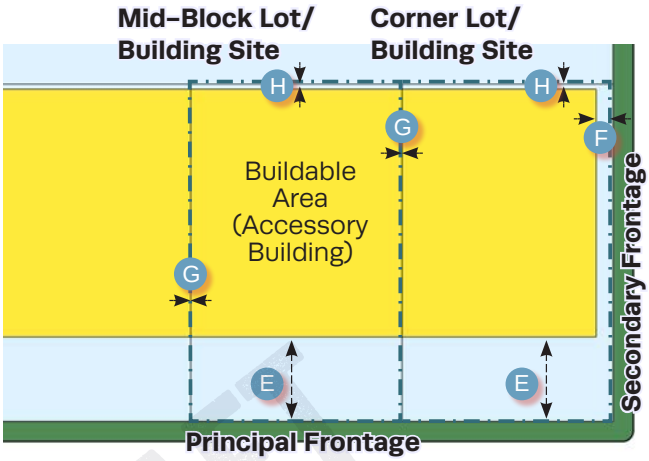
CD-3L TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	75 ft. min., 150 ft. max.
Frontage Buildout	40% min.
Lot/Building Site Area	0.33 acres min., 1 acre max.
Impervious Surface Coverage	NR
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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	40 ft. min.	A
Front Setback / Yard, Secondary Frontage	40 ft. min.	B
Side Setback / Yard, each side	20 ft. min.	C
Rear Setback / Yard	30 ft. min.	D

Setback / Yards – Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	40 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

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

ADOPTION DRAFT

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CD-3L TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE 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	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NR
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 Alignment	Upper floor windows and other features must be aligned with those of first floor.

ADOPTION DRAFT

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	Clear glass (R) for all Elevations.
Facade Window Sill Height	If Residential: 30 in. min. above finished floor elevation at Facade
Porch Frontages	Min. 8 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	(NA)
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type

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)

ADOPTION DRAFT

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Exposed concrete	NR
	Natural stone	NR	Vinyl siding if indistinguishable at arms length from authentic painted wood siding	NR
	Wood	NR	Aluminum siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
	Authentic stucco over masonry	NR		
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	NP	Mixed Use	NP
Townhouse	NP	Flex	NP
Small Multifamily	NP	Large Scale Commercial	NP
Large Multifamily	NP	Civic	P
Live/Work	NP		

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 5.1.9 (Building Type Mix).

ADOPTION DRAFT

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE 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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only 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

ADOPTION DRAFT

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CD-3L TABLE 4.3.1-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE 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 for satisfactory reception, as set forth by the FCC.		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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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)

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE 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	3 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	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.

ADOPTION DRAFT

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-C DISTRICT STANDARDS: NEIGHBORHOOD – LARGE 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

ADOPTION DRAFT

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-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

General Description

The CD-3 Neighborhood District consists of primarily a low density single-family detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have curbs and shall include Sidewalks and/or street trees, and form medium to large blocks.

ADOPTED

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CD-3 TABLE 4.3.1-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Density*

*Applicable only to Development Parcels.

4 units per 1 acre max.

Block Size*

*Applicable only to Development Parcels.

Block Perimeter	3000 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.

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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

ADOPTION DRAFT

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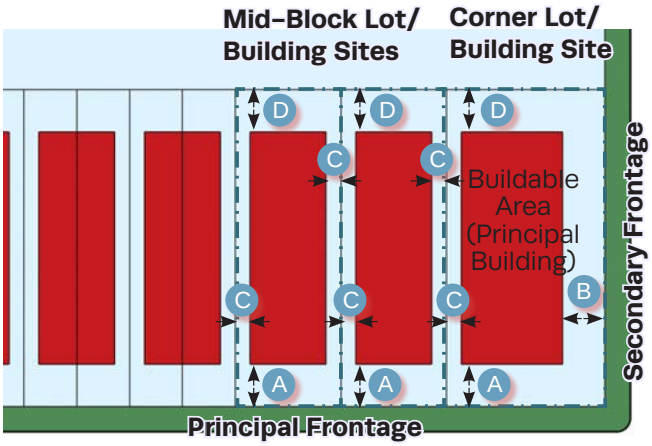
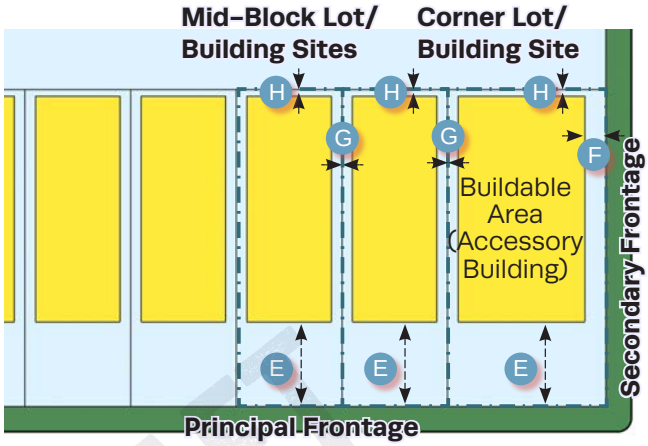
CD-3 TABLE 4.3.1-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	50 ft. min., 100 ft. max.
Frontage Buildout	40% min.
Lot/Building Site Area	0.5 acres max.
Impervious Surface Coverage	60% max
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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, Easement, and/or Alley.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	20 ft. min., 50 ft. max.	A
Front Setback / Yard, Secondary Frontage	20 ft. min., 50 ft. max.	B
Side Setback / Yard, each side	10 ft. min	C
Rear Setback / Yard	20 ft. min.	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

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

ADOPTION DRAFT

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CD-3 TABLE 4.3.1-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards

Building Height

Principal Building	2 Stories max.
Accessory Building	2 Stories max.

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 Lodging Use which must be a min. of 11 ft. with a max. of 25 ft.

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 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	NA
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 Alignment	Upper floor windows and other features must be aligned with those of first floor.

ADOPTION DRAFT

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-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	Clear glass (R) for all Elevations.
Facade Window Sill Height	If Residential: 30 in. min. above finished floor elevation at Facade
Porch Frontages	Min. 8 ft. clear depth, excluding rails, pillars, columns or other features
Shopfront Frontages	(NA)
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type

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)

ADOPTION DRAFT

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-D DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Exposed concrete	NR
	Natural stone	NR	Vinyl siding if indistinguishable at arms length from authentic painted wood siding	NR
	Wood	NR	Aluminum siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
	Authentic stucco over masonry	NR		
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	NP	Flex	NP
Small Multifamily	NP	Large Scale Commercial	NP
Large Multifamily	NP	Civic	P
Live/Work	NP		

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 5.1.9 (Building Type Mix).

ADOPTION DRAFT

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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CD-3 TABLE 4.3.1-D 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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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
Parking Structures	NP
Parking Structure Pedestrian Exit Location	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only 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-3 TABLE 4.3.1-D 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 for satisfactory reception, as set forth by the FCC.		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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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)

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-D 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	3 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	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-3 TABLE 4.3.1-D 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/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-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER CHARACTER DISTRICT

General Description

The CD-4 Neighborhood Center 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.

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CD-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER CHARACTER DISTRICT

Density*

**Applicable only to Development Parcels.*

12 units per 1 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.*

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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

ADOPTION DRAFT

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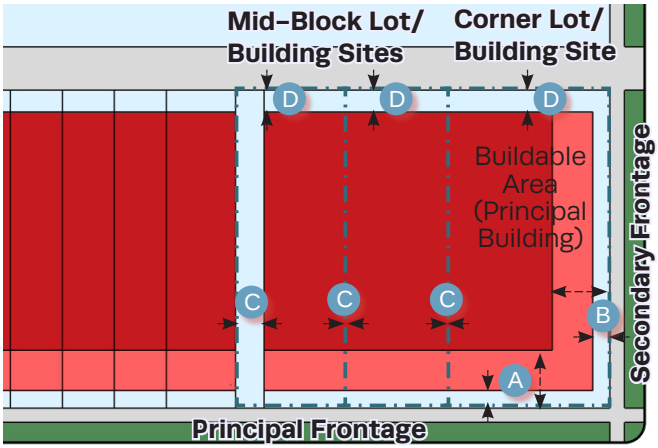
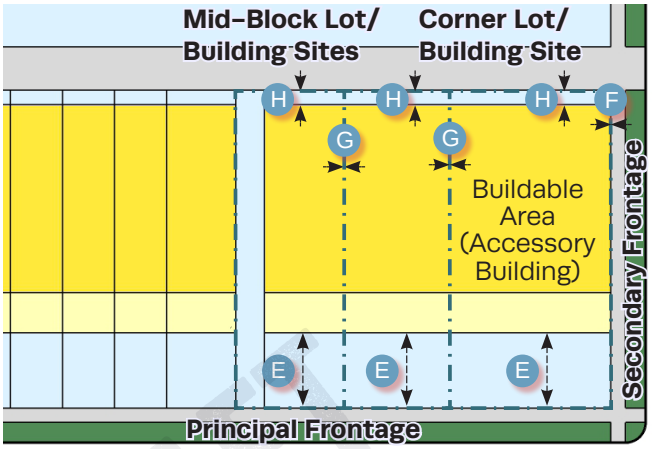
CD-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	18 ft. min., 100 ft. max.
Frontage Buildout	60% min
Lot/Building Site Area	NR
Impervious Surface Coverage	70% max
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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, Easement, and/or Alley.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 ft. min., 15 ft. max	A
Front Setback / Yard, Secondary Frontage	0 ft. min., 15 ft. max	B
Side Setback / Yard, each side	0 ft. min.	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

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-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	2 Stories min., 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., 36 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	NA

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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-E DISTRICT STANDARDS: NEIGHBORHOOD 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 Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Glazing Material	Clear glass (R) for all Elevations.
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

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)

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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-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Exposed concrete	NR
	Natural stone	NR	Vinyl siding if indistinguishable at arms length from authentic painted wood siding	NR
	Wood	NR	Aluminum siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
	Authentic stucco over masonry	NR		
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	Large Scale Commercial	NP
Large Multifamily	P	Civic	P
Live/Work	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 5.1.9 (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-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD 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	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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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; 20 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*

**Applicable only 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-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD 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 for satisfactory reception, as set forth by the FCC.		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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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)

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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CD-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD CENTER 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	NP
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 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-4 TABLE 4.3.1-E DISTRICT STANDARDS: NEIGHBORHOOD 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 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/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-F DISTRICT STANDARDS: NEIGHBORHOOD CORRIDOR CHARACTER DISTRICT

General Description

The CD-4C Neighborhood Corridor Character District consists of a medium density area along a corridor. It provides for a balanced automobile- and pedestrian-oriented built environment, 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.

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CD-4C TABLE 4.3.1-F DISTRICT STANDARDS: NEIGHBORHOOD CORRIDOR CHARACTER DISTRICT

Density*

**Applicable only to Development Parcels.*

8 units per 1 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.*

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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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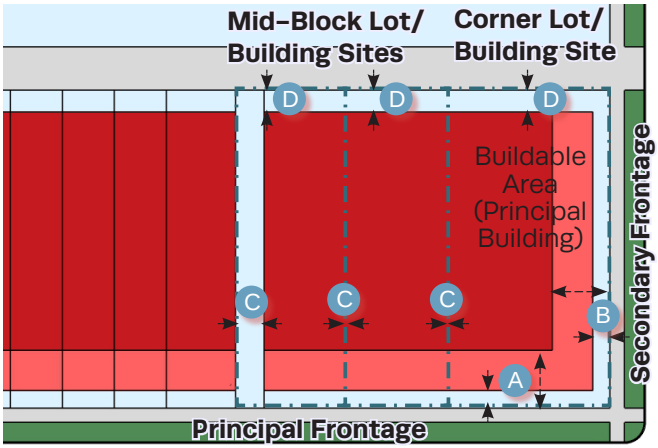
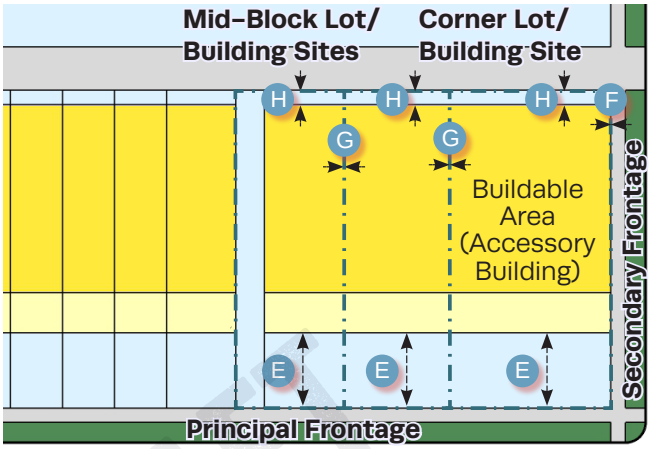
CD-4C TABLE 4.3.1-F DISTRICT STANDARDS: NEIGHBORHOOD CORRIDOR CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	18 ft. min., 150 ft. max., except 300 ft. max. for Large Scale Commercial Building Type
Frontage Buildout	60% min.
Lot/Building Site Area	NR
Impervious Surface Coverage	70% max.
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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, Easement, and/or Alley.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 ft. min., 15 ft. max	A
Front Setback / Yard, Secondary Frontage	0 ft. min., 15 ft. max	B
Side Setback / Yard, each side	0 ft. min.	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

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-F DISTRICT STANDARDS: NEIGHBORHOOD CORRIDOR CHARACTER DISTRICT

Building Standards

Building Height

Principal Building	2 Stories max.
Accessory Building	2 Stories max.

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 Facade 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 Facade 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 Facade elements; and (2) is composed with a defined center and edges. (See **Illustration 4.3.5.A-3**)

ADOPTION DRAFT

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-F DISTRICT STANDARDS: NEIGHBORHOOD 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 Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Glazing Material	Clear glass (R) for all Elevations.
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 8 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

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)

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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-F DISTRICT STANDARDS: NEIGHBORHOOD CORRIDOR CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Authentic stucco over masonry	NR
	Natural stone	NR	Exposed concrete	NR
	Wood	NR	Aluminum or vinyl siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
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	NP	Large Scale Commercial	P
Large Multifamily	NP	Civic	P
Live/Work	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 5.1.9 (Building Type Mix).

ADOPTION DRAFT

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-F DISTRICT STANDARDS: NEIGHBORHOOD 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	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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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*

**Applicable only 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-F DISTRICT STANDARDS: NEIGHBORHOOD 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 for satisfactory reception, as set forth by the FCC.		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

ADOPTION DRAFT

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)

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-F DISTRICT STANDARDS: NEIGHBORHOOD 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	NP
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 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-F DISTRICT STANDARDS: NEIGHBORHOOD 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

ADOPTION DRAFT

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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE CHARACTER DISTRICT

General Description

The CD-4V Village 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 or narrow 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. Its purpose is to preserve the unique character of existing historic areas while encouraging compatible infill development.

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CD-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE CHARACTER DISTRICT

Density*

*Applicable only to Development Parcels.

4 units per 1 acre max

Block Size*

*Applicable only to Development Parcels.

Block Perimeter	NR

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.

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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

ADOPTION DRAFT

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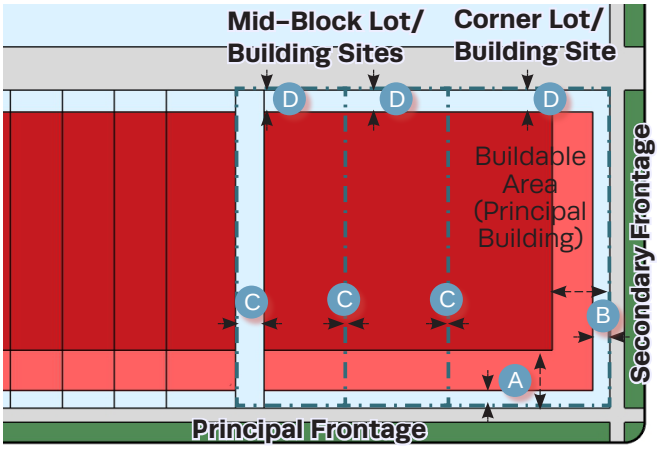
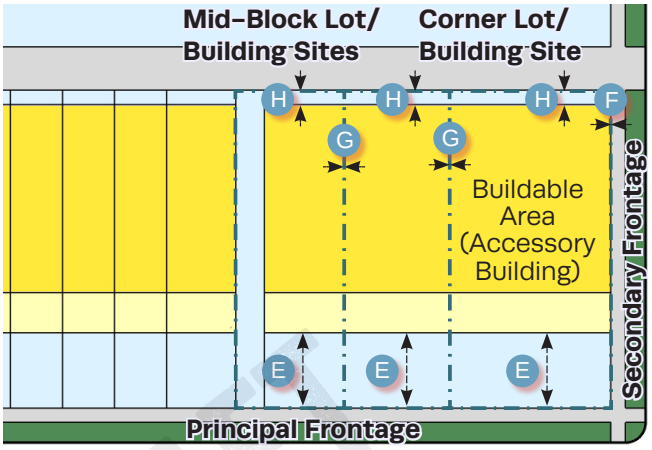
CD-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	50 ft. min., 100 ft. max.
Frontage Buildout	60% min.
Lot/Building Site Area	NR
Impervious Surface Coverage	70% max
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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, Easement, and/or Alley.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	10 ft. min., 30 ft. max.	A
Front Setback / Yard, Secondary Frontage	10 ft. min., 30 ft. max.	B
Side Setback / Yard, each side	7 ft. min.	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

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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE CHARACTER DISTRICT

Building Standards

Building Height*

Principal Building	3 Stories max., except 2 Stories max. if fronting Nolensville Road
Accessory Building	2 Story 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	NA

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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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE 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 Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Glazing Material	Clear glass (R) for all Elevations.
Facade Window Sill Height	If Residential, 5 ft. min. above avg. grade at Facade
Porch Frontages	Min. 8 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

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)

ADOPTION DRAFT

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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Exposed concrete	NR
	Natural stone	NR	Vinyl siding if indistinguishable at arms length from authentic painted wood siding	NR for House Building Type only, otherwise NR
	Wood	NR	Aluminum siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
	Authentic stucco over masonry	NR		
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	Large Scale Commercial	NP
Large Multifamily	P	Civic	P
Live/Work	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 5.1.9 (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

ADOPTION DRAFT

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CD-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE 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 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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*

**Applicable only 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

ADOPTION DRAFT

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CD-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE 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 for satisfactory reception, as set forth by the FCC.		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)

ADOPTION DRAFT

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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE 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	NP
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 property line, must be set back 10 ft. from property line.

ADOPTION DRAFT

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-4V TABLE 4.3.1-G DISTRICT STANDARDS: VILLAGE 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

ADOPTION DRAFT

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-H DISTRICT STANDARDS: VILLAGE CENTER CHARACTER DISTRICT

General Description

The CD-5 Village Center Character District consists of higher density Mixed Use areas. 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.

ADOPTED

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CD-5 TABLE 4.3.1-H DISTRICT STANDARDS: VILLAGE CENTER CHARACTER DISTRICT

Density*

*Applicable only to Development Parcels.

24 units per 1 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.

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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

ADOPTION DRAFT

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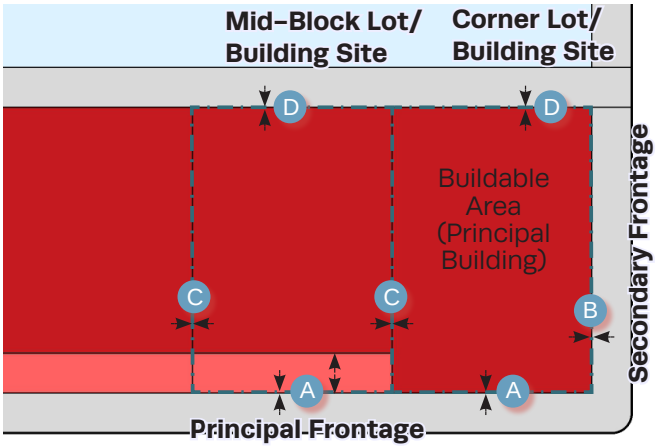
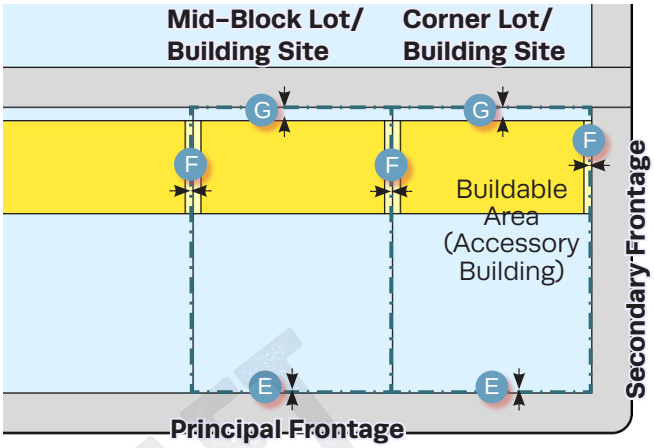
CD-5 TABLE 4.3.1-H DISTRICT STANDARDS: VILLAGE CENTER CHARACTER DISTRICT





Lot Occupation

Lot/Building Site Width	18 ft. min, 180 ft. max.
Frontage Buildout	80% min
Lot/Building Site Area	NR
Impervious Surface Coverage	80% max
Lot/Building Site Enfrontment	80% of Lots or Building Sites within each type of Character District of a Development Parcel must enfront a vehicular Thoroughfare, ≤ 20% of the Lots or Building Sites 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, Easement, and/or Alley.

Setback / Yards

Setback / Yards – Principal Building

Front Setback / Yard, Principal Frontage	0 ft. min.; 15 ft. max.	A
Front Setback / Yard, Secondary Frontage	0 ft. min.; 15 ft. max.	B
Side Setback / Yard, each side	0 ft. min.	C
Rear Setback	3 ft. min. or 15 ft. min. from centerline of Rear Alley	D

Setback / 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. min. or 5 ft min. if Garage door faces Rear Alley	G

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-H DISTRICT STANDARDS: VILLAGE 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 Facade 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 Facade 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 Facade 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-H DISTRICT STANDARDS: VILLAGE 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 Alignment	Upper floor windows and other features must be aligned with those of first floor.
Window Glazing Material	Clear glass R for all Elevations.
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	NA
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

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

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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-H DISTRICT STANDARDS: VILLAGE CENTER CHARACTER DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Authentic stucco over masonry	NR
	Natural stone	NR	Exposed concrete	NR
	Wood	NR	Aluminum or vinyl siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
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	Large Scale Commercial	NP
Large Multifamily	P	Civic	P
Live/Work	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 5.1.9 (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-H DISTRICT STANDARDS: VILLAGE 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. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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*

**Applicable only 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-H DISTRICT STANDARDS: VILLAGE 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 for satisfactory reception, as set forth by the FCC.		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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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)

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-H DISTRICT STANDARDS: VILLAGE 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	NP
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-H DISTRICT STANDARDS: VILLAGE 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; or by 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-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot/Building Site/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-H TABLE 4.3.1-I DISTRICT STANDARDS: HAMLET CHARACTER DISTRICT

General Description

The CD-H Hamlet Character District is provided for the future Development of Hamlet communities to be comprised of certain prescribed percentages of Character Districts CD-1, CD-2, CD-3, and CD-4, and Civic Zones. Such communities typically stand free in the countryside and are characterized by clustered Development surrounded by Open Space, Agricultural, or large lot Residential areas.

PERMITTED MIX OF CD-1, CD-2, CD-3 & CD-4 FOR PARCELS INITIALLY ZONED CD-H

District	% of Gross Area
CD-1	50% min., all of which must be permanently allocated pursuant to restrictive covenants or conservation easement
CD-2	10%-35%
CD-3	10%-35%
CD-4	5%-10%
Others	Not Permitted

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CD-H TABLE 4.3.1–I DISTRICT STANDARDS: HAMLET CHARACTER DISTRICT

ADOPTION DRAFT

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SD-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

General Description

The Industrial Village Special District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail Service / Retail Sales / Personal Service / Art / Artisan, Office, Industrial, and Civic Uses; there are medium front Setbacks and medium side Setbacks; it has variable private landscaping; and it has Thoroughfares with curbs, Sidewalks and trees that define medium–sized blocks.

ADOPTED

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SD-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Density*

**Applicable only to Development Parcels.*

4 units per 1 acre max.

Block Size*

**Applicable only to Development Parcels.*

Block Perimeter	NR

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.*

Park	P	Playground	P
Green	P	Sport Field or Court	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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

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-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Lot Occupation	
Lot/Building Site Width	100 ft. min
Frontage Buildout	NR
Lot/Building Site Area	20,000 SF min
Impervious Surface Coverage	75% 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	
Front Setback / Yard	20 ft. min.
Side Setback / Yard, per side	10 ft. min., except 20 ft. min. if abutting CD-3L or CD-3
Rear Setback / Yard	10 ft. min., except 20 ft. min. if abutting CD-3L or CD-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-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Building Standards

Building Height*

Principal Building	3 Stories max.
Accessory Building	2 Stories 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	Must be vertically proportioned
Blank Walls	NP at Frontage
Facade Articulation	NA

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 Alignment	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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SD-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Building Standards (continued)

Window Glazing Material	Clear glass (R) for all Elevations
Facade Window Sill Height	If Residential: 5 ft. min. above avg. grade at Facade
Porch Frontages	(NA)
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

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)

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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-IV TABLE 4.3.1–J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Authentic stucco over masonry	NR
	Natural stone	NR	Exposed concrete	NR
	Wood	NR	Aluminum or vinyl siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
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 paint 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	NP	Flex	P
Small Multifamily	P	Large Scale Commercial	NP
Large Multifamily	P	Civic	NP
Live/Work	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 5.1.9 (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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SD-IV TABLE 4.3.1-J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL DISTRICT

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	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

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. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only 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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SD-IV TABLE 4.3.1-J DISTRICT STANDARDS: INDUSTRIAL VILLAGE 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 for satisfactory reception, as set forth by the FCC.		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-IV TABLE 4.3.1-J DISTRICT STANDARDS: INDUSTRIAL VILLAGE SPECIAL 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 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	NP
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

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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SD-IV TABLE 4.3.1-J DISTRICT STANDARDS: INDUSTRIAL VILLAGE 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; or by 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-Service Storage Facility 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
Lot/Building Site/Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

ADOPTION DRAFT

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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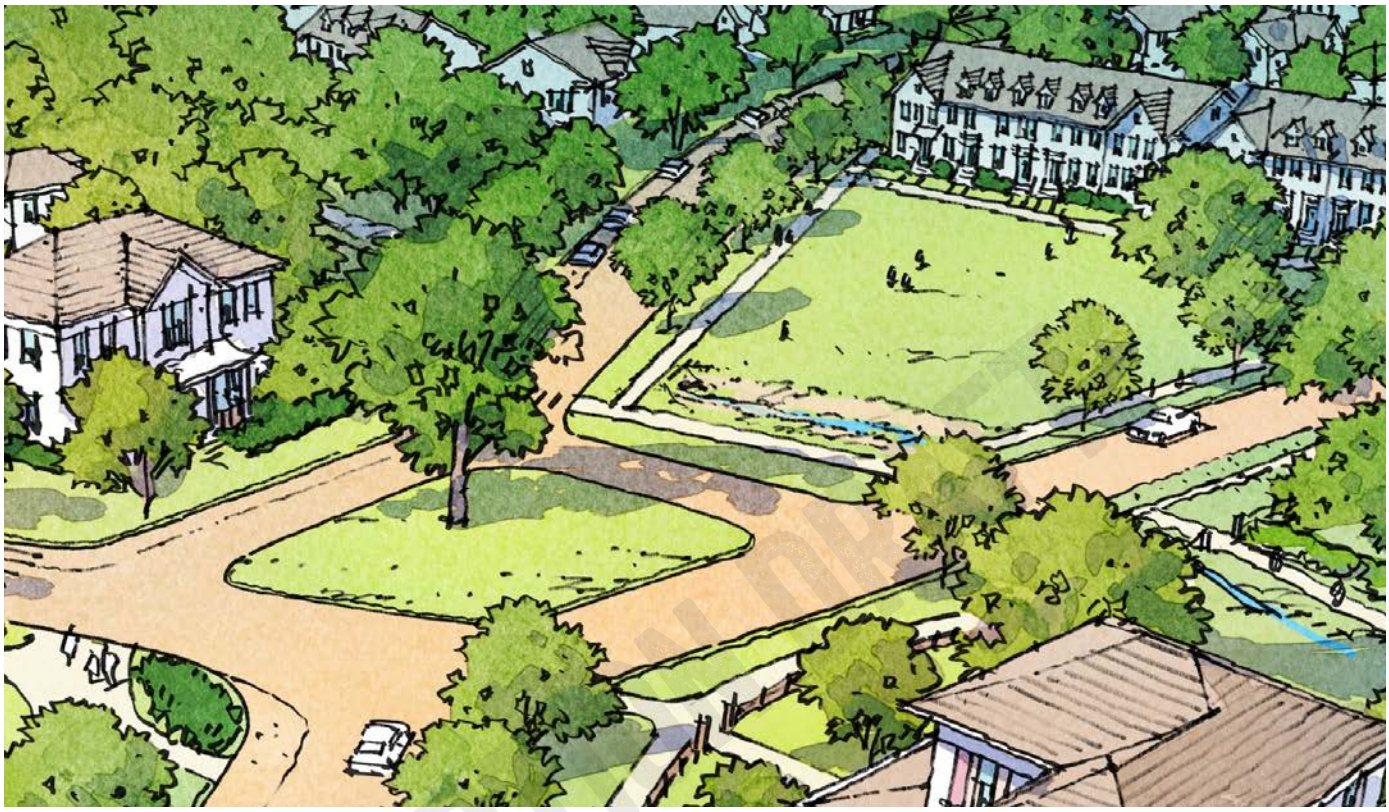
CV TABLE 4.3.1–K DISTRICT STANDARDS: CIVIC DISTRICT



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 Town Halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

ADOPTED

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CV TABLE 4.3.1–K DISTRICT STANDARDS: CIVIC DISTRICT

Density*

*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 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). For Development Parcels, see also Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see District Tables and 4.3.4.C*

ADOPTION DRAFT

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–K 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
Front Setback / Yard, Secondary Frontage	0 ft. min
Side Setback / Yard	0 ft. min
Rear Setback / Yard	0 ft. min

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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–K DISTRICT STANDARDS: CIVIC DISTRICT

Building Standards

Building Height*

Principal Building	4 Stories 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 Alignment	Upper floor windows and other features must be aligned with those of first floor.

ADOPTION DRAFT

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–K DISTRICT STANDARDS: CIVIC DISTRICT

Building Standards (continued)

Facade (continued)

Window Glazing Material	Clear glass (R) for all Elevations.
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

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)

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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–K DISTRICT STANDARDS: CIVIC DISTRICT

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	NR	Authentic stucco over masonry	NR
	Natural stone	NR	Exposed concrete	NR
	Wood	NR	Aluminum or vinyl siding	NR
	Cementitious siding	NR	Corrugated and/or sheet metal	NR
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 5.1.9 (Building Type Mix).

ADOPTION DRAFT

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–K 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. for single car Garage and 20 ft. x 20 ft. for double car Garage. 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*

**Applicable only 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–K 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 for satisfactory reception as set forth by the FCC.		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–K 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	NP
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.

ADOPTION DRAFT

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–K 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; or by 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–Service Storage Facility 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)**.

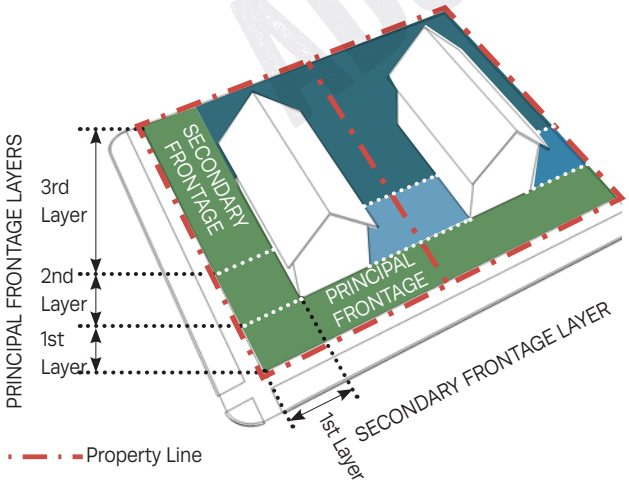
2. Layers are used to regulate in what parts of a Lot or Building Site certain Development, Building elements, and Uses are allowed or required, as set forth in **Tables 4.3.1–A – 4.3.1–K (District Standards).**

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–K (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–K (District Standards)**.

D. Certain Lots & Building Sites Prohibited.

Flag Lots and Building Sites, Through Lots and Building Sites, and Reverse Frontage 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–K (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–K (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.).

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Example: if Lot is 95 ft. deep, the required Rear Yard may be reduced by five feet (5 ft.) [100 ft. – 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.

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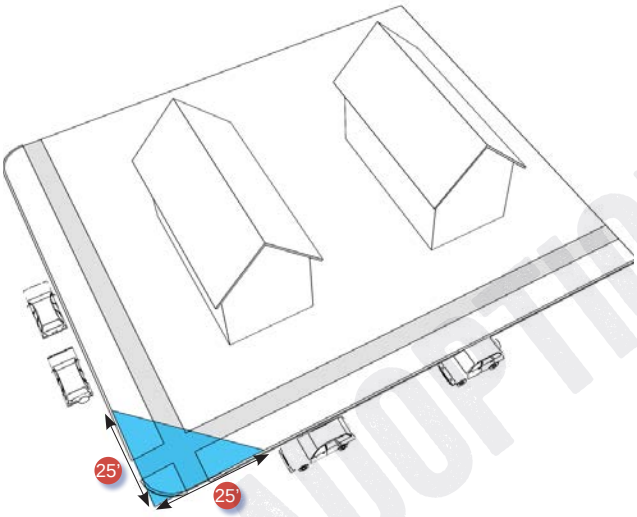
G. Visibility.

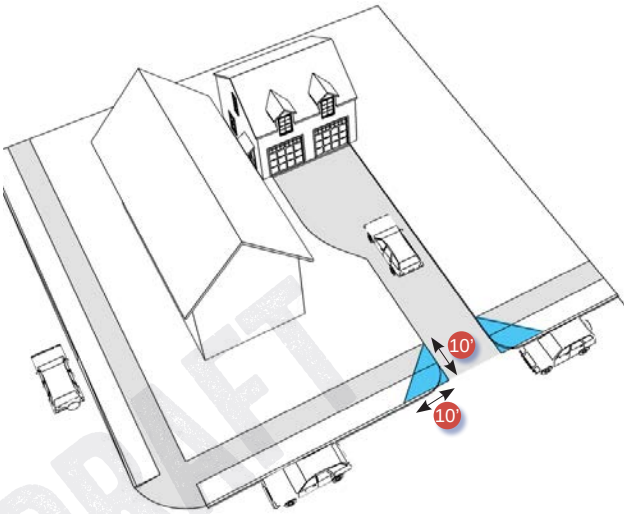
1. On a Corner Lot or Building Site, no Fence, Wall, hedge, Structure, or planting more than three (3) feet in height, measured above the Curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting lines of the curbs of the enfronting Thoroughfares or Internal Drives and a line drawn between points along such Thoroughfare or Internal Drive Lines that are twenty-five (25) feet distant from their point of intersection.

ILLUSTRATION 4.3.3.G.1 (SIGHT TRIANGLE – CORNER)



2. For any Driveway, no Fence, Wall, hedge, Structure, or planting more than three (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 ten (10) feet from the back of the curb and extends ten (10) feet to its point of intersection with the Thoroughfare.

ILLUSTRATION 4.3.3.G.2 (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 6.4, and elsewhere in this Ordinance.

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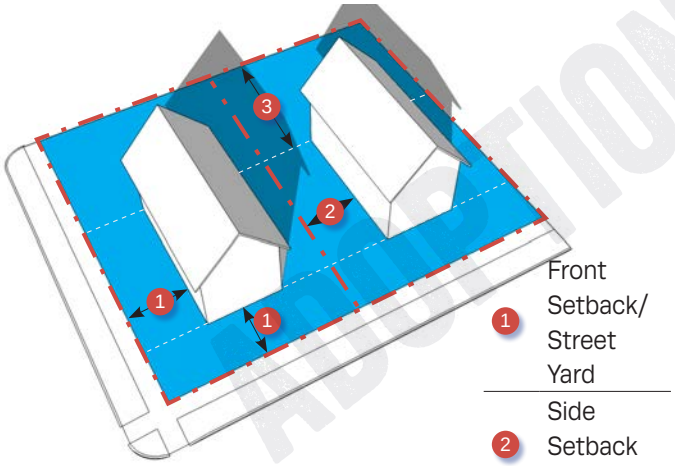
4.3.4 Building Placement & Number.

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–K (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.

ILLUSTRATION 4.3.4.A SETBACK /YARD DESIGNATIONS



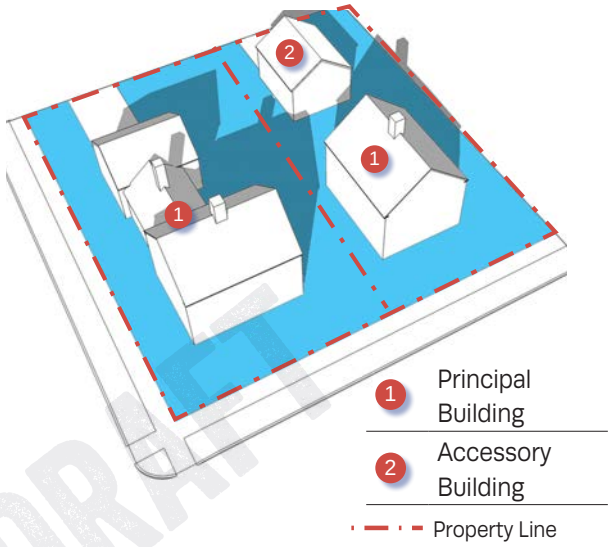
B. Principal Buildings.

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–K (District Standards)** and

2. Principal Buildings shall be oriented and situated as specified in **Tables 4.3.1–A – 4.3.1–K (District Standards)** and shown in **Illustration 4.3.4.B (Principal Building / Accessory Building)**.

ILLUSTRATION 4.3.4.B PRINCIPAL BUILDING / ACCESSORY BUILDING



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–K (District Standards)**; and

b. Any such Accessory Buildings must be located as specified in **Tables 4.3.1–A – 4.3.1–K (District Standards)** as applicable and shown 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 50% of the building footprint of the Principal Building on the Lot; or Building Site

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b. Any Accessory Building shall be located in the Layer indicated in **Tables 4.3.1–A – 4.3.1–K (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 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.

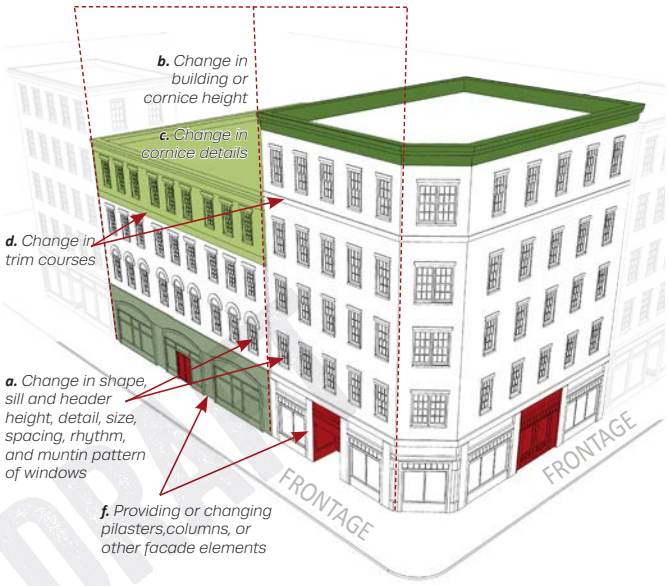
A. Facade.

1. Principal Building Facades shall conform to **Tables 4.3.1–A – 4.3.1–K (District Standards)**.

2. The Facade 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–K (District Standards)**. A Streetscreen may be substituted for a Facade for up to twenty percent (20%) of the applicable Frontage Buildout requirement.

3. Principal Building Facades shall be articulated as shown in **Illustration 4.3.5.A–3**.

ILLUSTRATION 4.3.5.A–3 (FACADE ARTICULATION)



B. Building Design & Materials.

The design and exterior materials of Buildings shall conform to **Tables 4.3.1–A – 4.3.1–K (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–K (District Standards)**.

D. Roof Type.

Building roof type must conform to **Tables 4.3.1–A – 4.3.1–K (District Standards)**. See **Illustration 4.3.5.D (Roof Types)**.

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ILLUSTRATION 4.3.5.D (ROOF TYPES)

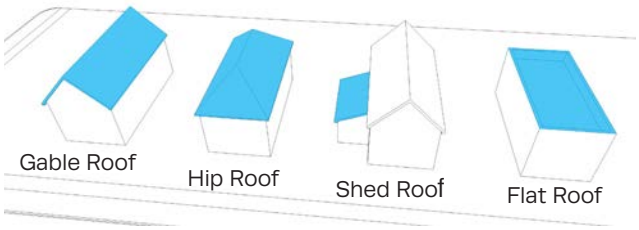
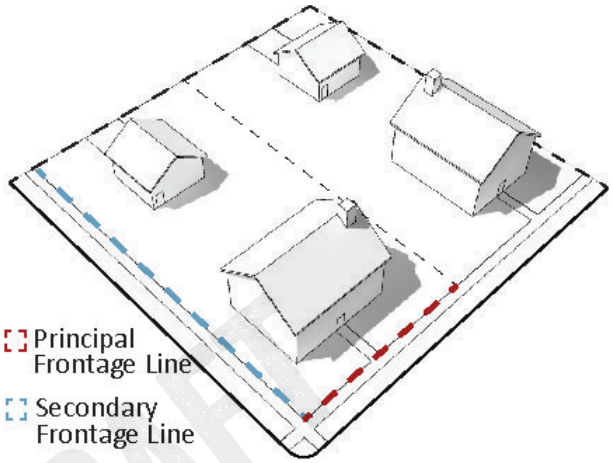


ILLUSTRATION 4.3.7.B–2 (FRONTAGE & LOT / BUILDING SITE LINES)



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–K (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–K (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)**.

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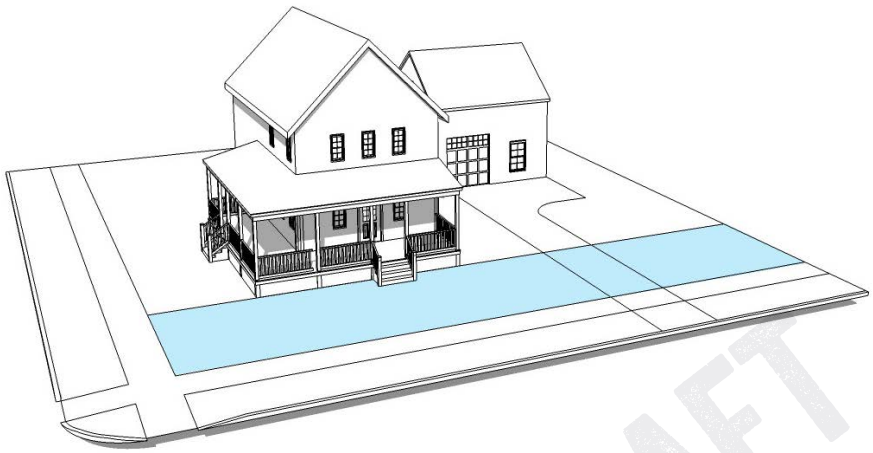
COMMON YARD

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V

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

ADOPTION DRAFT

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V

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.

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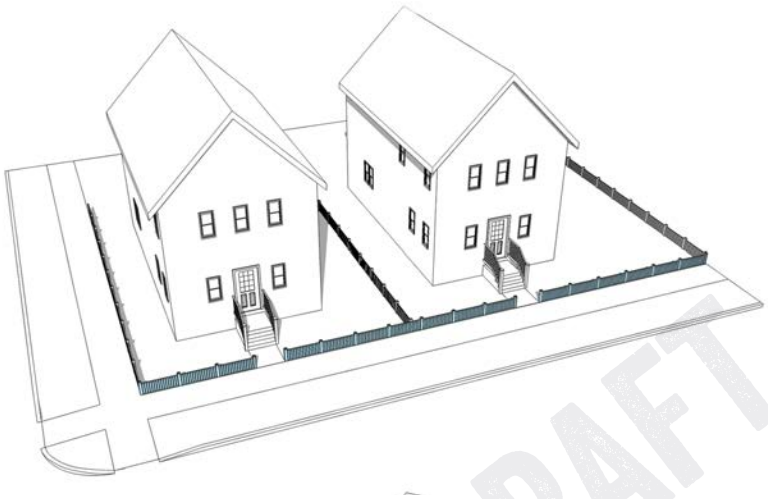
FENCE

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V

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

Permitted Districts

CD-4 CD-4C CD-4V CD-5 SD-IV

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.

ADOPTION DRAFT

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FORECOURT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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 / 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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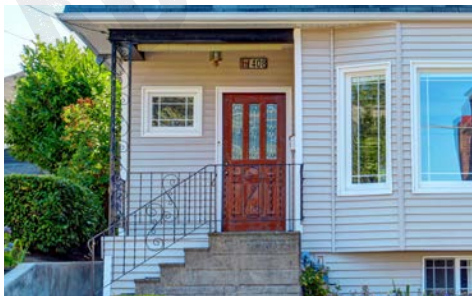
STOOP

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

Permitted Districts

CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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.



ADOPTION DRAFT

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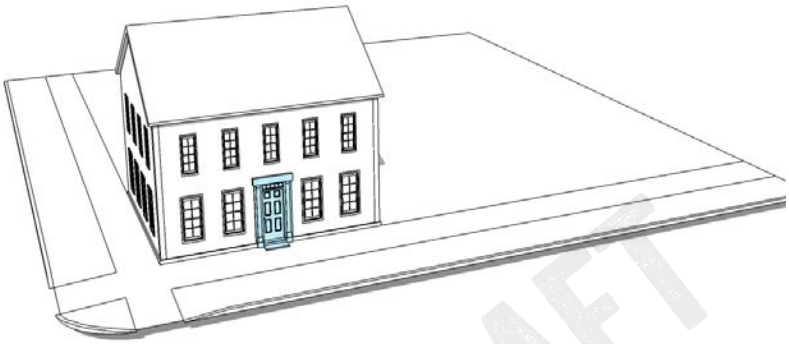
STEPFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4V | CD-5 | SD-IV

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 / Service / Repair / Art / Artisan Use.

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SHOPFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

A Frontage conventional for Retail / 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.

ADOPTION DRAFT

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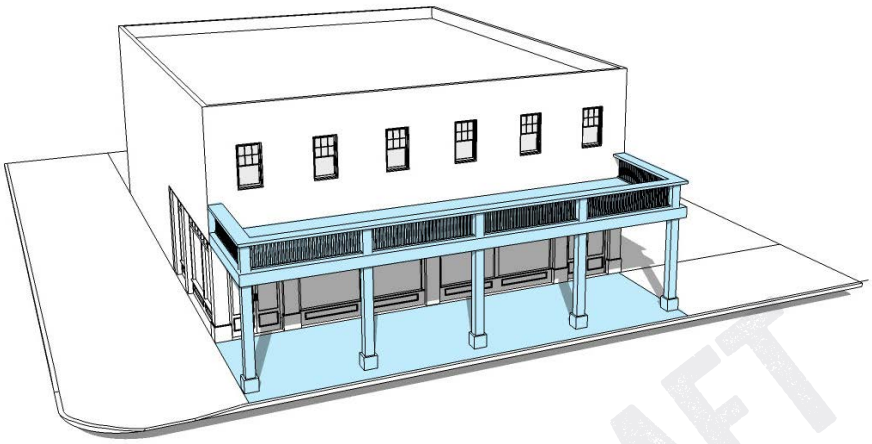
GALLERY

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

A Private Frontage conventional for Retail / 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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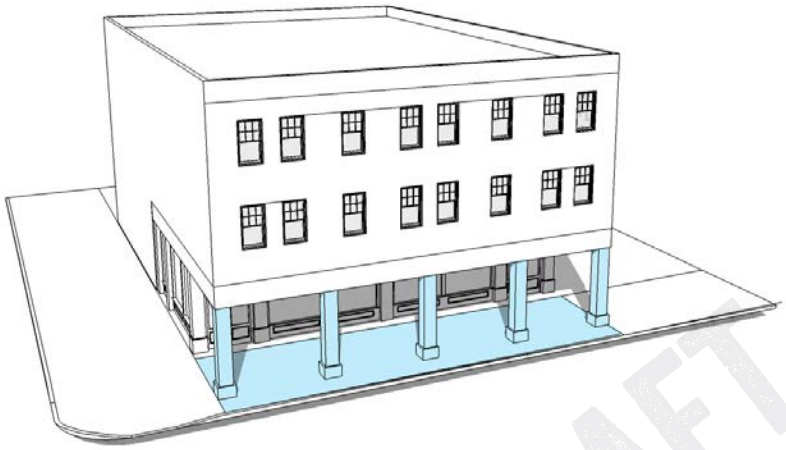
ARCADE

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES

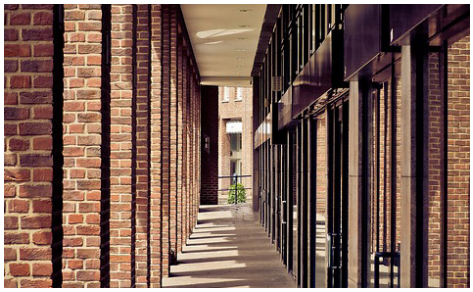


ADOPTION DRAFT

Permitted Districts

CD-5 SD-IV

A Private Frontage conventional for Retail / 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.



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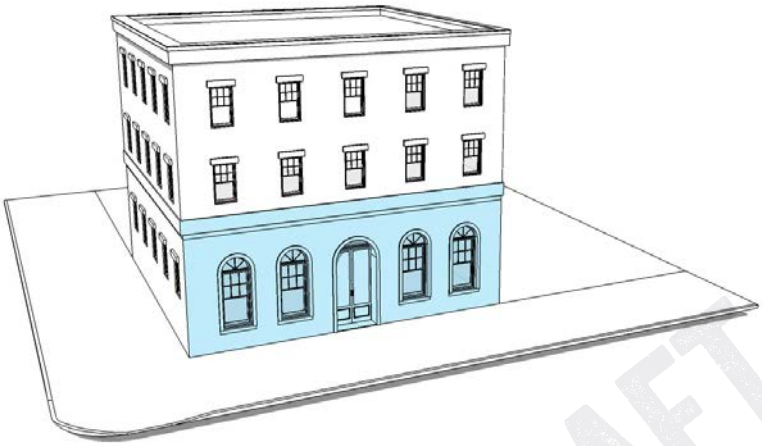
OFFICEFRONT

TABLE 4.3.7.A PRIVATE FRONTAGE TYPES



COMMISSION DRAFT

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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 5.1.9.

B. Manufactured Homes.

1. Except as otherwise provided in Sections 4.3.8.B.2–4 below, no Manufactured Home shall be placed on any Lot or Building Site.

2. This Ordinance does not exclude the placement of a Residential Dwelling on land designated for Residential Use solely because such Dwelling is or was partially or completely constructed in a manufacturing facility; provided, however, that any such manufactured Residential Dwelling must be a Double-Wide Manufactured Home, must have the same general appearance as required for site-built homes, and must otherwise comply with all standards and requirements of this Ordinance.

3. Residential Use of a Manufactured Home is permitted as a Temporary Use within a Residential District subject to limitations pursuant to Section 4.3.9.G, **Table 4.3.9.A-3 (Temporary Uses)**, and Section 4.3.9.D.6.aa.

4. 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, subject to limitations pursuant to Section 4.3.9.G and **Table 4.3.9.A-3 (Temporary Uses)**,

ADOPTION DRAFT

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TABLE 4.3.8.A PRINCIPAL BUILDING TYPES – SUMMARY

Principal Building Type		Permitted Districts
	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, CD-3, CD-4, CD-4C, CD-4V
	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-4, CD-4C, CD-4V
	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, CD-4C, CD-4V, CD-5
	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, CD-4V, CD-5, SD-IV
	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, CD-4V, CD-5, SD-IV
	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, CD-4C, CD-4V, CD-5, SD-IV
	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, CD-4C, CD-4V, CD-5, SD-IV

PUBLIC REVIEW DRAFT

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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, CD-4C, CD-4V, CD-5, SD-IV
	Flex Building A large footprint Principal Building designed to accommodate either a single Use or a vertical or horizontal mix of Uses.	CD-4, CD-4C, CD-4V, CD-5, SD-IV
	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
	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-1, CD-2, CD-3L, CD-3, CD-4, CD-4C, CD-4V, CD-5, CV

Illustrations are provided for illustrative purposes only.

ADOPTION DRAFT

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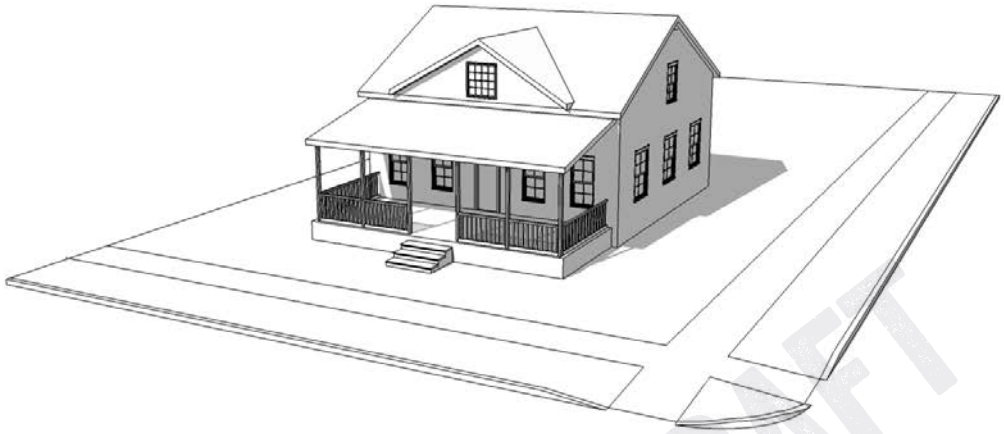
HOUSE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



ADOPTION DRAFT

Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V

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

3 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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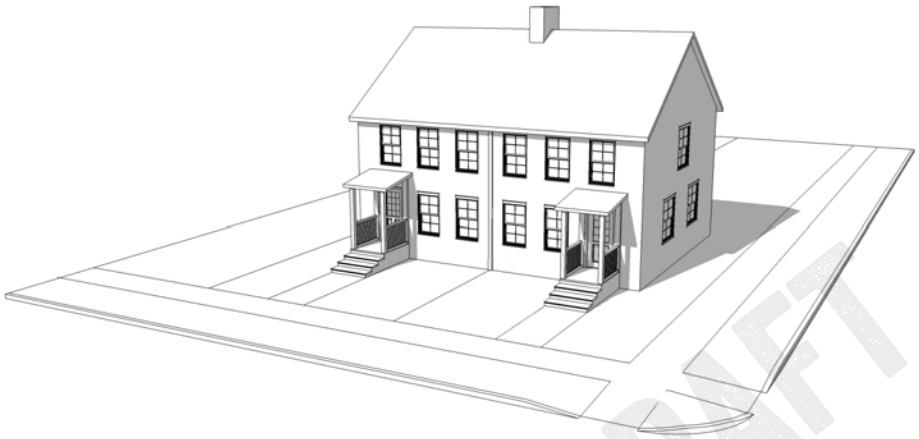
DUPLEX

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS



ADOPTION DRAFT

Permitted Districts

CD-3 | CD-4 | CD-4C | CD-4V

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

Allowed Private Frontages (continued)

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.

P Permitted

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TOWNHOUSE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5

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

Allowed Private Frontages (continued)

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
The following notations are utilized in this table.

P Permitted

ADOPTION DRAFT

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SMALL MULTI-FAMILY

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4V | CD-5 | SD-IV

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., 6 max.

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
The following notations are utilized in this table.

P Permitted

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LARGE MULTI-FAMILY

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4V | CD-5 | SD-IV

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	7 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
The following notations are utilized in this table.

P Permitted

ADOPTION DRAFT

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LIVE/WORK

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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
The following notations are utilized in this table.

P Permitted

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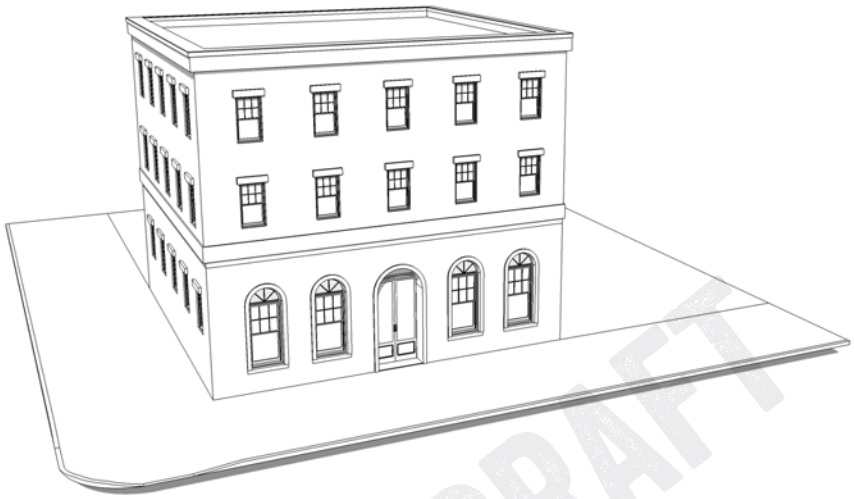
COMMERCIAL

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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
The following notations are utilized in this table.

P Permitted

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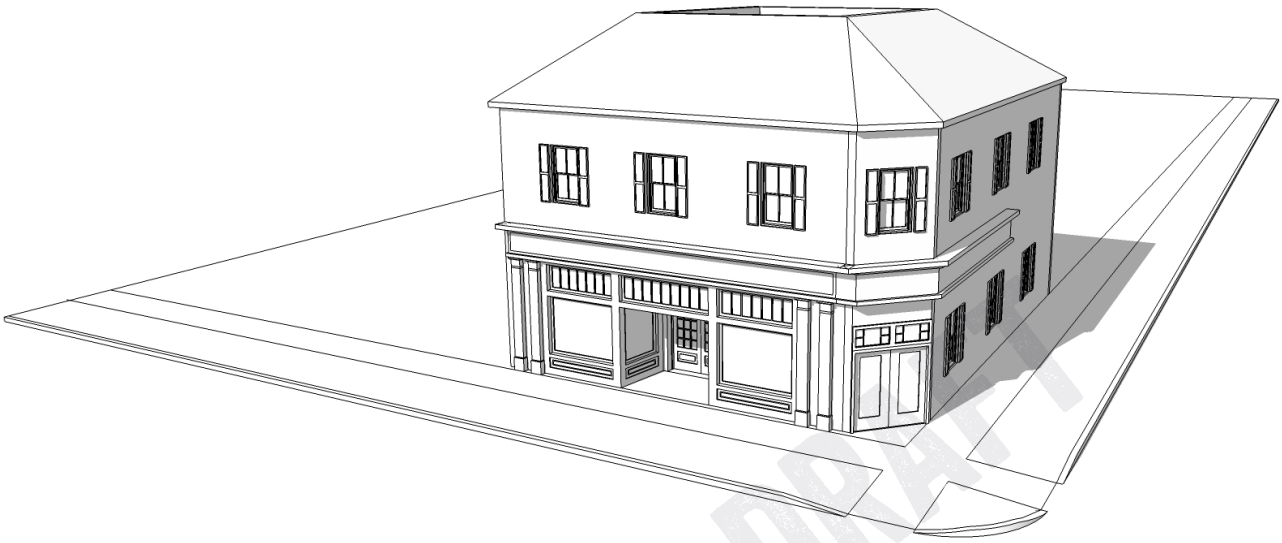
MIXED USE

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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.; Maximum as prescribed per applicable Character District

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
The following notations are utilized in this table.

P Permitted

ADOPTION DRAFT

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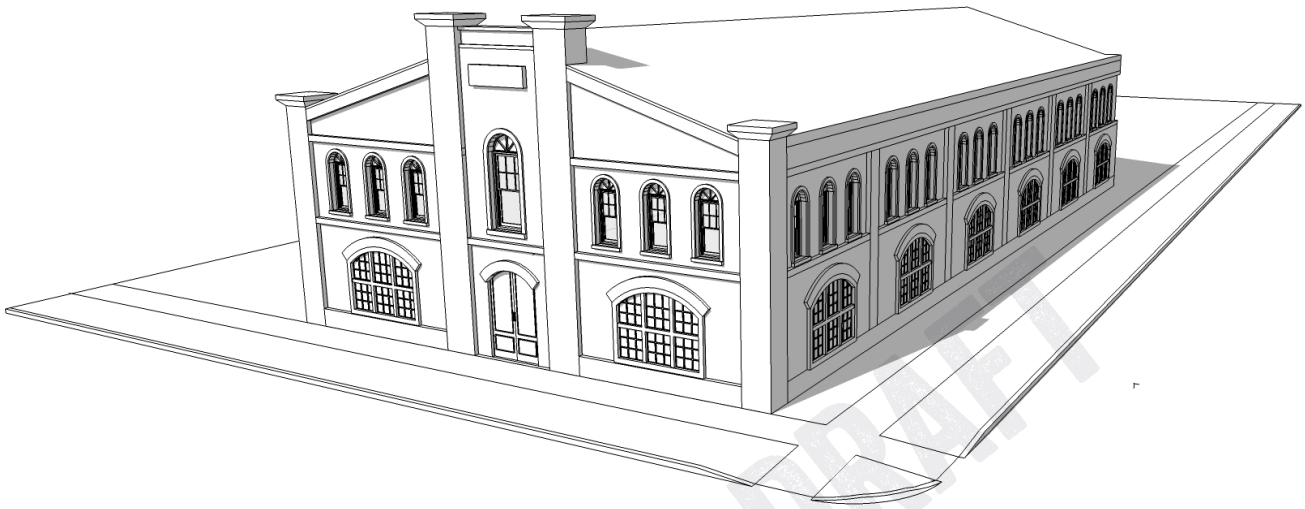
FLEX

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



ADOPTION DRAFT

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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
The following notations are utilized in this table.

P Permitted

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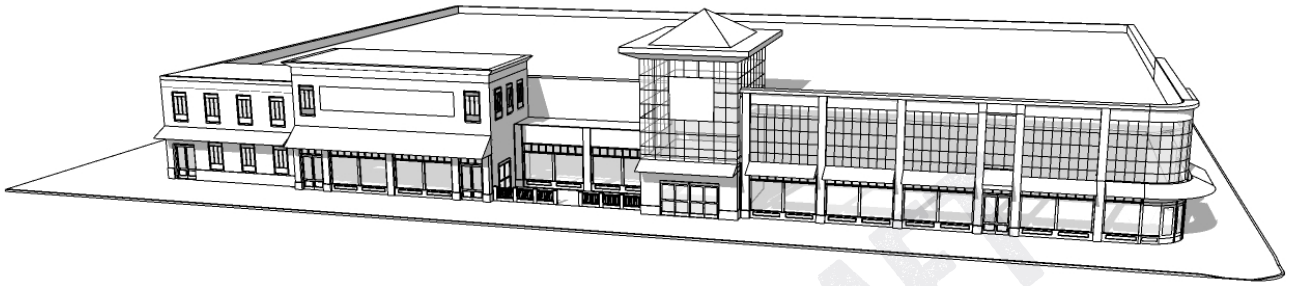
LARGE SCALE COMMERCIAL

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4C

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
The following notations are utilized in this table.

P Permitted

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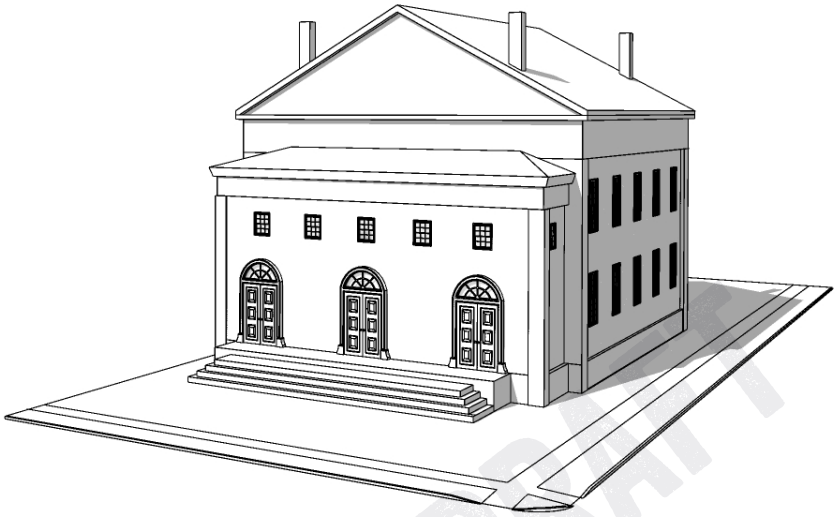
CIVIC

TABLE 4.3.8.B PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-1 | CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | 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, Town 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

Per District Building Height Standards

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
The following notations are utilized in this table.

P Permitted

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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 5.1.10.

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)**.

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 4.3.9.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. In such case, each of such Principal Uses shall be subject to all applicable provisions of this Ordinance.

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 any provision of the Town Code, is prohibited.

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
AGRICULTURAL & EXTRACTIVE USES CATEGORY											
Agricultural*											
Farming	NP	PL	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Greenhouse	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Kennel	NP	PL	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Plant Nursery	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Stable	NP	PL	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Veterinary – Large Animal	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Other Agricultural Uses Not Listed Under any Use Category	NP	PL	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Extractive											
Sand, Stone, and Gravel Quarrying	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Other Extractive Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
RESIDENTIAL USES CATEGORY											
Household Living											
Assisted Living Apartment	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Duplex for 2–Family Dwelling	NP	NP	NP	P	P	P	NP	NP	NP	PUD	NP
House for Single–Family Dwelling	NP	P	P	P	P	P	P	NP	NP	PUD	NP
Independent Living Apartment	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Large Multifamily Building	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Manufactured Home–Class A	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Manufactured Home Dwelling	NP	**	**	**	**	**	**	NP	NP	PUD	NP

LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A Sec 44–18–104(c)(4)

** Per T.C.A Sec 13–24–201 & 13–24–202

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 or PD Approval, as applicable

ADOPTION DRAFT

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Residence Portion of a Live/Work, Mixed-Use, or Flex Building, if Building Type permitted in District	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Senior Living or Retirement Community	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Small Multifamily Building	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Townhouses	NP	NP	NP	NP	P	P	P	P	NP	PUD	NP
Other Household Living Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Living											
Adult Care Home	NP	P	P	P	P	P	P	NP	NP	PUD	NP
Boarding or Rooming House, not including Group Home for Persons with Disabilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Dormitory not associated with Educational Institution	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Home for Persons with Disabilities	NP	CU	CU	CU	CU	CU	CU	NP	CU	PUD	NP
Other Group Living Uses not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
CIVIC USES CATEGORY											
Community Service											
Civic Organization	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Philanthropic Institution	NP	NP	NP	NP	P	P	P	P	NP	PUD	P
Recreation Facility (Civic)	NP	NP	P	P	P	P	P	P	P	PUD	P
Other Community Service Use Not Listed Under any Use Category	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Day Care / Personal Care Facilities (Civic)											
Adult Day Care Facility (Civic)	NP	P	P	P	P	P	P	P	P	PUD	P
Children Day Care Facility (Civic)	NP	P	P	P	P	P	P	P	P	PUD	P

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Group Day Care or Family Day Care or Facility (Civic)	NP	PL	PL	PL	PL	PL	PL	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	PUD	P
Civic Building / Civic Space											
Civic Building	NP	P	P	P	P	P	P	P	NP	PUD	P
Community Center	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
Civic Space – Community Garden	NP	P	P	P	P	P	P	P	P	PUD	P
Civic Space – Green	P	P	P	P	P	P	P	P	P	PUD	P
Civic Space – Park, Pocket Park, or Playground	NP	P	P	P	P	P	P	P	P	PUD	P
Civic Space – Plaza or Square	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Civic Space – Sports Field or Court	NP	NP	P	P	P	NP	NP	NP	P	PUD	P
Other Civic Space Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Open Space											
Botanical Garden	NP	P	P	NP	NP	NP	NP	NP	NP	PUD	P
Nature Preserve	P	P	P	P	P	P	P	P	P	PUD	P
Recreational Trail	P	P	P	P	P	P	P	P	P	PUD	P
Game Preserve	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	P
Refuge, Wild Animal Sanctuary, Wildlife Management Area	P	P	NP	NP	NP	NP	NP	NP	NP	PUD	P
Water Conservation Area	P	P	NP	NP	NP	NP	NP	NP	NP	PUD	P
Reservoir	NP	P	P	NP	NP	NP	NP	NP	NP	PUD	P
Water Supply	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	P

ADOPTION DRAFT

LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Other Open Space Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Religious Facilities											
Place of Worship or other Religious Facilities	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	P
CIVIL SUPPORT USES CATEGORY											
Ambulance Service	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Cemetery / Mausoleum / Columbarium / Memorial Garden	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	PL
Funeral Home or Funeral Services	NP	PL	NP	NP	PL	PL	PL	PL	PL	PUD	NP
EMS / Fire / Police Station	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
EDUCATIONAL USES CATEGORY											
Adult Education / Personal Improvement / Business, Trade, & Vocational Schools											
Adult Continuing Education	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Business, Trade, or Vocational school, other than Truck Driving School	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Personal Improvement Education	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Truck Driving School	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Pre–School / Primary / Intermediate /Secondary Schools											
Pre–School	NP	P	P	P	P	P	P	P	P	PUD	P
Kindergarten	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
Elementary School	NP	P	P	P	P	P	P	P	P	PUD	P
Middle School	NP	P	P	P	P	P	P	P	P	PUD	P
High School	NP	P	P	P	P	P	P	P	P	PUD	P

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Post–Secondary Education											
College or University	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Community College	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Graduate / Professional School	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Nursing or Medical Schools not accessory to a Hospital	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Seminary	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Other Educational Use Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
INSTITUTIONAL USES CATEGORY											
Health Care Institutions											
Hospital	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Rehabilitation Facility or Center for Observation	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Other Health Care Institution Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Long Term Care											
Long Term Care Facility	NP	CU	NP	NP	CU	CU	CU	CU	CU	PUD	NP
Continuum of Care Facility	NP	CU	NP	NP	CU	CU	CU	CU	CU	PUD	NP
COMMERCIAL USES CATEGORY											
Accommodations / Lodging											
Bed & Breakfast	NP	PL	NP	NP	PL	PL	PL	PL	NP	PUD	NP
Extended Stay Hotel	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Inn	NP	P	NP	NP	P	P	P	P	NP	PUD	NP
Hotel, not including Extended Stay Hotel	NP	NP	NP	NP	P	P	P	P	NP	PUD	NP
Motel	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP

LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

ADOPTION DRAFT

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Short–Term Rental Unit	NP	NP	NP	NP	PL	PL	PL	PL	NP	PUD	NP
Other Accommodation / Lodging Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Day Care / Personal Care (non–Civic)											
Adult Day Care Facility (non–Civic)	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Child Care Facility (non–Civic), excluding Child Care in Home	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Children's Day Camp (non–Civic)	NP	P	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Group Day Care Facility or Family Day Care Facility (non–Civic)	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Hospice Facility (non–Civic)	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Retirement Center or Life Care Community without individual Dwelling Units (non–Civic)	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Other Day Care or Personal Care Use Not Listed Under any Use Category (non–Civic)	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Indoor Recreation – Commercial											
Indoor Recreation or Entertainment Facility or Athletic Training Facility	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Indoor Firing Range	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Membership Club or Lodge	NP	P	NP	NP	P	P	P	P	P	PUD	NP
Movie or Performing Arts Theater, excluding Drive–In Theater	NP	NP	NP	NP	P	P	P	P	NP	PUD	NP
Social or Fraternal Club or Organization (non–Civic)	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Other Commercial Indoor Recreation Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Group Assembly (non–Civic)											
Place of Assembly (non–Civic)	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	NP
Other Group Assembly Use (non–Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Outdoor Recreation – Commercial											
Amphitheater	NP	PL	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Campground	NP	P	NP	NP	NP	NP	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	PUD	NP
Golf Course, Swim Club, Tennis Club, Country Club	NP	PL	PL	NP	NP	NP	NP	NP	NP	PUD	NP
Recreational Vehicle (RV) Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Outdoor Recreation Activity such as Amusement Park, Batting Cage, BMX Bicycle Park, Golf Driving Range, Miniature Golf Facility, Paintball Park Skateboard Park, or Water Park	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Stadium / Arena	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Summer Camp	NP	P	NP	NP	NP	NP	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	PUD	NP
Parking (Commercial)											
Parking Lot	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	PL
Parking Structure	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Restaurant											
Restaurant or other Food Service Business	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Small–scale Catering Establishment	NP	NP	NP	NP	P	P	P	P	P	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Bars, Taverns, & Nightclubs											
Bar, Tavern, or Nightclub	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Retail / Service / Repair / Arts / Artisan											
Alcoholic Beverage Retail Sales	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Artisan Establishment, with or without Retail Sales	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Arts–Related Uses	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Business Service or Business Repair	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Convenience or Grocery Store with Fuel Sales, with or without on–premises preparation or processing	NP	NP	NP	NP	NP	NP	P	NP	NP	PUD	NP
Convenience or Grocery Store without Fuel Sales, with or without on–premises preparation or processing	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Farmer's Market	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Financial Institution or Financial Services	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
On–Street Vending / Mobile Vending	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Short–Term Lender	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Retail Membership Club	NP	NP	NP	NP	NP	NP	P	NP	NP	PUD	NP
Retail Sales, Rental, or Leasing, Personal Service, Consumer Goods Repair, Arts, or Artisan Establishment, excluding Boat–Related Uses, Business Service, Business Repair, Fuel Sales, Manufactured Home Sales, Motor Vehicle – Related Uses, Retail Food Sales, Retail Membership Club, Restaurant, and Warehouse Retail	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Veterinary Clinic, Veterinary Hospital, or Kennel for, or Boarding, Grooming, or Training of Small Animals	NP	PL	NP	NP	PL	PL	PL	PL	PL	PUD	NP
Self–Service Storage											
Self–Service Storage	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP

LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Boat–Related Uses											
Boat Body Shop	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Boat Maintenance, Repair, Fuel Sales, Service, or Cleaning	NP	NP	NP	NP	NP	NP	PL	NP	PL	PUD	NP
Boat Sales, Rental, or Leasing	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Other Boat – Related Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Motor Vehicle–Related Uses											
Car Wash	NP	NP	NP	NP	NP	NP	PL	NP	PL	PUD	NP
Motor Vehicle Body Shop	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Motor Vehicle Maintenance, Repair, Service, or Cleaning, other than Car Wash	NP	NP	NP	NP	NP	NP	PL	NP	PL	PUD	NP
Motor Vehicle Sales, Rental, or Leasing	NP	NP	NP	NP	NP	NP	PL	NP	PL	PUD	NP
Motor Vehicle Storage	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Tire Sales	NP	NP	NP	NP	NP	NP	P	NP	P	PUD	NP
Towing Facility	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Other Motor Vehicle – Related Use Not Listed Under any Use Category	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	PL	PUD	NP
OFFICE USE CATEGORY											
Clinic, Medical Office, Dental Office, or other out–patient medical or dental service	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Other Office Uses	NP	NP	NP	NP	P	P	P	P	P	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
INDUSTRIAL USES CATEGORY											
Heavy Industrial											
All Heavy Industrial Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Light Industrial											
Auction House	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Brewery, Distillery, or Winery, excluding Brewpubs	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Bottling Plants	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Building Systems / Construction Business	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Carpet Cleaning or Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Catering Service or Catering Events Establishment	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Clothing or Textile Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Contractor Materials Sales	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Dairy Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Dry Cleaning Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Equipment Rental	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Food Packaging or Processing Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Food Preparation Facility (Commercial)	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Horticulture and Landscaping Services	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Ice Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Laundry Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Information Services	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Light Manufacturing Plant	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Machine Shop / Woodworking Shop, other than Artisan Establishment	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Maintenance yard or facility	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Non–Hazardous Waste Treatment or Disposal	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Printing, Publishing, and lithography	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Research Laboratory / Research & Development	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Sale of Earth–Moving, Farm, Construction or other Heavy Equipment or Machinery	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Scrap or Salvage Yard / Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Sheet metal shop	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Welding, machine, tool repair shop	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Wholesale Sales, other than Contractor Material Sales	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Woodworking, including cabinet makers and furniture manufacturing, but excluding Artisan Establishments	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Other Light Industrial Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Warehouse & Freight Movement											
Bulk storage, including nonflammable liquids, feed and grain storage	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Bus barn	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Cold storage or Frozen Storage	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Distribution / Distribution Facility	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Household moving and general freight storage	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Separate warehouse used by Retail store such as a furniture or appliance store	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Stockpiling of sand, gravel, or other aggregate materials	NP	NP	NP	NP	NP	NP	NP	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	P	PUD	NP
Warehouse / Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Other Warehouse & Freight Movement Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Waste-Related Services											
Animal waste processing	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Incinerator	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Landfill	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Manufacture and production of goods from composting organic material	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Recyclable material storage, including construction material	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Septic Equipment Installation, Service, or Cleaning	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Transfer station	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Other Waste–Related Service Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
UTILITIES USES CATEGORY											
Communications Tower	NP	CU	NP	NP	CU	CU	CU	CU	CU	PUD	CU
Utility Facilities	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	PL
Utility Transmission Line	NP	CU	NP	NP	NP	NP	NP	NP	CU	PUD	NP
Wireless Communication Facility	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	PUD	NP
OTHER USES CATEGORY											
Adult–Oriented Establishment	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Correctional Facilities	NP	NP	NP	NP	NP	NP	NP	NP	CU	PUD	NP
Other Uses Not Listed Under any other Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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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.

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 to the following Uses, which shall be permitted in accordance with the applicable Use Table, subject to the following limitations in the Districts indicated in such Table, and if indicated in such Table for the applicable District, a Conditional Use Permit:

a. **Accessory Dwelling.**

(1) Only one (1) Accessory Dwelling or apartment is permitted on any given Lot or Building Site.

(2) If the Accessory Dwelling Unit is not attached to the primary dwelling, it must be separated a minimum of ten (10) feet from the primary dwelling.

(3) The Accessory Dwelling or apartment shall be no larger than 600 square feet in the CD–3L, CD–3, CD–4, CD–4V, CD–4C, CD–4M, and CD–5 Districts and no larger than one thousand (1,000) square feet in the CD–2 District.

(4) The Accessory Dwelling shall not be counted in density calculations.

b. **Adult – Oriented Entertainment.**

(1) No Adult–Oriented Entertainment Use shall be located within one thousand (1,000) feet of an existing School, Religious Facility, or Residential Use as measured from Building footprint to Building footprint.

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(2) No Adult-Oriented Entertainment Use shall be located within 1,000 feet of a District that permits any Residential Use.

(3) No Adult-Oriented Entertainment Use shall be located within 50 feet of any District that does not permit any Residential Use or any existing Non-Residential Use.

(4) No Adult-Oriented Entertainment Use shall be located within 1,000 feet of another Adult-Entertainment Use

c. **Agricultural Uses**. 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), barns, feedlots, pens, and stockyards must meet the following requirements:

(1) A minimum separation of 200 feet from all property lines.

(2) A minimum total site area of four (4) acres.

(3) 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. **Amphitheater.**

(1) Primary access shall not be permitted on a local road or lesser standard road.

(2) A Lot/Building Site/Parcel Buffer shall be applied along all Abutting property lines.

(3) Lighting plans shall demonstrate no spillage onto adjacent residential properties. Exterior Lighting shall not exceed three (3) foot candles as measured at the property line.

(4) Operations shall be limited to noon through 10 PM.

e. **Auction House.**

(1) Primary access shall not be permitted on a local road.

(2) Auction Houses shall meet Parking requirements for Indoor Recreation or Entertainment Facility and Athletic Training Facility.

(3) Noise from the Use must comply with the maximum noise level permitted to occur at the site boundary in accordance with the provisions of Section 6.11.3.

(4) The Zoning Administrator shall stipulate the hours and days of operation.

f. **Bars, Taverns, & Nightclubs.**

(1) With the exception of Bars, Taverns, and Nightclubs located within District CD-5, the Applicant must demonstrate that no pre-existing Religious Facilities are located within 500 feet of the proposed establishment. Measurements shall be made from the property line of the proposed establishment and from the property line of any separate Parking Lots to be used by the proposed establishment.

(2) Except in District CD-5, no Bar, Tavern, or Nightclub shall be located within 500 feet of a Residentially zoned or existing Residentially used property.

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(3) No Outside Storage or activities shall be located on the site except as provided in the following paragraph.

(4) Outdoor activities occupying no more than 400 square feet may be permitted by Administrative Adjustment.

g. **Bed and Breakfast.**

(1) The Bed and Breakfast shall have no more than three (3) guest rooms.

(2) The Bed and Breakfast shall serve no more than one (1) morning meal per day.

(3) The maximum stay for any guest shall be fourteen (14) consecutive days.

h. **Car Wash**.

(1) All car wash Structures, facilities, and areas, whether for manual or automatic washes, including all wash bays and vacuuming machines or areas, shall be located at least fifty (50) feet from any Residential District or District permitting Residential Use.

(2) All washing and vacuuming areas and facilities shall be located within a Building in the 3rd Layer, which is completely enclosed except those openings necessary for vehicular and pedestrian ingress and egress. Such openings shall not face any Adjacent Residentially zoned or used property.

(3) No storage, repair, or sales of vehicles shall be allowed on the site.

(4) 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.

(5) Operation of the establishment is permitted only between 6AM and 10PM.

(6) There shall be no outdoor loudspeakers or public address systems.

(7) No vehicle may be stored on the premises for any reason or parked on the premises for the purpose of offering it for sale.

(8) Automatic car washes shall not be capable of washing more than one (1) car at a time.

(9) There shall be no more than two (2) manual car washes to every one (1) automatic car wash.

(10) All Structures shall have a brick veneer exterior. No metal walls shall be allowed. Metal roofing is acceptable. No flat roofs shall be allowed.

(11) Dumpster area is to be located in the 3rd Layer and must be enclosed in brick or split phase architectural walls with an opaque gate. Dumpster area pad shall be constructed with reinforced concrete.

(12) During the hours of non-operation, barriers to ingress and egress or doors must be installed at each end of the bay to block access.

(13) Buffering is to be determined by the Zoning Administrator on a plat-to-plat basis.

i. **Cemetery.**

(1) The minimum parcel size shall be five (5) acres, provided that private family cemeteries and not-for profit cemeteries as an Accessory Use shall have a minimum parcel size of one-quarter (¼) acre.

(2) For Cemeteries of twenty-five (25) acres or greater, primary access shall be from a collector or arterial road.

(3) Where the perimeter of a Cemetery Abuts a Residential use, a Lot/Building Site/Parcel Buffer shall be provided along all Abutting property lines.

(4) The following accessory uses shall be

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permitted as Accessory Uses to a Cemetery Principal Use: mausoleums, columbariums, chapels seating less than thirty (30) people, funeral homes, maintenance buildings and other facilities for burial and ceremonial purposes.

j. **Child Day Care In Home.**

(1) A license to operate facility must be obtained from the Tennessee Department of Human Services or evidence showing that a license will be issued after approval.

(2) All outside areas must be fenced and be set back from side and rear lot lines by a minimum of fifteen (15) feet. Play areas shall contain a minimum of one hundred (100) square feet per child.

(3) Such care is limited to care for between five (5) and 12 children, including children living in the home.

k. **Communications Towers.**

(1) A Conditional Use Permit must be obtained for this Use.

(2) The Applicant shall demonstrate that the existing towers, Buildings or Structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower.

(3) Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include:

(a) structural capacity;

(b) radio frequency interference, and

(c) geographic service area requirements.

(4) The proposed tower shall cause no interference with any type of electronic reception in nearby residential areas.

(5) The tower shall be sited so that there is a sufficient radius of clear land around the tower to ensure its collapse will be contained within an unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required to accommodate all proposed antennas and other appurtenances.

(6) Applicant shall provide proof of ownership, lease or permanent easement right for the designated collapse area.

(7) There shall be room for maintenance vehicles to maneuver on the property.

(8) On-site Buildings shall only be used for the storage of necessary on-site equipment.

(9) No lights shall be permitted on the tower except for warning lights required by State or Federal law.

(10) Along all property boundaries, a Lot/Building Site/Parcel Buffer shall be applied.

(11) All towers with a height of one hundred fifty (150) feet (from the base to the top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading.

(12) All Applications for permits to build towers must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

(13) All telecommunications towers must be completely surrounded by at least an eight (8) foot screen link fence.

l. **Community Center.**

(1) Community Centers shall be designed to serve the immediate neighborhood in which they are located, not the larger community.

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m. **Day Care Center.**

(1) A license to operate facility must be obtained from the Tennessee Department of Human Services or evidence showing that a license will be issued after approval.

(2) All outside play areas be in rear yards and be fenced; required Buffer areas to be excluded in fenced area.

(3) A Lot/Building Site/Parcel Buffer shall be provided between any outside areas and Abutting Residential Uses.

n. **Drive-In or Drive-Through Facilities.**

(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-In or Drive-Through Facilities.

(2) Drive-In or Drive-Through Facilities may only be located in the 3rd Layer and the location of such facilities and associated facilities (for example: communications systems and access aisles) shall be identified on all submitted Plans.

(3) Any speaker systems associated with Drive-In or Drive-Through Facilities shall be designed and located so as not to be audible beyond the Lot or Building Site on which such facilities are located.

(4) Vehicular access to Drive-In or Drive-Through Facilities that is between a Thoroughfare or Internal Drive and a Building shall require a Lot/Building Site/Parcel Buffer 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.

o. **Educational Uses.**

(1) Minimum campus size shall be based on the State/County standards or the total enrollment capacity of the following school types, whichever is more restrictive:

SCHOOL TYPE MIN.	CAMPUS SIZE
Elementary (K–8)	5 acres + 1 acre/100 students
Middle (5–9)	10 acres + 1 acre/100 students
High (7–12)	15 acres + 1 acre/100 students
(a) Other	NA

(2) Primary access shall not be permitted on a local road.

(3) A Lot/Building Site/Parcel Buffer shall be provided along all Abutting property lines.

(4) Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited.

(5) Playground and nature study grounds shall be permitted.

p. **EMT, Fire, or Police Station or Ambulance Service.**

(1) Access shall not be permitted on a local road or lesser standard road.

q. **Group Day Care Facility or Family Day Care Facility.**

(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.

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(4) If the facility is located within a Non-Residential area, the Fire Marshal shall review the proposal prior to approval and make a recommendation.

(5) A client drop-off area shall be provided.

r. **Fuel Sales.**

(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;

(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) 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. **Funeral Home.**

(1) Access shall not be permitted on a local road.

t. **Golf Course, Country Club, Swim Club, and Tennis Club Facilities.**

(1) No maintenance Building or clubhouse shall be closer than 100 feet from any Residentially zoned or Residentially used land.

u. **Group Care Facility.**

(1) A Conditional Use Permit must be obtained.

(2) An appropriate license must be secured for any activity regulated by any public agency, 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.

(3) Group Care Facilities accommodating from 7 to 12 individuals shall have 24-hour staff and professional services in the behavioral sciences available.

(4) Group Care Facilities accommodating more than 12 individuals shall have resident 24-hour staff, and shall provide professional services in the behavioral sciences.

(5) No more than one Group Care Facility may be permitted on a single block.

(6) A Group Care Facility may not accommodate more than one individual (excluding staff) per bedroom.

(7) The facility 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.

(8) The Facility shall meet all state requirements, and all applicable housing and building code requirements.

(9) A Group Care Facility must contain 1,500

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square feet of Net Floor Area for the first six residents, including resident staff, and 150 square feet of Net Floor Area per person above six residents.

v. **Group Home for Persons with Disabilities or Group Living Home.**

(1) A Conditional Use Permit must be obtained.

(2) A proper license to operate the facility must be secured prior to occupancy.

(3) Any fire escapes, garbage disposal facilities and other required structural changes shall be located in the 3rd Layer.

w. **Historic Home Special Events.**

(1) Use of a Historic Home, related Accessory Building, Accessory Structure, and/or premises as part of a business operation for special events such as weddings, receptions, parties, and similar uses of a temporary nature is permitted as an Accessory Use, subject to the requirements below.

(2) An annual permit must be obtained from the Zoning Administrator.

(3) Events must be within a designated Historical Structure, in an Accessory Building or Accessory Structure on the site of a designated Historical Structure, and/or on the site of a Historical Structure, as recognized by the Historic Zoning Commission.

(4) On-site Parking shall be provided at a rate of one space per three (3) expected patrons at maximum capacity, subject to shared parking agreement pursuant to paragraph (5) following.

(5) Off-site parking may be allowed per shared parking agreement with Adjacent properties.

(6) An on-site turn around area must be provided so that backing into the street will not be necessary.

(7) Only Incidental Signs for parking directions are allowed.

(8) Meal service shall be restricted to patrons of the special events only; and, must meet all applicable codes related to on-site food preparation, if applicable.

(9) The owner of the property or a person with controlling interest in the property must reside in the Historic Home and must be the permit Applicant who shall be responsible for complying with these regulations.

(10) There shall be no more than 12 special events per year.

(11) Adequate provision for restroom facilities is required on the site.

(12) A Lot/Building Site/Parcel Buffer must be provided along all Abutting property lines.

(13) A Site Plan must be submitted with the permit Application, illustrating how all requirements will be met.

(14) Any tents must be erected in conformance with all applicable codes, emergency exits, etc.

(15) Traffic control measures may be required as a condition to the permit.

(16) IBC standards for assembly use when exceeding 49 persons attending an event must be met, when applicable.

x. **Home Occupations.**

(1) There shall be no external evidence of such Use other than an Identification Sign;

(2) No more than 25% of the total floor area is devoted to the home occupation.

(3) The site may not be used for storage for a commercial activity conducted elsewhere.

(4) No materials, goods and/or equipment indicative of the Home Occupation shall be visible from any public road or stored outside.

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(5) The Use shall not generate noise, fumes or smoke, nor create a nuisance of any kind which would affect the Residential character of the area in which it is located.

(6) No traffic shall be generated by the Home Occupation in greater volume than would normally be expected in the area.

(7) There shall be no on-site sales allowed. Business transactions conducted via telecommunication devices shall not be considered as on-site sales for the purpose of this provision.

(8) Teaching, including but not limited to tutoring and art, music or dance lessons,shall be permitted provided that it is limited to no more than two pupils at any given time.

(9) The following are not allowed as Home Occupations:

Clinic, Hospital, barbershop, beauty shop, Restaurant, Veterinarian, Kennel, or loading of ammunition.

y. **Light Industrial.**

(1) Access shall not be permitted on a local road.

(2) A Lot/Building Site/Parcel Buffer shall be applied along all Abutting property lines of properties on which there exists any Use other than a Light Industrial Use.

z. **Long Term Care Facilities and Continuum of Care Facilities.**

(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) These Uses are subject to issuance of a Conditional Use Permit.

(3) The Planning Commission must make a written finding to the Board of Zoning Appeals regarding the requirements in paragraph (4) based on advice from such agencies as the Tennessee Department of Human Services.

(4) An appropriate license must be secured for any activity regulated by any public agency, 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.

(5) No more than one Long Term Care Facility or Continuum of Care Facility may be permitted on a single block.

(6) The facility 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.

(7) The facility shall meet all state requirements, and all applicable housing and building code requirements.

(8) Necessary utilities including a Central Sewage Collection and Treatment System shall be available to the site.

(9) The Development Plan shall be subject to approval by the Planning Commission prior to consideration by the Board of Zoning Appeals, 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.

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aa. **Manufactured Home Dwelling.**

(1) When fire or natural disaster has rendered a detached single-family residence located in the CD-2 District unfit for human habitation, or when a property owner desires to live in temporary housing on his property located in the CD-2 District while his home is being built, the Temporary Use of a Manufactured Home located on the single family Lot or Building Site during rehabilitation of the original residence, or construction of a new residence, is permitted subject to the following additional regulations:

(a) A permit must be obtained from the Zoning Administrator and Building Inspector.

(b) The Manufactured Home Dwelling shall be sited consistent with the zoning District's Setback regulations.

(c) Required water and sanitary facilities must be provided.

(d) The maximum length of permit shall be six (6) months, but the Zoning Administrator and Building Inspector may extend the permit for an additional six (6) months in the event of circumstances beyond the control of the owner.

(e) Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.

(f) The Manufactured Home shall be removed from the property within thirty (30) days of issuance of any occupancy permit for the rehabilitated or new residence.

(g) The applicant shall be required to provide express consent and authorization to the Town to remove the Manufactured Home at the owner's expense upon termination of the temporary permit if the owner fails to do so.

ab. **Manufactured Home Sales.**

(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 in the 3rd Layer and shall be Screened from the Frontage in accordance with Section 4.3.11.

(3) A Lot/Building Site/Parcel Buffer shall be provided along any Abutting property boundary shared with any District that allows Residential Use and any existing Residentially used property.

ac. **Motor Vehicle Sales, Leasing, and Rentals** and **Motor Vehicle Maintenance, Repair, Service, or Cleaning,** other than **Car Wash.**

(1) Primary access shall not be permitted on a local street.

(2) Entire site must be on the same side of the Floodplain, and out of the Floodplain.

(3) No inoperable motor vehicles may be kept on premises of vehicular sales operations.

(4) Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed Building.

(5) No outdoor loudspeakers may be used anywhere on the site.

(6) All outdoor display, storage, vehicular entrances into a Building, and bays must be in the 3rd Layer.

(7) There shall be no off-site storage of vehicles.

(8) All Buildings and vehicle loading areas must be located a minimum of 200 feet from any existing Residential Uses.

(9) Any Junk Vehicles or inoperable vehicles or equipment shall be within a completely enclosed Building.

(10) Adequate on-site area shall exist for the loading and unloading of vehicles from car

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carriers to ensure that no such loading or unloading occurs in any Right-of-Way.

(11) Fuel and oil pumps, if present, shall be in the 3rd Layer and at least 15 feet from property lines.

(12) Pump island canopies shall be so located that a vertical downward projection of the edge nearest any property, Lot or Building Site line shall not Encroach any Setback.

(13) Outdoor Storage shall be limited to vehicle inventory and vehicles parked no longer than 15 days pending repair, service, or maintenance.

(14) 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.

ad. **On-Street Vending or Mobile Vending.**

(1) A permit must be obtained from the Zoning Administrator.

ae. **Outdoor Display.**

(1) Shall be permitted only through the Administrative Adjustment process in Section 8.5.8.

(2) A Site Plan illustrating the extent of the permitted area for Outdoor Display shall be required.

(3) Motor Vehicles, Recreational Vehicles, Boats, or Manufactured Homes for sale, lease or rent as part of a properly permitted Use shall not be considered merchandise, material or equipment subject to the restrictions of these requirements..

(4) Plant material at a Plant Nursery or garden shop shall not be considered merchandise, material or equipment subject to these requirements.

(5) Waste generated on-site and deposited in ordinary refuse containers shall not be subject to these requirements.

(6) Temporary Uses permitted by this Ordinance are not subject to these requirements.

(7) These requirements 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.

(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.

af. **Outdoor Recreation.**

(1) The Use shall have direct access from a Thoroughfare or Internal Drive, but shall not have access on a local road.

(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 Town Engineer.

ag. **Outdoor Storage.**

(1) Shall be located only in the 3rd Layer and at least 15 feet from any public right-of-way and any Abutting Residential Use or Residential District.

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(2) A Lot/Building Site/Parcel Buffer shall be provided along all Abutting property lines.

ah. **Parking Lot (Commercial).**

(1) A Conditional Use Permit must be obtained for this Use.

(2) The Use shall have direct access from a Thoroughfare or Internal Drive, but shall not have access on a local road.

(3) All Parking and Parking Lot standards and requirements must be met.

ai. **Place of Assembly, Place of Worship** or **other Religious Facilities.**

(1) Primary vehicular access shall not be permitted on a local road.

(2) A Lot/Building Site/Parcel Buffer shall be provided along all Abutting property lines.

aj. **Recreational or Entertainment Facility** and **Athletic Training Facility**

(1) Primary access shall not be permitted on a local road or lesser standard road.

(2) A Lot/Building Site/Parcel Buffer shall be applied along all Abutting property lines.

(3) Lighting plans shall demonstrate no spillage onto adjacent residential properties. Exterior Lighting shall not exceed three (3) foot candles as measured at the property line.

(4) Potential noise from speaker systems shall not be audible beyond the property lines.

ak. **Self-Service Storage Facility.**

(1) Each storage unit shall be fully enclosed by walls and roof and shall not exceed six hundred (600) square feet in area.

(2) Outdoor Storage shall not be permitted, except for the parking of Recreational Vehicles, Boats and trailers.

(3) Storage units shall not be used for the manufacture, processing or assembly of goods, the sale of goods, or personal services on the premises, or customer pickup.

(4) No Use other than storage shall be permitted in any storage unit.

(5) Adequate water pressure and volume shall be available for fire protection.

(6) A Lot/Building Site/Parcel Buffer shall be applied along all Abutting property lines, 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 4.3.11.

(7) Barbed-wire, razor wire, concertina wire, chained link, chicken wire or similar materials accoutrements may not be used on portions of the fence visible from a Frontage. Acceptable materials include wrought iron, aluminum, stone, brick or other materials with similar appearance.

(8) One Loading Space shall be provided for each 10,000 square feet of enclosed storage area.

al. **Senior Living or Retirement Community.**

(1) Attached Dwellings in Senior Living or Retirement Communities shall be limited to Townhouses and Small Multi-family Buildings.

am. **Short-Term Lender.**

(1) Must be located no less than 1,320 linear feet from the property line of another property upon which another Short-Term Lender is located.

an. **Utility Facilities.**

(1) A Conditional Use Permit must be obtained for this Use, provided that expansion of up to 20% or 1,000 square feet, whichever is greater, of a Utility Facility originally approved through

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the issuance of a Conditional Use Permit, may be approved administratively by the Zoning Administrator.

(2) All Buildings and vehicle loading areas shall be located a minimum of fifty (50) feet from any existing or potential Residential Use or area zoned for Residential Use.

(3) A Lot/Building Site/Parcel Buffer shall be provided along all side and rear property lines. The Utility Facility shall be Screened from view from any Frontage.

(4) Road access shall be adequate to accommodate the vehicular traffic generated by the Utility Facility and shall not adversely affect the safety and convenience of vehicular and pedestrian flow in the area. The location of road access shall not cause negative impacts on the surrounding area.

ao. **Utility Transmission Line.**

(1) A Conditional Use Permit must be obtained for this Use.

ap. **Veterinary Clinic, Veterinary Hospital, or Kennel for, or Boarding, Grooming, or Training of Small Animals.**

(1) Offices and related facilities shall be limited to a total of four thousand (4,000) sq. ft.

(2) Offices and all related facilities shall be within a completely enclosed Building.

(3) Outdoor exercise yards shall be completely fenced and used only between 7 a.m. and 7 p.m.

(4) When the Use Abuts an existing Residential Use, a Lot/Building Site/Parcel Buffer shall be provided along those common property lines.

(5) Outdoor training or breeding is not permitted except in the CD-2 District.

aq. **Wireless Communication Facilities other than Communications Towers.**

(1) A Conditional Use Permit must be obtained for this Use.

(2) These requirements 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.

(3) The Wireless Communication Facilities Use is subject to issuance of a Conditional Use Permit.

(4) 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 shall be provided;

(b) A report including a description of the Tower with technical reasons for its design shall be provided;

(c) Documentation shall be provided 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 shall be provided 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 shall be provided;

(f) Copies of any Easements necessary to gain access or limited Development areas shall be provided;

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(g) An analysis of the site containing existing topographical contours shall be provided;

(h) A written opinion from an appropriate authority that the soils and underlying materials will support the intended Structure shall be provided;

(i) Evidence shall be provided that the Tower facility meets technical emissions standards set by the FCC (Federal Communication Commission);

(j) Evidence shall be provided 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 shall be provided; and

(l) Evidence shall be provided 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.

(5) Towers may be built on the same Lot or Building Site with another Principal Use. A separation of 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.

(6) Towers 80 feet or more in height shall be located on the Lot or Building Site 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.

(7) 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.

(8) Any proposed Tower shall be structurally designed so as to accommodate the minimum number of foreseeable shared users.

(9) No advertising or display is permitted on any Tower.

(10) 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.

(11) 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.

(12) 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

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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.

(13) Location on any 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.

(14) Co-location on 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.

(15) 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 Town notifying the owner and shared user(s) of such abandonment. If such Antenna or Tower is not removed within said 90 days, the Town may remove or have the Structure removed at the owner's expense.

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 Town 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 Town 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. Town 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 Town 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.

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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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TABLE 4.3.9.A–2 BUILDING, LOT & BUILDING SITE ACCESSORY USES

ACCESSORY USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Accessory Building	NP	P	P	P	P	P	P	P	P	PUD	P
Accessory Dwelling Unit	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	NP
Accessory Garden Center	NP	NP	NP	NP	NP	NP	P	NP	P	PUD	NP
Child Day Care in Home	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	NP
Dormitory on Site with Educational Institution	NP	NP	NP	NP	P	P	P	P	P	PUD	P
Drive–In or Drive–Through Facility	NP	NP	NP	NP	NP	NP	PL	NP	NP	PUD	NP
Hazardous Materials Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	PUD	NP
Historic Home Special Events	NP	PL	PL	PL	PL	PL	PL	PL	PL	PUD	NP
Home Occupations	NP	PL	PL	PL	PL	PL	PL	PL	PL	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	NP	P	P	P	P	P	P	P	P	PUD	NP
Outdoor Display	NP	NP	NP	NP	PL	PL	PL	PL	PL	PUD	PL
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	PL	PUD	NP
Parish House, Rectory, Parsonage, Monastery, or Convent on Site with Place of Worship	NP	P	P	P	P	P	P	P	P	PUD	P
Parking Area	NP	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	PUD	P
Retail Sales Accessory to Light Manufacturing or Warehouse	NP	NP	NP	NP	NP	NP	NP	NP	P	PUD	NP
School or Seminary on site with Place of Worship	NP	P	P	P	P	P	P	P	P	PUD	P
Solar Panels	NP	P	P	P	P	P	P	P	P	PUD	P

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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TABLE 4.3.9.A–2 BUILDING, LOT & BUILDING SITE ACCESSORY USES

ACCESSORY USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Sports Court, Swimming Pool, or Hot Tub in 3rd Layer	NP	P	P	P	P	P	P	P	P	PUD	NP
Tasting Room on site with Brewery, Distillery, Winery	NP	NP	NP	NP	P	P	P	P	P	PUD	NP
Telecommunications Receiving Equipment	NP	P	P	P	P	P	P	P	P	PUD	P
Wireless Telecommunications Facility	NP	CU	CU	CU	CU	CU	CU	CU	CU	PUD	CU

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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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.

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TABLE 4.3.9.A–3 BUILDING, LOT & BUILDING SITE TEMPORARY USES

TEMPORARY USE	CD–1	CD–2	CD–3L	CD–3	CD–4	CD–4V	CD–4C	CD–5	SD–IV	EXISTING PUDS & PD DISTRICTS	CV
Construction Office Trailer	NP	P	P	P	P	P	P	P	P	P	P
Manufactured Home Dwelling	NP	PL	NP	NP	NP	NP	NP	NP	NP	PUD	NP
New Subdivision Sales & Management Office, until development completion	NP	P	P	P	P	P	P	P	P	PUD	NP
Seasonal Uses or Uses for Unusual Non–Recurrent Events, for no more than 30 days	NP	P	P	P	P	P	P	P	P	PUD	P
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	NP	CU	CU	CU	CU	CU	PUD	NP

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LEGEND The following notations are utilized in this table. * Except as exempted under T.C.A 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 or PD Approval, as applicable

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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.**

TABLE 4.3.10 ENCROACHMENTS

Encroachments – Required Setbacks & Yards*

**Encroachments shall not violate any applicable sight triangle requirement.*

Encroachment Type	Front/ Street	Side	Rear
Awnings or canopies w/out support other than integral or wall support	P up to 6 ft.	P	P
Balconies and Bay Windows	P	P	P
Bicycle Parking	P	P	P
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Clothes poles or lines	NP	NP	P
Covered Patios	NP	NP	P
Decks, in permitted applicable Layer	NP	P	P
Driveways & Sidewalks	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
Fences, hedges, walls, Shrubbery, and other landscape features	P	P	P
Flagpoles w/ ≤ 1 structural ground member	P	P	P
Mailboxes	P	P	P
Mechanical equipment, including HVAC	NP	P	P

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LEGEND The following notations are utilized in this table. *Except as exempted under T.C.A. Sec. 44-18-104(c)(4).	
P Permitted by Right	NP Not Permitted

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TABLE 4.3.10 ENCROACHMENTS

Encroachments – Required Setbacks & Yards*			
Open Porches, covered or uncovered, including steps	P up to 50% of Setback / Yard	P	P
Openwork Fire Escapes & Fire Balconies	NP	P by no more than 6 ft.	P by no more than 6 ft.
Parking Areas, Loading Areas and Driveways in 3rd Layer	NP	P	P
Patios, in permitted applicable Yard	NP	P	P
Retaining walls	P < 3 ft. in height	P < 4 ft. in height	< 6 ft. in height
Satellite dishes/ antennae	NP	NP	P
Sculptures or similar artistic objects	P	P	P
Signs permitted by Article 7 (Signs)	P	P	P
Steps to Building Entrance	P	P	P
Stoops	P	P	P
Street furniture, such as benches, drinking fountains, trash receptacles, ash trays, & lighting standards	P	P	P
Swimming Pools	NP	NP	NP
Underground utility lines, wires and associated Structures (e.g. poles)	P	P	P

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LEGEND The following notations are utilized in this table. *Except as exempted under T.C.A Sec. 44-18-104(c)(4).	
P Permitted by Right	NP Not Permitted

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4.3.11 Screens, Streetscreens, and Buffers.

A. Standards & Requirements.

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-K (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-K (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-K (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-K (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-K (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-K (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 5.8, an otherwise required Lot/Building Site/ Parcel Buffer is not required under this Section 4.3.11.H or other provision of this Ordinance.

3. Except as provided in Section 4.3.11.H.2 or as otherwise specifically provided in this Ordinance, a Lot/Building Site/ Parcel Buffer must be provided:

a. along the Abutting common Lot, Building Site, or Parcel boundary of any new Development, Building or other Structure, or Use within either District CD-4C or District SD-IV and any Lot, Building Site, or Parcel on which a Detached Single-Family Dwelling or an Attached Two-Family Dwelling exists or may in the future exist based on the then-effective zoning of such property; and

b. at any other location or in any other situation where a Lot / Building Site / Parcel Buffer is required pursuant to this Ordinance.

4. Except as otherwise specifically provided in this Ordinance, all Lot / Building Site / Parcel Buffers required under this Ordinance must meet the following requirements:

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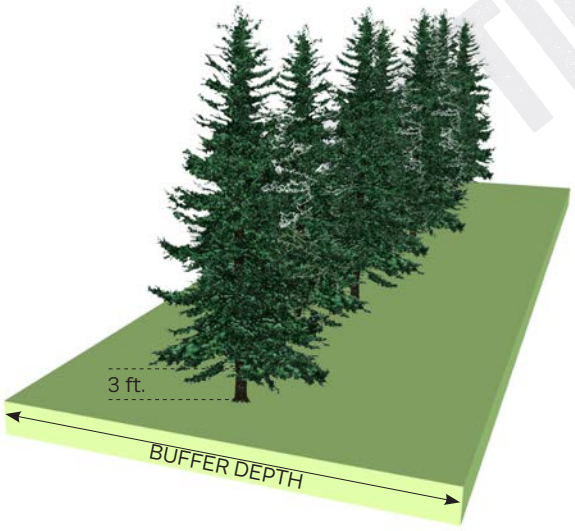
TABLE 4.3.11.H.–1 LOT / BUILDING SITE/PARCEL BUFFER

When Required	Buffer Depth	Buffer Design
CD–4C, per 4.3.11.H.3.a	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.
SD–IV, per 4.3.11.H.3.a	50 ft.	Same
Other required locations/ situations	25 ft or as othwise specified	Same

ILLUSTRATION 4.3.11.H–2 BUFFER



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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–K (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–K (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.3, Section 4.3.12.B.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.

4. The number of spaces of Parking available to a Lot or Building Site must not be less than, nor more than, 30% of the required 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. If Parking provided exceeds 5% of Parking required, pervious surface shall be 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
AGRICULTURAL & EXTRACTIVE USES CATEGORY	
Agricultural	
Any Agricultural Use	Not Regulated
Extractive	
Any Extractive Use	Not Regulated
RESIDENTIAL USES CATEGORY	
Household Living	
Assisted Living Apartment	1 per 4 Dwelling Units + 1 per staff member
Attached Dwellings, except Two Family Dwelling & Assisted Living Apartment	1.5 per Dwelling Unit
Residence Portion of a Live/Work, Mixed-Use, or Flex Building	1.5 per Dwelling Unit
Single-Family Detached Dwellings	2 per Dwelling Unit
Two Family Dwellings	2 per Dwelling Unit
Group Living	
Any Group Living Use	.5 per resident + 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
Club or Lodge (Civic)	1 per 1,000 square feet of total Usable Floor Area
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
Place of Assembly or Religious Facility, including Place of Worship	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

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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 Facilities (Civic)	
All Day Care Facilities (Civic)	1 per employee + 1 per 10 clients accommodated
Civic Building or Civic Space	
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	1 per 5,000 square feet of gross land 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 Home / Funeral Services	1 per full time employee + 1 per 40 square feet of public Usable Floor Area
EMT / Fire / or Police Station	Not Regulated
EDUCATION 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
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

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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
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	
Hospital, Rehabilitation Facility, or Facility for Observation	.50 per bed
Long Term Care	
Long Term Care Facility or Continuum of Care Facility	1 per 4 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	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
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 Facility or Family Day Care Facility	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
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 Athletic Training 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

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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
Movie or other Theater, excluding Drive–In 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
Indoor Recreation or Entertainment 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 2 seats
Outdoor Recreation – Commercial	
Campground	1 per campsite
Firing Range, such as Rifle Range, Archery Range, Handgun Range, or Skeet Shooting	1 per customer firing stand
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	1 per 100 square feet of total Usable Floor Area
Small–scale Catering	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 / 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
Kennel	Not Regulated
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	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
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 or Veterinary Hospital for Small Animals	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 / Service / Repair / Art / Artisan 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	1 per 200 square feet of administrative space + 1 per employee work station + 2 per work bay
Motor Vehicle–Related Uses	
All Motor Vehicle – Related Uses, other than Fuel 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 Facility	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 total 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	
Clinic, Medical Office, Dental Office, or other out–patient medical or dental services	2 per patient room
All Office Uses Not Listed Under Any Other Category	1 per 200 square feet of total Usable Floor Area
INDUSTRIAL USES CATEGORY	
Heavy Industrial	
All Heavy Industrial Uses	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
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
Building Systems / Construction Business / 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
Catering Service or Catering Events Establishment	1 per 500 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
Crematorium	1 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
Horticulture & Landscaping Services	.50 space 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
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
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
Recycling Collection	1 per collection container
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
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
UTILITIES USES CATEGORY	
All Utilities Uses	Not Regulated

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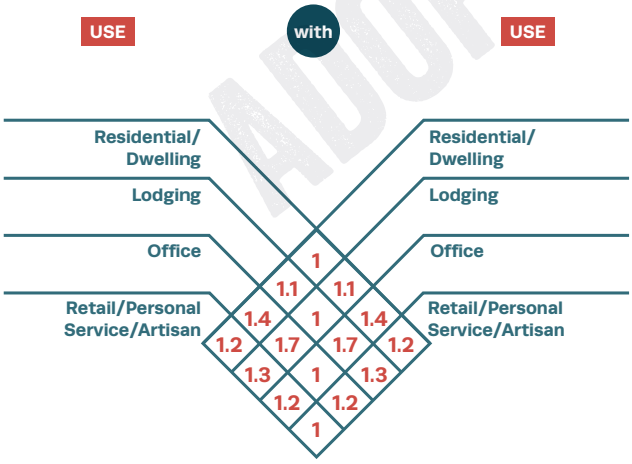
TABLE 4.3.12.B–1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
OTHER USES CATEGORY	
Adult Entertainment	1 per 200 square feet of Usable Floor Area but no fewer than 2 spaces
Correctional Facilities	1 per employee and 1 per 20 inmates

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.

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.

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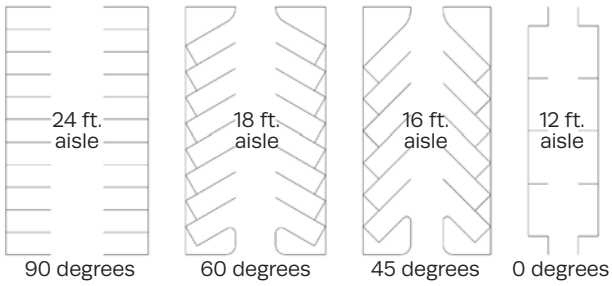
C. Design.

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)**:

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') wide for two–way traffic and ten feet (10') wide for one–way traffic.

5. Curbs must be made of granite or concrete at heights between six inches (6") and eight inches (8") above the elevation of the Thoroughfare and must be at least six inches (6") wide.

6. Curb cuts must be at least twenty feet (20') wide for two–way access and ten feet (10') 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 Town Engineering Department.

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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-K (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 Town street from a Driveway shall have a concrete Driveway apron as approved by the Town 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.

e. Rows of parking fronting on drive aisles including alleys shall be provided with a minimum five feet (5') (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') 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') 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

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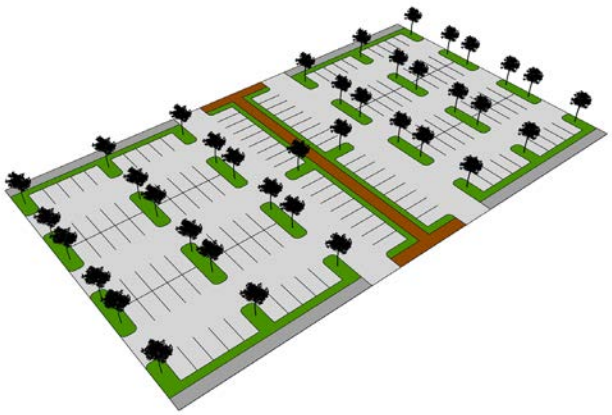
or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight feet (8') that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

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–K (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 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.

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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 Town 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 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 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 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-K (District Standards)**.

9. For Residential Uses other than Multifamily, Driveways shall not be located within five (5) 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, Building Site Line, 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 Section 4.3.12.E.10.

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-K (District Standards)**, except for underground Parking accommodations.

F. Parking Restrictions.

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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–K (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, i.e. 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.

G. Drive–In & Drive–Through Locations & Standards.

1. Any Drive–In or 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–K (District Standards)**. See **Illustration 4.3.12.G (Drive–In or Drive–Through)**.

ILLUSTRATION 4.3.12.G DRIVE–IN OR DRIVE–THROUGH

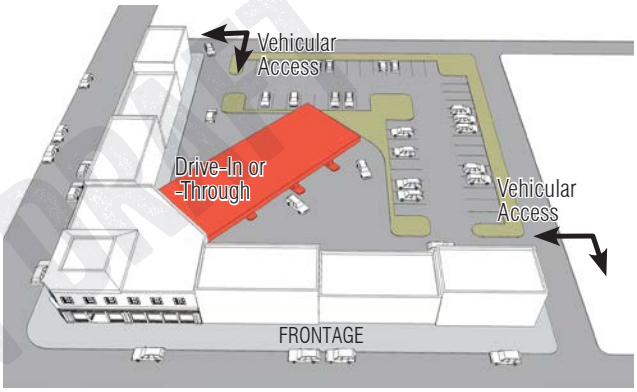

Illustration is provided for illustrative purposes only.

2. Any Drive–In or 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:

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TABLE 4.3.12.H (STACKING SPACES)

Activity Type	Min. # Stacking Spaces*	Measured From
Automated teller machine	4	Machine
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
Other Drive-Through	3	Window
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.

d. Stacking spaces shall be separated from other drive aisles, Driveways, or Internal Drives by raised medians, if deemed necessary by the Town 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 USES	
Multifamily dwellings	1 space per Dwelling Unit
ACCOMMODATION / LODGING USES	
All Uses	1 space per 10 guest rooms
EDUCATIONAL, INSTITUTIONAL, OR CIVIC USES	
All Uses	1 space per 5,000 sq. ft. gross floor area
COMMERCIAL 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
USES NOT LISTED IN THIS TABLE	
All Uses	None required
PUBLIC OR PRIVATE PARKING LOTS & PARKING STRUCTURES	
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–K (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	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, or 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, and CD–5,, 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–K (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 Town 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 Town 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-K (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-K (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

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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.

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-K (District Standards)**.

D. Service Areas.

1. Service areas shall be located as required in **Tables 4.3.1-A – 4.3.1-K (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. 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-K (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-K (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.

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3. Any required plantings that are dead or diseased plantings shall be removed and replaced with plants meeting all requirements of this Ordinance.

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 Town with the right to recover the cost of enforcement, including reasonable attorney fees. The Town 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, or CD-3, 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

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TABLE 4.3.16.D–1 (NATIVE PLANTS OF THE TENNESSEE VALLEY)

Common Name	Botanical Name
Black Walnut	Juglans nigra
River Birch	Betula nigra
Blackgum	Nyssa sylvatica
Sassafras	Sassafras albidum
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 Town 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 Town 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 twelve (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 Districts CD-4, CD-4V, CD-4C, CD-5, and SD-IV 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 6.8.

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. Light Poles & Fixtures.

Outdoor light poles and fixtures shall comply with the following:

1. Table 4.3.17.B.1 (Private Lighting Types).

2. Lighting standards shall be no higher than 30 feet in Non-Residential Parking Areas and Parking Lots or 15 feet in other areas.

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3. 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.

4. All lighting fixtures shall be full cut-off.

5. 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.

6. Any fixtures used to accent architectural features, landscaping, or art shall be located, aimed or shielded to minimize light spill into the night sky.

7. 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.

8. 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 (Development Parcel Standards)**.

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TABLE 4.3.17.B.1 PRIVATE LIGHTING TYPES

LIGHTING TYPE	CD-1	CD-2	CD-3L	CD-3	CD-4	CD-4C	CD-4V	CD-5	SD-IV	CV
POLE TYPES										
Fiberglass Pole	NR	NR	NP	NP	NP	NP	NP	NP	NP	NP
Aluminum Pole	NR	NR	P	P	P	P	P	P	P	P
Octagonal Concrete Pole	NR	NR	P	P	P	P	P	P	P	P
Fluted Concrete Pole	NR	NR	P	P	P	P	P	P	P	P
HEAD TYPES										
Cobra Head	NR	NR	NP	NP	NP	NP	NP	NP	NP	NP
Colonial Head	NR	NR	P	P	P	P	P	P	P	P
Coach Head	NR	NR	P	P	P	P	P	P	P	P
Acorn Head	NR	NR	P	P	P	P	P	P	P	P

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C. Illumination.

Except as otherwise provided in this Ordinance, illumination at all Building Site Lines must meet the standards of **Table 4.3.17.C (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.C (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-4V & CD-4C	0-1.0 fc
CD-5	1.0-2.0 fc
SD-IV	1.0-2.0 fc
Existing PDS & PUDs	Per approved PUD standards

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.

F. Additional Standards.

Additional lighting standards may apply within a Historic District, Historic Landmark District, or with respect to a Historic Structure.

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 Town, 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 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 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 Town.

5.1.4 Pedestrian Sheds.

A. Parcel to be Based on Pedestrian Shed.

Each Development Parcel of 10 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

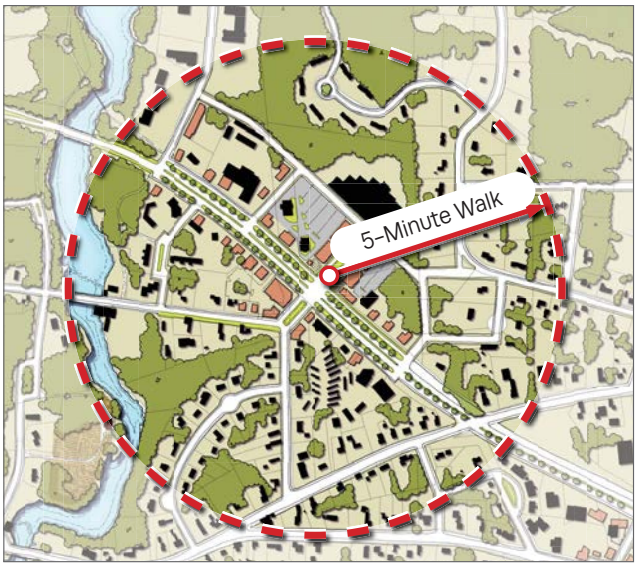

ILLUSTRATION 5.1.4.B–2 LINEAR PEDESTRIAN SHED

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 Sections 2.4.1 and 3.2. The Gross area of parcels initially zoned CD–H may be assigned only to Character Districts CD–1, CD–2, CD–3, and CD–4 in accordance with the following **Table 5.1.6 (Permitted Mix of CD –1, CD–2, CD–3, & CD–4 for Parcels Initially Zoned CD–H):**

TABLE 5.1.6 PERMITTED MIX OF CD–1, CD–2, CD–3 & CD–4 FOR PARCELS INITIALLY ZONED CD–H

District	% of Gross Area
CD–1	50% min., all of which must be permanently allocated pursuant to restrictive covenants or conservation easement
CD–2	10%–35%
CD–3	10%–35%
CD–4	5%–10%
Others	Not Permitted

5.1.7 Special Districts.

Special Districts, if any, shall be assigned according to Sections 2.4.3 and 3.3.

5.1.8 Thoroughfare / Internal Drive Network.

The Thoroughfare and Internal Drive network shall be laid out according to Section 5.2.

5.1.9 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 5.1.9 (Building Type Mix)**.

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TABLE 5.1.9 BUILDING TYPE MIX

District	Building Types	Permitted Min/Max Building Type Mix Frontage Width of Total Building Frontage Width
CD-1	--------	NP
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	60% max, provided that none may be along Nolensville Road
	Total of Live/Work, Commercial, Mixed Use & Flex	40% min
CD-4V	Total of Duplex, Townhouse, Small Multifamily & Large Multifamily	85% max, with Large Multifamily ≤ 20% of Total CD-4V Frontage width
	Total of Live/Work, Commercial, Mixed Use & Flex	15% min
CD-5 & SD-IV	Total of 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	30% min
CD-H	NA until assignment of specific CDs -1, -2, -3, & -4	Upon assignment of specific CDs, per requirements for the specified CDs, as set forth in this Table
CV	--------	NR

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5.1.10 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 5.1.10 (Principal Use Mix)**.

TABLE 5.1.10 PRINCIPAL USE MIX

District	Max Residential Use % of District Net Site Area
CD-1	Not Permitted
CD-2	Not Regulated
CD-3L	Not Regulated
CD-3	Not Regulated
CD-4	85% max
CD-4C	85% max
CD-4V	85% max
CD-5	70% max
CD-H	%s per each assigned CD-1, CD-2, CD-3, and CD-4, as set forth in this Table
SD-IV	40% max
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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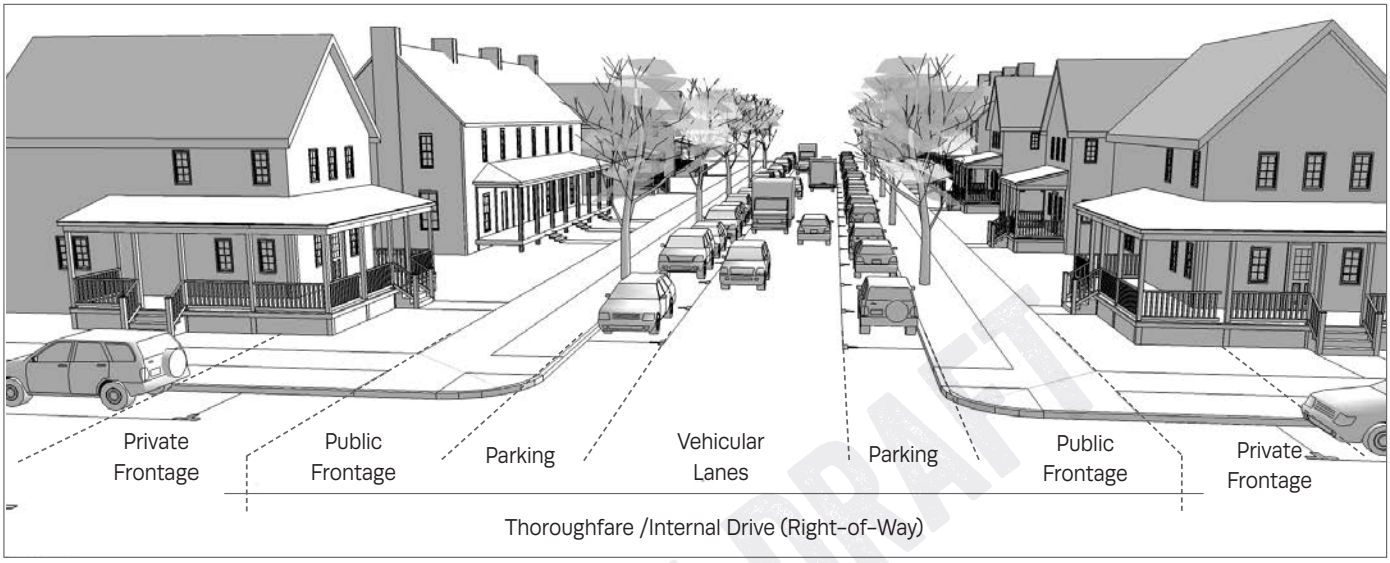
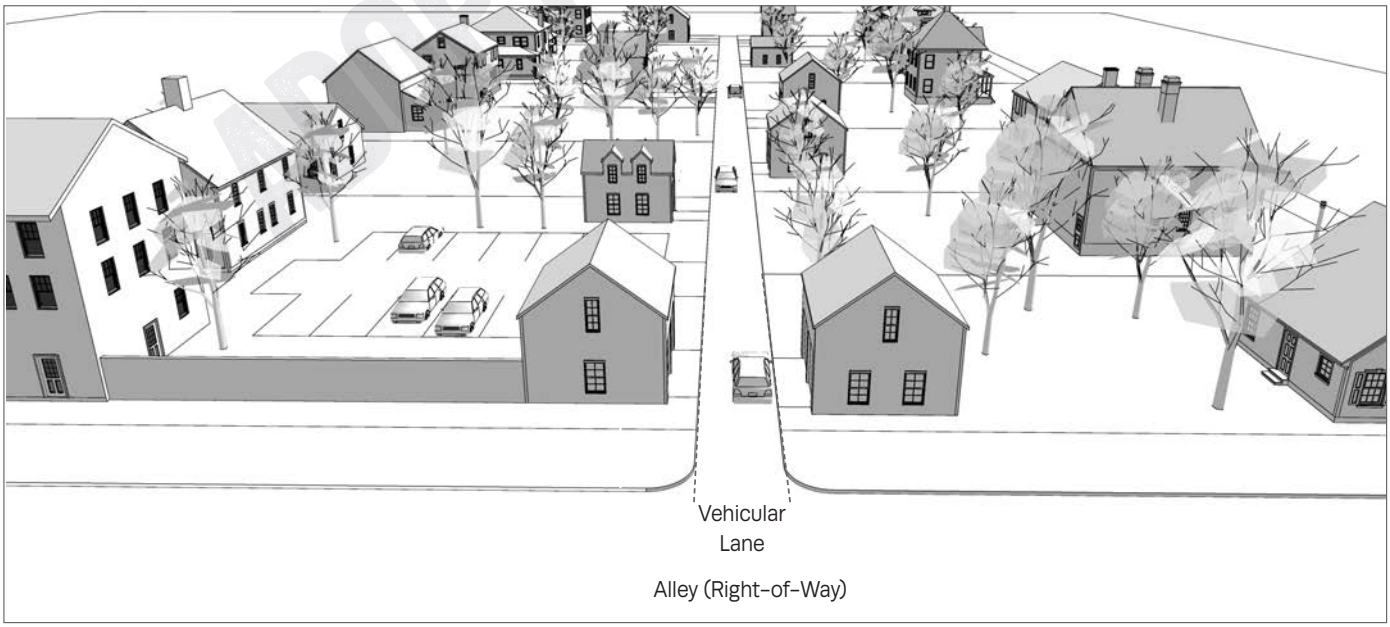
ILLUSTRATION 5.2.2.B–1 THOROUGHFARE / INTERNAL DRIVE COMPONENTS



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-1 & CD-2	Not Regulated
CD-3L	3500 ft max
CD-3	3000 ft max
CD-4 & CD-4C	2400 ft max
CD-4V	Not Regulated
CD-5	2,000 ft. max. or 3,000 ft. max. if a Parking Structure provided within Block
SD-IV & CV	Not Regulated

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.

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.F THOROUGHFARE / INTERNAL DRIVE TYPES – SUMMARY

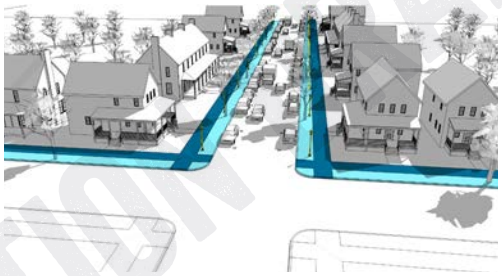
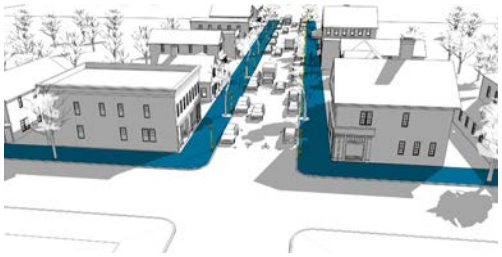
Thoroughfare / Internal Drive Type	Illustration	Permitted Districts
Road A local, rural and suburban Thoroughfare or Internal Drive of low-to-moderate vehicular speed and capacity, and having a Public Frontage that is drained by swales. There are continuous Planters and no on-street parking. The landscaping consists of clustered and irregularly spaced trees along the Thoroughfare.		CD-1 CD-2
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-3L CD-3 CD-4 CD-4C CD-4V SD-IV
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-4V CD-5 SD-IV

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TABLE 5.2.2.F THOROUGHFARE / INTERNAL DRIVE TYPES – SUMMARY

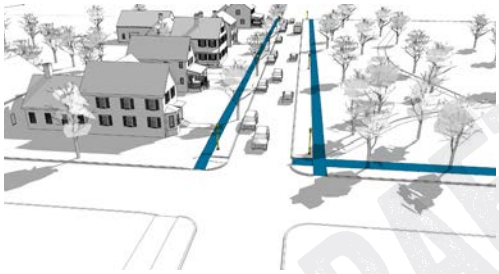
Thoroughfare / Internal Drive Type (continued)	Illustration	Permitted Districts
Drive A Thoroughfare type with Building Frontages on one side and no or very sporadic Building Frontages on the other side. Frequently, a Drive is used along a boundary between an urbanized area and a natural condition along 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 CD-4V CD-5 SD-IV

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TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
ROAD

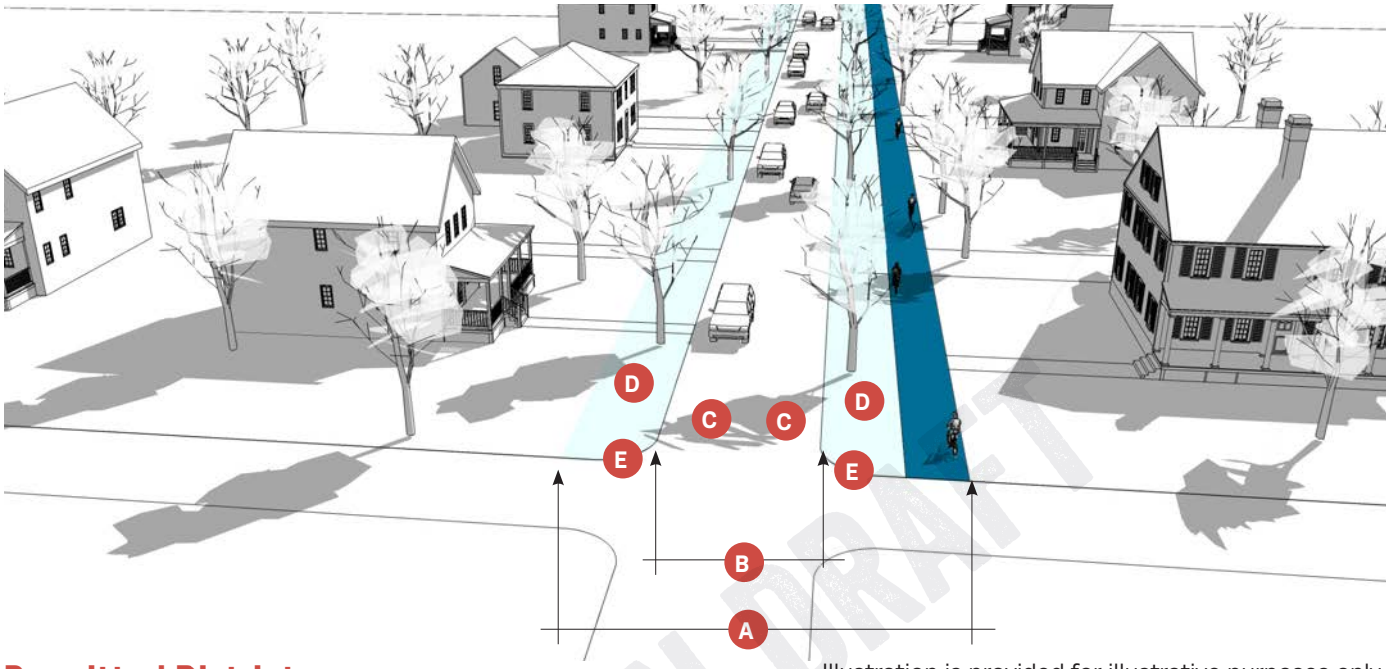

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-1 **CD-2**

Thoroughfare Type	Road	
Right of Way Width	29–31 ft	A
Pavement Width	20–22 ft	B
Movement	Slow	
MTP Type		
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*	
Walkway		
Walkway Type	None	
Walkway Width	N/A	

* 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).

Planter		
Planter Type	Continuous Swale	D
Planter Width	9 ft	
Landscape Type	Not Regulated	
Curb		
Turning Radius	25 ft	
Curb Radius	25 ft	E
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 Town Engineer.

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TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
NEIGHBORHOOD STREET

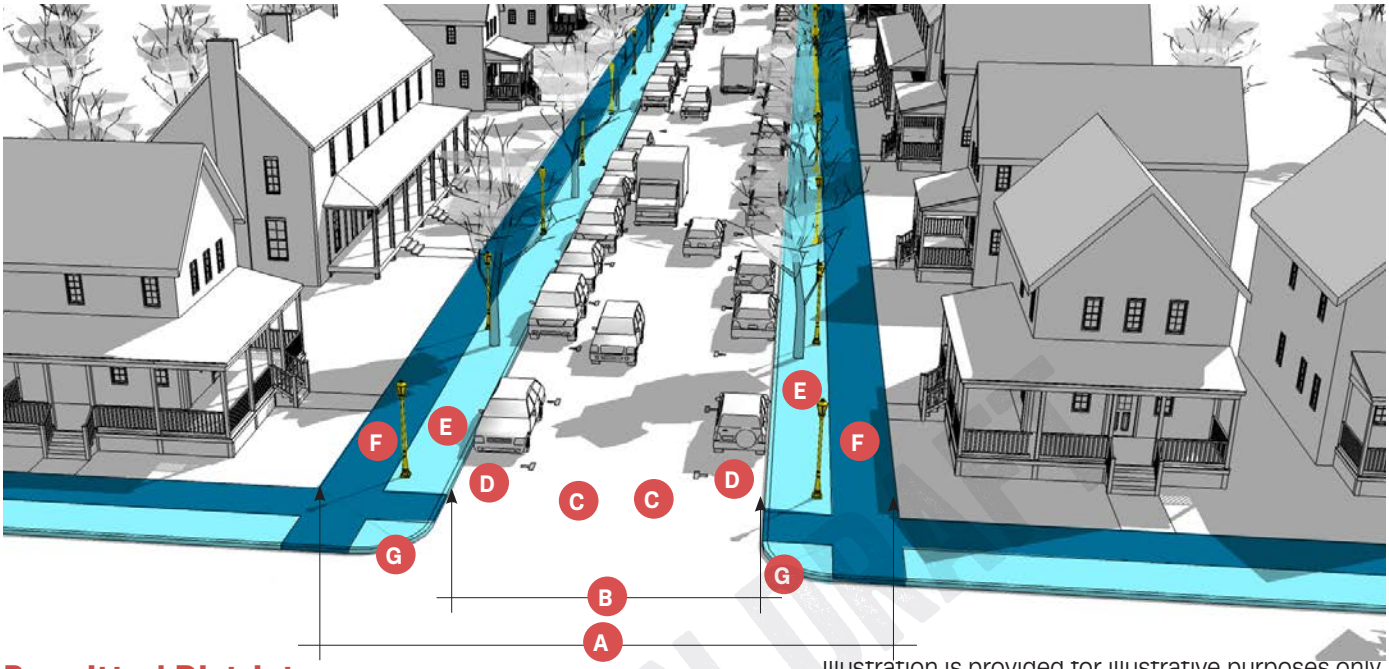

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | SD-IV

Thoroughfare Type	Neighborhood Street	
Right of Way Width	54 – 76 ft	A
Pavement Width	38 ft – 52 ft	B
Movement	Slow	
MTP Type		
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 1 or both sides	D
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	E
Walkway Width	5 – 8 ft	

Planter		
Planter Type	Continuous Planter	F
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
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the Town Engineer.

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TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
COMMERCIAL STREET

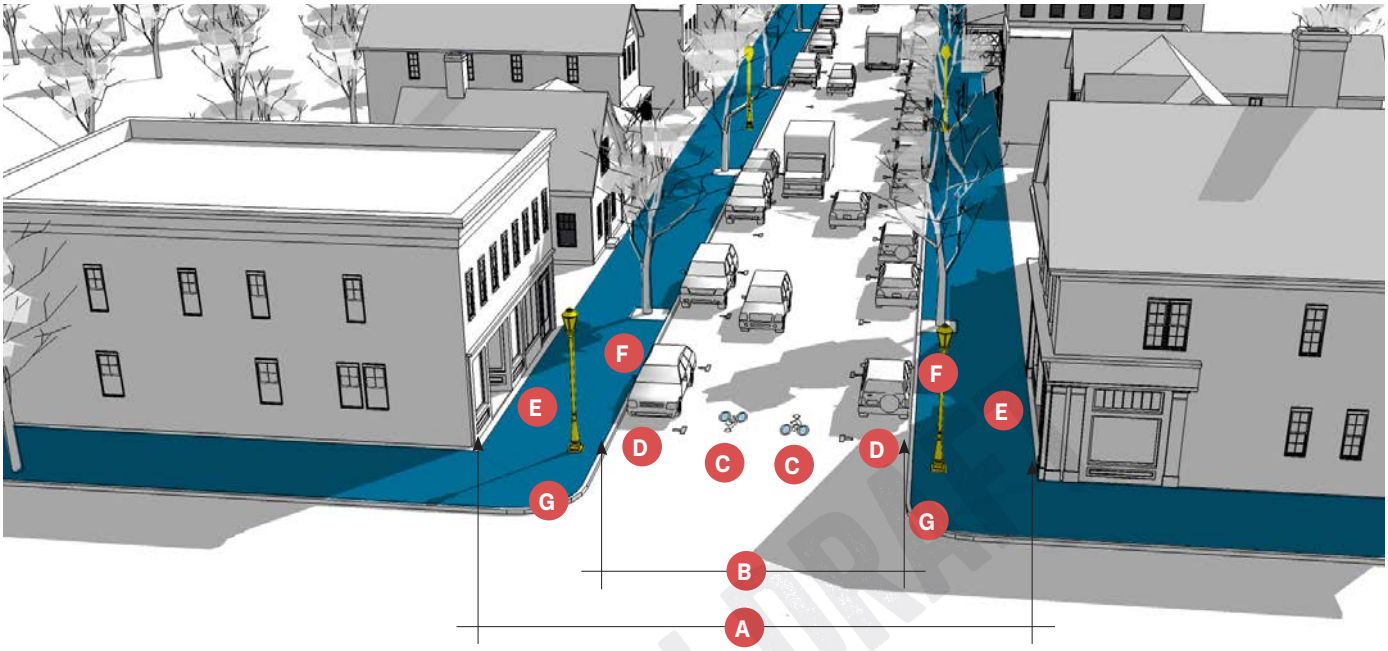

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

Thoroughfare Type	Commercial Street	
Right of Way Width	68 – 88 ft	A
Pavement Width	60 – 76 ft	B
Movement	Slow	
MTP Type		
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10 ft	
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	E
Walkway Width	12 – 20 ft	

Planter		
Planter Type	Tree Well or Planter	F
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
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the Town Engineer.

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TABLE 5.2.2.G–1 THOROUGHFARE / INTERNAL DRIVE ASSEMBLIES AND STANDARDS
DRIVE

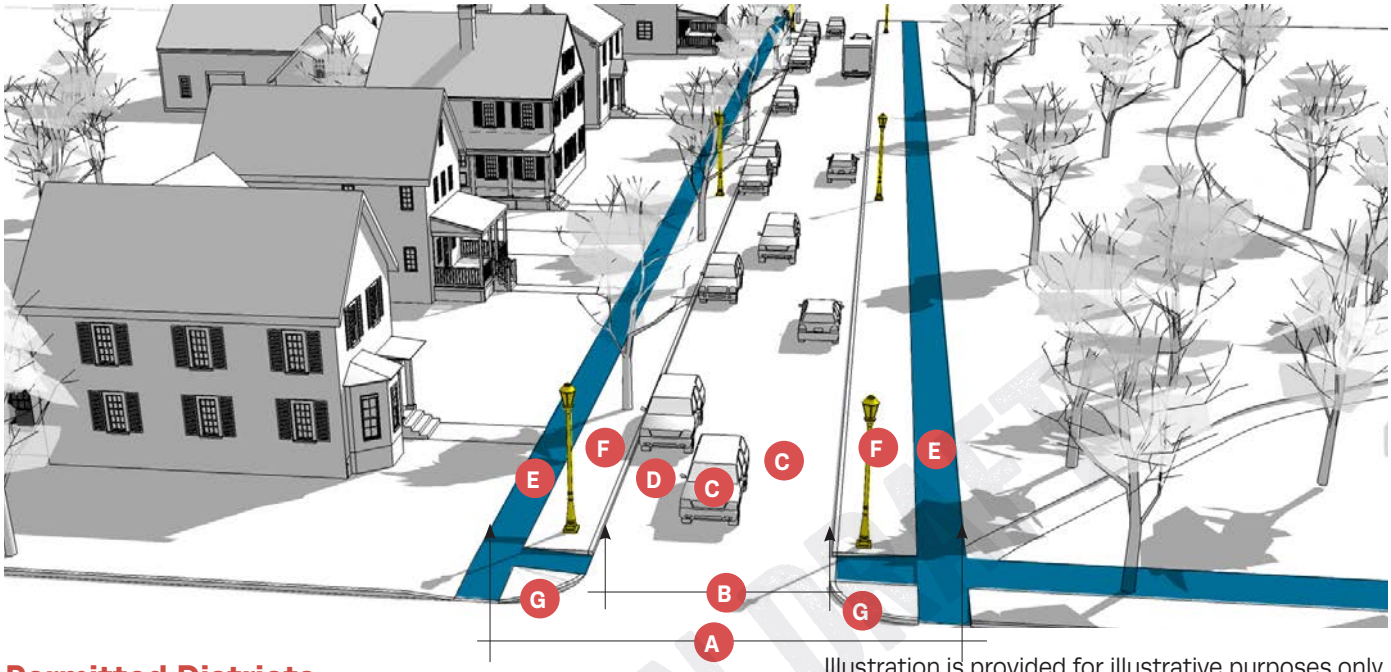

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

Thoroughfare Type	Drive	
Right of Way Width	50 – 72 ft	A
Pavement Width	34 – 48 ft	B
Movement	Slow	
MTP Type		
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	E
Walkway Width	8 – 10 ft	

Planter		
Planter Type	Continuous Planter	F
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
Lighting Type	Type and design approved by Engineering

Street specifications shall meet engineering standards and be subject to approval by the Town 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.

a. 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.

b. All new ADA crosswalks are required to include brick-colored truncated domes.

I. Sight Triangle.

At all Thoroughfare and Internal Drive intersections, the visibility standard of Section 4.3.3.G 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 Drive Access Easement.

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

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-1 | CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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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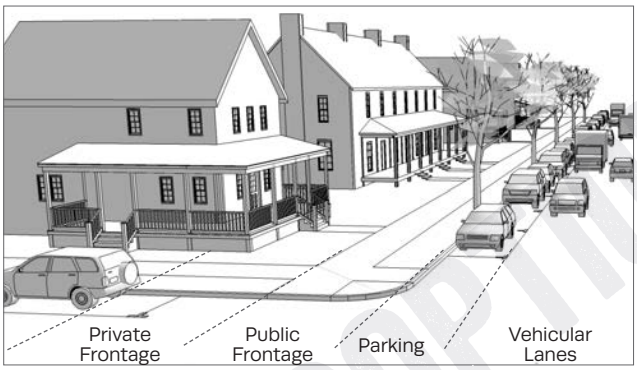
5.2.3 Public Frontages.

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 Town Engineer and the standards and requirements set forth in **Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies and Standards)** are required.

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 10 acres or more.

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TABLE 5.2.4.B BIKEWAY TYPES

Bicycle Lane

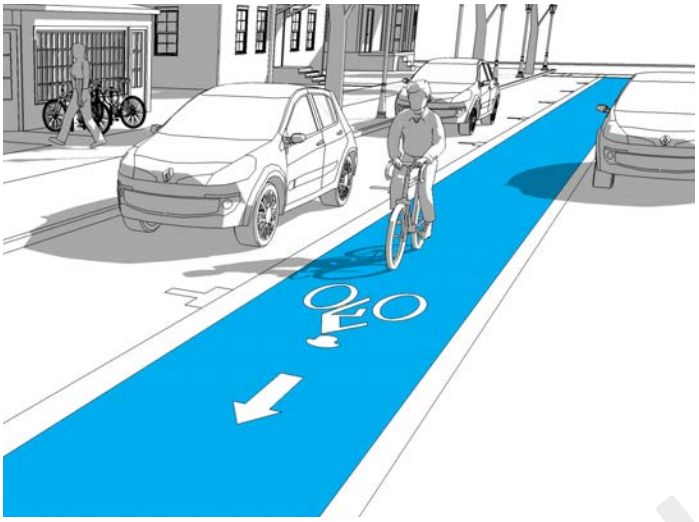

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-1 | CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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

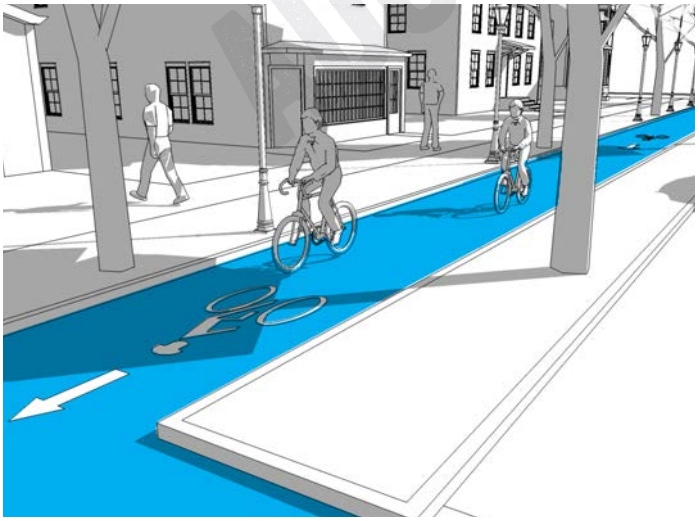

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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

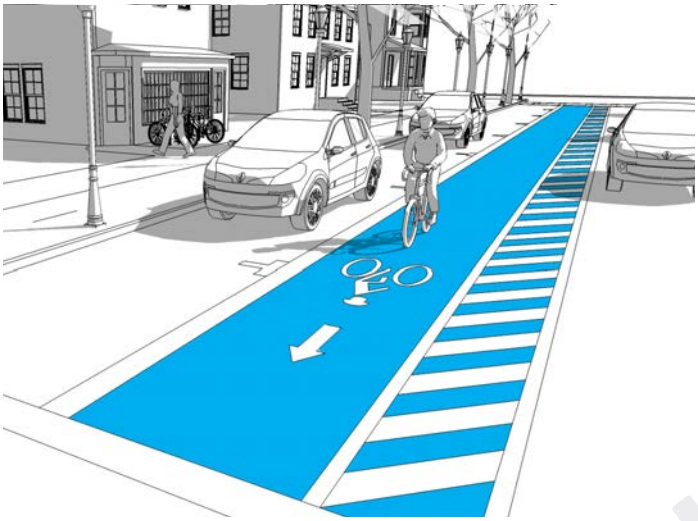

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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

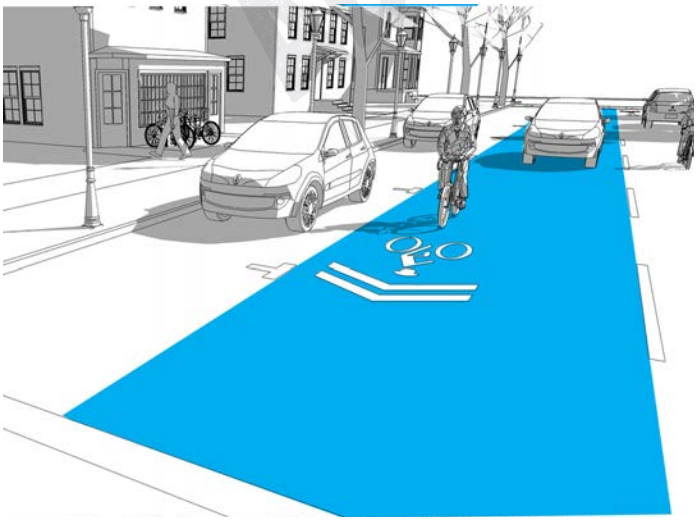

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

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

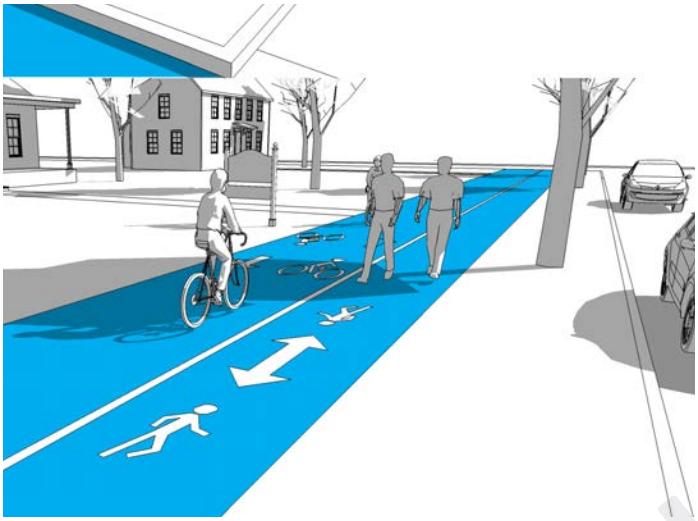

Illustration is provided for illustrative purposes only.

Permitted Districts

CD-1 | CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV

Riding Surface Width	Limit to 1 bi-directional Bikeway per Right of Way; 10 ft. min.; or 1 uni-directional Bikeway on path on each side permitted
Buffer	3 ft min., if Buffer is between pavement surface and Bike Lane; if Buffer is the planting strip, then Character District minimums for tree planting width apply
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.

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5.2.5 Public Lighting.

A. Public Frontage.

Lighting shall be provided within the Public Frontage of all Thoroughfares and Internal Drives, in accordance with **Table 5.2.2.F (Thoroughfare & Internal Drive Types – Summary)** and **Table 5.2.2.G–1 (Thoroughfare & Internal Drive Assemblies & Standards)**. All such lighting shall comply with **Table 5.2.5.C (Public Lighting Types)** and **Table 5.2.5.D (Public Lighting Standards)**.

B. Parking & Pedestrian Accommodations; Civic Spaces.

Lighting shall be provided and in all public Parking Areas, Parking Lots, Parking Structures, and Civic Spaces. Additionally, lighting shall be provided along all pedestrian accommodations not included within a Public Frontage. All such lighting shall comply with and **Table 5.2.5.C (Public Lighting Types)** and **Table 5.2.5.D (Public Lighting Standards)**.

C. Light Poles & Fixtures.

Outdoor light poles and fixtures shall comply with the following:

1. **Table 5.2.5.C (Public Lighting Types)**.

2. Lighting standards shall be no higher than 30 feet in Non–Residential Parking Areas and Parking Lots or 15 feet in other areas.

3. 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.

4. All lighting fixtures shall be full cut–off.

5. 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.

6. Any fixtures used to accent architectural features, landscaping, or art shall be located, aimed or shielded to minimize light spill into the night sky.

7. 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.

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TABLE 5.2.5.C PUBLIC LIGHTING TYPES

LIGHTING TYPE		CD–1	CD–2	CD–3L & –3	CD–4, –4C, & –4V	CD–5	SD–IV	CV
Cobra Head		NR	NR	NP	NP	NP	NP	NA
Pipe		NR	NR	P	NP	NP	NP	NA
Post		NR	NR	P	P	NP	P	NA
Column		NR	NR	P	P	P	P	NA
Double Column		NR	NR	NP	P	P	P	NA

LEGEND
The following notations are utilized in this table.

P Permitted | NP Not Permitted | NR Not Regulated

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D. Illumination.

Except as otherwise provided in this Ordinance, illumination at all Building Site Lines must meet the standards of **Table 4.3.17.C (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, Parking Structures and Civic Spaces.

TABLE 5.2.5.D (PUBLIC 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-4V & CD-4C	0-1.0 fc
CD-5	1.0-2.0 fc
SD-IV	1.0-2.0 fc
Existing PDs & PUDs	Per approved PD or PUD standards

E. Building Spotlights.

Spotlights on Buildings shall not be used to meet the lighting requirements of this Ordinance.

F. 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.

G. Additional Standards.

Additional lighting standards may apply within a Historic District, Historic Landmark District, or with respect to a Historic Structure.

5.2.6 Public Planting.

A. Public Frontage.

Public Planting shall be provided within the Public Frontage of Thoroughfares and Internal Drives accordance with **Table 5.2.2.F (Thoroughfare & Internal Drive Types - Summary)**, **Table 5.2.2.G-1 (Thoroughfare & Internal Drive Assemblies & Standards)**, **Table 5.2.6 (Public Planting)** and **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley)**.

B. Civic Space.

Public planting shall be provided within Civic Spaces in accordance with **Table 5.2.6 (Public Planting)** and **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley).**

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TABLE 5.2.6 PUBLIC PLANTING

TREE SHAPE		CD–1	CD–2	CD–3L & –3	CD–4, –4C, & –4V	CD–5	SD–IV	CV
Columnar		NR	P	P	P	P	P	P
Oval		NR	P	P	P	P	P	P
Rounded / Ball		NR	P	P	P	P	P	P
Conical / Pyramid		NR	P	P	P	NP, except in Civic Space or Open Space	P	NP, except in Civic Space or Open Space
Spreading / Umbrella		NR	P	P	P	NP, except in Civic Space or Open Space	P	NP, except in Civic Space or Open Space
Vase		NR	P	P	P	NP, except in Civic Space or Open Space	P	NP, except in Civic Space or Open Space

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

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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 10 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–K (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 if not Adjacent to any such District, as indicated for the closest non–Adjacent District.

5.3.3 Civic Spaces Required.

Each Development Parcel of 10 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)** within 800 feet of every Lot or Building Site in Residential Use in all Districts except CD–2; 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.

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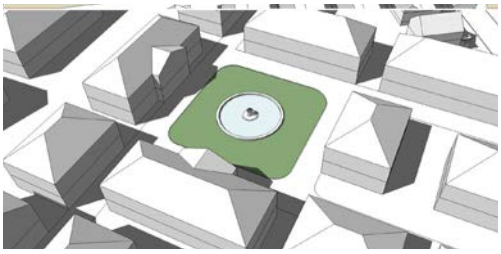
TABLE 5.3.3–A CIVIC SPACE TYPES – SUMMARY

Civic Space Type	Illustration	Permitted In / Adjacent to Districts
Park A natural area available for unstructured recreation. A Park may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks 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 CD-4V CD-5 SD-IV CV
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-1 CD-2 CD-3L CD-3 CD-4 CD-4C CD-4V CD-5 SD-IV CV
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-4V CD-5 SD-IV CV
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-4V CD-5 SD-IV CV

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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-4V CD-5 SD-IV CV
Sport Field or Court An open area designed and equipped for team sports activities.		CD-3L CD-3 CD-4 SD-IV CV
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-4V CD-5 SD-IV CV
Pocket Park A small predominantly green open area available for unstructured Passive Recreation.		CD-2 CD-3L CD-3 CD-4 CD-4C CD-4V CD-5 SD-IV CV

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TABLE 5.3.3–B CIVIC SPACE – SPECIFIC STANDARDS

Park

Permitted In / Adjacent to:

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | CV

Intent

A natural area available for unstructured recreation. A Park may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks 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-1 | CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | CV

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-4V | CD-5 | SD-IV | CV

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.

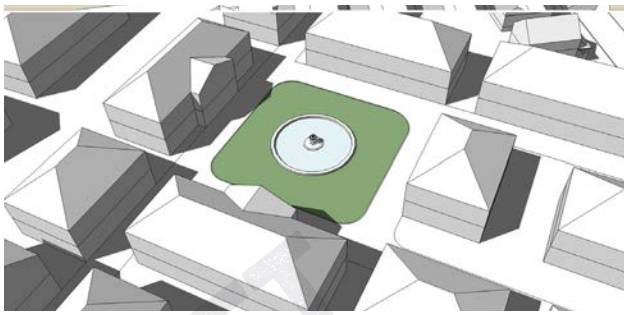
Specifications

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-4V | CD-5 | SD-IV | CV

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-4V | CD-5 | SD-IV | CV

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-3L | CD-3 | CD-4 | SD-IV | CV

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-4V | CD-5 | SD-IV | CV

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-4V | CD-5 | SD-IV | CV

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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5.3.4 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 Ownership & Maintenance of Civic Buildings & Civic Space.

Civic Buildings and Civic Space shall be owned and maintained by a property owners' association organized under the laws of the State, unless specifically dedicated to and accepted by the Town.

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.

Certified copies of the organizational documents and by-laws of the association shall be provided to the Town.

The following provisions shall apply:

1. The property owners' association shall be responsible for liability insurance, any applicable local taxes, and maintenance for the open space, including recreational and other facilities, for a period of not less than forty (40) years.

2. The property owners' association shall not dispose of any designated Civic Building or Civic Space, by sale or otherwise, except to an organization conceived and established to own and maintain the Civic Building or Civic Space and approved by the Planning Commission. The conditions of any transfer shall conform to the approved Development Plan.

The property owners' association shall not be dissolved, except upon disposal of the designated Civic Building or Civic Space as provided for in this Section 5.3.6.

SECTION 5.4 DISTRICT DENSITY.

A. Density Calculations.

Any proposed Development Parcel Plan having an aggregate area of 10 gross acres or more, excluding any Special Districts, shall require compliance with the following District Density provisions:

1. Density shall be expressed in terms of Density Units per acre of Gross area of each District, as specified for the area of each District within the applicable Development Parcel by **Table 5.4.A–1 (District Density)**.

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TABLE 5.4.A–1 DISTRICT DENSITY

District	Density Units/ Gross Area of District
CD–1	Not Regulated
CD–2	1.1 units per 1 acre
CD–3L	2 units per 1 acre
CD–3	4 units per 1 acre
CD–4	12 units per 1 acre
CD–4C	8 units per 1 acre
CD–4V	4 units per 1 acre
CD–5	24 units per 1 acre
SD–IV	4 units per 1 acre
CV	Not Regulated

TABLE 5.4.A–2 DENSITY EQUIVALENCIES
The following quantities of Principal Uses are equivalent to the indicated number of Density Units

Principal Use	Number of Density Units
1 Residential – Household Living Dwelling Unit	1 Density Unit
Residential – Group Living – Each Bedroom	.5 Density Unit
Accessory Dwelling	0 Density Unit

B. Maximum District Density.

1. The Maximum Density per Character District of a Development Parcel having in the aggregate an area of 10 gross acres or more, shall not exceed that set forth in **Table 5.4.A–1 (District Density)**.

2. The Maximum Density per Special District of a Development Parcel having in the aggregate an area of 10 gross acres or more shall not exceed that set forth in **Table 5.4.A–1 (District Density)**.

SECTION 5.5 DISTRICT DESIGNATION.

All Districts within a Development Parcel shall be designated on the applicable Development Plan.

SECTION 5.6 SPECIAL DISTRICTS.

Special Districts shall be assigned and governed 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.

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 5.8, 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.

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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.

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 5.8.8 (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-4V, or CD-5, or Civic District.

TABLE 5.8.8 PROJECT BUFFERS

District of New Development	Buffer Depth	Design Plants / 100 Linear Feet
SD-IV	75′	20 Canopy Trees ≥ 50% evergreen, 10 Understory Trees ≥ 50% evergreen, & 120 Shrubs ≥ 75% evergreen

5.8.9 Design.

A. Plant Materials.

A Project Buffer shall be designed and comprised of the plant materials indicated in **Table 5.8.8 (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. Credit for Existing Vegetation.

Existing vegetation within a Project Buffer, which meets the requirements of **Table 5.8.8 (Project Buffers)** and Section 5.8.9.G and is not described in Section 5.8.9.F shall be credited toward the Project Buffer requirement.

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E. 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.

F. 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.

G. 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.

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

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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 5.2.5.

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 Town, 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 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 Town may, but shall not be obligated to, and after reasonable notice and a demand that deficiency of maintenance be corrected, enter the

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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 Relief.

A. Administrative Adjustment.

The Project Buffer requirement may be modified by Administrative Adjustment from 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 5.8.14.B.

B. Criteria.

The criteria for relief under Section 5.8.14.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 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 PROTECTION.

Trees shall be protected in accordance with Section 6.8.

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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 Town Subdivision Regulations and the Town Municipal Code.

SECTION 6.2 STREETSCAPE REPAIRS, REPLACEMENTS & IMPROVEMENTS.

6.2.1 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)**.

6.2.2 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.

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 6.2, 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.

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5. Each Streetscape repair, replacement or Improvement made pursuant to this Section 6.2 must comply with the rules, regulations, and requirements of the Town 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 Town.

SECTION 6.3 FIRE SAFETY.

Any Multifamily, Mixed-Use, or Non-Residential Use Development shall be reviewed by the Fire Marshal, who shall make a recommendation to the Decision-Making Authority for the Development Plan.

SECTION 6.4 TRAFFIC CIRCULATION.

6.4.1 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.

6.4.2 Vehicular Circulation Plan.

Portions of the 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 Town Engineer for review, and no Plan for a Development Parcel shall be approved without consideration of the recommendations of the Town Engineer. Additional conditions and safeguards on such matters may be included by the Decision-Making Authority.

6.4.3 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. Wherever feasible, the distance between access shall not fall below 200 feet. Parallel access or reverse frontage roads shall be encouraged to increase the distance between intersections to 400 feet wherever possible.

SECTION 6.5 TRAFFIC IMPACT STUDIES.

The purpose of a traffic impact study shall be to identify what on-site or off-site improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widening.

6.5.1 Traffic Impact Study Required.

A traffic study shall be required by the Planning Commission for any proposed Plan or Plat which contains:

1. Residential developments with more than 50 Dwelling Units;

2. Non-Residential developments of more than 30,000 square feet of gross Floor Area; or

3. Aggregate Uses within the Development that would be expected to generate 500 vehicle trips or more per day, or 50 or more peak hour trips per day.

6.5.2 Study Requirements.

A traffic study shall contain analysis of each access point that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements and private driveways. The Planning Commission may also require the study to analyze any off-site traffic impacts generated by the proposed development. The Zoning Administrator will determine the extent of the study. If the development is to be phased, the sequence and timing of a development shall be incorporated into the traffic impact study. For projects, which include multiple phases and/or multiple Buildings, the Planning Commission shall certify the

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scheduling of improvements through the approval process. If no phasing is identified in the approved traffic impact study, all study recommendations shall be satisfied at the initial stage of development.

6.5.3 Waiver of Traffic Impact Study.

A traffic study may be waived in cases where the Applicant and Planning Commission agree on the nature and scope of the Applicant's responsibilities for mitigating the impacts of traffic generated by the development.

6.5.4 Approval of Traffic Impact Study.

The traffic impact study shall be approved by the Planning Commission, with all applicable requirements incorporated into any site, subdivision and building plans.

6.5.5 Implementation of a Traffic Impact Study.

The traffic impact study may take into account any improvements which have been funded and scheduled for construction. Any required traffic improvements which have not been funded or otherwise completed by the Town shall be completed by the developer within the time frame of conditions as established by the Planning Commission. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Planning Commission may require a pro-rata contribution. Zoning Administrator will certify that all traffic improvements to be provided by the developer of property owner have been completed before a Certificate of Occupancy shall be issued.

SECTION 6.6 UNDERGROUND UTILITIES.

All Utilities, such as cable television, electrical (excluding transformers), and telephone lines in new Development, must be placed underground except in CD-2. In the event that the Town or any public Utility elects, at its own expense, to install underground Utilities along or adjoining any street, then, upon the Plan or Plat review of the property in question, the Town, may require, as a condition of approval, the payment of an assessment by the property owner(s) (or Performance Guarantee with adequate surety established) representing the additional cost of extending the service to the property in question.

SECTION 6.7 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 6.8 TREE PROTECTION.

6.8.1 Exemptions.

The following Tree Removal activities are exempt from this Section 6.8:

1. The tree proposed for removal is located:

   a. on a Single-Family Detached Residential Lot or Building Site of one (1) acre or less; or

   b. on a Lot or Building Site in Districts CD-5 or CV;

2. Removal of trees that are determined to be unhealthy by the Zoning Administrator or with written verification of the tree's condition as dead, dying, or structurally unsound as prepared by a certified arborist;

3. Removal of trees that are determined by the Zoning Administrator to be nuisance trees or a threat to an existing Structure, underground Utility, or public safety;

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4. Removal of trees that encroach into established utility easements;

5. Removal of trees that will result in damage to utilities or Structures from tree roots;

6. Removal of trees listed in the current edition of Invasive Exotic Pest Plants, published by the Tennessee Exotic Pest Plant Council;

7. Removal of trees on Town-owned land or within public right-of-way by the Town or its authorized agent;

8. Removal of a tree is necessary to access the site and no alternative exists for relocating such access, as determined by the Zoning Administrator;

9. The Zoning Administrator makes an exception for removal of a tree or trees in extraordinary circumstances, such as weather-related emergencies, natural disasters, or similar occurrences.

6.8.2 Tree Removal.

Existing trees on a Lot or Building Site or Development site shall not be removed or disturbed unless:

1. Trees are removed in accordance with an approved Development Plan, site plan, Preliminary Plat, Building Permit, or grading permit that meets Sections 6.8.4 and 6.8.5; or

2. Trees are removed in accordance with an approved Tree Removal Permit that meets Section 6.8.9, Tree Removal Permits.

6.8.3 Tree Preservation Plan.

As part of any Application required for a Development Plan, site plan, or Preliminary Plat, the Applicant shall submit a Tree Preservation Plan with the following information:

1. The Lot or Building Site lines associated with the proposed development;

2. A recent aerial photograph with date photograph was taken;

3. The location and extent of the existing on site tree canopy, including an estimate of the total percentage of the parcels covered by the existing on-site tree canopy;

4. The exact location, health, and size of all Specimen Trees; however, in the instances of large established tree stands, the Zoning Administrator may accept an approximation of the location, health, and size of Specimen Trees if the trees are not being counted towards landscape requirements, or if the trees are located within a designated Tree Save Area; and

5. The minimum tree canopy retention requirement.

6.8.4 Protection of Tree Canopy.

1. Tree Removal activities associated with Agricultural Uses are exempt from this Section 6.8.4.

2. A percentage of the existing tree canopy shall be retained on a Development or construction site in accordance with Table 6.8.4 (Tree Canopy Cover Retention) below:

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TABLE 6.8.4 TREE CANOPY COVER RETENTION

Existing Tree Canopy Cover (as % of Total Development, Lot or Building Site Size)	Minimum Tree Canopy Retention by Zoning District (as % of Total Tree Canopy Cover) [1] [2]		
	CD-2 CD-3L CD-3 CD-4 [3] CD-4V [3] CD-4C [3]	CD-4 [4] CD-4V [4] CD-4C [4]	SD-IV[4]
80% - 100%	30%	15%	10%
60% - 79%	36%	18%	11%
40% - 59%	45%	22%	12%
20% - 39%	48%	24%	13%
19% - less	54%	26%	14%

[1] Additional tree canopy retention may be required under other provisions of this Ordinance.
[2] CD-5 and CV do not have a minimum tree canopy retention requirement.
[3] Residential portion of Development or construction in noted Districts.
[4] Non-Residential portion of Development or construction in noted Districts.

3. Designation of Tree Save Areas.

a. The minimum tree canopy to be retained within a construction or Development site shall be located within designated Tree Save Areas, which shall include the areas occupied by the Critical Root Zones of all healthy trees being retained in accordance with this Section 6.8.4.

b. The location of Tree Save Areas shall be based on the presence of any one or more of the following:

(1) Woodland forest;

(2) Established tree stands;

(3) Tree rows; or

(4) Specimen Trees.

c. Tree Save Areas shall be depicted as an open space, conservation easement, or Civic Space on the applicable Development Plan, site plan, or Preliminary Plat, and recorded on the Final Plat, as applicable.

d. Each single-family residential Lot or Building Site with Tree Save Areas shall be identified on the applicable Development Plan, site plan, or Preliminary Plat, and shall be platted on the Final Plat, if applicable.

4. Tree Save Area Priorities. Consideration shall be given to the following when determining locations for Tree Save Areas:

a. Woodland forests greater than five acres;

b. Riparian buffers or natural drainage courses;

c. Land with naturally occurring slopes of 20 percent or greater;

d. Habitat used by endangered or threatened species;

e. Scenic corridors and viewsheds;

f. Areas that could serve to extend existing greenways, trails, Parks, or Recreation Areas; and

g. Areas needed for Buffers.

5. Removal of Trees in Tree Save Areas. The removal, damage, or destruction of trees within a Tree Save Area shall be a violation of this Ordinance and require mitigation in accordance with the following standards:

a. Any tree that is damaged or removed from the Tree Save Area shall be replaced at a rate of two caliper inches per one caliper inch removed, with each replacement tree having a minimum diameter of two caliper inches. If the total caliper inches removed cannot be determined, the area subject to Tree Removal shall be replanted at the rate of 80 trees per acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.

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b. Replacement trees for trees removed from the Tree Save Area shall be planted in the Tree Save Area or, in cases where adequate room is not available, planted elsewhere on the Lot or Building Site or Development site. In cases where adequate room on the Lot or Building Site or Development site is not available as determined by the Development Review Committee, mitigation may take the form of payment to the Town tree bank, pursuant to Subsection 6.8.8.

c. Following notice of violation from the Zoning Administrator related to this Section 6.8, no Decision-Making Authority shall review or approve any application for the site from the date of the violation until:

(1) A replacement plan has been approved by the Zoning Administrator and a Performance Guarantee for the associated replacement has been established in accordance with Section 1.26; or

(2) Payment has been made to the Town's tree bank in-lieu of providing some or all of the required replacement trees.

6.8.5 Protection of Specimen Trees.

A. General Protections.

1. Specimen Trees shall not be cut, removed, pushed over, killed, or otherwise harmed, except as exempted and allowed by Section 6.8.1.

2. The area within the Critical Root Zone, known as the Tree Protection Zone, of any Specimen Tree shall not be subject to any disturbance unless the disturbance is based on an ISA certified arborist report stating that the proposed construction shall cause no harm to the tree and is approved by the Zoning Administrator.

B. Designation on Plans and Plats.

Each single-family Residential Lot or Building Site with Specimen Trees shall be identified on each Development Plan, and site plan and Final Plat, if applicable, noting that there is a Specimen Tree on such Lot or Building Site, which must be preserved and cannot be removed.

C. Removal and Replacement of Specimen Trees.

The removal, damage, or destruction of Specimen Trees shall be a violation of this Ordinance and require mitigation in accordance with the following standards:

1. Two caliper inches of replacement trees shall be provided for each caliper inch of Specimen Tree removed. Each replacement tree shall be a minimum of two and a half caliper inches, and shall either be replanted within 12 months of the removal of the Specimen Tree, or within a timeframe approved by the Zoning Administrator. Performance Guarantees for the associated replacement, if warranted in the opinion of the Zoning Administrator, shall be established in accordance with Section 1.26. Replacement trees shall not be used to meet any other landscape requirements.

2. Replacement trees shall be either planted on the Lot or Building Site or Development site, as applicable, where the Specimen Tree was removed; however, in cases where space on the Lot or Building Site or site is insufficient, the Zoning Administrator may allow mitigation may take the form of payment to the Town's tree bank, pursuant to Section 6.8.8.

6.8.6 Tree Protection During Construction.

A. Tree Protection Fencing.

1. All Specimen Trees in a Tree Protection Zone and the perimeter of Tree Save Areas shall be fenced in accordance with this Subsection before any Development or construction activity begins. Fencing shall extend at least one foot in distance from the edge of the tree for each inch of diameter at breast height (DBH), so that, at a minimum, each tree's Critical Root Zone is protected, but no case

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shall the tree fence be less than ten feet from the trunk. The Zoning Administrator shall consider existing site conditions in determining the exact location of any tree protection fencing.

2. All fencing required by this Subsection shall be chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart. Such chain link fencing is not required to be vinyl coated.

3. Signs that are visible on all sides of the fenced-in area shall be installed on the tree protection fence at a rate of at least one sign for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR".

4. All tree protection measures shall be inspected by and approved by the Zoning Administrator prior to start of any Development or construction activities. Failure to install tree protection measures prior to the commencement of construction is a violation of this Ordinance.

5. The tree protection fencing shall be clearly shown on the Development Plan, and site plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area except in accordance with the standards in this Section 6.8.6.

6. Fencing shall be maintained until the Development or construction activities are complete.

B. Encroachments into Critical Root Zones.

1. Encroachments within the Critical Root Zones of trees protected in accordance with this Subsection shall occur only in rare instances where no alternatives exist, such as may be required for the installation of streets, internal drives, sidewalks, or utilities.

2. If unauthorized encroachments occur, leading to trees being damaged during construction activities, the trees shall be replaced at a one caliper inch to one caliper inch ratio.

C. Owner's Responsibility During Development.

The owner, or if the owner is different from the developer, the developer, shall be responsible for the erection of all barriers necessary to protect any existing or installed trees from damage both during and after construction in accordance with the standards of this Subsection.

6.8.7 Monitoring and Maintenance of Trees Post-Construction.

Owners of land shall be responsible for the preservation and maintenance of all trees required to be saved and protected under this Section 6.8.

6.8.8 Tree Bank.

A. Purpose.

The tree bank shall be a fund to receive:

1. Cash received for removal or damage to trees pursuant to Section 6.8.2;

2. Charitable contributions given to the Town for planting trees; and

3. Civil penalties received for the illegal cutting or damage of trees.

B. Use of Funds.

Tree bank funds shall be used solely for purchasing, installing, and replacing trees, or maintenance of trees during their first five years after planting, on public lands such as parks, public open spaces, at community and civic facilities, and within public right-of-way.

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C. Procedure for Tree Bank Requests.

1. An Applicant shall submit a written request to use the tree bank for removal of trees.

2. The Zoning Administrator shall determine the eligibility and extent of contributions during the plan review and shall forward the recommendation to the applicable Decision-Making Authority.

3. If, after a plan is approved, the applicant wishes to reevaluate a decision to contribute to the tree bank, a revised landscape plan and a proposal to change the amount of the cash contribution shall be submitted to the Zoning Administrator for approval.

4. The applicant shall provide the cash contribution payment in the form of a cashier's check payable to Town prior to approval of a plan, recording of the Final Plat, and/or issuance of a Building Permit.

6.8.9 Tree Removal Permits.

A. Exemptions.

A Tree Removal Permit is not required for trees removed in compliance with an approved Building Permit, grading permit, site plan, Development Plan, Preliminary Plat, or Final Plat, or as otherwise exempted by Section 6.8.1.

B. Tree Removal Permit Application.

An Application for a Tree Removal Permit shall be made in accordance with application requirements established by the Zoning Administrator.

C. Review.

The Zoning Administrator or Town Arborist, if any, shall review the Application for a Tree Removal Permit.

D. Approval Criteria.

The Zoning Administrator or Town Arborist, as applicable, may issue a Tree Removal Permit only when the tree or trees proposed for removal is or are not:

1. Located in an open space, conservation easement, or Civic Space;

2. Part of required landscape material or contributes to the Screening function of a required landscape area;

3. The subject of a condition of approval requiring retention of the tree or trees; and

4. A Specimen Tree.

E. Action on Application.

If the Zoning Administrator determines that the requirements of this Section have been met, shall and approve, approve with conditions, or disapprove the Application and, if applicable, issue the Tree Removal Permit

F. Issuance of a Building Permit or Grading Permit.

No Building Permit, grading permit, or Development Permit shall be issued unless the Town department issuing the permit receives a written decision from the Zoning Administrator or Town Arborist, as applicable, that the proposed Development or construction project has received a Tree Removal Permit or is exempt from the requirement to obtain a Tree Removal Permit.

G. Tree Removal Violations.

The removal, damage, or destruction of trees without obtaining a Tree Removal Permit, as applicable, is a violation of this Subsection and this Ordinance. Without limiting any other remedies available under Section 8.6, any such violation shall require mitigation in accordance with the following:

1. Specimen Trees removed shall be replaced at a two caliper inches for each caliper inch of Specimen Tree removed;

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2. Replacement trees shall be replanted within 12 months of removal;

3. Any tree that is damaged or removed from a Tree Save Area, conservation easement, open space, or Civic Space shall be replaced at a one caliper inch to one caliper inch ratio with replacement trees having a diameter of at least two and one half inches in caliper;

4. Damage or destruction of trees due to excessive pruning or tree topping shall constitute a violation of this Ordinance and result in the prescribed replacement and/or mitigation of the damaged trees; and

5. A surety and maintenance agreement satisfactory to the Zoning Administrator shall be established for replacement trees.

SECTION 6.9 RESOURCE PROTECTION.

6.9.1 Other Environmentally Sensitive Lands.

A. Applicability.

Resource protection standards shall apply to all subdivisions and development in all zoning Districts.

B. Slopes.

Areas that are excess in of fifteen (15) percent slope shall be protected as follows:

TABLE 6.9.1.B SLOPES

Slope	Minimum Percent of Site to Remain Undisturbed
15% – 25%	40%
>25% – 35%	100%

C. Sinkholes.

Sinkholes are formed from the action of rain, stormwater runoff and ground water on limestone strata. Development of any parcel which contains sinkholes must be designed and approved by the Town Engineer.

D. Hilltops.

Development on Hilltops increases runoff, Erosion, Sedimentation and the potential for slope destabilization. Also, because of their high visibility, their development degrades the rural character of the Town. A minimum of 80 percent of the Hilltop area shall be maintained as open space.

1. Design Standards.

Buildings located on a Hilltop shall be a maximum of 15 feet in Height, or half the average canopy height of surrounding trees, whichever is greater. Clearing activity shall be restricted to the central area of the Hilltop except as required for access. Stormwater drainage shall be conveyed to the bottom of the hill by an Erosion-resistant channel.

E. Ridgetops.

Development of Ridgetops increases the potential for downslope Erosion, Sedimentation and soil destabilization. Also, because of their high visibility, their development degrades the rural character of the Town. These conditions require that a minimum of 50 percent of the Ridgetop area be maintained as open space.

1. Design Standards

Buildings located on the outer edges of Ridgetops shall be a maximum of 15 feet in height, or half the average canopy height of surrounding trees, whichever is greater. If a second, interior row of development occurs, then the maximum Building Height shall be limited to 25 feet, or half the canopy height of surrounding vegetation, whichever is

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greater. Permitted clearing shall occur near the center of the Ridgetop except as required for access. Stormwater drainage shall be conveyed to the bottom of the ridge by an Erosion-resistant channel.

6.9.2 Resource Management.

A. Applicability.

Resource management regulations shall apply to all Subdivisions and Development in all Districts.

B. Septic Disposal Areas.

Each Plan or Plat shall designate the areas to be used for disposal fields. Prior to any earth moving permits being granted, the landowner or developer shall erect, and have inspected, fencing to protect the disposal area from disruption during the construction process. Owners and developers are encouraged to require bonding by contractors to protect themselves against damage to the disposal area and to encourage greater care on the part of contractors. Approval by all appropriate governmental entities is required for septic areas.

C. Stormwater Management.

Waterway Natural Areas shall comply with Waterway Natural Area Regulations (Nolensville Municipal Code, Title 18: Water and Sewers, Chapter 1).

D. Waterway Natural Areas.

Stormwater Management shall comply with the Stormwater Management Regulations (Nolensville Municipal Code, Title 18, Chapter 1, Section 104).

E. Floodplain Regulations

Floodplains shall comply with the Floodplain Regulations (Nolensville Municipal Code, Title 18, Chapter 3, as updated by Ordinance #20-41).

F. Inspection of Facilities.

1. The developer's engineer shall be required to inspect all drainage and septic facilities under construction and certify their compliance with approved plans. The developer shall have as-built survey drawings provided of all detention facilities.

2. A registered professional engineer, employed by the Town, may inspect all drainage and septic facilities while under construction.

3. It shall be the responsibility of the developer to receive final approval, final inspection and a certificate of compliance from the Town.

4. When facilities are not constructed according to approved plans, the Town has the explicit authority to compel compliance and require correction of any situations, which are not according to approved plans.

6.9.3 Greenway.

A. Land Dedication Required.

Multi-use Paths and/or Greenways, as identified on the Town Zoning Map or any other Town Map, shall be shown on all Plans and Plats, as applicable, provided to the Town. When an Applicant submits an Application to the Town, dedication of land shall be required in order to achieve the Town's required Multi-use Path and Greenway Dedication to the Town shall be by an instrument acceptable to the Zoning Administrator of a twenty-five (25) foot wide Easement along the proposed Greenway and/or Multi-use Path. The trail/path shall be a minimum of ten (10) feet wide and constructed of asphalt or similar acceptable material.

6.9.4 Creek Buffer.

A. Land Dedication Required.

A 100 foot Buffer shall be reserved along each side of Mill Creek and its tributaries, measured from the top of the bank along such creek or tributary, as applicable. The buffer shall include a no disturbance

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zone of 60 feet (with exemptions for water dependent uses) and an additional 40-foot no build zone, except for passive recreation. Greenways/trails may be constructed within the 30-60 foot buffer zone where wider Buffers are impracticable and if appropriate restoration and stormwater controls are provided. Such Buffer shall be shown on all Plans and Plats submitted to the Town as applicable. Dedication of the Buffer to the Town shall be required as a condition to Plan or Plat approval, as applicable. Such dedication shall be pursuant to an instrument acceptable to the Zoning Administrator.

SECTION 6.10 EROSION CONTROL.

6.10.1 Intent.

Land disturbance and other forms of site excavation can contribute to the degradation of land surfaces and streams, Erosion, siltation, earth slides, mud flows, dusty conditions, clogged storm sewers, additional road maintenance cost, increased water runoff and localized flooding. It is the intent of this Article to protect the health and safety of residents and adjoining or nearby property in the Town, including land, waterways, hills and vegetation through the regulation of Erosion Control Measures.

Except as otherwise provided for, the following regulations shall apply in all zoning Districts as shown on the Zoning Map of the Town.

6.10.2 Grading Permit.

A. Required.

Except as otherwise exempted for Single Family Homes, no individual, property owner or other legal entity shall engage in any land-disturbing activity which will modify the existing grade and/or may result in increased soil Erosion or Sedimentation including, but not limited to, clearing, stripping, grading, excavation, transporting and filling unless a Grading Permit has first been obtained from the Town Engineer. The owner of the property or his representative shall complete an Application for the permit on forms provided by the Town and shall submit a proposed Land Disturbance Plan with the application. The property owner shall be responsible for compliance with all provisions of this Section 6.10. The Grading Permit does not preclude additional permits or authorization required by Federal entities, the State of Tennessee, or the Town. The Town may delay issuance of the Town's permit pending the receipt of Federal and/or State permits.

B. Planning Commission Authorization.

In instances where a proposed land disturbance activity will exceed five (5) acres or will occur on any tract as a part of an overall Development Plan, or will occur as a part of an environmental restoration project under the supervision of the United States Environmental Protection Agency or the Tennessee Department of Environment and Conservation or their successors, no Grading Permit shall be issued by until the Land Disturbance Plan is reviewed and approved by the Planning Commission.

C. Fees.

The Town, may impose additional fees by resolution in order to defray costs associated with the processing of permits and for inspections of land disturbance activities.

D. Expiration.

A Grading Permit shall become void six (6) months from the date of issuance unless substantial progress has been made on the project by that time.

E. Exemptions.

The following uses and activities shall be exempt from the requirement to obtain a Grading Permit, provided that Erosion and Sediment Control must still be implemented, per Section 6.10 of this Ordinance:

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1. **Single-Family Residence.**

   The construction of a single-family residence or addition to an existing single-family residence on a Lot with a grade less than 15 percent provided, however, such construction shall be required to comply with the Erosion control requirements.

2. **Public Utilities and Roadway Construction.**

   The installation, maintenance and repair of any public utility as well as public roadway and storm drainage construction and maintenance by governmental agencies and/or their agents; provided, however, that such land disturbing activity shall comply fully with the rules and regulations set forth by the Tennessee Department of Environment and Conservation and the Town's Erosion and Sediment Control requirements.

3. **Agricultural Use.**

   Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (T.C.A. Section 43-26-103), or as hereafter amended.

4. **Lawns/Gardens/Landscaping.**

   Home gardens, home landscaping or lawn preparations on existing Lots or Building Sites shall be exempt unless the possibility for Erosion or alteration of drainage patterns or Structures is such to necessitate a Grading Permit.

6.10.3 Land Disturbance Plan.

The Land Disturbance Plan shall comply with the minimum general and technical requirements set forth in this section. The complexity of the Land Disturbance Plan shall be commensurate with the severity of site conditions and potential for off-site damage. The Town Engineer may require additional information if deemed necessary and appropriate to evaluate the feasibility of the plan.

A. Plan Required.

Except as otherwise exempted from the requirements of this Section 6.10, a Land Disturbance Plan shall be required prior to the issuance of a Development Plan or Building Plan. The Land Disturbance Plan shall identify the specific and appropriate Erosion control practices and Sediment trapping facilities proposed for the site to be disturbed as well as a schedule for implementation and maintenance. The Land Disturbance Plan shall also identify final stabilized conditions for the site, provisions for removing temporary control measures and stabilization of the site when temporary measures are removed, permanent stormwater conveyance Structures and maintenance requirements for any permanent measures.

B. Professional Design.

The Land Disturbance Plan shall be developed by a qualified professional engineer, licensed to practice in the state, when the area of disturbance exceeds five acres or by either a qualified professional engineer or qualified landscape architect licensed to practice in the state for smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development or nearby lakes, streams or large drainage ditches.

C. Erosion Control.

Erosion Control Measures shall be designed and provided in accordance with generally accepted engineering practices and the requirements of this article. Areas that are to be developed or excavated shall apply these guidelines, fitting the appropriate measures to the specific soils and topography so as to minimize soil Erosion and surface water runoff. The Erosion control shall be maintained until the yard, or disturbed area is significantly established and replaced.

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D. Protection of Natural Vegetation and Trees.

Natural vegetation shall be retained and protected whenever feasible during construction. If an area is stripped of vegetation during Development or Construction, the exposed area shall be limited to the smallest practical size, and duration of the exposure limited to the shortest practical time.

E. Minimum Information Required.

The Zoning Administrator shall determine the information is necessary to obtain a permit, provided that at a minimum, the following information shall be required.

1. Name, address, telephone number, and facsimile number if applicable of the permit holder, and the owners and developer; if other than the permit holder, for the property to be graded.

2. The registration seal and signature of the engineer or landscape architect, who prepared, designed and reviewed the plan.

3. A brief project description.

4. A plan drawn to a scale no less than one inch equals 100 feet, including pre-development topographic conditions and post-development grades. The contour interval shall be no greater than two feet. The plan shall include off-site existing topographic conditions extended to a minimum of 25 feet beyond the boundaries of the subject tract of land if grading is designed to be within 20 feet of any boundary line. The pre-development conditions survey shall also include information on all public roads adjoining the subject property. The topographic data shall be obtained by field survey or acceptable aerial photography (two-foot contours). U.S.G.S. based topographic data is not acceptable.

5. The site location, boundaries, adjacent properties, location of any existing or proposed Buildings or Structures on the property or on Adjacent land within 100 feet of the area to be disturbed, floodplain areas, ditch lines and any existing on-site and off-site structural or natural features of the land which have a significant impact on drainage or Sediment control.

6. The location and a description of temporary and permanent Erosion Control Measures and drainage appurtenances to be constructed and structural changes and improvements to the land, including clearing and grading limits, daily cleanup and site control practices and other activities to mitigate the adverse impact of land disturbance.

7. Zoning Administrator may require a geotechnical report be provided as part of the Land Disturbance Plan. The report shall be prepared by a Tennessee registered professional engineer, qualified to perform geotechnical engineering.

8. A time schedule for initiation and completion of the measures and devices and periodic maintenance after completion.

6.10.4 Construction Access Routes.

A stabilized stone pad shall be placed at any point where traffic will be entering and leaving a construction site to or from a public road prior to the initiation of any grading work. Stone pads shall contain ASTM-1 stone, six inches thick (minimum), and shall be placed from the public road into the construction site a minimum width of 12 feet and length of 100 feet for commercial and 50 feet for residential. Construction of a single-family home shall have a stone pad placed as described. These pads shall be maintained and/or reconstructed when they lose effectiveness.

6.10.5 Cut and Fill Slopes.

Permanent cut and fill slopes shall be designed and constructed in a manner that will minimize Erosion. Consideration shall be given to the length and

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steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Any slopes installed at two foot horizontal to one foot vertical or steeper shall be stabilized with rock riprap, geo-textile fabric, or other method acceptable to the Zoning Administrator.

6.10.6 Stabilization of Denuded Areas and Soil Stockpiles.

Permanent Erosion Control Measures shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within 15 days to any denuded area which may not be at final grade, but will remain dormant (undisturbed by construction activity) for longer than 60 days. Any temporary soil stockpiles shall be stabilized or protected with Sediment trapping measures to prevent Erosion. Applicable Erosion Control Measures shall include establishment of vegetation, mulching and the early application of gravel base on areas to be paved. Selected permanent or temporary Erosion Control Measures should be appropriate for the time of year, site conditions and estimated duration of use.

6.10.7 Establishment of Permanent Vegetation.

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized through the construction of approved Structures and Parking Lots or Driveways. Permanent vegetation shall not be considered stabilized until a ground cover is achieved, which is sufficient to control Erosion and to survive seasonal conditions for a period of one year from initial planting.

6.10.8 Protection of Adjacent Properties.

A. Downslope Protection.

All properties adjacent and/or downslope from the site of a land disturbance shall be protected from soil Erosion and Sedimentation. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance or by installing perimeter controls such as Sediment barriers, filters or dikes, or Sediment basins, or by a combination of such measures.

B. Use of Buffer Strips.

Vegetated buffer strips shall be used alone only where stormwater runoff is anticipated to occur through sheet flow and shall be a minimum of 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping Erosion onto adjacent property, additional perimeter controls shall be provided by the owner.

C. Sediment Control.

Sediment basins and traps, perimeter dikes, Sediment barriers, dams, diversions and other Erosion Control Measures intended to trap Sediment on-site shall be constructed as the first step in grading and shall be made functional prior to disturbance of upslope land. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within seven days of installation.

D. Stormwater Runoff.

Stormwater runoff from disturbed areas five acres or greater shall pass through a Sediment basin or other suitable Sediment trapping facility. All storm drainage inlets shall be protected during construction with a Sediment barrier to prevent clogging and localized flooding. All means of protection shall be maintained and monitored throughout construction.

6.10.9 Disturbance in Streams and Floodways.

The applicant for proposed land disturbance activities in streams, and intermittent streams as defined by TDEC, generally indicated by a blue line on a 7 1/2 minute United States Geological Survey quadrangle and designated floodways shall be required to provide

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evidence of obtaining appropriate permits from federal and state regulatory agencies or a written waiver of such permits prior to the issuance of a grading permit by the Town.

6.10.10 Existing Areas with Soil Erosion Problems.

Upon written notification from the Town, the owner of any parcel of land which exhibits unstable or eroding soil conditions, and impacts downslope properties, public right-of-ways or watercourses shall correct the problem within 90 calendar days from receipt of official notification. Upon written request to the Mayor, the period for correction may be extended if seasonal conditions warrant and temporary Erosion Control Measures are installed. Minimum corrective measures may include stabilizing eroding slopes and re-vegetating all exposed soil surface. Before commencing corrective measures, the owner shall consult with the Zoning Administrator and Town Engineer to determine an acceptable method of correction. A permanent plan for Erosion control shall be submitted to Zoning Administrator and Town Engineer for review and approval prior to initiation of corrective measures.

6.10.11 Performance Guarantee.

Prior to the issuing of a permit for any Land Disturbance Activity, the Applicant shall be required to provide a Performance Guarantee or similar form of security acceptable to the Town to complete all land and grade stabilization measures and improvements as shown by the approved plan. Town Engineer shall establish the amount and time period of the Performance Guarantee, based on the estimated cost and time for completing the plan. Within 30 days of the completion and final inspection by the Town of all provisions of the approved plan, such Performance Guarantee shall be refunded or terminated, provided, however, that a Performance Guarantee no greater than 50 percent nor less than ten percent of the original Performance Guarantee as determined by the Town Engineer shall be required for a period of one year to ensure that the permanent vegetation is mature enough to control Erosion and to survive seasonal weather conditions.

6.10.12 Appeals.

Whenever the Town Engineer rejects or refuses to approve the mode or manner of construction proposed to be followed, or materials to be used, or when it is claimed that the provisions of this Section 6.10 do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this article or any of the regulations there under have been misconstrued or wrongly interpreted, the owner of such property or his duly authorized agent may appeal the decision to the Board of Zoning Appeals. Notice of appeal shall be in writing and filed within 30 days after the Town Engineer renders the decision.

6.10.13 Inspections.

A. Permit Holder's Responsibility.

It shall be the responsibility of the Grading Permit holder to:

1. Provide in writing an anticipated phasing plan and schedule of the Land Disturbance Activities from initiation to completion. The Permit Holder shall promptly notify the Town in writing if there are any changes to the schedule or delays associated with the phasing plan; and

2. Conduct periodic inspections of the installed Erosion Control Measures during construction and of nearby downstream facilities, to determine if such control is effective. Any damage to downslope property caused by Erosion, such as clogged storm sewers, inlets or drainage ditches, shall be immediately repaired or cleaned by the Permit Holder.

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B. Town Authority.

The Town Engineer may enter upon any site and periodically make inspection of any disturbed or graded area before, during and after construction to ensure compliance with the requirements of this Section 6.10 and the authorized Land Disturbance Plan. If the Town determines that significant Erosion problems are occurring on the site despite compliance with approved protective practices, the Permit Holder shall be required to take additional corrective actions to protect the adversely affected area. The specifications of the additional measures shall be part of an amendment to the Land Disturbance Plan.

C. Correction of Problems by Owner.

If it is determined by the Zoning Administrator or Town Engineer that the Permit Holder has failed to comply with the approved plan, a correction notice shall immediately be served upon the Permit Holder in writing, setting forth the measures needed to come into compliance and specifying time for such compliance. Where an Immediate Threat to Public Health and Safety exists, verbal notice given by the Zoning Administrator or Town Engineer to immediately correct the problem shall be sufficient, but it shall be followed by written notice. Failure to comply within the time specified shall subject the Permit Holder to a stop work order which shall remain in effect until the work in progress is in compliance with the specifications of the approved plan. The issuance of a stop work order shall not preclude other remedial or punitive actions which may be taken under this Ordinance or state law.

6.10.14 Town Correction / Collection Procedures.

All temporary and permanent Erosion Control Measures shall be maintained and repaired as needed by the property owner to assure continued performance of their intended function. If it is determined that a property owner has failed to correct an existing unstable or eroding soil condition which impacts downslope properties, public rights-of-way or watercourses or has failed to maintain temporary and permanent Erosion Control Measures installed after 14 (fourteen) days, or has failed to comply with any of the provisions of this article, a corrective notice shall be sent by certified mail to the property owner, setting forth the measures needed to come into compliance and specifying time for such compliance. When an Immediate Threat to Public Health and Safety exists, verbal notice given by Zoning Administrator or Town Engineer to the property owner to immediately correct the problem, but it shall be followed by written notice within seven days.

Should the property owner fail to remedy the above conditions within the prescribed time, Zoning Administrator or Town Engineer may direct that the condition be remedied by an appropriate Town department or outside contractual arrangement. Upon completion of work, Town Engineer shall determine the reasonable costs thereof and bill the owner of the property. Should the owner fail to remit to the Town the amount of such charge within 30 days from date of such invoice, the amount of the bill shall be certified to the Town Attorney, who shall perform a lien upon the property for which the expenditure was made.

SECTION 6.11 OPERATIONAL PERFORMANCE STANDARDS.

6.11.1 Intent.

Operational performance standards are intended to protect the health, safety and welfare of the citizens of the Town by regulating potential hazardous or nuisance characteristics of Uses permitted by this Ordinance.

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6.11.2 General.

A. Applicability.

Operational performance standards shall apply to all Development in all zoning Districts. In the case of conflict between the operation performance standards set forth herein and any rules or regulations adopted by any other applicable governmental agency, the more restrictive regulations shall apply.

B. Exemptions.

Temporary construction, excavation and grading are exempt from the standards of this Section 6.11.

6.11.3 Noise.

A. Applicability.

These standards apply to continuous and intermittent noise from machinery or equipment, noise emitted by speaker boxes, pickup and delivery trucks, and any other Commercial or Industrial activities which are under the control of the occupant of a Lot or a parcel.

B. Method of Measurement.

Noise shall be measured with a sound level meter (type 1 or type 2) which meets the standards of the American National Standards Institute (ANSI) Section S 1.4–1979, or as superseded. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two or more objects strike each other, shall be measured using the fast response of the sound meter, and other noises using the slow response. For purposes of this Zoning Ordinance, impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher than the values indicated on the sound level meter.

C. Maximum Permitted Sound Levels.

The maximum permitted sound pressure levels in decibels across Lot lines or District boundaries shall be in accordance with the following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest applicable Use indicated in **Table 6.11.3.C (Sound Level Limits (DBA)**.

TABLE 6.11.3.C SOUND LEVEL LIMITS (DBA)

Adjacent Land Use	7am to 7pm	7pm to 7am
Industrial and Agricultural	75	70
All others	65	60

6.11.4 Air Pollution.

A. Visible Emission and Particulate Matter.

Particulate matter shall not be discharged into the atmosphere in excess of the standards indicated in the Tennessee Air Pollution Control Regulations as authorized by the Tennessee Air Quality Act 53-3401–3422 for all air pollutants applied to Williamson County designated by the Tennessee Department of Public Health except as pertains to visible emissions, Sulfur Dioxide and hydrocarbons.

6.11.5 Odor.

Odorous matters released from any operation or activity shall not exceed the odor threshold concentration beyond property lines, or within 150 feet of the CD-3L, CD-3, CD-4, CD-4C, CD-4V, CD-5, or SD-IV Districts. The odor threshold is the concentration at which odor can be detected by a panel of healthy and objective observers unaffected by background odors such as tobacco or food.

6.11.6 Vibration.

A. Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or on any point beyond the

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Lot line. Furthermore, no activity or operation shall cause or create earthborn vibrations in excess of the displacement values set forth in **Table 6.11.6.A (Constant K by Type of Vibration)**.

TABLE 6.11.6.A CONSTANT K BY TYPE OF VIBRATION

Continuous	Impulsive[1]	Less than pulses per 24-hour period
0.003	0.006	0.015

[1] At least one second rest between pulses which do not exceed one second duration

B. Measurement.

Vibration displacement shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions; the maximum vector resultant shall be less than the vibration displacement permitted. The maximum permitted displacements shall be determined by the following formula:

D = k/f where: D = displacement in inches

k = a constant given by **Table 6.11.6.A (Constant K by Type of Vibration)**

f = the frequency of the vibration transmitted through the ground, measured in hertz

6.11.7 Mail Delivery Facilities

1. Each delivery location shall be installed in an Open Space Lot or Building Site to be owned by the developer or a management company or when possible located in accessory facilities serving the Development.

2. Centralized mail delivery facilities shall be maintained by the homeowner's association or property management association.

3. Any facility containing more than 20 individual boxes shall include a covered roof that extends a minimum of 3 feet on all sides of the cluster box unit, adequate lighting at an average of illuminated intensity of 0.5 footcandles shall be provided, and two parking spaces shall be provided specifically for and within easy access of the cluster box. For boxes serving more than 100 units additional parking shall be provided at one space per additional 50 units served.

4. The area for location of the cluster box shall not be counted towards formal open space requirements.

5. Each centralized mail delivery facility shall be built on a concrete pad. The pad shall have a minimum area 4 feet in depth and 4 feet in width located to the front of the boxes and should connect to a hard surface. The required area shall not be any portion of the public sidewalk.

6. All elements of cluster boxes, roofing, support post shall be at least 2 feet beyond the sidewalk edge.

7. Cluster boxes shall be of consistent height, color and architectural style throughout a single development.

8. No residential unit may be located more than ¼ mile from the mail box designated for the units use.

9. Architecture of roofing and post should be consistent with neighborhood design in color, style, and materials. Boxes not requiring roofing shall be architecturally enhanced to include capitals, fluting, finials, baluster, and other appropriate enhancements to offset the industrial look of the cluster box.

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ARTICLE 7:
SIGN STANDARDS

SECTION 7.1 SIGN STANDARDS. 319

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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 Town. 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 Town.

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 Town 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 7**.

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

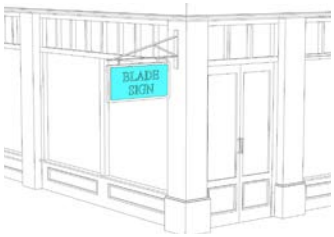
Specific Sign Type	Illustration	Districts
Address Sign A Sign that consists of a numeric reference to a Structure, mounted on the Building		CD–2, CD–3L, CD–3, CD–4, CD–4C, CD–4V, CD–5, SD–IV, CV
Awning Sign An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.		CD–4, CD–4C, CD–4V, CD–5, SD–IV, 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–4V, CD–5, SD–IV, 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–4V, CD–5, SD–IV, CV
Directory Sign A Sign that displays the tenant names and locations for a Building containing multiple tenants.		CD–4, CD–4C, CD–4V, CD–5, SD–IV, CV
Illustrations are provided for illustrative purposes only.		

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TABLE 7.1.2.B–1 SIGN TYPES – SUMMARY

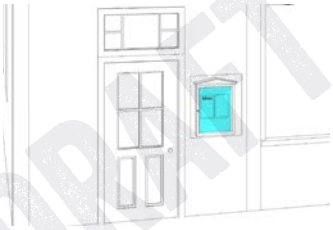
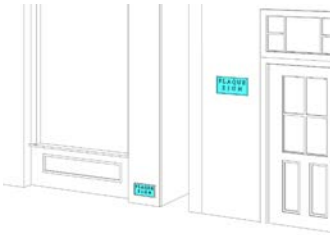
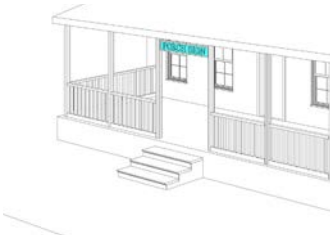
Specific Sign Type	Illustration	Districts
Monument Sign A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.		CD–4, CD–4C, CD–4V, SD–IV, CV
Outdoor Display Case A Sign consisting of a lockable metal– or wood–framed cabinet with a hinged transparent door inside of which information may be viewed and accessed for maintenance and updating.		CD–4, CD–4C, CD–4V, CD–5, SD–IV, 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–3, CD–4, CD–4C, CD–4V, CD–5, SD–IV, CV
Porch Sign Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.		CD–4, CD–4C, CD–4V, CD–5, SD–IV, CV
Illustrations are provided for illustrative purposes only.		

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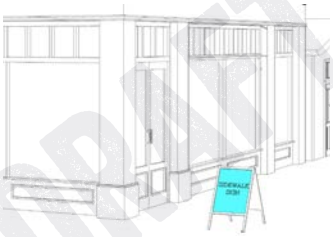
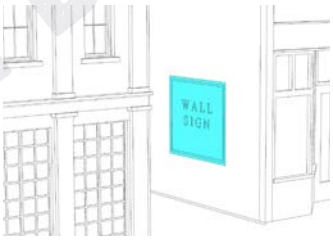
TABLE 7.1.2.B–1 SIGN TYPES – SUMMARY

Specific Sign Type	Illustration	Districts
Post Sign A Sign that is mounted on one or two posts in the First Lot Layer.		CD–4, CD–4C, CD–4V, SD–IV, CV
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–4V, CD–5, SD–IV, 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–4V, CD–5, SD–IV, 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–4V, CD–5, SD–IV, CV
Illustrations are provided for illustrative purposes only.		

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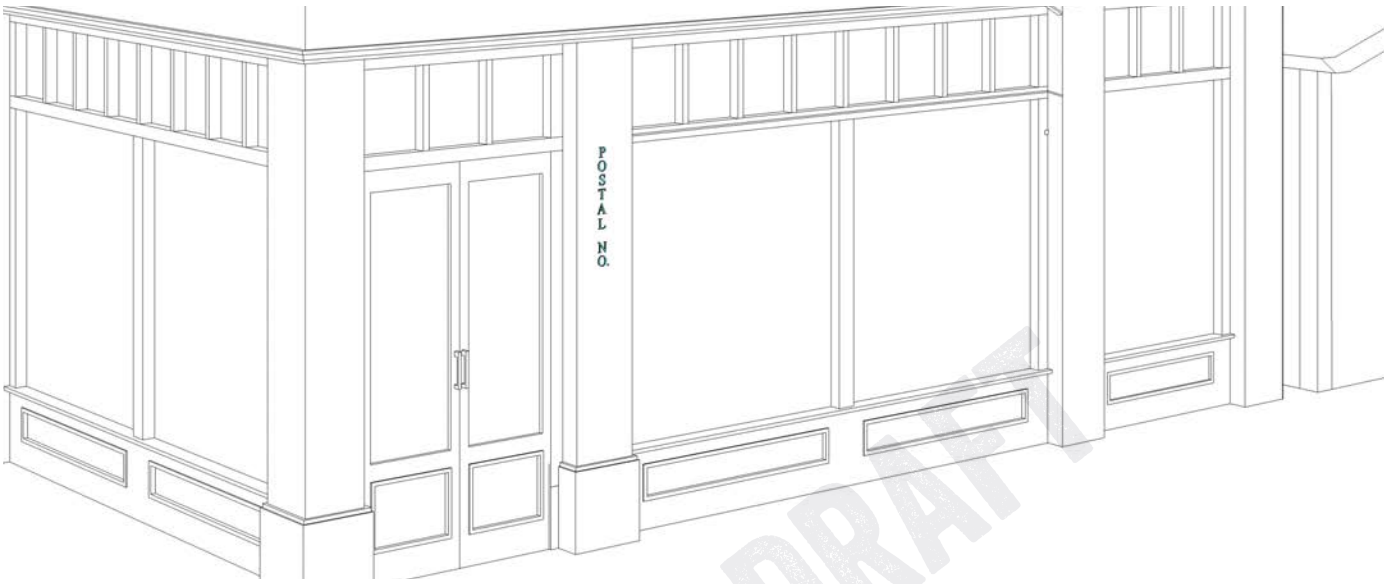
ADDRESS SIGN

TABLE 7.1.2.B-2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-2 | CD-3L | CD-3 | CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | CV

General Description

A Sign that consists of a numeric reference to a Structure, mounted on the Building.

Dimensions

Quantity (max)	1 per address
Area	Max. 2 sf
Depth / Projection	Max. 3 in.
Clearance	Min. 4.5 ft.
Letter Height	Min. 4 in., max. 6 in.

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AWNING SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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 = NA letters, numbers, and graphics covering no more than 70% of the valance area
Depth / Projection	Min. 8 ft. fully extended, or 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

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

Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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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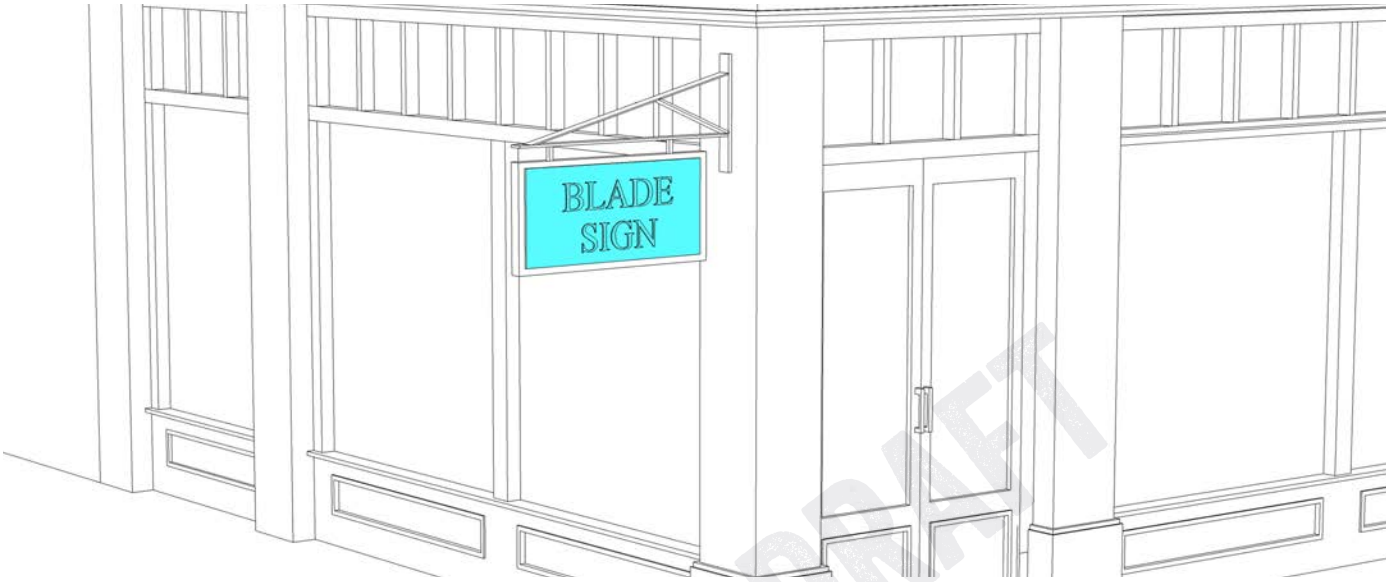
BLADE SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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 Facade; 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-4V | CD-5 | SD-IV | 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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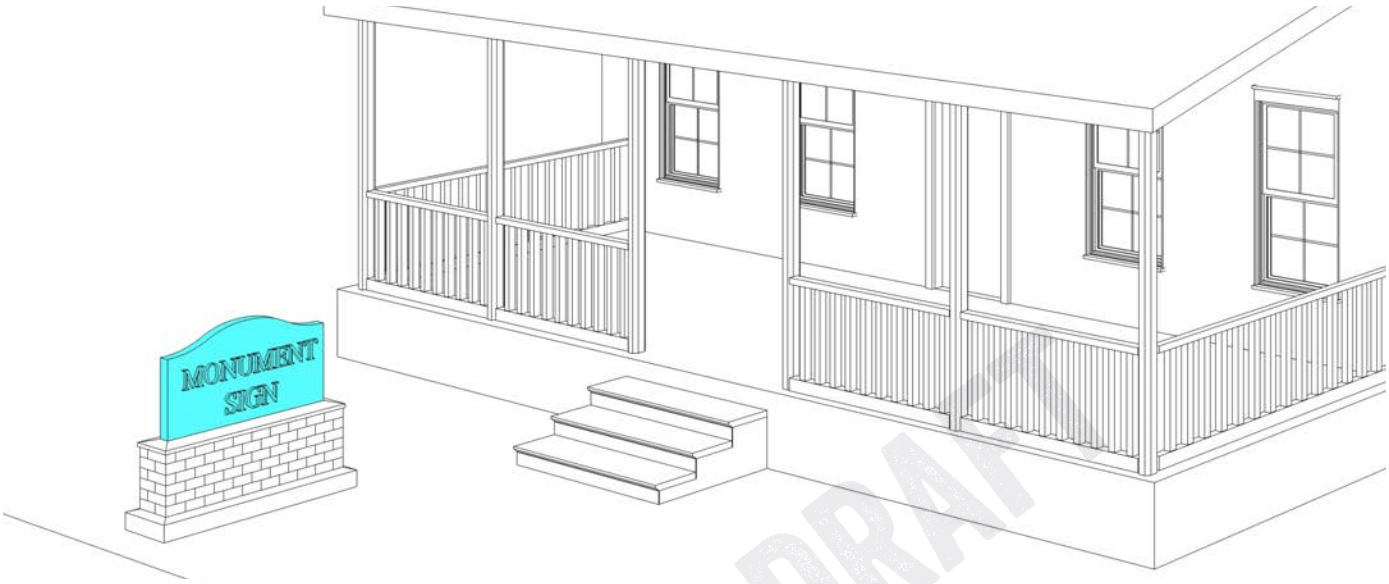
MONUMENT SIGN

TABLE 7.1.2.B–2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | SD-IV | 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)	1 per Frontage
Area (max)	18 sf
Height (max)	6 ft.
Letter Height	Max. 12 in.

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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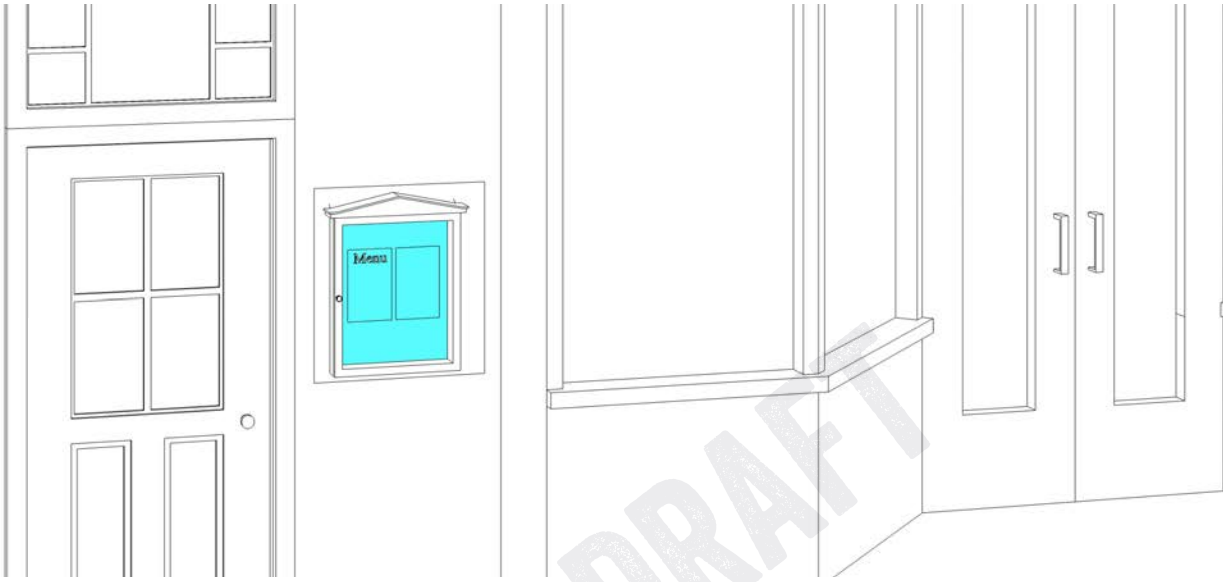
OUTDOOR DISPLAY CASE

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD–4 | CD–4C | CD–4V | CD–5 | SD–IV | 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 Facade;

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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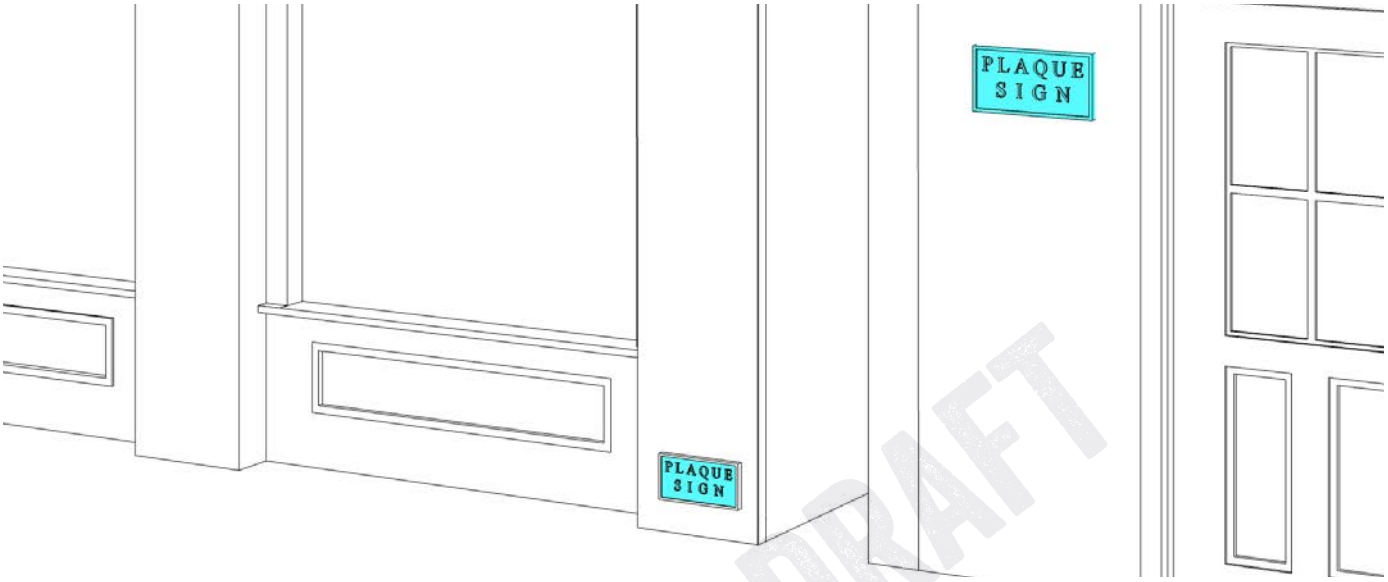
PLAQUE SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD–3 | CD–4 | CD–4C | CD–4V | CD–5 | SD–IV | 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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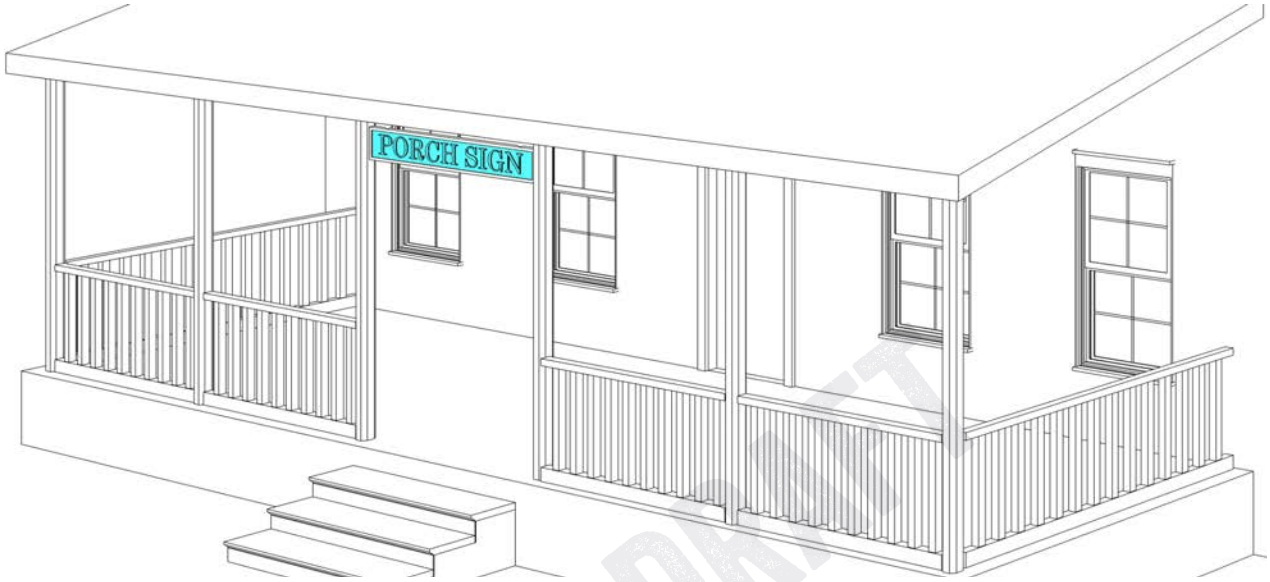
PORCH SIGN

TABLE 7.1.2.B–2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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 sf
Width / Height	Max. 100% width of entrance / max. 2 ft.
Depth / Projection	NA
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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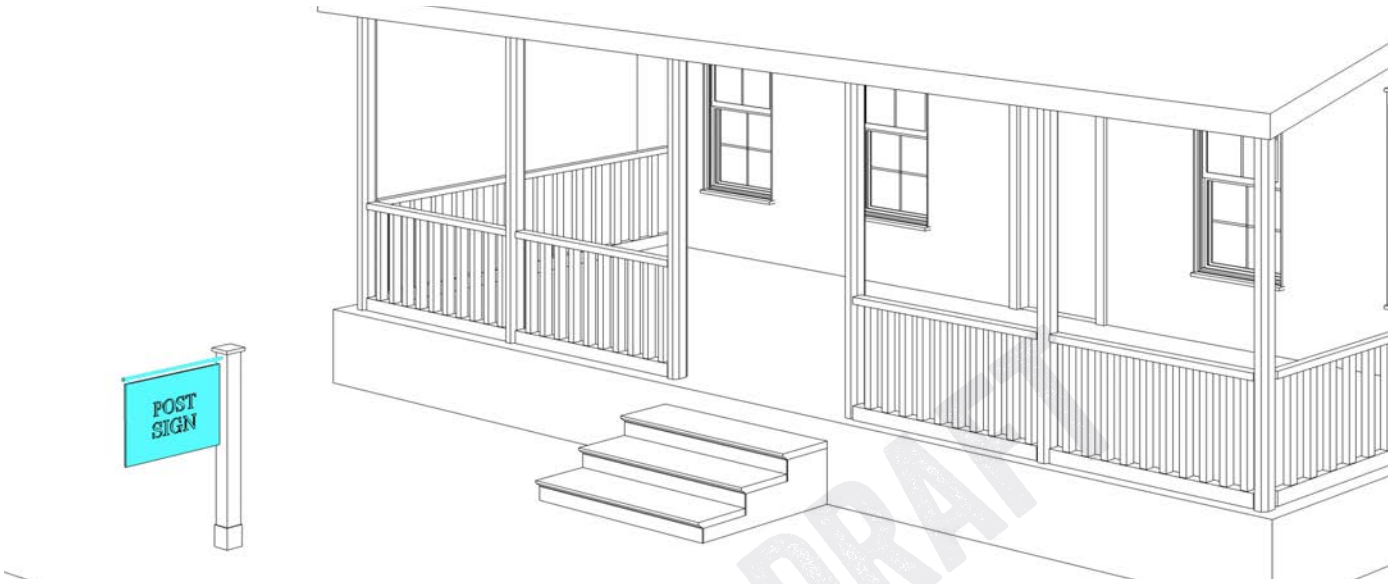
POST SIGN

TABLE 7.1.2.B–2 SIGN TYPES
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | SD-IV | 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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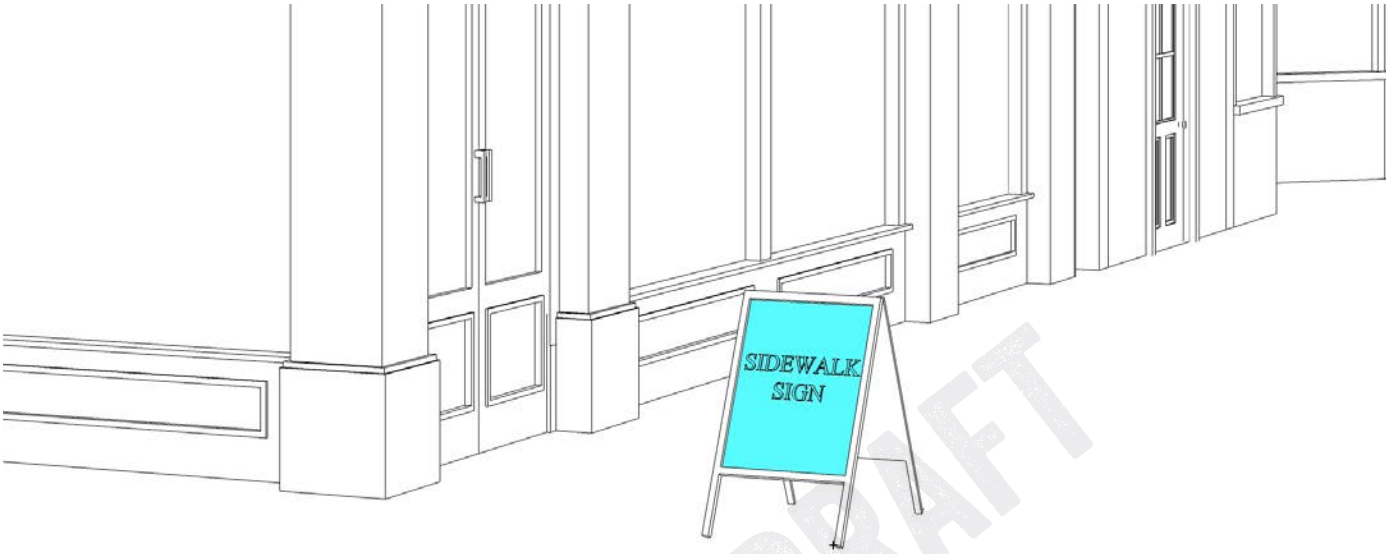
SIDEWALK SIGN

TABLE 7.1.2.B-2 SIGN TYPES SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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;

Additional Standards (continued)

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;

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 Town from the Right-of-Way for municipal purposes.

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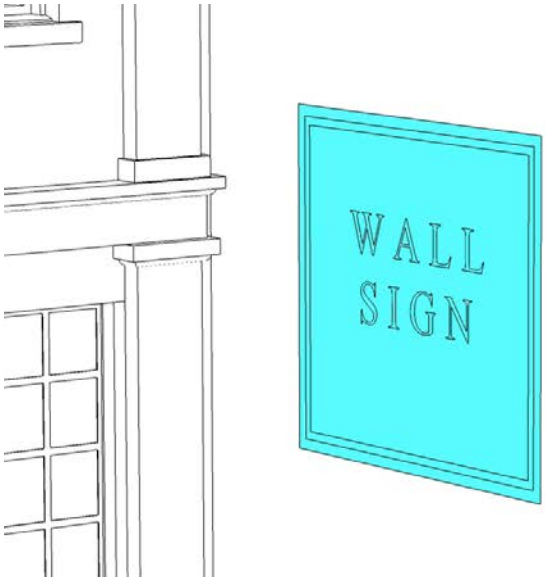
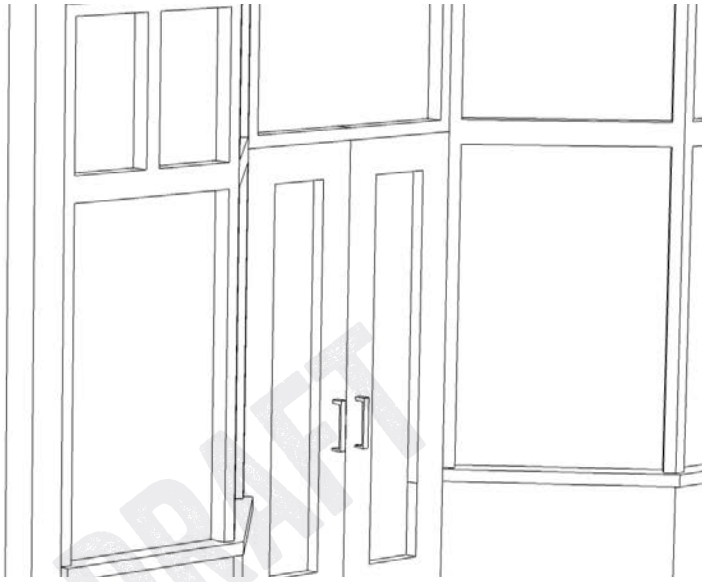
WALL SIGN

TABLE 7.1.2.B–2 SIGN TYPES SPECIFIC STANDARDS





Permitted Districts

CD-4 | CD-4C | CD-4V | CD-5 | SD-IV | 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 in.
Clearance	4 ft.

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-4V | CD-5 | SD-IV | CV

General Description

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.

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 8.5.21 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)** and **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 two (2) temporary Signs may be displayed on a pole or stake affixed to the ground. Each such Sign must be removed within forty-five (45) days of installation. Such Signs shall not exceed eight (8) square feet in area per side, and the top of such Sign shall be no more than five (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 two (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, 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 T.C.A. 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 Nonconforming Signs.

All Signs that do not conform to this Section 7.1 shall be removed pursuant to Section 1.22.

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N. Occupant Rear Door Sign.

A Sign for the occupant shall be permitted at rear 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 Town shall conform to Town 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 an Outdoor Display Case.

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 fifteen (15) inches, a Blade 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 Certain Signs Prohibited.

Electronic Message Boards and neon Signs are prohibited.

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 Signs.

One Address Sign per tenant or owner.

2. Certain Small Signs.

Up to two (2) 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

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are provided for safety.

3. Governmental Signs.

Signs placed by the Town 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.

6. Historic & Memorial Signs.

Signs denoting a property as historic or in memorial of an event or person. Such Signs shall be authorized by the Historic Zoning Commission and shall not exceed four (4) square feet per face. Such Signs, if free-standing, shall be limited to one (1) per Frontage, four (4) feet in height; and shall be located five (5) feet from any lot line. Such Signs, if Wall Signs, shall be inlaid in order to be integral to the Facade cut into stone or masonry, or be permanently affixed to the Building as a plaque of aluminum or bronze.

7. Athletic Field Signs.

8. Governmental Flags of the United States, the State, and the Town.

7.1.11 Sign Area Computation.

The area of Signs 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 (2) 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 Town 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 thirty (30) days after the Building Official sends written notice that an unsafe or improperly maintained Sign condition exists.

7.1.13 Nonconforming Signs.

Any existing nonconforming Sign or any Sign that becomes nonconforming 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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ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

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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 Code 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 Board of Commissioners.

3. The Planning Director is hereby designated and appointed as the Zoning Administrator. In the absence of a Planning Director, the Zoning Administrator shall be such person as may be designated by the Town 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;

b. Applications for Certificates of Appropriateness;

c. Amendments to adopted Land Use Plans;

d. Applications for Certificates of Occupany;

e. Applications for Building Permits;

f. Amendments to the text of this Ordinance;

g. Applications for Rezoning;

h. Applications for Historic District designation; and

i. Vested rights determinations.

2. Making final administrative decisions on the following:

a. Interpretations of this Ordinance;

b. Reviewing all Building Plans submitted with Building Permits, certifying to the Town Building Official compliance of Building Plans with this Ordinance and any applicable Development Plan;

c. Applications for certain Site Development Plans, as specified in this Article;

d. Administrative Adjustments;

e. Applications for Temporary Use Permits;

f. Applications for Home Occupation Permits;

g. Applications for Sign Permits;

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h. Applications for Determination of Economic Hardship; and

i. Conditions of Neglect and Demolition by Neglect.

3. Administering the provisions of any approved Development Plan, Building Plan, or Conditional Use except where administration is otherwise expressly provided in this Ordinance to be the responsibility of other Town 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 Town code enforcement personnel as provided herein, enforcing this Ordinance and the provisions of any 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 Board of Commissioners; 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. Not make changes in the provisions of this Ordinance, excepting as provided in Section 8.5.8, Administrative Adjustment; and

7. 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 Town 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 Ordinance to the extent the implied authority is not in conflict with the express authority.

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8.3.2 Board of Commissioners.

A. Creation & Membership.

Information regarding the creation, membership, and rules of procedure of the Board of Commissioners is available in the Town Code.

B. Powers & Duties.

In execution of the provisions of this Ordinance, the Board of Commissioners shall have the following powers and duties:

1. Final decision on amendments to this Ordinance;

2. Final decision on Rezonings;

3. Final decision on Annexations;

4. If elected by the Board of Commissioners, the Board of Commissioners may affirm the Town Comprehensive Plan after adoption by Planning Commission, but failure to so affirm the Comprehensive Plan shall not affect the effectiveness or validity thereof; and

5. Perform all duties and functions assigned to Board of Commissioners under Tennessee law, this Ordinance, and any applicable Chapter of the Town Code.

8.3.3 Planning Commission.

A. Creation & Membership.

Information regarding the creation and membership of the Planning Commission is available in the Town 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, as specified in this **Article 8**;

2. Make recommendations to the Board of Commissioners on amendments to this Ordinance;

3. Make recommendations to the Board of Commissioners on Rezonings, Zoning Map amendments, Annexations and any matter for which the Board of Commissioners requests a recommendation;

4. Develop and adopt an official Comprehensive Plan for the physical Development of the Town, including any area outside of its boundaries which, in the Planning Commission's judgment, bears relation to the planning of the Town;

5. Make recommendations to the Board of Commissioners 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; and

7. To perform all duties and functions assigned to Planning Commissions under state law, this Ordinance, and any applicable Chapter of the Town Code.

8.3.4 Board of Zoning Appeals.

A. Creation.

A Board of Zoning Appeals has been created for the Town (referred to in this Ordinance as "Board of Zoning Appeals") pursuant to T.C.A. Section 13–7–205.

B. Membership.

The Board of Zoning Appeals shall consist of five (5) members, who shall be appointed by the Board of Commissioners. Initial appointments shall be made so that members serve staggered terms of one, two or three years. Subsequent appointments shall be for a term of three (3) years. The Board of Commissioners shall fill any vacancy for the unexpired term. Immediately upon appointment and

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qualification, the Board of Zoning Appeals shall elect one of its members as Chairman who shall serve for a period of one (1) year or until his successor shall have been chosen for the ensuing term. All members of the Board of Zoning Appeals shall be residents of the Town and shall serve as such without compensation. No member shall serve more than two (2) consecutive terms.

No person holding any public office or position within the Town 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 (3) 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 Board of Commissioners 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 Town 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 of Zoning Appeals. 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.

All meetings shall be open to the public. A majority of the total membership of the Board shall constitute a quorum for the transaction of any business. A majority vote of the Board shall be necessary to decide any item of business. The Board shall maintain a record of its meetings and all actions taken, and these records shall be open to the public.

F. Conflict of Interest.

Any member of the Board who shall have a direct or indirect interest in any property or Application which is the subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith as a Board member.

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:

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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 Board of Commissioners;

8. To perform all duties and functions assigned to boards of appeal under state law, this Ordinance, and any other applicable Chapter of the Town Code.

9. To enter upon any land and make examinations and surveys and place and maintain necessary monuments and markers thereon.

H. Budget Request.

The Board of Zoning Appeals shall prepare any applicable budget requests or other recommendations and submit them to the Board of Commissioners.

I. Rules.

The Board of Zoning Appeals shall adopt rules for the conduct of its meetings, requiring at a minimum the requirements of Section 8.3.4.J.

J. Proceedings.

1. Any request or appeal to the Board of Zoning Appeals under this Ordinance shall be initiated by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

2. The Board shall fix reasonable time for the hearing of the appeal, give public notice to the parties in interest, and decide the same within a reasonable time.

3. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

4. 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.

5. 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 Town 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.

6. The Board of Zoning Appeals may call upon any other office or agency of the Town 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.

7. All hearing sessions shall be open to the public.

8. 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

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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.

K. 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.

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.

L. Appeals from Board Decision.

1. Any officer, agency or department of the Town 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.

8.3.5 Historic Zoning Commission.

A. Creation; Jurisdiction.

The Town's Historic Zoning Commission has been created pursuant to the provisions of T.C.A. Sections 13-7-401 through 13-7-409.

The Historic Zoning Commission shall have jurisdiction relating to historic zoning matters.

B. Membership.

1. The Historic Zoning Commission shall consist of no less than five (5) and no more than nine (9) members.

2. Each member of the Historic Zoning Commission shall be a resident of, or property or Business owner within, the Town prior to the appointment and who shall continue to be so as long as they serve.

3. All members shall be appointed by the Board of Commissioners.

4. The terms of members of the Historic Zoning Commission shall be five (5) years except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. Vacancies shall be filled for any unexpected terms by the Board of Commissioners.

5. All members of the Historic Zoning Commission shall serve without compensation and may be removed from membership by the Board of Commissioners.

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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 members shall elect a Chair from among themselves to preside over meetings and other officers deemed appropriate to carry out its purpose.

E. Conflict of Interest.

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property or Application which is the subject matter of, or affected by, a decision of the Historic Zoning Commission shall be disqualified from participating in the discussion, decision or proceedings of the Historic Zoning Commission in connection therewith as a commissioner.

F. Rules & Meetings.

1. The Historic Zoning Commission shall adopt rules of order and establish regular meeting dates.

2. Meetings of the Historic Zoning Commission shall be held at the call of the Chair and at other times as the Historic Zoning Commission may determine.

3. All meetings of the Historic Zoning Commission shall be open to the public.

4. A majority of the appointed Historic Zoning Commission members shall constitute a quorum for the transaction of any business.

5. The concurring vote of a majority of those present at any meeting shall constitute final action of the Historic Zoning Commission on any matter before it.

6. The Historic Zoning Commission shall maintain a record of its meetings and all actions taken, and these records shall be open to the public.

7. The Historic Zoning Commission shall adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Section 8.3.5.

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. The Historic Zoning Commission shall review Applications calling for the designation of Historic District Overlays according to the standards contained in Section 3.7.3.B.1.e, referring written recommendations to the Board of Commissioners. Establishment of a Historic District Overlay on the Official Zoning Map shall be in accordance with Section 3.7.3.

2. The Historic Zoning Commission shall utilize the design standards contained in Section 3.7.3.B.1.f(4) when considering Certificate of Appropriateness Applications. Any more detailed design guidelines relating to the construction, alteration, addition and repair to, and rehabilitation, relocation and demolition of structures and other improvements which the Historic Zoning Commission may choose to adopt shall be consistent with the National Historic Preservation Act of 1966, as amended.

3. The Historic Zoning Commission shall designate appropriate sites and/or Structures as historically significant to the Town in accordance with the standards contained in Section 3.7.3.B.1.e.

4. Before designation, the Commission shall hold a public hearing. Notice of such hearing shall be given to all affected property owners by U.S. Mail at least

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twenty-one (21) days before the date of the hearing and notice shall be given in one (1) publication in a newspaper of general circulation in the Town at least twenty-one (21) days before the date of the hearing.

5. 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 T.C.A. Section 13 – 7 – 402.

6. 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 T.C.A. Section 13 – 7 – 402 (C).

7. The Historic Zoning Commission shall review Applications proposing construction, alteration, demolition or relocation of any historic site or structure, or any site or structure located within a designated historic district. The Commission shall not consider interior structure modifications. The Commission shall grant or deny Certificates of Appropriateness pursuant to Section 8.5.13 based on this review and may grant Certificates of Appropriateness contingent upon the acceptance by the Applicant of specified conditions.

8. To testify before all boards and commissions, including the Planning Commission, Board of Commissioners and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, Structures and areas.

9. To conduct a survey of Buildings, places or areas within the Town for the purpose of identifying those of historic or cultural significance.

10. 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.

11. To submit and to review all Applications for designation of Historic Districts.

12. 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.

13. To consider and make the final decision on any appeal of the Zoning Administrator's action on any Condition of Neglect or Demolition by Neglect.

14. To consider and make the final decision on any appeal of the Zoning Administrator's action on any Determination of Economic Hardship.

15. To determine an appropriate system of markers for designation of Historic Districts.

16. To prepare and publish maps, brochures and other descriptive material about the Town's Historic Districts, historic sites, and Historic Structures.

17. 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.

18. To advise and assist owners of Historic Properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse.

19. To accept gifts, grants and money as may be appropriate for the purposes of this Article.

20. The members of the Historic Zoning Commission, in order to further accomplish the purposes of this Ordinance, may enter upon any land and make examinations and surveys and place and maintain necessary.

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21. To adopt, publish and make available Bylaws for the conduct of Historic Zoning Commission meetings.

22. To exercise such powers as may be delegated it by the Tennessee Historical Commission under the 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.

23. To review proposed zoning amendments, Applications for Conditional Use Permits, Variances, and Applications for subdivision that affect proposed or designated Historic Districts.

24. To retain such specialists or consultants or to appoint such citizen advisory committees as may from time to time be required.

25. To confer recognition upon the owners of property within Historic Districts.

26. To develop a preservation component in the Comprehensive Plan of the Town and to recommend it to the Planning Commission.

27. To review periodically this Ordinance and to recommend to the Planning Commission and Board of Commissioners any amendments appropriate for the protection of Historic Properties.

28. 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.

H. Appeal of Commission Action.

Anyone who may be aggrieved by a final order or judgment of the Historic Zoning Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the T.C.A. Sections 27-9-101 et seq.

8.3.6 Design Review Committee.

A. Creation.

Design Review shall be provided by the Town Consulting Designer and Planner unless the Board of Commissioners otherwise determines by resolution that Design Review shall be provided by a Design Review Committee. If so determined by the Board of Commissioners, the Design Review Committee shall be organized for the purpose of reviewing those parts of Applications that are subject to design review pursuant to this Ordinance.

B. Membership.

If the Board of Commissioners makes such determination pursuant to the preceding paragraph, the Design Review Committee shall be composed of three members, who shall be appointed by the Board of Commissioners. Each such member shall be a Town resident with a background in architecture, development, or construction. The members of the Design Review Committee 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 Board of Commissioners 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 Design Review Committee may adopt rules of procedure.

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G. Powers & Duties.

1. The Design Review Committee shall be responsible for reviewing and taking action on the design of any proposed Structures covered by any Application submitted under this Ordinance.

2. Review by the Design Review Committee shall be limited to a determination whether an Application meets the applicable design standards within this Ordinance and Design Review Manual as adopted, and as amended.

3. After completing a review, the Design Review Committee may approve, approve with conditions, or disapprove the design of proposed Structures covered by an Application.

4. Upon taking action pursuant to the preceding paragraph, the Design Review Committee shall certify such decision to the Planning Commission, and if the Decision-Making Authority is not the Planning Commission, to such Decision-Making Authority.

5. No Application for which Design Review Committee review is required may be approved in the absence of approval of all Structures by the Design Review Committee.

6. The Design Review Committee is authorized to retain a third party design consultant to review and make recommendations regarding plans and designs submitted pursuant this Ordinance, who may be the Town Consulting Designer and Planner. The expense incurred for such third party review shall be paid by the Applicant.

7. Without limitation, the Design Review Committee shall appoint a chair and secretary for each meeting. The secretary shall prepare a report on each meeting, which shall be retained by the Design Review Committee.

8. Without limiting the foregoing the Design Review Committee is further authorized to review and provide input on any project proposal forwarded to the Committee by the Zoning Administrator.

8.3.7 Development Review Committee.

A. Establishment.

There shall be a Development Review Committee for the purpose of reviewing those parts of Applications that are subject to the jurisdiction of each of its members, respectively.

B. Membership.

The Development Review Committee shall consist of the Zoning Administrator, the Town Engineer, the Town Building Official, the Town Public Works Director, the Town Fire Chief, the Town Police Chief, and/or other Town department heads having authority over any aspect of an Application and any other department heads or staff that the Zoning Administrator deems necessary to review an Application. The Town Consulting Designer and Planner shall attend any meeting of the Development Review Committee as may be requested by the Zoning Administrator.

C. Meetings.

Meetings shall be held on an as-needed basis and shall be called by the Zoning Administrator.

D. Rules of Procedure.

The Development Review Committee may adopt rules of procedure. Without limitation, the Development Review Committee shall appoint a chair and secretary for each meeting. The secretary shall prepare a report on each meeting, which shall be retained by the Committee.

E. Powers & Duties.

1. Each member of the Development Review Committee shall be responsible for reviewing and

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taking action on all aspects of an Application within its area of authority.

2. The Development Review Committee is authorized to retain third party consultants to review and make recommendations regarding plans submitted pursuant this Ordinance. The expense incurred for such third party review shall be paid by the Applicant.

3. Without limiting the foregoing the Development Review Committee is further authorized to review and provide input on any project proposal forwarded to the Development Review Committee by the Zoning Administrator. Additionally, the Development Review Committee is authorized to review and provide input on each Site Development Plan or amendment to Site Development Plan in accordance with Section 8.5.6.I.3.

4. The Development Review Committee is authorized in its judgment to obtain advice on any project proposal from other Town officials, Town 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 Town.

B. List.

The following other bodies may have review or decision authority on projects, Development, and property within the Town:

1. Metro Nashville Water Services;
2. Nolensville College Grove Utility District;
3. Middle Tennessee Electric Membership Cooperative
4. Tennessee Department of Human Resources; and/or
5. Other departments and agencies as may be required under applicable law.

SECTION 8.4 LIABILITY.

Neither any Board of Zoning Appeals, Planning Commission, Historic Zoning Commission, or Design Review Committee member, the Zoning Administrator, nor other Town employee charged with implementation or enforcement of this Ordinance, acting for the Town 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 Town 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 Town at the Town'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;

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4. Site Development Plan Review;

5. Administrative Adjustment;

6. Temporary Use Permit;

7. Home Occupation Permit;

8. Certificate of Occupancy;

9. Historic District Designation;

10. Certificate of Appropriateness;

11. Demolition by Neglect;

12. Certificate of Economic Hardship;

13. Conditional Use Permit;

14. Variance;

15. Appeal of Administrative Decision;

16. Zoning Ordinance Amendment;

17. Rezoning;

18. Comprehensive Plan or other Land Use Plan Amendment or Adoption ;

19. Sign Permit;

20. 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.

B. Certain Exceptions.

1. All interpretations of matters relating to the Town Building Code shall be made by the Town Building Official or designee.

2. The Zoning Administrator may refer interpretations of other provisions to appropriate Town 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, Board of Commissioners, 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 Town Building Official and coordinate with other staff, including the Town Attorney, as necessary; and

c. Render an opinion.

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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 Town Building Official 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	Development Review Committee	Town Consulting Designer & Planner or Design Review Committee	Historic Zoning Commission	Board of Zoning Appeals	Planning Commission	Board of Commissioners
Interpretation of the Ordinance	D				< A >		
Building Permit	D		D*		< A >		
Development Plan	D* / R	R	D*		< A >	D*	
Administrative Adjustment	D				< A >		
Temporary Use Permit	D				< A >		
Home Occupation Permit	D				< A >		
Sign Permit	D		D*	R	< A >		
Certificate of Occupancy	D				< A >		
Historic District Designation	R			< D >	< A >		
Certificate of Appropriateness	R			< D >	< A >		
Demolition by Neglect	D			< A >	< A >		
Conditional Use Permit	R			R	< D >		
Appeal of Administrative Decision					< D >		
Variance	R			R	< D >		
Zoning Ordinance Amendment	R			R		R	< D >
Rezoning	R			R		R	< D >
Plan Amendment/ Adoption	R			R		D	

LEGEND
The following notations are utilized in this table.

R Review or Recommendation	D* Decision authority over design of projects		
D* Decision on Certain Development Plans	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 or required, as set forth below, 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 9 or fewer one- or two-family Dwellings one- or two-family Dwellings;

b. Application for Conditional Use Permit;

c. Application for a Variance or Administrative Adjustment; and

d. Application for Rezoning or Zoning Ordinance Amendment.

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 by the Board or of Commissioners from time to time to defray the actual cost of processing Applications. Fees shall be waived for the following:

a. Applications initiated by any Federal, State or Town government, body, or agency.

b. Applications initiated by any non-profit organization.

c. Any procedure or action initiated by the Zoning Administrator, Planning Commission or Board of Commissioners.

4. All Applications must be complete before the appropriate department is required to review the Application.

5. A determination of whether an 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

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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.

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.10 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 approval as shown in **Table 8.5.4.D–1 (Summary of Notice Requirements).**

Table 8.5.4.D–1 Summary of Notice

Procedure	Published	Posted	Mailed
Appeal of Administrative Decision	●		
Conditional Use Permit	●		●
Variance	●		●
Ordinance Amendment	●		
Rezoning	●	●	●
Comprehensive Plan Amendment/Adoption	●		
Site Development Plan approvable by Planning Commission	●	●	●

For Certificate of Appropriateness, Demolition by Neglect, and Historic District Designation, see applicable Sections.

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 Planning Department in a newspaper of general circulation within the Town 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

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(2) A summary description of the proposed action.

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 Planning 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 Planning 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 Planning 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 Town 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 Town using certified U.S. Mail.

b. The letter shall specify the street address and phone number for the Planning 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 Board of Commissioners, Planning Commission, Board of Zoning Appeals, or Historic Zoning Commission, as indicated:

Table 8.5.4.D–10 Required Hearing

Procedure	Board of Commissioners	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	●			

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 excavation for or 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. An Application for Building Permit shall be made by filing with the Town Building Official.

2. Such Application must be filed by a Person 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).

3. The Town Building Official may require an Applicant to submit evidence of his or her authority to submit the Application for a Building Permit.

4. 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 Town Building Official may consider the Application.

5. An Application for a Building Permit shall include two (2) sets of Building Plans demonstrating

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compliance with all applicable requirements of of this Ordinance and any applicable Development Plan.

6. If the Building Plan includes any Critical Lot(s) or Building Site(s), it shall include a Critical Lot or Building Site Plan. Any Critical Lot or Building Site Plan shall be reviewed as if it were included with a Development Plan (See Section 8.5.6.F.1.g(13)).

7. 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 Town Building Official shall make every effort to develop 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 Town Building Official to determine compliance with this Section 8.5.5, such as Applications for Building Permits to construct single – family or two – family Dwellings, or Applications for Sign Permits, the Town Building Official shall develop standard forms that will expedite the submission of the necessary Plans and other required information.

D. Town Building Official Action.

1. Upon receipt of a complete Application for Building Permit and any other required materials, the Town Building Official shall have up to 60 days to initiate review of the Application.

2. Upon hearing recommendations from all appropriate departments and review bodies, the Town Building Official shall proceed as follows:

a. In cases where no additional permits are required and all Ordinance and Building Code requirements have been met, the Zoning Administrator shall issue a Building Permit.

b. In cases where an additional permit(s) is required, the Town Building Official shall notify the Applicant of the additional permit(s).

3. Without limitation, no Building Permit shall be issued until the Building Plan has been certified by the Zoning Administrator as being in compliance with all applicable requirements of of this Ordinance and any applicable Development Plan.

4. Unless specifically exempted pursuant to this Ordinance, no Building Permit shall be issued in the absence of Development Plan approval and Design Review approval.

5. 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

6. 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 Town Building Official shall notify the Applicant of the text amendment procedure in Section 8.5.18, and/or the Rezoning procedure in Section 8.5.19.

7. In cases where a Variance or Administrative Waiver may be required prior to the issuance of a

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Building Permit, the Town Building Official shall notify the Applicant of the Variance procedure in Section 8.5.16 or the Administrative Adjustment procedure in Section 8.5.8.

8. Any Building Permit 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.

9. Final action on a Building Permit may be appealed in accordance with Section 8.5.17, Appeal of Administrative Decision.

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, construction, activities, or Uses for which no Conditional Use Permit, Variance, or Rezoning is necessary 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. one detached single-Family Dwelling on a single Lot or a a single detached two-Family Dwelling located on a single Lot or on two abutting Lots;

2. Ordinary Maintenance and Repair of a Structure (unless review is required under Certificate of Appropriateness).

3. The use or intended use of land for the purpose of agriculture, raising of crops, or forestry.

4. Home Occupations.

5. Accessory Uses incidental to a one- or two-family Residential Use, provided that an Accessory Building or Accessory Structure is not exempt.

C. Development Plan Review Process Illustration.

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 any Development or construction of more than one site-built House or Duplex which is not on a Development Parcel and for which no Conditional Use Permit, Variance, or Rezoning is necessary; and

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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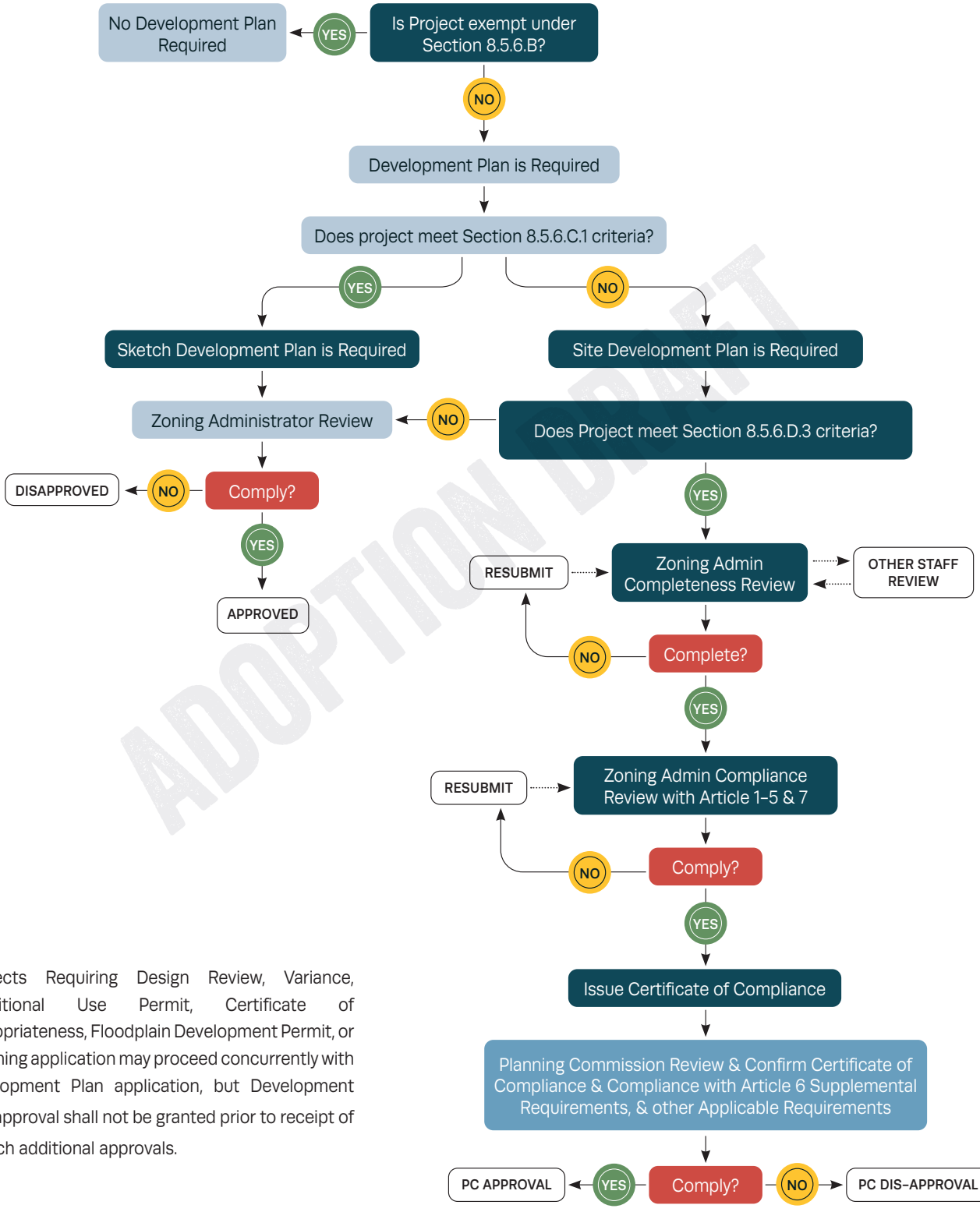
Illustration 8.5.6
Development Plan Review Process*



*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.

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, which

a. include any Townhouse, Small Multifamily Builidng, Large Multifamily Building, Live/Work Builidng, Commercial Building, Mixed–Use Building, Flex Building, Large Scale Commercial Building, Civic Building, Manufactured Home, or modular Building,

b. involve one or more Development Parcels,

c. is a Development or construction for which a Conditional Use Permit, Variance, or Rezoning is necessary, or

d. is covered by an Application that is referred to the Planning Commission by the Zoning Administrator.

E. Review by other Departments & Committees.

The Zoning Administrator shall ensure that the Development Review Committee, Design Review Committee, and all other appropriate review entities have reviewed the proposed project and had opportunity to comment and/or take action as applicable.

Unless specifically exempted pursuant to this Ordinance, no Development Plan Application shall be acted on or approved in the absence of Development Review Committee review and approval of those aspects of the Application within the authority of each of the members of such Committee and review and approval of the design of all Buildings and Structures included in the Development Plan by the Design Review Committee approval pursuant to a Design Review Application.

F. Development Plan Requirements – General.

1. The following requirements are applicable to all Development Plans and Development Plan 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 or 8.5.6.H, as applicable.

f. Each Development Plan must be submitted for review and action in accordance with this Section 8.5.6..

g. Each Development Plan shall include:

(1) The name and address of the Applicant and the owner of record, if different from the Applicant.

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(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.

(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.

(13) If the Development Plan includes any Critical Lot or Building Site, a Critical Lot or Building Site Plan shall be provided, which shall be reviewed as part of the Development Plan based on the care taken to minimize the area of the Critical Lot or Building Site Plan subject to grading, the cut/fill required to prepare the Critical Lot or Building Site for construction, and the effectiveness of the Critical Lot or Building Site Plan to preserve the natural features of each Critical Lot or Building Site, including without limitation

(a) Driveways should be designed at a 10% or less grade

(b) grading plan must divert runoff away from the foundation

(c) grading near boundaries must not undercut trees on Adjacent lots.

(d) grading should be the minimum necessary to allow for the efficient construction of the house.

(e) excessive foundation heights should be avoided.

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(f) retaining wall details, and

(g) tree preservation details.

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 shall:

a. Indicate the location of area(s) subject to flooding.

b. Require the issuance of a Floodplain Development Permit pursuant to Title 18, Chapter 3 of the Town Municipal Code prior to final approval of the Development Plan Application.

G. Sketch Development Plan Requirements.

At a minimum, in addition to meeting all requirements under Section 8.5.6.F above, each Sketch Development Plan shall be fully dimensioned and prepared 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;

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

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j. Proposed Floor Area, Dimensions, Floor Elevations, Floor-to-Ceiling Heights, and Height of each Building

k. Private Frontage and Facade 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 6.2

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 parcel of land and all Adjacent Lots, Building Sites, or parcels as may be deemed necessary by the Zoning Administrator, Director of Public Works, or Town Engineer for determining whether the provisions of this Ordinance and other applicable provisions of the Town 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

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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 Buildings or other Structures already on the Lot, Building Site, parcel, or overall Development site.

c. Each existing and intended Use of the Lot, Building Site, parcel and overall Development site and of all Buildings or other 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. Existing vegetation plan, including the location all groupings of trees and how they will be incorporated into the proposed Development, the location of all Specimen Trees, existing wooded areas, other significant individual trees with a diameter at breast height of eight inches (8") or more, all trees to be removed and all trees to be preserved;

e. Location, trunk diameter, and species of all Specimen Trees within any required Buffer or landscaped area, including those to be removed and those to be preserved.

f. Position, materials, and dimensions of fences and walls.

g. Location and dimensions of all required Buffers, which shall be provided on a separate Buffer plan.

h. Location, type, and size of proposed Signs.

i. Proposed means of surface drainage.

j. Overall Development site dimensions.

k. Bicycle Parking Accommodations, including without limitation number of spaces.

l. Loading Space calculations and location, and Storage, Drive-Through, Refuse Receptacle, Utility Box, and Service Meter Accommodations and Locations.

m. Total area, exterior materials, and design of the following proposed or to remain:

(1) Buildings and Structures, Including without limitation, full color architectural renderings and preliminary architectural plans, showing all sides of each Building or Structure that will be visible from any Frontage, keyed to the Project Description and Project Illustrative Plan provided pursuant to Section 8.5.6.H.3.t(2);

(2) Parking Lots, Parking Areas, and Parking Structures, keyed to the Parking Plan provided pursuant to Section 8.5.6.H.3.t(13);

(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;

n. Fire hydrants, keyed to a detailed Fire Equipment Access Plan;

o. 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);

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p. Recorded Plat consistent with the Site Development Plan.

q. Proposed hours of operation.

r. Description of all existing and proposed restrictions or covenants applicable to the Development site.

s. 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.t(2) and the architectural renderings and preliminary plans provided pursuant to Section 8.5.6.H.3.m(1); and

(c) Sidewalks, walkways, handicap ramps, and curb cuts;

t. The following additional plans and information:

(1) Site Access and Circulation Plan, indicating access and circulation routes for all vehicular and pedestrian movement;

(2) Project Description and Project Illustrative Plan showing each Development and Building element regulated by this Ordinance or any separate Building Design Standards;

(3) If applicable, public address system plan, including type, location, design, manufacturer's specifications and hours of operation;

(4) Erosion and Sedimentation Control Measures for the Development;

(5) Topographic Plan and Land Disturbance Plan 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;

(6) Map showing the extent of Floodplain areas or storm water overflows, including Special Flood Hazard Areas as established by the Federal Emergency Management Agency;

(7) 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

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(e) Identification of area used to calculate Parking Lot or Parking Area landscaping

(f) Fence detail drawing

(8) Refuse collection enclosure detail drawing

(9) 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.G.4.u;

(10) Stormwater pollution prevention plan that meets all applicable Town, County, State and federal standards;

(11) 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;

(12) 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;

(13) 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.m(2);

(14) Demonstration to the satisfaction of the Decision– Making Authority that the Site Development Plan and Application:

(a) complies with the standards for Site Grading, Site Drainage, Sewage, Utilities, Traffic Circulation, and Facilities for Persons with Disabilities, as set forth in the Town Subdivision Regulations,

(b) are complete, as evidenced by the Zoning Administrator's Certificate of Completeness,

(c) comply with all applicable standards and requirements of this Ordinance, as evidenced by the Zoning Administrator's Certificates of Compliance or as otherwise determined by the Decision–Making Authority, and

(d) comply with all other applicable provisions of the Town Ordinances, Town Code, Town Subdivision Regulations and other applicable Town rules and regulations, and all applicable state and federal statutes and regulations.

(15) If required by the Decision–Making Authority, a traffic impact analysis;

(16) If required by the Decision–Making Authority, a Parking study; and

(17) If required by the Decision–Making Authority, an environmental impact analysis;

(18) 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;

(19) If the proposed project will require other approvals, such as Rezoning, Variances, Administrative Adjustments, or Conditional Use approvals, the Applicant's identification of all such other required approvals;

(20) All information deemed necessary by the Development Review Committee to determine compliance with this Ordinance and all other applicable codes and ordinances;

(21) Any other items required by this Ordinance with respect to any Site Development Plan or required for any other applicable Development Application; and

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(22) Any other studies, information, or items deemed necessary by the Decision-Making Authority to determine the conformity of the Site Development Plan with the requirements of this Ordinance, which information or items are specifically identified to the Applicant in writing.

(23) If the proposal includes a Development Parcel and includes or requires Construction of any Building or other Structure or exterior Alteration to an existing Building or Structure, Development, re-Development, Improvement, subdivision, or re-subdivision of any Lot, Building Site, or other land, Use of any land, Building 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 items listed in this Section 8.5.6.H.3.t(23), 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, cross-sections, and Standards;

(c) 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)**;

(d) 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;

(e) Existing and any proposed Character Districts, assigned according to and as required in Section 2.4.1;

(f) Existing and proposed Special Districts, if any, assigned according to Section 2.4.3;

(g) Existing and proposed Special Requirements, if any;

(h) The proposed Block Structure for the site in compliance with applicable Block Perimeter Standards; and

(i) Public Landscaping Plan.

(24) 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.

(25) 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,

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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 Town codes and ordinances.

(j) Any other items required by this Ordinance with respect to any applicable site plan.

(26) 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.

(27) All other requirements of this Ordinance shall be met.

(28) Such other information concerning the Lot, Building Site, Development Parcel, or other land or Adjacent Lot, Building Site, Development Parcel, or other land as may be deemed essential by the Zoning Administrator or Development Review Committee member 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 Town 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 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 on the proposed project and draft Development Plan and Application in the following situations:

a. For any Site Development Plan or

b. For any 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 Town.

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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 five (5) 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 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 Town, 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 Town, 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.

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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 8.5.6.D.

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.

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.

3. Additionally, in the case of Development in a Special District, the Planning Commission shall determine:

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 Town 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

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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 a Variance, a Conditional Use Permit, a Certificate of Appropriateness, 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 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 Town unless and until the requirements regarding public improvements have been met.

T. Fees.

The Applicant shall pay to the Town the fees established in Fee Schedule Document available from the Planning 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.

Floodplain Development Permits are provided for in Title 18, Chapter 3 of the Town Municipal Code.

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8.5.8 Administrative Adjustment

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.

(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 10% 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

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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 as may be allowed pursuant to Section 4.3.9 and upon the issuance of a Temporary Use Permit.

2. Temporary Uses are not allowed 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;

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.

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E. Appeal

Final action on a Temporary Use Permit may be appealed in accordance with Section 8.5.17.

8.5.10 Home Occupation Filing

A Home Occupation form shall be submitted to the Zoning Administrator for each Home Occupation. No Home Occupation permit is required.

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 Town 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 Town Building Official.

E. Action by the Town Building Official.

Upon review of the Application and approval by the Zoning Administrator, the Town 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 Town 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

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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 Town 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.

8.5.12 Historic District Designation

A. Creation.

There is hereby created pursuant to T.C.A. 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, 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 Board of Commissioners, unless such Alteration, removal, or demolition is authorized by formal resolution of the Board of Commissioners 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 Board of Commissioners.

C. Applicability.

1. The Board of Commissioners 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 Board of Commissioners by owner(s) of the proposed Historic District;

b. By initiative of the Board of Commissioners; or

c. By initiative of the Historic Zoning Commission.

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 Town to identify neighborhoods, areas, sites, property,

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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 Town.

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 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 Board of Commissioners 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.

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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 T.C.A. 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 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

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of the report that pertain specifically and solely to the Historic District and as otherwise specified in Section 8.5.12.F.

H. Board of Commissioners Review & Decision.

1. The Board of Commissioners 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.

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 Board of Commissioners.

1. The Board of Commissioners 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 Board of Commissioners 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 Board of Commissioners, the Application shall be considered rejected.

2. In the event that the Board of Commissioners approves the proposed Historic District ordinance, the Board of Commissioners shall amend this Zoning Ordinance to reflect the same in the manner specified in Section 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

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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 Town 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.

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 Town Historic Guidelines.

2. The Building Permit or Demolition Permit shall not be issued 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

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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 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.

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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.

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; Certificate of Economic Hardship.

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;

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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.

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 Town 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.

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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 Planning 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, 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 8.5.13.D.

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 8.5.13.D.

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 Economic Hardship, and any additional evidence requested by the Zoning Administrator or Historic Zoning Commission or evidence the owner(s) considers relevant:

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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.

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 Town'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 Town Code, or other ordinances apply, the Board of Commissioners 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 Board of Commissioners 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 Town may apply for any appropriate equitable remedy to enforce the provisions of this Section 8.5.14.

b. The Town 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 Town has executed the order of abatement, the Town 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

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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 is intended to protect the physical character of the Town through review of certain proposed Developments meeting certain criteria.

B. Applicability.

Prior to approval of a Development Plan or issuance of a Building Permit, Design Review shall be required for all Buildings and Structures within any of the following Districts: CD-4, CD-4V, CD-4C, CD-5, SD-IV, and CV.

Design Review shall be provided by the Town Consulting Designer and Planner, unless the Board of Commissioners affirmatively determines by resolution that Design Review shall be provided by a Design Review Committee.

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.

All Design Review 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 such review, the Zoning Administrator shall set a meeting for the initial review among the Zoning Administrator, the Town Consulting Designer and Planner or Design Review Committee, as applicable, and the Applicant 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 at the initial review meeting.

3. If the Design Review is to be provided by the Design Review Committee, In cases where the Design Review Committee 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 complete Design Review Applications, the Town Consulting Designer and Planner or the Design Review Committee, as applicable, shall approve, approve with conditions or disapprove the Application.

F. Design Review Criteria.

1. In the consideration of a Design Review, the Town Consulting Designer and Planner or the Design Review Committee, as appliable, shall consider the following:

a. Compatibility with the surrounding Structures; and

b. Compliance with applicable design standards and requirements of this Ordinance, any adopted Design Standards and the applicable Development Plan.

2. In rendering a decision, consideration shall be limited to the design features and materials each Building or other Structure.

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3. Consideration of other aspects of a proposal not specifically related to the design features and/or materials of construction of a Building or other Structure.

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.

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

c. Density

d. Lot or Building Site Width or Area

e. Impervious Surface Coverage

f. Parking

g. Signs

h. Extension of Nonconforming Use

i. 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

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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.

H. Zoning Administrator Action.

1. The Zoning Administrator shall transmit one copy of the Application and all supporting information to the Town 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 Town 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,

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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 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 Planning 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 Town 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;

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(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.

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 Town'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

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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 Section 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. Any person, including without limitation any agency of the Town, 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 on any 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 and a complete Application for appeal of an administrative decision must be filed with the Zoning Administrator within 30 days of the decision. The date and time of filing of the notice and complete Application shall be entered on the notice.

3. The Application shall be considered filed when the notice and complete Application for appeal are delivered to 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 Town, 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 Board of Commissioners 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. Unless initiated by the Town, a proposal for Zoning Ordinance Amendment shall not be approved by the Board of Commissioners when there is a conflict with the Comprehensive Plan or applicable local plans, as determined by the Planning Commission.

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 Board of Commissioners, the Planning Commission, the Zoning Administrator, or by an Application of any other interested citizen of the Town.

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 Board of Commissioners.

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 Board of Commissioners.

2. When a recommendation is not rendered within the time periods established in this Section, the Board of Commissioners 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

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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.

H. Board of Commissioners Hearing Schedule.

The petition for Zoning Ordinance Amendment shall be placed on the agenda of the next available Board of Commissioners 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 Board of Commissioners.

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 Board of Commissioners meeting; and

c. A statement that substantial changes to the proposed action may be made following the meeting.

J. Board of Commissioners Action.

1. A public hearing shall be held.

2. In rendering its decision, the Board of Commissioners shall consider any recommendations by the Planning Commission.

3. The Board of Commissioners 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 Board of Commissioners 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 upon initiation by the Board of Commissioners or Planning Commission.

L. Entry of Zoning Ordinance Amendment.

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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.

N. Zoning Ordinance Amendment Pursuant to T.C.A. Section 68–120–101(b)(7).

Notwithstanding anything to the contrary contained or implied in this Ordinance, any Zoning Ordinance Amendment pertaining to construction materials may be adopted only in accordance with T.C.A. Section 68–120–101(b)(7), as the same may be in effect or amended from time to time.

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 Board of Commissioners 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.

C. Consistency & Coordination with Plans.

1. All petitions for Rezoning shall be consistent with the Comprehensive Plan and any applicable local plans. 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 Board of Commissioners, 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 Board of Commissioners.

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 Town 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 shall be provided as part of a Rezoning Application. Without limitation to the foregoing, no proposal for Rezoning shall be approved unless and until an Application for a Sketch Development Plan shall have been approved and-or certified, as applicable, pursuant to Section 8.5.6.G. Submission, approval, and-or certification of such Sketch Development Plan shall not be construed as satisfying the requirement of providing a Site Development Plan as part of an Application for Site Development Plan approval for the property or any part thereof.

4. WIthout limitation to all other Application requirements, a Rezoning Application shall include maps indicating the existing and proposed zoning of all parts of the property.

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 Board of Commissioners.

3. When a recommendation is not rendered within the time periods established in this Section, the Board of Commissioners 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 Board of Commissioners.

The Board of Commissioners 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 Board of Commissioners. After the initial reading before the Board of Commissioners, the petition shall be placed on the agenda of the next available Board of Commissioners meeting and

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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.

3. Except in cases of a newly annexed property receiving initial zoning, the Town 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 Town shall not require the posting of a sign.

5. Notice of the Rezoning shall be mailed in accordance with Section 8.5.4.D.8.

6. This notice shall specify the street address, current and proposed zoning classification, and it shall contain a graphic illustration of the area.

K. Board of Commissioners Action.

1. Notice requirements shall be met.

2. The Board of Commissioners shall consider any recommendations by the Planning Commission in rendering its decision.

3. The Board of Commissioners may approve the request, deny the request, or send the request back to the Planning Commission for additional consideration.

4. The Board of Commissioners may approve the request at a less intensive classification than requested with consent of the Applicant.

5. Including the initial consideration before Board of Commissioners mentioned above, two considerations before the Board of Commissioners shall be required prior to any decision on the petition.

6. The Board of Commissioners 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. It has been determined that the legal purposes for which zoning exists are not contravened; and

b. 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.

7. Notwithstanding anything to the contrary contained or implied herein, a Rezoning Application for a change from District CD–H to percentages of Districts CD–1, CD–2, CD–3, and CD–4 in accordance with **Table 5.1.6 (Permitted Mix of CD–1, CD–2, CD–3, & CD–4 for Parcels Initially Zoned CD–H**), subject, however, to approval of a Site Development Plan in accordance with Section 8.5.6.N.

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 Board of Commissioners 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.

M. Districts as Applied to Territory Added to Jurisdiction of Town.

Whenever new territory is added to the zoning jurisdiction of the Town by any means, the Planning Commission shall recommend to the Board of Commissioners appropriate zoning districting within 30 days following the final approval of the annexation

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action. Prior to the final enactment by the Board of Commissioners 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 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.

O. 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 Town land use plans and maps (hereinafter referred to collectively as "Land Use Plans").

2. The Planning Commission may consider and take action on the 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, provided that adoption of a Land Use Plan does not involve an Application or Applicant.

4. Upon adoption of the Comprehensive Plan by the Planning Commission, the Board of Commissioners may affirm such Comprehensive Plan; provided that failure of the Board of Commissioners to affirm the Comprehensive Plan shall not affect the effectiveness or validity thereof.

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 adopting the Comprehensive Plan or approving 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.

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3. In the case of a proposed Land Use Plan Amendment, 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. The Planning Commission shall take action on a Land Use Amendment Application within 30 days of its initial public hearing. The time period for such action may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be allowed before taking such action.

5. In acting on a Land Use Plan Amendment, the Planning Commission shall either approve it, approve it with modifications, or disapprove it.

F. Criteria for Planning Commission Action.

The Planning Commission shall study and consider a 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 Town 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. Official Copies of Land Use Plans.

Official, current copies of all Land Use Plans adopted by the Planning Commission shall be maintained in the office of the Zoning Administrator and shall be available for review during normal business hours.

H. Affirmation by Board of Commissioners.

The Board of Commissioners may at its election affirm the Town Comprehensive Plan adopted by the Planning Commision; provided that no such affirmation or failure to affirm the Town Comprehensive Plan shall affect the validity thereof nor shall the Board of Commissioners have authority to approve or adopt any Town Comprehensive Plan or any Land Use Plan Amendment that has not been approved or adopted by the the Planning Commission.

8.5.21 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 Town unless it is the subject of a valid Sign Permit issued by the Town Building Official in accordance with this Section 8.5.21.

B. Applications.

Sign Permit Applications shall be made with the Town Building Official.

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

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Administrator; Certificate of Compliance.

Upon receipt of an Application for a Sign Permit, the Town Building Official 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 Town Building Official.

E. Issuance of Sign Permit

A Sign Permit shall be issued by the Town Building Official if and only if:

1. the Applicant pays the Application fee in accordance with a fee schedule adopted by the Commission,

2. the Town Building Official 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 Town Building Official has received a copy of the Zoning Administrator's Certificate of Compliance, certifying compliance with **Article 7 (Sign Standards)**.

8.5.22 Subdivision Plats.

Subdivision Plats must meet the standards and requirements of this Ordinance and the Town 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 Town Subdivision Regulations.

SECTION 8.6 ENFORCEMENT.

8.6.1 Enforcement; Violations; Penalties; & Remedies – General.

A. Enforcement.

This Code and the provisions of any Development Plan, Building Plan, approval, permit, certified, approved, or issued under this Ordinance shall be enforced by the Town Building Official, or in the absence of the Town Building Official, the Zoning Administrator, the applicable Decision-Making Authority, or other Town 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, Town Building Official, or a law enforcement officer of the Town, 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

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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, Town Building Official, 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 to be used in violation of this Ordinance, the Zoning Administrator or other appropriate authority of the Town 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 Town Building Official and/or any law enforcement officer of the Town 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 Town Building Official, 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

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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 Town Building Official, 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 Town Building Official, or a Town law enforcement officer prior to the issuance of an appearance ticket for violations of Section 8.5.11.A.

G. Request for Reconsideration Review.

If any Person shall feel aggrieved by the determination of the Zoning Administrator or Town Building Official 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 Town Building Official 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 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 Town, 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;

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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 Town Building Official 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 Town Building Official 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 requirements hereof.

B. Reinspection.

On or after said fifth (5th) day of certified mail notice, the Zoning Administrator and Town Building Official shall reinspect the site, and, if any of such violations still exist, the Town Building Official 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. 409
SECTION 9.2 TERMS. 409
SECTION 9.3 DEFINED TERMS. 409

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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 one or more 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 Town.

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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A

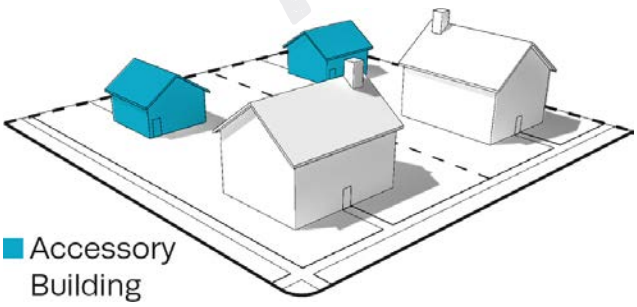
Abandoned Sign: any Sign that no longer identifies or advertises a business, product or service that is located on the premises where the Sign is displayed.

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 or Accessory Structure: a Building or other Structure, as applicable, which 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 Dwelling or be occupied or devoted to one or more Accessory Uses. An Accessory Building or Accessory Structure 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, 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 thirty (30) days, including without limitation Bed and Breakfast, Inn, Hotel, and Motel. *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.

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 T.C.A 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 T.C.A Section 68–11–201.

Adult Day Care Services: as defined in the Rules of Tennessee Department of Human Services Community and Social Services.

Adult Day Care Facility: premises at which Adult Day Care Services are provided.

Adult Education or Personal Improvement / Business, Trade, & Vocational Schools: (1) (a) Uses characterized by programs and curricula in which adults engage in systematic and sustained self–educating activities in order to gain new forms of knowledge, skills, attitudes, or values or (b) a Business, Trade, and Vocational School.

(2) the Educational Uses sub–category that includes the Uses described in (1) above.

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 and Extractive Uses: (1) collectively, Agricultural Uses and Extractive Uses;

(2) the Use Category that includes the Agricultural Uses and Extractive Uses subcategories. *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).**

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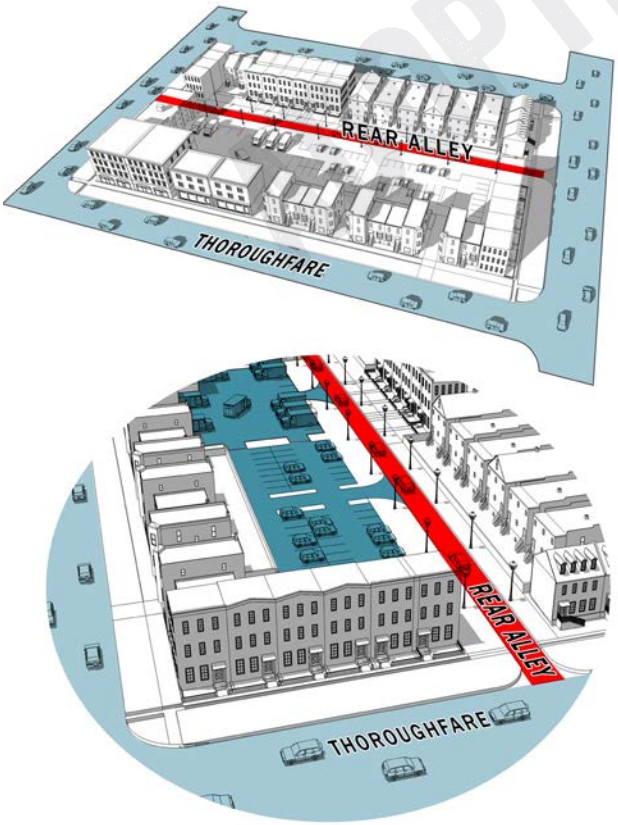
Agricultural Uses: the sub-category of the Agricultural and Extractive Use category characterized by Uses that create, preserve or utilize areas primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

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.

Animated Sign: any sign or part of a Sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

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 / Arts / Artisan Use, wherein a colonnade supporting habitable space in one or more upper levels overlaps the Sidewalk, while the Facade at the first level remains at the Frontage Line. *See* **Table 4.3.7.A (Private Frontage Types)**.

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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 Facility: 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, the Residence portion of a Live/Work Building, Mixed Use Building,or Flex Building, 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

Auction House: a Business which facilitates the sale of property at auction, including, as applicable, the premises from which such Business is operated.

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

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: (1) Uses 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; (2) Commercial Use subcategory that includes the Uses described in (1) above.

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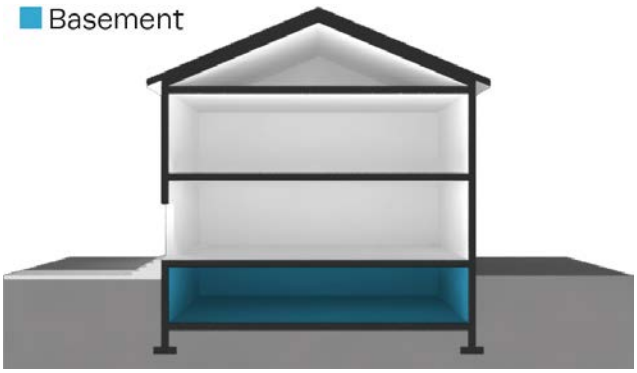
Basement: a portion of a Building having more than half (1/2) of its clear floor-to-ceiling height below the average finished grade of the ground. *See* **Illustration 9.3.B–1 (Basement).**

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).**

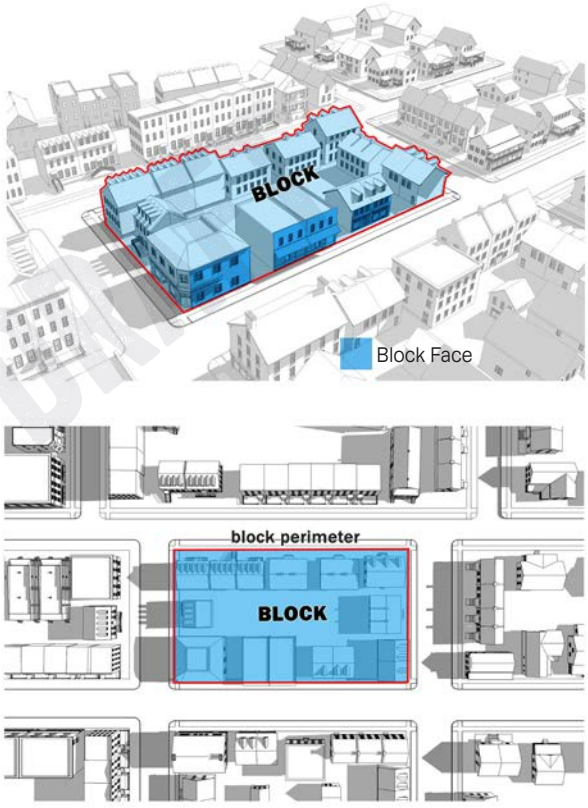
Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare. *See* **Table 5.2.4.B (Bikeway Types).**

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 of Commissioners: the Board of Commissioners of the Town.

Board of Zoning Appeals: the Board of Zoning Appeals of the Town.

Boarding: to provide premises for living and meals to Persons or animals.

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 – Related Uses: (1) 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 Uses; (2) the Commercial Use subcategory that includes the Uses described in (1) above.

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.

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 Code: the building code developed and promoted by the Southern Building Code Congress International, Inc., (SBCCI) and adopted by the Town.

Building Element: any component or part of a Building.

Building Marker: a Sign that has been approved by the Historic Zoning Commission and which depicts the historic significance of the Structure, including names and dates.

Building Official: the Town Chief Building Official or designee.

Building Plan: a plan required to be submitted with an Application for Building Permit pursuant to this Ordinance.

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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, site plan, permit application, or plat, and which accommodates, or is available to accommodate, a Principal Building. *See* **Illustration 9.3.L–5 (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.

Business / Professional / Not–for–Profit Office: Office Use subcategory that includes Business Office, Professional Office, and Not–for–Profit Office.

Business Office: Use characterized by premises available for any function of a Business, excluding Professional Offices

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

Canopy Sign: a Sign supported by a Structure constructed of rigid materials, which is attached to, and supported by, a building and/or columns, poles braces extended to the ground.

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.

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 certain applicable requirements under this Ordinance.

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, which certifies that a Use, Building, or Structure complies with the provision of this Ordinance and the Building Code.

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Changeable Copy Sign, Automatic: a Sign the messaging on which is changeable by automatic or remote controlled means. Sometimes referred to as an Electronic Message Boards.

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.I (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, Child Care Facility does not include:

(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.

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 – Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Civic District: an area on the Official Zoning Map designated for Civic Building(s) and/or Civic Space(s).

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 Uses: (1) not-for-profit Uses dedicated to arts, charitable, philanthropic, culture, education or recreation, government, transit, or Parking purposes, including premises for such Uses; (2) the Use category that encompasses described under clause (1) immediately preceding.

Civic Building / Civic Space: the subcategory of the Civic Uses category, which subcategory includes Civic Buildings and Civic Space. See **Table 4.3.9.A–1 (Building, Lot, & Building Site Principal Use), Table 4.3.9.A–2 (Building, Lot, & Building Site Accessory Use),** and **Table 4.3.9.A–3 (Building, Lot, & Building Site Temporary Use)**.

Civil Support: (1) Uses helpful to emergency and burial needs of the Town; (2) the Use category collectively

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referring to such 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 Use),** and **Table 4.3.9.A–3 (Building, Lot, & Building Site Temporary Use)**.

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: (1) operation of or engagement in for–profit activities and endeavors, including the Uses in the following subcategories:

Accommodations / Lodging, Day Care / Personal Care (non–Civic), Indoor Recreation – Commercial, Group Assembly (non–Civic), Outdoor Recreation – Commercial, Parking (Commercial), Restaurants, Bars, Taverns, & Nightclubs, Retail / Service / Repair / Art / Artisan, Self–Service Storage, Boat–Related Uses, Motor Vehicle–Related Uses, and Manufactured Home Sales.

Commercial Uses excludes Uses in the following Use Categories:

Agricultural and Extractive Uses, Residential Uses, Civil Support Uses, Educational Uses, Institutional Uses, Office Uses, Industrial Uses, Utilities Uses, and Other Uses;

(2) the Use Category that includes the Uses described in (1) above. See **Table 4.3.9.A–1 (Building, Lot, & Building Site Principal Use), Table 4.3.9.A–2 (Building, Lot, & Building Site Accessory Use),** and **Table 4.3.9.A–3 (Building, Lot, & Building Site Temporary Use)**.

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 or Parking (Commercial): (1) Use characterized by a Parking Lot or Parking Structure operated as a for–profit endeavor; (2) the Commercial Use subcategory that includes the Uses described in (1) above.

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 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

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not include communication equipment for amateur radio operators licensed by the Federal Communications Commission that are exempt from local zoning restrictions.

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.

Community Center: a Building and related premises where people from a specific neighborhood can meet for social, educational, or recreational activities.

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)**.

Community Service: sub-category of the Civic Uses category, being Uses of a public, non-profit, or charitable nature providing ongoing education, training, recreation, or counseling to the general public on a regular basis, without a Residential component.

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 T.C.A Section 13-4-201, T.C.A 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 Board of Commissioners 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 Town'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 exception, as controlled by T.C.A 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.

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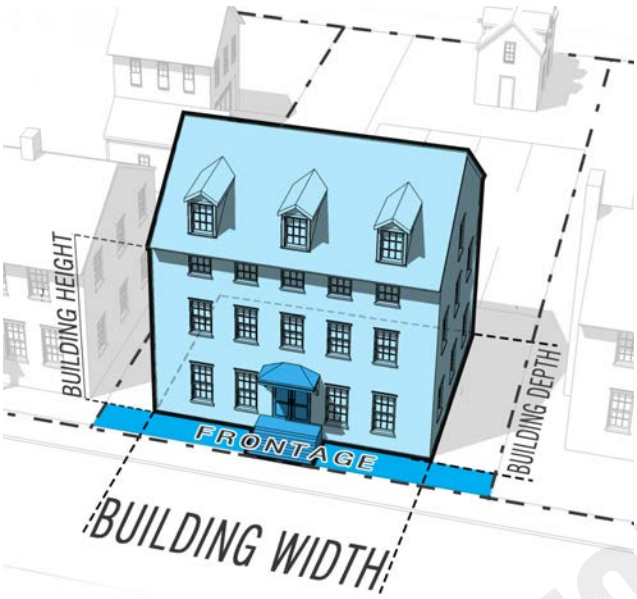
Configuration: with respect to a Building, its form, including its Massing, Private Frontage, Width, and Height. *See* **Illustration 9.3.C–1 (Configuration).**

ILLUSTRATION 9.3.C–1 CONFIGURATION



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: provision of any combination of Assisted Living, Long Term Care, memory care, or skilled nursing for the elderly or other individuals incapacitated in some manner for medical reasons, as determined and/or certified by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

Continuum of Care Facility: (1) a facility providing a Continuum of Care, 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 T.C.A 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; (2) the Institutional Use subcategory that includes the Uses described in (1) above.

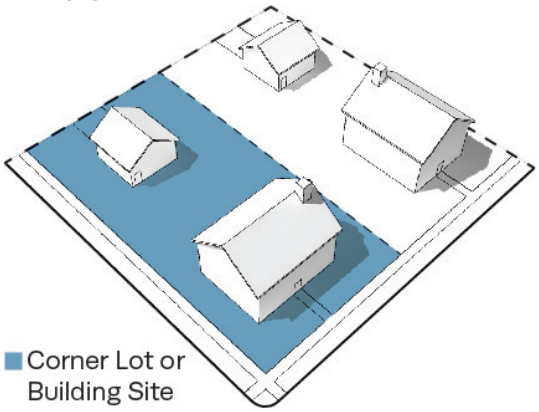
Construction Sign: a temporary Sign erected by or on behalf of a contractor during Development or Construction on site.

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.

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.

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Courthouse: a Building in which courts of law are held.

Critical Lot or Building Site: a Lot or Building Site that is designated as such during the Plan or Plat review process, based on soil conditions, degree of slope or other lot features, to address concerns related to the feasibility of construction. Generally, a Lot or Building Site will be designated as critical when it is being or has been created on an up slope greater than 15% or a down or cross slope greater than 20%. Critical Lots or Building Sites shall be indicated by a star symbol on the face of each Plan and/or Plat, as applicable.

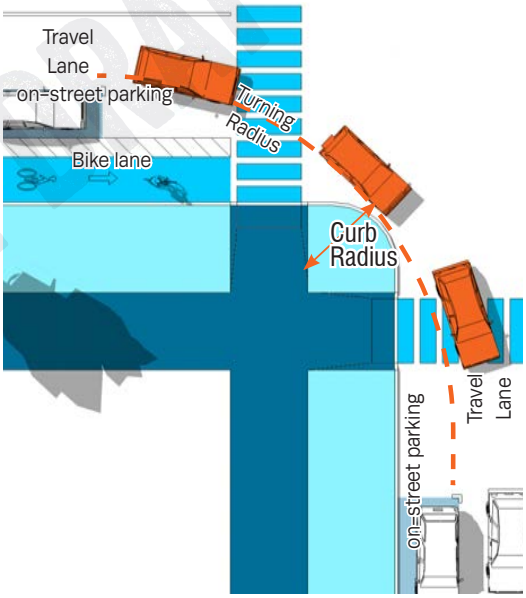
Critical Lot or Building Site Plan: a plan required to be submitted as part of each Development Plan and Building Plan submitted pursuant to this Ordinance each Plat submitted pursuant to the Town's Subdivision Regulations. Such Critical Lot or Building Site Plan shall provide a survey of existing conditions and details of the proposed Development of or Buildings or other Structures to be built on each Critical Lot or Building Site, shall (1) be drawn at a scale of 1"=20'-0"; (2) show existing conditions including: (a) contour lines at 2-foot intervals; (b) the location and elevation of the curb or edge of pavement fronting the Critical Lot or Building Site; (c) dimensions, Easements, Setbacks, etc, which are shown or will be shown on the recorded Plat; (d) existing tree masses and locations of existing trees with a 10" caliper or greater; (e) ground elevation at the base of the trees; and (f) notations of significant features such as streams, springs, rock outcrops, and sink holes, with all such data shall be shown to a point 10 feet outside the boundaries of each Critical Lot or Building Site; (3) include (a) the exact proposed Building footprint and garage and first floor elevations, (b) the location of other proposed Lot or Building Site Improvements, (c) proposed contour lines (including Driveways) at 2-foot intervals, (d) top and bottom elevations of retaining walls and materials of wall construction, (e) specified and illustrated methods of stabilization of slopes greater than 33% grade, (f) limits of grading, (g) existing trees to be preserved and methods of preservation; and (h) methods of managing stormwater runoff.

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



Cut: the portion of land surface or area from which earth has been or will be removed by excavation; also, the depth below original ground surface to excavated surface.

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

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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.

Day Care in Home: an occupied Dwelling in which a Person provides day care for children other than such Person's own Family.

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.

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.

Decision-Making Authority: any Town 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 Board of Commissioners.

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 site or a Structure or site within a Historic District.

Demolition by Neglect: as defined in Section 8.5.14.

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 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 Structure or Structure in a Historic 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 that 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.

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Developable Land: land that can be Developed, not including surface waterbodies, protected wetlands, protected habitat, riparian corridors, preserved open space, and protected slopes.

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 Plan: a Site Development Plan or Sketch Development Plan, as described in Section 8.5.6.

Development Permit: any permit or approval issued or granted pursuant to this Ordinance.

Deviation: an Administrative Adjustment or a Variance.

Dilapidated Sign: a Sign that is defective either structurally or is in a state of disrepair.

Directional Sign: a Sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

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.

District: a Character District, Special District, PUD District, PD 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 Facade 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: a single Family 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. 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 tos ingle-Family Detached 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)**.

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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-In or 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.

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, driving schools other than truck driving schools, and martial arts schools.

Effective Date: the date on which this Ordinance was adopted by the Board of Commissioners.

Effective Turning Radius: the measurement of the inside Turning Radius, taking parked cars into account.

Electronic Message Board: any Sign that uses changing lights to form a sign message or messages wherein the sequence of messages and their rate of change is electronically programmed and can be modified by electronic processes.

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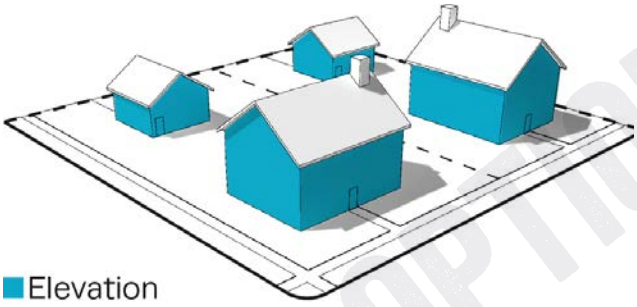
Elementary School: a public, private or parochial school offering instruction between Kindergarten and Grade 8 in the branches of learning and study required to be taught in the public schools of Tennessee.

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



EMS / Fire Station: premises accommodating operations of fire–fighting and/or emergency medical personnel and other members of staff.

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."

Erosion: any detachment, movement, or removal or loss of soil or rock fragments by the action of wind, water, ice, and/or gravity. Erosion includes both the detachment and transportation of soil particles.

Erosion Control Measures: one or more of the following measures, or other methods of slowing or stopping Erosion, used singularly or in combination as appropriate:

(1) Diversion – a Swale or channel with supporting ridge (berm, dike or wall) constructed across a sloping land surface along the contour, or with predetermined grades, to intercept and divert surface runoff before it gains sufficient volume or velocity to create conditions of erosion.

(2) Drain – an underground conduit or filter drain to reduce surface runoff or lower a high water table.

(3) Grade Stabilization Structure – drop Structures made of concrete, corrugated metal pipe or other suitable materials which dissipate the energy of flowing water by dropping it in a relatively short horizontal distance.

(4) Grassed Waterway – a natural or constructed waterway, usually broad and shallow, covered with erosion–resistant grasses used to carry surface water.

(5) Land Grading – reshaping the ground surface by grading to planned slopes and configurations that will prevent excessive erosion conditions.

(6) Mulching – the application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion and aid in establishing plant cover.

(7) Sediment Barrier – a temporary barrier installed to intercept runoff–containing sediment. The barrier shall filter sediment and allow runoff to pass through. Sediment barriers may include straw bale barriers and silt fences when installed.

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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.

Exempt Sign: a Sign listed in Section 7.1.10 that does not require a Sign Permit.

Excavation: the act of removing dirt or soil (see "Cut", above).

Existing Local Codes: all Town laws, codes, and ordinances in effect on the Effective Date.

Existing Sign: a Sign existing as of 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.

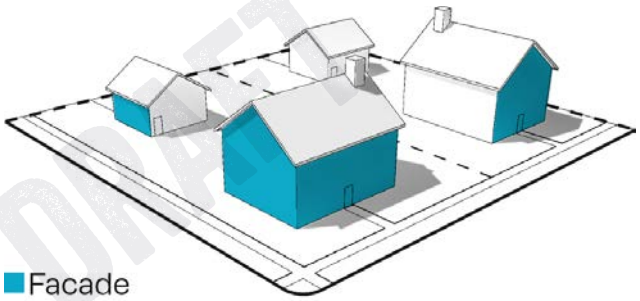
Extractive Uses: sub-category of the Agricultural and Extractive Uses Category characterized by Uses in which minerals or other solids or liquids are extracted from the earth, including without limitation, chemical fertilizer and non-metallic mineral mining, clay, ceramic, and refectory mineral mining, 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 and bears the Principal Entrance to the Building. 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 Facility: a facility that 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.

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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.

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.

Fill: the portion of land surface or area to which soil, rock or other materials have been or will be added. Also, the height above original ground surface after the material has been or will be added.

Final Plat: as defined in Town 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, but excluding Financial Services Businesses and Short-Term Lenders.

Financial Services: a Business characterized by the provision of financial, investment, and/or similar services, excluding Financial Institutions and Short-Term Lenders..

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

First Layer: *See* "Layer".

Flag: bunting or fabric of distinctive color and design and uses as an emblem, standard, or symbol, containing no advertising message, but may include company logos and names, and government flags and which is hoisted on a permanent flagpole.

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).**

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.

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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.

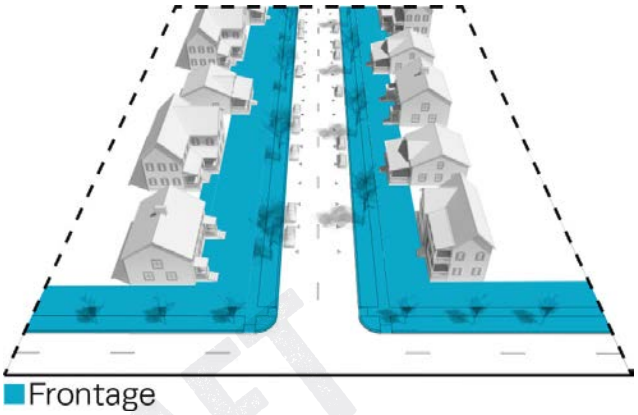
Food Processing: Use characterized by processing and packaging of edible goods and beverages for consumption off of the premises.

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: a Sign that is placed on or supported by the ground, independent of any Building or other Structure on the Lot or Building Site, designed with a monument base that is an integral part of the sign 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)**.

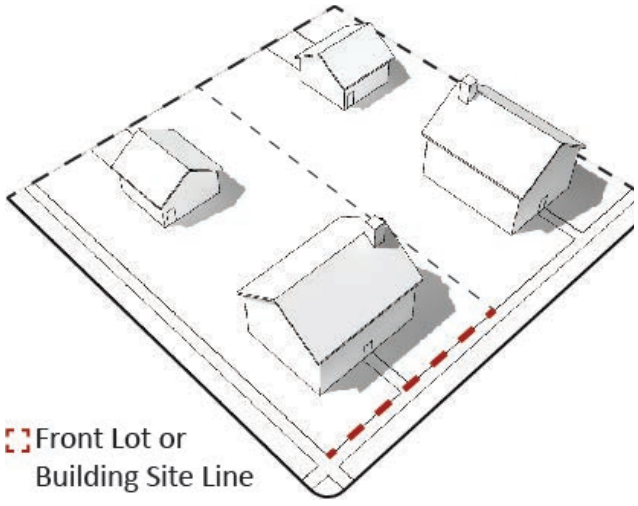
ILLUSTRATION 9.3.F–4 PRINCIPAL FRONTAGE AND SECONDARY FRONTAGE



Frontage 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 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



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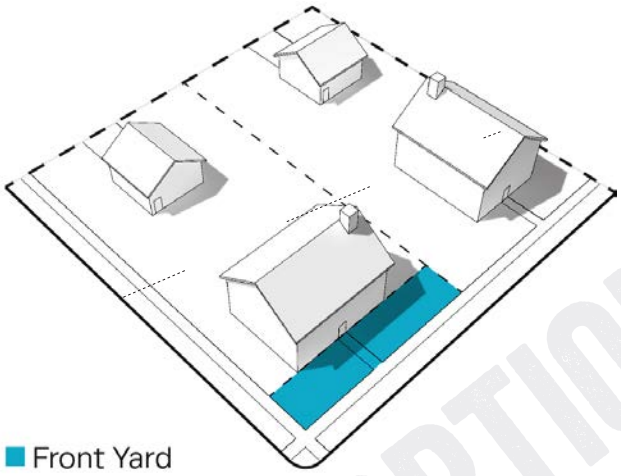
Front Setback Area or Yard: a portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot or Building Site and (2) the Front Lot or Building Site Line, extending the full width of the Lot or Building Site, 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



Fuel Sales: the sale of petroleum products.

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 Town Engineer from (2) the current assessed value of the Structure.

Current Assessed Value of Structure **–** ***Estimated Value of Foundation*** **=** ***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 Town 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, 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.

Grade: the slope or elevation of the ground surface prior to or after cutting and filling.

Grading: any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing or stockpiling, or where any ground cover, natural or man made, is removed, or any buildings or other structures are removed or any watercourse or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area.

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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: (1) Uses characterized by people congregating regularly for participation in or holding meetings, workshops, lectures, performances, and other similar activities, including Buildings, facilities, and venues in which such functions and activities are held, excluding Religious Facilities and Civic Uses; (2) the Commercial Uses subcategory that includes the Uses described in (1) above.

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 T.C.A 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, Boarding or Rooming House, certain Dormitories, 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, and Medical Clinics 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: (1) Industrial Uses characterized by:

(a) factory production or industrial yards,

(b) capital- or energy-intensive machinery or equipment,

(c) production or involvement of large or complex products or processes;

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(d) research and development activities other than light fabrication or assembly;

(e) sales to other Businesses;

(f) use, sale, or production of heavy machinery or equipment;

(g) generation, causing, discharging, or disseminating any material, noise, smoke, pollution, gas, fumes, dust, odor, heat, glare, or vibration beyond the walls of an enclosed Building situated on the premises, or beyond the boundaries of the premises on which the activity is conducted;

(h) Heavy Manufacturing; or

(i) activities or Uses that are potentially:

(i) detrimental to the environment,

(ii) pose any danger or hazard of fire, explosion, or other physical hazard,

(iii) involve any Outdoor Storage,

(iv) may result in any unusual traffic hazard or congestion,

(v) for which any water, air, or other environmental or pollution license or permit is required, or

(vi) involve the storage or use of any highly flammable, toxic, explosive, or hazardous matter or materials;

(2) the Industrial Uses subcategory that includes the Uses described in (1) above.

Heavy Manufacturing: Extraction of natural resources, or transformation of raw materials through mechanical or chemical means into basic products for subsequent assembly, fabrication, or use in the production of finished goods.

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.

(3) as related to a Sigh, the vertical distance measured from the lowest adjacent grade to the highest point of the Sign or Sign Structure.

High School: premises at which education is provided for students from Grade 7 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)**.

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Hilltop: The top of a hill over 700 feet in elevation, as shown on the U.S.G.S. 7.5 minute quadrangle maps, where the average slope is less than five (5) percent and where:

(a) The area is less than ten (10) acres; or

(b) The maximum width of the hilltop area which is less than five (5) percent slope is 400 feet or less, with an area greater than ten (10) acres.

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;

(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 Property: the term used as a collective reference to designated Historic Structures 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.

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.

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Hospital: premises used for the diagnosis, medical treatment, or similar care of human ailments including without limitation: (1) psychiatric and substance abuse facilities, ambulatory care, outpatient services, diagnostic and treatment centers, Clinics, Rehabilitation Facilities, Medical Laboratories, Hospices, teaching facilities, and 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 (A) Offices of doctors, dentists, chiropractors, or nurse practitioners, sanitariums, Nursing Homes, Long Term Care Facilities, Continuum of Care 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 (B) 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.

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 – Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Household Living: the sub-Category of the Residential Use category designated as such in **Table 4.3.9.A-1 (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.

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.

Illegal Sign: any Sign erected without a Sign Permit, any Abandoned Sign, or any Sign that is considered to be a danger to the general public.

Illuminated Sign: any Sign lighted by or exposed to artificial lighting either by lights in the sign or directed toward the sign.

Immediate Threat to Public Health and Safety: a very serious threat to the community or Adjacent property including, but not limited to, clogged drainage ditches, flooding of adjacent properties, threat of landslides or other problems which should be resolved without delay. In instances where this is the case, verbal instructions to remedy the situation with follow-up of written notification shall be sufficient to meet the notification requirements of this article.

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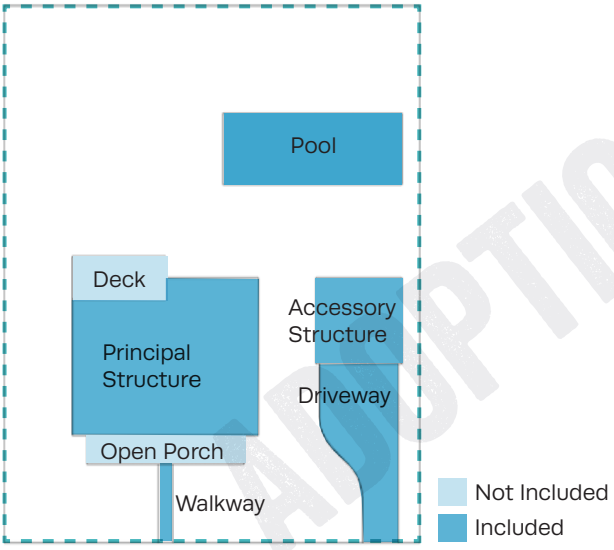
Impervious Surface Coverage: that portion of a Lot, Building Site, parcel, or Development site, as applicable, covered with Buildings, asphalt, or concrete paving or hard-packed, prepared, graveled surfaces that prevent or restrict absorption of rain or surface water into the ground. If a Lot, Building 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



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: premises providing multiple Dwelling Unit 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: (1) Use characterized by generally Commercial 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.

Indoor Recreation excludes Adult-Oriented Entertainment, Bar, Tavern, Nightclub, athletic, tennis, swim or Health Club and outdoor entertainment.

(2) the Commercial Use subcategory that includes the Uses described in (1) above.

Industrial Uses: (1) Uses 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) the Use category that includes the Uses described in (1) above. 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 (Temporary Uses)**.

Inn: an owner-occupied Accommodations / Lodging Use, offering six (6) to twelve (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.

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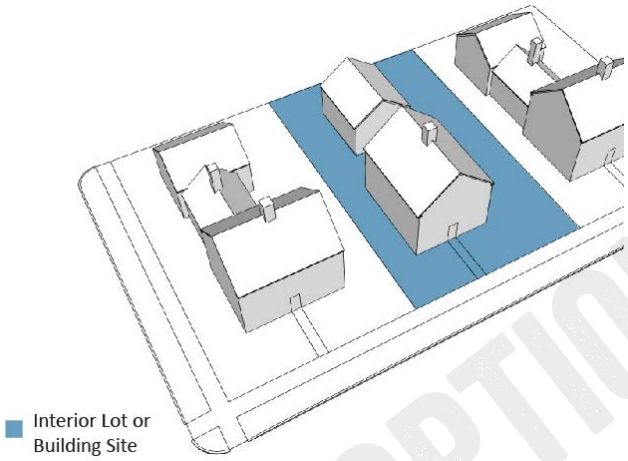
Institutional Uses: (1) Uses characterized by institutions providing health care or skilled long term care; (2) the Use Category that includes the Uses described in (1) above. Institutional Uses include Health Care Institutions and Long Term Care Institutions.

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 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.

Land Disturbance Plan: a plan required before a Grading Permit may be issued. It consists of a narrative description and appropriate drawings and plans that spell out the methods, techniques and procedures to be followed on a site to control erosion and other potential degradation of adjoining or nearby properties, during and after development, including methods of temporary measures, maintenance measures and final stabilization of the site and project.

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

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weathered wood; or (2) the activity of installing or maintaining such materials.

Land Use Plans: as defined in Section 8.5.20.A.

Large Animal Veterinary: premises used by a licensed practitioner of veterinary medicine, which practice is limited to treating and managing the health of livestock .

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 – Summary)** and **Table 4.3.8.B (Principal Building 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.

(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.

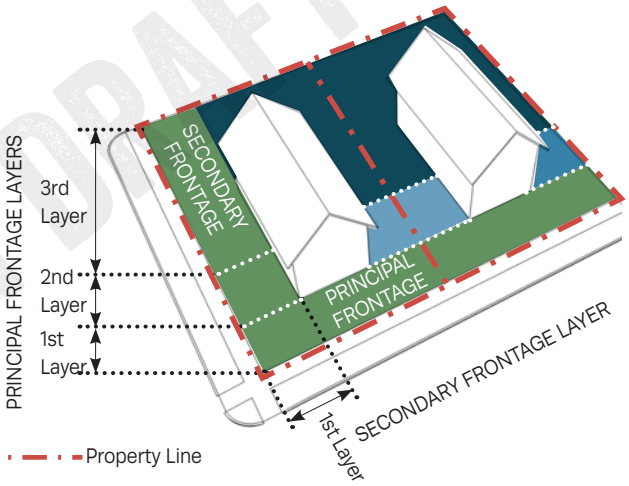
(3) Third Layer: that portion of a Lot or Building Site bounded by

(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-1 (Layers)**.

ILLUSTRATION 9.3.L-1 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: (1) Industrial Uses characterized by 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, wholesaling, distributing, 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 or equipment, and Light Manufacturing, which Uses are:

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(1) conducted solely within an enclosed Building,

(2) not detrimental to the environment;

(3) do not pose any danger or hazard of fire or explosion or other physical hazard;

(4) do not generate, cause, disseminate, or discharge any pollution, material, dust, smoke, gas, fumes, odor, noise, heat, light, glare, or vibration beyond the premises on which the Building is situated;

(5) does not involve any Outdoor Storage;

(6) will not result in any unusual traffic hazard or congestion;

(7) do not require any water, air, or other environmental or pollution license or permit is required; and

(8) do not involve storage or use of highly flammable, toxic matter or explosive materials, or of Hazardous Materials.

Not included are Heavy Industrial Uses, manufacture and production of goods from composting organic material; Outdoor Storage, sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, or store fixtures and small-scale catering establishments.

(2) the Industrial Uses subcategory that includes the Uses described in (1) above.

Light Manufacturing: the finishing, fabrication, or assembly of previously manufactured parts into a final product or component products ready for retail sale. Light Manufacturing does not having any emissions of noxious odors, dust, fumes, gas, noise, or vibration outside of any Building. See **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)**.

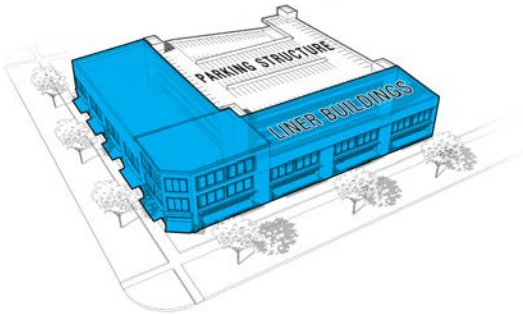
Lightwell: a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See* **Table 4.3.7.A (Private Frontage Types).**

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-2 (Linear Pedestrian Shed)**.

ILLUSTRATION 9.3.L-2 LINEAR PEDESTRIAN SHED

Liner Building: a Building that is a least 20 feet deep measured from the Facade, which masks a Parking Area, Parking Lot, or a Parking Structure from the Frontage. *See* **Illustration 9.3.L-3 (Liner Building).**

ILLUSTRATION 9.3.L-3 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 - Summary)** and **Table 4.3.8.B (Principal Building Types - Specific Standards)**.

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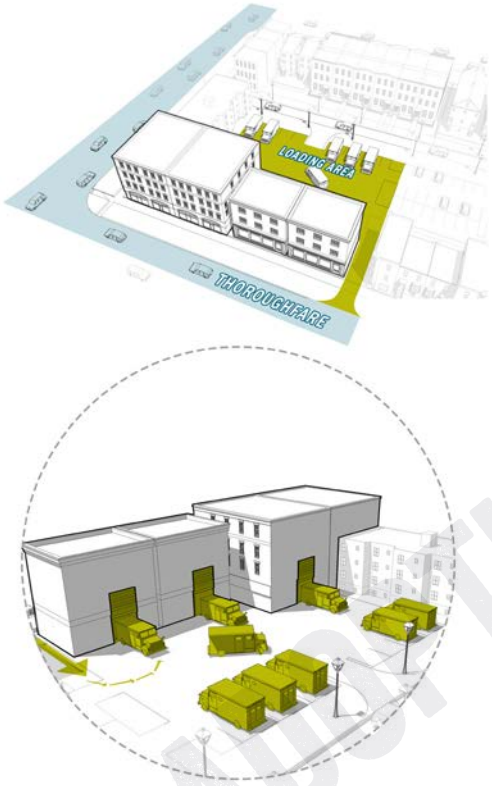
Loading Area: an area on a Lot or Building Site with a Building or along the Thoroughfare or Internal Drive Abutting such Lot or Building Site, used for temporary parking of Commercial vehicles while loading or unloading goods. *See* **Illustration 9.3.L–4 (Loading Area)**.

ILLUSTRATION 9.3.L–4 LOADING AREA



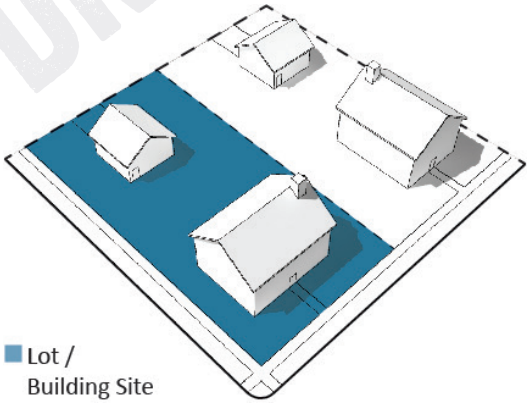
Loading Space: a space within a Loading Area that meets the design and dimensional requirements of Section 4.3.14.

Long Term Care: (1) living accommodations, bed care, boarding, in–patient service, and/or nursing or other medical care 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 does not include care or assistance provided at Hospitals, Rehabilitation Centers, Assisted Living, or facilities that provide surgical or emergency medical services, care for alcoholism, drug addiction, substance abuse, mental disease other than dementia, or communicable disease. (2) The Institutional Use subcategory that includes the Uses described in (1) above.

Long Term Care Facility: premises at which Long Term Care is provided.

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 Williamson County Register of Deeds, to be separately owned, used, Developed, or built on. *See* **Illustration 9.3.L–5 (Lot / Building Site).** *See also* "Building Site", "Lot or Building Site of Record" and "Zoning Lot or Building Site".

ILLUSTRATION 9.3.L–5 LOT / BUILDING SITE



Lot / Building Site / Parcel Buffer: a buffer provided along the boundary lines of a Lot, Building Site or Parcel Buffer, as set forth in Section 4.3.11.H.

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.

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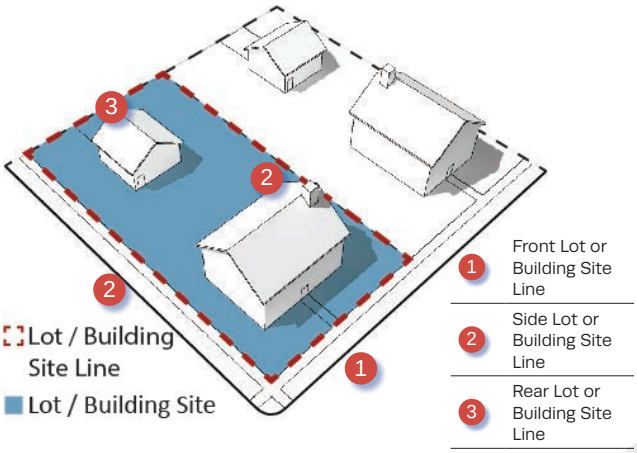
Lot or Building Site Line: any boundary line of a Lot or Building Site. *See* **Illustration 9.3.L–6 (Lot or Building Site Line)**.

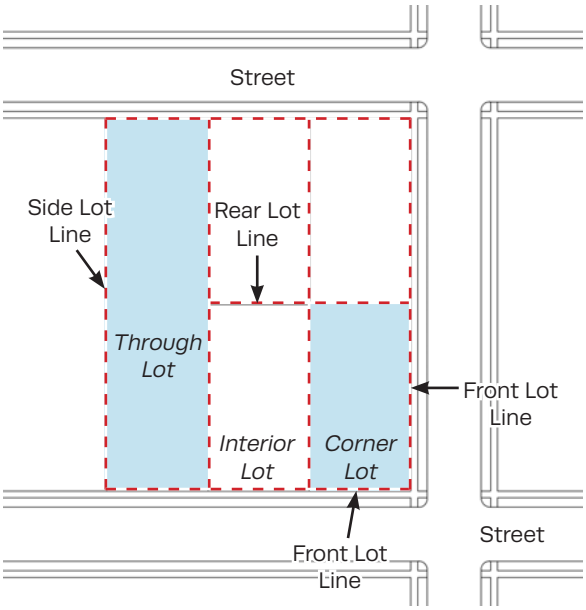
ILLUSTRATION 9.3.L–6 LOT OR BUILDING SITE LINE



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 Williamson 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 that meets the definition of T.C.A. Section 68–126–202(2); provided that Manufactured Home does 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.

Manufactured Home Sales: (1) Use characterized by the offer for sale or lease and the sale or lease of Manufactured

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Homes; (2) the Commercial Use subcategory that includes the Use described in (1) above.

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.

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 9.

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 / 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 – Summary)** 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 / 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 – Summary)** 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)**.

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,

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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 Fuel Sales.

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: (1) 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 Uses; (2) the Commercial Uses subcategory that includes the Uses described in (1) above. **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).**

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 – Summary) 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.

N

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.

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Net Site Area: all Developable Land within a site including Thoroughfares and Internal Drives, but excluding land allocated as Civic Space or Civic District. For purposes of Density calculations, see also "Adjusted Net Site Area".

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".

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.

Not-for-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) Use characterized by premises available for the transaction of Business, professional, medical, dental, medical or dental lab, governmental, and not-for profit functions.

Office Uses excludes Retail / Service / Repair / Art / Artisan Uses, Light Industrial Uses, and Heavy Industrial Uses.

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(2) Office Uses is the Use category that includes the Use described in (1) above. See **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)**:

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.

On–Premises Sign: any Sign identifying or advertising a business, person, activity, goods, product or service located on the premises where the sign is installed and maintained.

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 Town of Nolensville, 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.

Other Uses: Use Category that includes Uses not included under any other Use Category.

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: (1) 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.

Athletic, tennis, swim, or Health Club, botanical garden, nature preserve and Indoor Recreational Facility are excluded from Outdoor Recreation.

(2) the Commercial Uses subcategory that includes the Uses described in (1) above.

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.

Owner: the Person holding the registered title to property. The County property tax rolls shall be prima facie evidence that the Person(s) listed therein is/are the registered owner(s).

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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 sale or servicing of vehicles (see Vehicle Sales and Service).

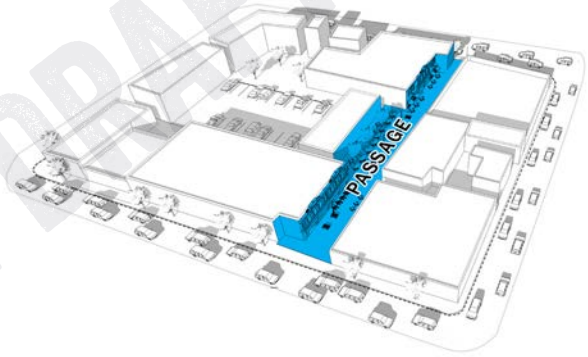
Parking Space: an area required or provided for Parking a vehicle, meeting the requirements of Section 4.3.12.

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).**

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.

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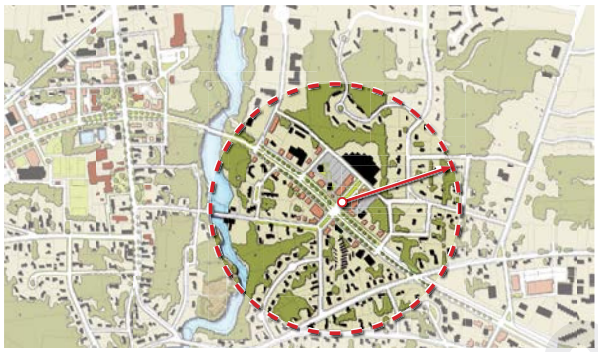
Pedestrian Shed: an area of a size approximately equal to the average distance comfortably walked by pedestrians and approximately centered on a Common Destination. There are two types of Pedestrian Sheds: Standard Pedestrian Sheds and Linear Pedestrian Sheds. *See* "Standard Pedestrian Shed" or "Linear 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.

Permit Holder: the owner of the property or the owner's representative in whose name a permit has been applied for and issued by the Town.

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.

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, 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–1 (Layers)**; *see also* "Setback", and "Yard" and **Illustration 9.3.S–2 (Setbacks and Yards)**.

Plan: a Development Plan, Building Plan, site plan, Landscape Plan, Sign Plan, or any other plan submitted or prepared pursuant to this Ordinance.

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Planned Development or Planned Unit Development: means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of these.

Planning Commission: the Planning Commission of the Town.

Planning Director: the Town 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)**.

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-Secondary Education: (1) education beyond High School, including that provided by colleges, universities, graduate and professional schools, seminaries, and medical and nursing schools not associated with a Hospital, but excluding Adult Education, Personal Improvement, and Business, Trade, and Vocational Schools; (2) the Education Uses subcategory that includes the Uses described in (1) above.

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.

Pre-School / Primary / Intermediate / Secondary Schools: the Educational Use subcategory that includes Pre-School, Kindergarten, Elementary School, Middle School, and High School.

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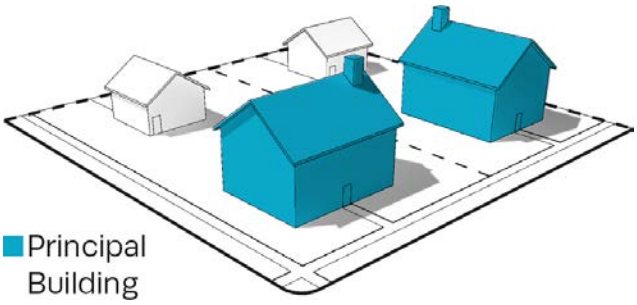
Preliminary Plat: as defined in Town Subdivision Regulation Section 2.2.

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)**.

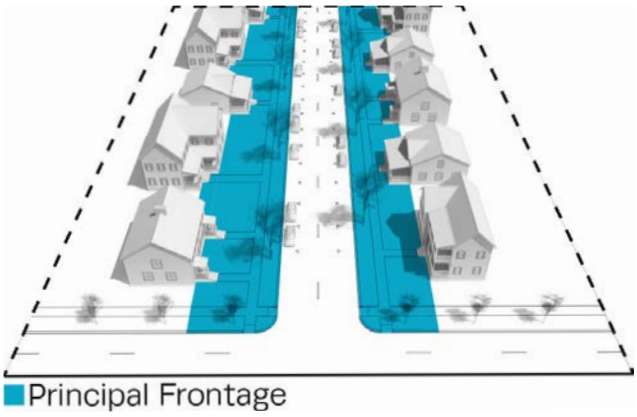
ILLUSTRATION 9.3.P–3 PRINCIPAL BUILDING



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)**.

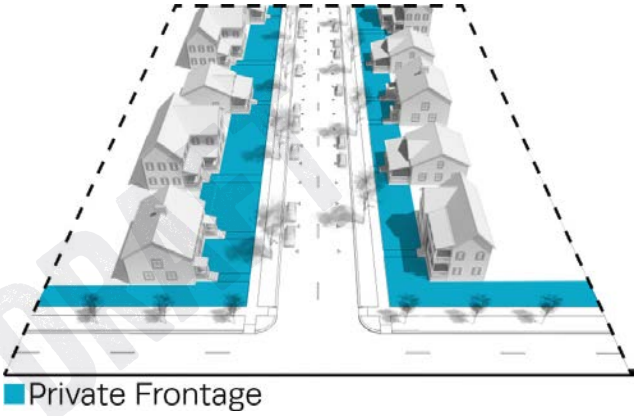
ILLUSTRATION 9.3.P–4 PRINCIPAL FRONTAGE



Principal Use: the primary or predominant Use of a Lot, Building Site, or Structure.

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)**.

ILLUSTRATION 9.3.P–5 PRIVATE FRONTAGE



Professional Office: Use characterized by premises available to practice a profession, excluding Business Offices, Medical Offices, and Dental Offices.

Project Buffer: a Buffer located along the boundary of a development.

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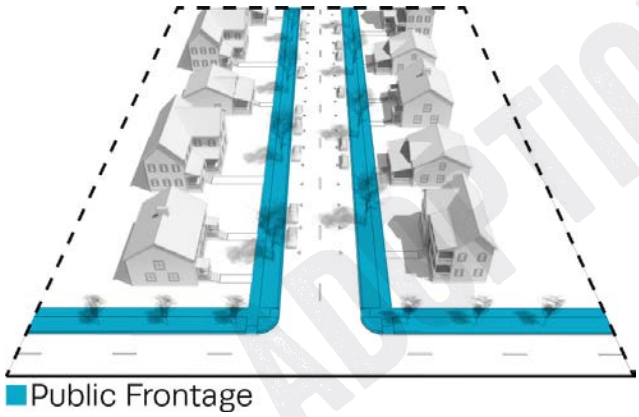
Public Frontage: the area between the Frontage Line and:

(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



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.

Public Right of Way: land that is dedicated to a public agency for the purpose of infrastructure, roadway or waterway.

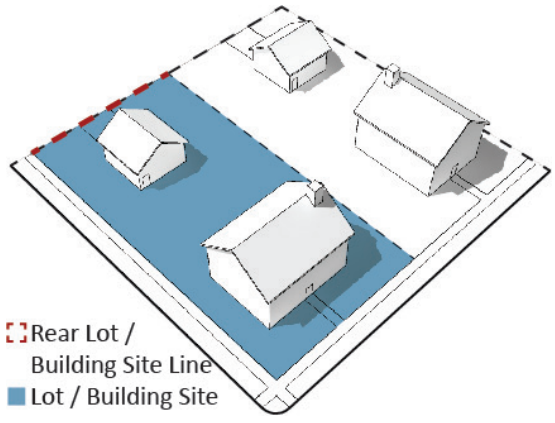
Publishing: the Business of issuing software, Internet content, or newspapers, books, or other printed textual or graphical material for sale or distribution to the public.

R

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).**

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

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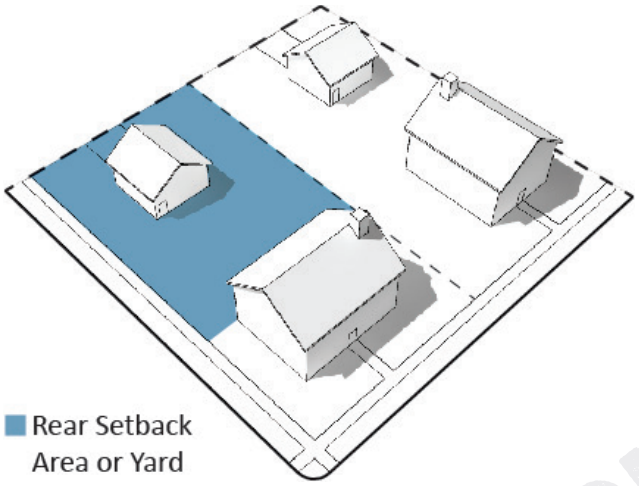
Site, from Side Lot or Building Site Line to Side Lot or Building Site Line. See **Illustration 9.3.R–2 (Rear Setback Area or Yard).**

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.

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. A Place of Worship is a Religious Facility.

Examples are Places 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.

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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, community center, revival or gospel tent, senior center, social service facility, 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 Hotels, Motels, or similar establishments;

(2) 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)**:

Household Living and Group Living.

Restaurant: (1) an establishment engaged in preparing, serving, and selling food at Retail for on- or off- premises consumption.

Bars, Taverns, and Nightclubs are not Restaurants.

(2) the Commercial Use subcategory that includes the Uses described in (1) above.

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 / Service / Repair / Arts / Artisan: (1) Uses 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 services or repair work to the general public, and art- related and artisan-related establishments; (2) the Commercial Uses subcategory that includes the Uses described in (1) above. 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)**.

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The following are excluded from the Retail / Service / Repair / Arts / Artisan sub-category :

Adult - Oriented Entertainment Uses, 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, Motor Vehicle- and Boat- Related Uses, Crematorium, laundry or dry-cleaning plant, Restaurant, 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..

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.

Ridgetop: the top of a ridge over 700 feet in elevation, as shown on the U.S. Geological Service's (USGS) 7.5 minute quadrangle sheets covering Nolensville, where the average slope is less than five (5) percent within an area of ten (10) acres or more and where the minimum width is 400 feet.

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.

Roof Sign: a Sign erected on a roof that projects above the highest point of the roof, parapet or fascia of the Building.

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".

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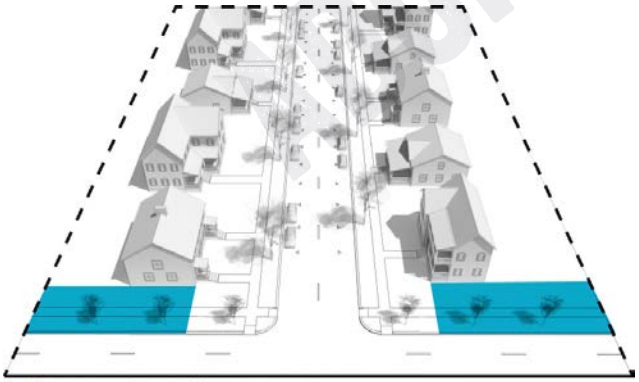
Scrap or Salvage Yard / Service: a Use, other than an Impound Yard or Towing Facility, in which an establishment is engaged primarily in the sale, storage, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials, including 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 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.

Sediment: rocks, sand, gravel, silt or other material deposited by action of wind, water or gravity.

Sedimentation: the action of settling out of the soil particles which are transported by wind, water or gravity.

Self–Service Storage: (1) Uses characterized by customers renting 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.

(2) the Commercial Uses subcategory that includes the Uses described in (1) above.

Septic Equipment Installation, Service, or Cleaning: establishments that install, pump, or service septic tanks and cesspools, or that rent or service portable toilets.

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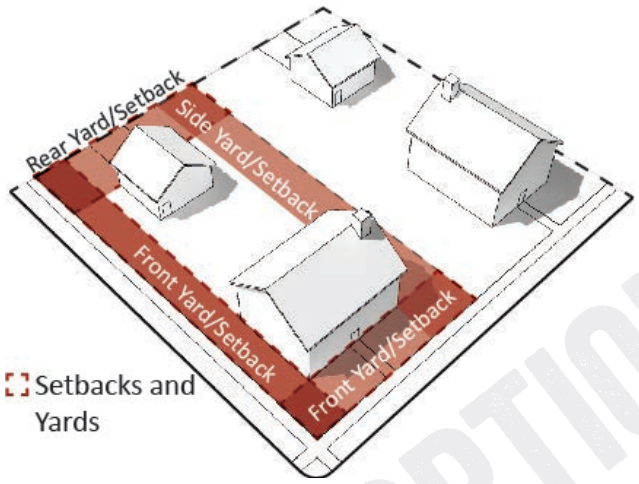
Setback or Setback Area: the portion of a Lot or Building Site measured from a Lot or Building Site Line to a Building Facade or Elevation, which area is maintained clear of permanent Structures, with the exception of permitted Encroachments allowed pursuant to **Tables 4.3.1–A – 4.3.1.K (District Standards)**. *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.

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: an establishment 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, which establishment is not regulated by the Federal Deposit Insurance Corporation (FDIC) but 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. The term does not include Financial Institutions or Financial Services Businesses.

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 T.C.A Section 68–14–302 or a "bed and breakfast establishment" or a "bed and breakfast homestay" as those terms are defined in T.C.A Section 68–14–502, all as contemplated in T.C.A Section 13–7–602. A Hotel, Extended Stay Hotel, Motel, Bed and Breakfast, or Inn is not a Short–Term Rental Unit.

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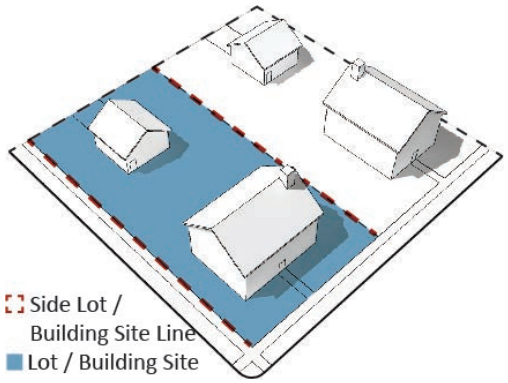
Side Lot or Building Site Line: any Lot or Building Site Line that is not a Front Lot or Building Site Line or a Rear Lot or Building Site Line. *See* **Illustration 9.3.S–3 (Side Lot Line)**.

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

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)**. Sometimes referred to as a "A–Framed Sign" or a "Sidewalk Sign".

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.

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Sign Area: the area comprised of the perimeter of the Sign Face that contains wording or graphics.

Sign Face: the entire area of a Sign upon which copy is placed.

Sign Structure: the supports, uprights, bracing or framework of any Structure exhibiting a Sign, be it single faced, double faced or v-type.

Single-Family Detached Dwelling: a Dwelling Unit, other than Manufactured Housing, 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.

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 and/or horizontally stacked Dwelling Units, typically with one or more shared entries. *See* **Table 4.3.8.A (Principal Building Types – Summary)** and **Table 4.3.8.B (Principal Building Types – Specific Standards)**.

Snipe Sign: Off-Premises Sign that is tacked, nailed, posted, pasted, glued or otherwise attached to a tree, pole, stake, fence or to other object.

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

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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 Event Sign: an On-Premises Sign or banner erected prior to and during a bona fide special event and removed within seven days after the end of the special event.

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.

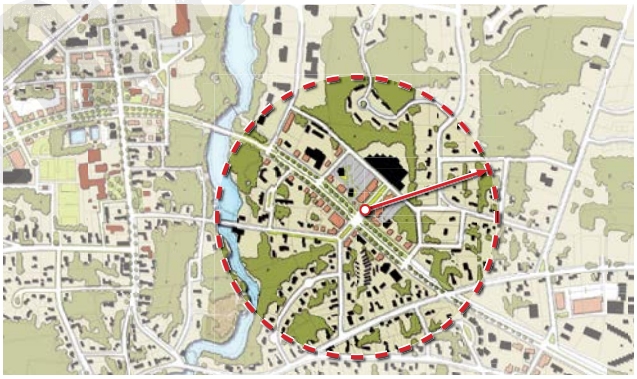
Sports Venue: premises at which athletic events are presented.

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)**.

Stable: premises available for keeping and caring for equine animals.

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.

Stripping: with respect to vegetation and soil, any activity which removes or significantly disturbs the vegetative cover, including clearing and grubbing operations and top soil stripping.

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 Facade, 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.

Subdivision Sign: a Sign located at the primary entrance to a subdivision.

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

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to such products, a Tasting Room may include the Retail sale of related items, marketing events, special events, entertainment, and/or food sales.

T.C.A: Tennessee Code Annotated.

Temporary Sign: any Sign which is not permanently installed, mounted, or placed. Signs of the types described in **Table 7.1.2.B–1 (Sign Types – Summary)** 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

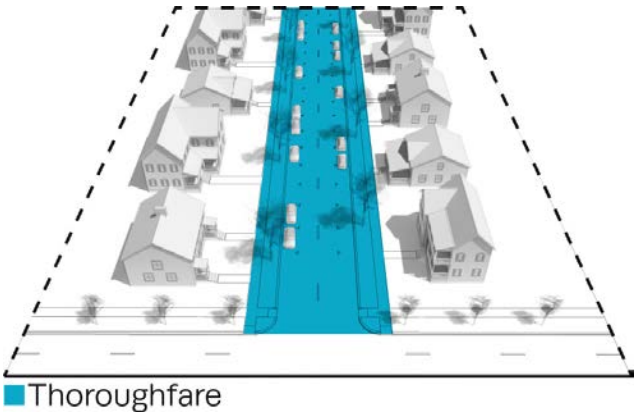
Terrace/Lightwell: a Private Frontage type wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks with the first Story elevated from the Sidewalk for privacy, and may allow for activation of space below 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



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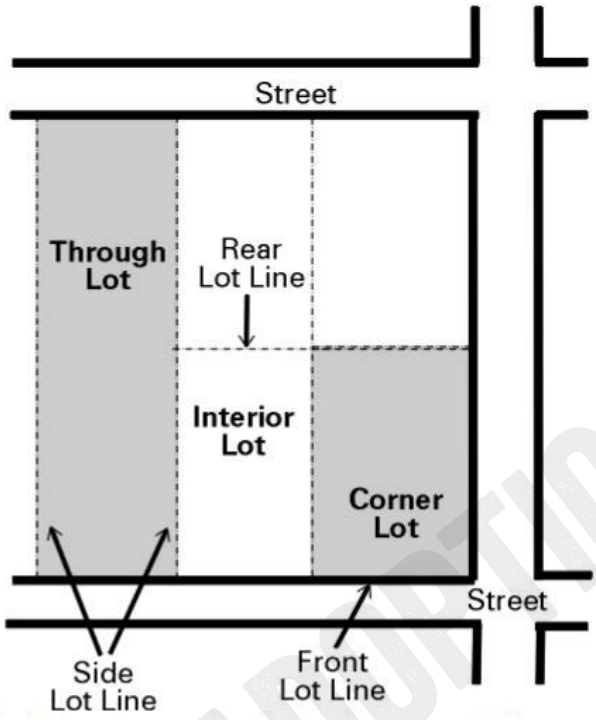
Through Lot or Building Site: a Lot or Building Site type that extends through from Thoroughfare or Internal Drive to Thoroughfare or Internal Drive. *See* **Illustration 9.3.T–3 (Through Lot / Building Site)**.

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.

Town: the Town of Nolensville, Tennessee.

Town Code: the municipal code of the Town, as the same may be amended and in effect from time to time.

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.

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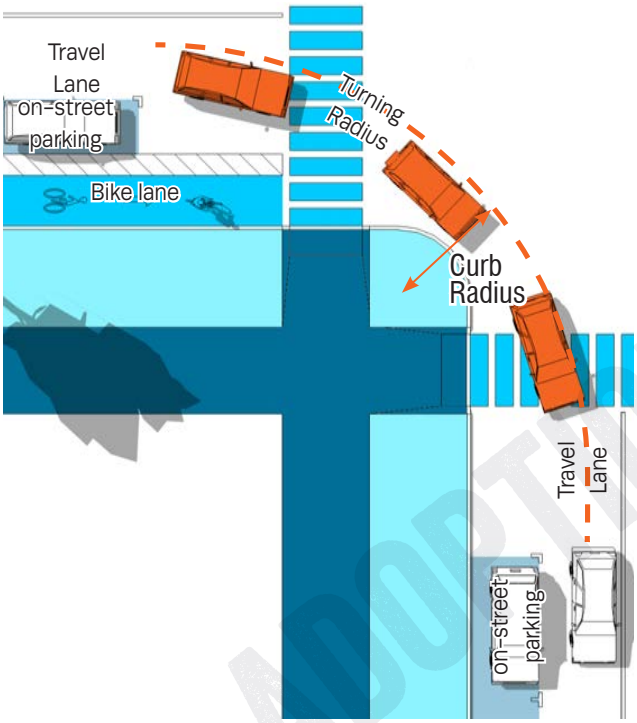
Turning Radius: the inside radius of the Vehicular Lanes available for a vehicle to make a turn, accounting for the presence of parking, bike lanes, medians or other features. *See* **Illustration 9.3.C–3 (Curb Radius). Table 5.2.2.G–1 (Thoroughfare Assemblies & Standards)** and **Illustration 9.3.T–4 (Turning Radius)**. *See also* Curb Radius.

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.

Two Sided Sign or Two Faced Sign: a Sign constructed to display its message on the outer surfaces of two identical and opposite places.

U

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) Uses activities, and equipment involved with the providing electricity, gas, water, sewage, telephone, cable, or other similar publicly regulated service, including without limitation Utility Facilities;

(2) as a service, electricity, gas, water, sewage, telephone, cable, wireless communications, or other similar publicly regulated service provided by a Utility Provider.

(3) the Use Category that includes the Uses described in (1) and (2) above.

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.

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Maintenance yard or Building, Utility office, TV and radio studio, and Reservoir or water supply 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 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.

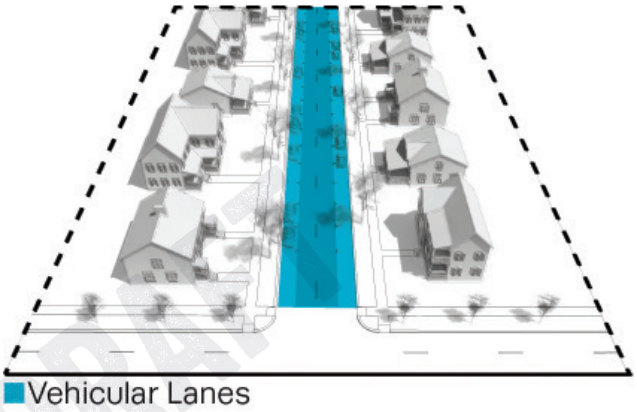
Utility Transmission Line: line used for the movement of high powered electricity or high pressure gas.

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 Clinic or Veterinary Hospital for Small Animals: premises used by a licensed practitioner of veterinary medicine to treat and manage small household pets and other small animals, such as dogs, cats, rabbits, rodents, birds, reptiles, amphibians, and fish, including boarding of such animals as an Accessory Use.

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.

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Warehouse: premises used for Warehousing, not including Self-Service Storage facilities.

Warehouse and Freight Movement: (1) Uses characterized by the storage or movement of goods.

Excluded from these Uses are bulk storage of flammable liquids, Self-Storage Facilities, solid or liquid waste transfer, or composting.

(2) the Industrial Use sub-category that includes the Uses described in (1) above.

Waste-Related Service: (1) Uses characterized by the receiving of solid or liquid wastes from others for transfer to another location or the collection of sanitary wastes or manufacture or production of goods or energy from the composting of organic material.

Excluded from Waste-Related Service is stockpiling of sand, gravel, or other aggregate materials.

(2) the Industrial Uses subcategory that includes the Uses described in (1) above.

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, Service, Repair, Arts, and Artisan Uses, in-store sales, lease, or rental of consumer, household, or business goods, Warehousing or Freight Movement, and Warehouse or Wholesale Club 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.

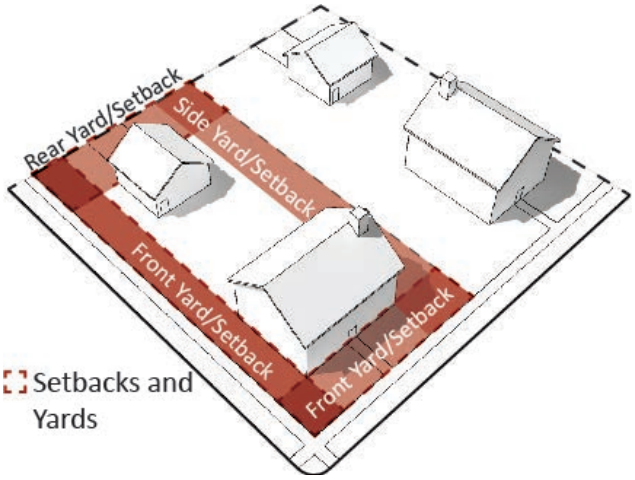
Wireless Communications Facility: any facility for the receiving or transmitting of wireless signals for commercial purposes. As used herein the term shall include any necessary support structure, connection cables and equipment buildings as well as towers or monopoles.

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



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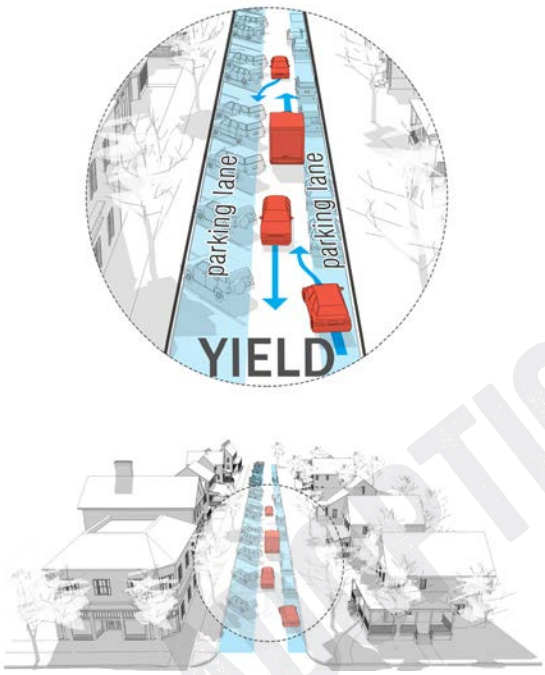
Yield: characterizing a Thoroughfare or Internal Drive that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

Also, characterizing Parking accommodations on such a Thoroughfare or Internal Drive. *See* **Illustration 9.3.Y–1 (Yield).**

ILLUSTRATION 9.3.Y–1 YIELD



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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, Planned 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 Board of Commissioners, as the same may be amended from time to time, constitutes the Official Zoning Map of the Town.

Zoning Permit: a permit required to Develop, construct, reconstruct, Improve, Alter, or use any Structure, Lot or Building Site.

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